



WESTERN WEBER PLANNING COMMISSION

Amended MEETING AGENDA

January 4, 2022

4:30 p.m.

- *Pledge of Allegiance*
- *Roll Call:*

1. Minutes December 14, 2021

Petitions, Applications, and Public Hearings:

2. Administrative

2.1 LVR051321: Consideration and action on a request for approval of an amended Open Space Preservation Plan for the Riverbend Cluster Subdivision located at 4300 W 1400 S.

Staff Presenter: Felix Lleverino

Petitions, Applications, and Public Hearings:

3. Legislative items

3.1 ZTA2021-10: Public hearing and action regarding the county-led text amendment to add a definition and regulatory language to the Land Use Code regarding Large Concentrated Animal Feeding Operations. Staff Presenter: Scott Perkes

Staff Presenter: Scott Perkes

4. Elections: Chair and Vice - Chair for 2022

5. Meeting Schedule: Approval of the 2022 Meeting Schedule

6. Public Comment for Items not on the Agenda:

7. Remarks from Planning Commissioners:

8. Planning Director Report:

9. Remarks from Legal Counsel:

Adjourn to Worksession

WS1: Discuss conceptual future land use plan for west of Weber River and South of the railroad tracks.

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8371 before the meeting if you have questions or comments regarding an item.

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes for Western Weber Planning Commission meeting of December 14, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm

Members Present: Andrew Favero--Chair
 Bren Edwards-- Vice Chair
 Wayne Andreotti
 Chad Call
 Jed McCormick
 Sarah Wichern

Pledge of Allegiance

Staff Present: Rick Grover, Liam Keogh, Steve Burton, Scott Perkes, Felix Lleverino, Charlie Ewert, June Nelson

- 1. Minutes were approved for November 9, 2021 and November 16, 2021. Bren Edwards motioned to approve minutes. Sarah Wichern seconded the motion. Motion passed 6-0.**

Order of items were changed. 2.3 became 2.1.

Petitions, Applications, and Public Hearings:

- 2. Administrative items:
 Commissioner Edwards and Commissioner Favero both disclosed that they were on the Water Board for Taylor West Weber, but felt that would have no impact on their vote. Commissioner McCormick stated that he was a neighbor to this property, but also felt that he could be neutral.**

2.1 LVT111717: Request for final approval of Terakee Farm PRUD Subdivision Phase 1 – Presenter Steve Burton; Applicant, Brad Blanch

- The conditional use permit application for Terakee Farms PRUD was forwarded to the County Commission with a unanimous positive recommendation from the Western Weber Planning Commission after a meeting was held to review the application and receive public input on November 15, 2016.
- The conditional use permit for Terakee Farms PRUD received approval in a two to one vote by the County Commission after holding a meeting to review and take public input on December 6, 2016.
- The developer submitted preliminary subdivision application for Terakee Farms PRUD Phase 1 on November 20, 2017 (see Exhibit D for the Notice of Decision).
- Preliminary approval of this proposal was granted by the Planning Commission on February 13, 2018. The following are conditions of preliminary approval:
 1. The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures.
 2. The final subdivision plat shall include the agriculture note as required in LUC §106-1-8(5).
 3. An Agricultural Preservation Plan, Landscape Maintenance Plan, and CC&R's must be submitted and reviewed during the final subdivision process to ensure they comply with the provisions of the Community Association Act for the preservation, maintenance and ownership of the common area.
 4. A capacity assessment shall be submitted with the final subdivision plans from the culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission.
 5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by County Commission.
 6. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval.
 7. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of

infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division.

8. Prior to improving 3600 West, right of way dedication to Weber County must take place for the approved width.

Commissioner McCormick said that he was concerned about the number of units. He has spoken with the Fire Marshal. The Commissioner has driven the dirt road by the parcel and doesn't think that the road will be good enough for a fire truck. Steve Burton stated that this approval is subject to all review agencies approval. This has been approved by the Fire Marshal. Fire can require that the road be brought up to agency standards as a condition of approval. Commissioner Favero asked if there were any questions for the developer.

Applicant Brad Blanch 736 N 4700 W, West Weber. We have gone over the secondary road. There is no requirement for two egresses. The road will need an 8 inch road base. We have taken large agriculture equipment on this road for many years with no problems. We have met agency requirements. Planner Steve Burton says that legal would defer to the fire agency for their approval. Commissioner McCormick asks if there will be 206 houses. Brad Blanch says that a traffic study has been done and the road is more than adequate for the expected traffic. Director Rick Grover stated that Engineering has also given their approval. Commissioner Wichern asks that beyond the 40 homes, will there be another access. Brad Blanch says that a road will be stubbed and can go through as soon as required. Commissioner Edwards asked if the homes will be sprinkled. Brad Blanch says that with the 2nd access sprinklers are not required. Director Rick Grover states that the fire person is fine with this as written. Brad Blanch states that there is plenty of water for all the lots, open space, and agriculture. Pressure sprinklers will be phased in as the development is phased in.

Commissioner Favero asks for a motion. Commissioner Bren Edwards motions:

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for final approval of Terakee Farms No. 1, a PRUD Subdivision consisting of 40 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. **The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures and the correct setbacks, as indicated in this report.**
2. **The developer shall provide final approval from the State Division of Drinking Water or the Health Department for the culinary water and secondary water systems and sources prior to consideration by the County Commission for approval. The final water approval shall indicate that the water systems and sources are sufficient to provide culinary and secondary water to the number of lots proposed. The developer will provide a final approval letter from Taylor West Weber Water.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the Western Weber General Plan.**
2. **With the recommended conditions, the proposed subdivision complies with applicable County ordinances.**
3. **The applicant during the CUP for the PRUD was granted an overall bonus density of 50 percent for the entire project for an overall density of 232 dwelling units.**

Commissioner Andreotti seconded the motion. Bren Edwards, yes, Wayne Andreotti, yes, Sarah Wichern, yes, Chad Call, yes, Jed McCormick, no, Andrew Favero, yes. Motion passes 5-1

2.2 LVS080221 - Consideration and action on final approval of TC Gailey Subdivision (6 lots) located at 1400 S 2900 W.

Presenter Felix Lleverino. Applicant Jed Schenck, Representative Chris Cave

The applicant is requesting final approval of TC Gailey Subdivision (6 lots) at approximately 1400 South 2900 West.

The applicant is requesting to divide a vacant 8.6-acre parcel and create 6 residential building lots. Each lot will front directly on a public road. Lots 1 and 2 front on 2900 West Street, lots 4 through 6 front on 1400 South Street, and lot 3 is designed as a corner lot (see Exhibit A).

Weber County Planning and Engineering discussed opportunities for ROW and pathway segments following a recommendation from the Planning Commission. It was decided that road and pathway segments are not required due to the favorable alternate option to align with 1400 South and 2900 West Streets. The option for a public future ROW is not required due to the proximity to the tracks and that the open land to the west will gain access from 2900 South Street.

Commissioner Call asks about the irrigation easement. Felix Lleverino states that this will be for retention and irrigation. All the lot

owners will participate in managing the water. Commissioner Wichern asks if there will be curb, gutter and sidewalks. Felix Lleverino says that there will be a deferral agreement for curb, gutter and sidewalk. Commissioner McCormick says that there should be a CCR to protect future owners.

Applicant Jed Schenck 1639 E S Weber Drive, South Weber. There will be a CCR.

Commissioner Wichern motions a positive recommendation to approve:

Staff recommends final approval of TC Gailey Subdivision, a proposal to create 6 residential lots. This recommendation is based on the following conditions:

1. **The final plat included a signature block for Taylor West Weber Water District.**
2. **The pressurized irrigation system is approved by the County Engineer and Wilson Irrigation.**
3. **If applicable, The design of road widening improvements on 1400 S and 2900 W will follow County Engineering recommendations and the developer will complete or escrow for those improvements before recording the final plat.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the West Central Weber General Plan.**
2. **The proposed subdivision complies with the applicable County codes.**
3. **The subdivision conforms to zoning and subdivision ordinances.**

Commissioner Edwards seconds the motion. Motion passes 6-1.

2.3 LVB110921 - Consideration and action of preliminary approval of Buffalo Run Subdivision (18 lots) located at 2400 S 4700 W.

Presenter, Felix Lleverino; Applicant, James Marziale

The applicant is requesting preliminary approval of Buffalo Run Subdivision (18 lots) at approximately 2400 South 4700 West. The following section is the staff's analysis of the proposal.

Felix Lleverino says that the owner lives in the area and wants to create this 18 lot subdivision. Some of the lots are more narrow because of the incentivized development. Commissioner Wichern asks if there will be curb, gutter and sidewalks. Director Rick Grover says that it should be included. Commissioner Edwards states that there are several ditches that run through the area that belong to Hooper Irrigation. Also 4500 W, will they put in a 22 foot road dedication for future road. Director Rick Grover says that it will be required with a deferral agreement.

Applicant Penny Stark, 6040 N North Fork Rd. There were no questions for applicant.

Commissioner Bren Edwards makes a motion to follow staff recommendation:

Staff recommends preliminary approval of Buffalo Run Subdivision, a proposal to create 18 residential lots. This recommendation is based on the following conditions:

1. **A final subdivision plat and civil plans are under review by all applicable County review agencies.**
2. **An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor's Office.**
3. **Before Buffalo Run may return for final approval, Taylor West Weber Water District shall provide a final will-serve letter.**
4. **The final plat and civil plans are submitted to Hooper Irrigation.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the West Central Weber General Plan.**
2. **The proposed subdivision complies with the applicable County codes.**
3. **The subdivision conforms to zoning and subdivision ordinances.**

Commissioner Chad Call seconds the motion. Motion passes 6-0

3. Legislative Items:

3.1 ZMA 2021-05: Public hearing for a proposal to rezone 5.08 acres from A-2 to M-2 –Presenter, Steve Burton; Applicant, Randy Ropelato

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

This item is an applicant-driven request to amend the zoning map from A-2 to M-2 on 5.08 acres. The applicant initially applied for C-1 (commercial) zoning, but has since requested M-2. The M-2 is proposed because outdoor storage is not allowed in any of the commercial zones or the M-1 zone. If rezoned to M-2, the property will be used for warehousing, outdoor storage, and outdoor storage of contractor's equipment to be rented. Under the M-2 zone, the following uses are listed as either permitted or conditionally permitted:

Outdoor Storage. (Conditional).

Contractor's equipment storage yard or rental of equipment used by contractors. (Permitted)

Warehouse. (Permitted).

Steve Burton states that the county recommends denying this change. Commissioner Call ask if this can be accomplished with a conditional use permit. . Steve Burton says that it is not allowed in the A2 zone. Commissioner Andreotti states that it is ok for farmers to have contractor type equipment on their property. Commissioner Wichern says that this would be an island in this area. Commissioner Call says that he would like to find a place to put his contractor equipment. There is no place in western weber county. Commissioner Favero says that Commissioner Call is asking to add an area to allow contractors to be in the area. . There is no place in for M-2 for contractor. Can this be in a C zone? Director Grover states that we need to look at the General Plan for uses and changes. Policy and implementation. Commissioner Andreotti says that many home owners have boats, rvs, and atvs that they park on their property. We need storage closer for owners. Steve Burton says that this is a legislative item and needs to have due process.

Applicant Randy Ropelato 3954 W 1400 S. He has wanted to do something with this property for 20 years. There is a nursery all around his property. There is nowhere in rural Weber County to put this contractor. There is an owner who has a company that would like to build on this property. The road ends at my gate.

Commissioner Edwards motions to open the public hearing. Commissioner Wichern seconds. Motion carries 6-0.

Chris Larson 12249 Leeway, Colorado. We do contracting work and have 24 employees. We work with Central Weber Water. We are professional. We have 5 locations. We have beautiful buildings. We have been looking for land to grow. We are out of room at our current location.

BJ Larson 5950 S Roy, Utah. We have a small footprint and are part of a growing industry. If we don't rezone, we will have to find a new location probably outside of Weber County.

Commissioner Edwards moves to close public hearing. Commissioner Andreotti seconds. The motion carries 6-0.

Commissioner Favero asks if we can do an overlay zone. Steve Burton says that we are not prepared to do an overlay zone. Commissioners can recommend approval or denial. Commissioner Edwards says that this will not fit into the area. Director Grover states that the applicant can get in touch with the economic development director for a better location. Commissioner Edward says that we need a commercial development in the area, not manufacturing to benefit the surrounding area. Commissioner Wichern says that we can't change a zone next to a subdivision.

The applicant Randy Ropelato said that he tried to go to a commercial zone, but was told that he needed to be in a M-2 zone. Why does this business not fit on a commercial zone. The nursery is a commercial age business. Why is this new business considered to be in the M zone. Commissioner

Edwards says that is the way the ordinance reads. Commissioner Call states that contractors don't manufacturer anything on site, but need to be in the M zone. We need to revisit to make changes to the general plan to help contractors. Commissioner McCormick says that we owe Mr Ropelato a solution. Commissioner Edwards says that we have a General Plan to go by. The plan is what it is.

Commissioner Favero asks for a motion. Commissioner Andreotti motions to follow planning's recommendation and deny the rezone.

Staff recommends that the Planning Commission forward a recommendation to the County Commission to denythe proposed rezone of approximately 5.08 acres from A-2 to M-2, File #ZMA 2021-05.

This recommendation may come with the following findings:

1. The proposed rezone does not conform to the current general plan, by proposing manufacturing zoning within an area shown to be agriculture within the Future Land Use Map of the West Central Weber County General Plan.
2. The county is in the process of amending the general plan, and it is unknown what this parcel's future land use designation will be in the general plan.

Commissioner Edwards seconds the motion. Motion carries 6-0.

Director Grover suggested that the commissioners and residents should give input for changes to the General Plan.

4. Work Session

4.1 ZTA 2021-10: Discussion regarding the county-led text amendment to add a definition and regulatory language to the Land Use Code regarding Large Concentrated Animal Feeding Operations. **Staff Presenters: Charlie Ewert & Scott Perkes**

A large concentrated animal feeding operation, as defined by UCA Section 17-27a-1102, is a use not permitted in any zone in Unincorporated Weber County. Considering all criteria of UCA Section 17-27a-1104, it has been determined that the geography and geometry of the densely populated areas of the county, both existing and planned, renders virtually no suitable locations for the siting of a large concentrated animal feeding operation except for higher elevations that are generally inhospitable for year-round animal operations.

Scott Perkes. We are required by the state of Utah to have some language in place by February 2022 for Large Concentrated Animal Feed Operation (LCAFO). Commissioner Edwards says that there are several dairies that might fit this definition. What zone is a dairy in? Dairy farmers are getting hurt more than most in this economy. We are limiting what they can do. Commissioner Wichern says that there is a separation between farm and dairy creamery. Commissioner Edwards says that there are lots of farmers with many cows. Commissioner Wichern says that we have to protect what we have, but allow for future growth. Commissioner Favero talked about what an animal feed yard is. Commissioner Andreotti says that there is a lot of waste from dairy farms. Commissioner Edwards says that he likes scenario 3, except for item 2 where it says (No expansion may be permitted). That part should be taken off. Planner Charlie Ewert says that if there is a complaint we would have to follow the code. He likes #3 as well. Commissioner Wichern says that we are not going to change any current operations. Scott Perkes says that we would need to draft an ordinance. We can possibly amend in the future. Commissioner Edwards says that we should meet with others in the community just to give them a voice.

4.2 ZTA 2021-11: Discussion regarding the county-led text amendment to the Accessory Dwelling Unit Ordinance to restrict the transfer of density rights from outside for the Ogden Valley floor for the purposes of increasing a subject property's base density and the construction of detached accessory dwelling units **Staff Presenters: Charlie Ewert & Scott Perkes**

This item is here because we are going to include Western Weber area in this amendment. When we look at the General plan, we should explore density. We should also look at TDR- transfer developments rights. There will be an open house tentatively in January for Western Weber.

5. Public Comment for Items not on the Agenda: None

6. Remarks from Planning Commissioners: None

5. Planning Director Report: None

8. Remarks from Legal Counsel: None

Respectfully Submitted,
June Nelson
Lead Office Specialist



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of an amended Open Space Preservation Plan for the Riverbend Cluster Subdivision, located at 4300 W 1400 S.

Agenda Date: Tuesday, January 04, 2022

Applicant: Ed Grampp

File Number: LVR051321

Property Information

Approximate Address: 800 South 3600 West

Project Area: 72.2 acres

Zoning: A-1 and A-2

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 150430061, 150430062, 150430034, 150430033, 150450006, 150450070, 150450061, 150450042, 150450015

Township, Range: 6N, 2W, Sec 15, and 16

Adjacent Land use

North: Agricultural	South: Agricultural/ Residential
East: Agricultural	West: Agricultural/ Residential

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7 Definitions
- Title 108, Chapter 3 Cluster Subdivisions, Section 5 Open Space Preservation Plan

Development History

On June 15th, 2021, the Planning Commission granted preliminary approval of Riverbend Cluster Subdivision and approved of the Open Space Preservation Plan.

On September 21st, 2021, the Planning Commission forwarded a positive recommendation to the County Commission of Final Subdivision approval of Riverbend Cluster Subdivision Phase 1.

On January 4th 2022, the Planning Commission will hear two proposals to amend the open space preservation plan.

Option 1 will to include an irrigation pond within open space parcel A. This proposal would divide parcel A into two open space parcels. One parcel will be 3.7 acres, and the remainder would be 5 acres. The 3.7 acre parcel is proposed to be owned by Hooper Irrigation and will be used for a regional irrigation pond to serve local residents. The 5-acre open space parcel is proposed to be owned individually, by a local farmer.

Option 2 will include an irrigation pond within open space parcel A. This proposal would divide parcel A into two open space parcels. One parcel will be 3.7 acres, and the remainder would be 5 acres. The 3.7 acre parcel is proposed to be owned by the HOA. The Hooper Irrigation Company will own the 5-acre open space parcel, that will contain the irrigation pond.

Summary

The applicant is requesting approval of an amendment to the Open Space Preservation Plan for this subdivision.

The cluster code allows a developer to amend an open space plan, as indicated below.

Sec 108-3-5 Open Space Preservation Plan

a) ***Open space preservation plan procedure.***

1. ***Initial open space preservation plan approval.*** An open space preservation plan shall accompany an application for preliminary subdivision approval or an application for an open space preservation plan amendment. Preliminary subdivision approval constitutes approval of the open space plan. A final plat shall comply with the approved open space plan.
2. ***Open space preservation plan amendment.*** After submittal of a new application and application fee an open space preservation plan may be amended, from time to time in accordance with the standards of this chapter. If an amendment of an open space preservation plan affects any part of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an approved open space preservation plan, then the two shall be amended together and final approval of the amended subdivision plat shall constitute final approval of the amended open space preservation plan. Otherwise, each may be amended independently. Submission for an independently amended open space preservation plan shall be in compliance with the open space plan submittal requirements of this chapter and shall require the approval of the planning commission.

The proposed change to the open space plan is as follows:

Option 1 indicates that the subdivision plat would create a 3.7-acre open space parcel L that would be owned by the Hooper Irrigation District for the placement of a regional irrigation pond. The ownership of Parcel L would be individually owned by Hooper Irrigation. The remaining 5 acres of open space will be individually owned for agriculture (see exhibit A).

The total land area within the subdivision is not affected by the open space plan amendment, however, dividing Parcel A and deeding 3.7 acres to Hooper Irrigation is not in compliance with the Open Space Parcel Area requirements listed in 108-3-5(c)(6), included below.

***Open space parcel area.** The minimum area for an open space parcel located within a cluster subdivision is as follows:*

- a. **Common area.** An open space parcel designated as common area is not subject to minimum area requirements.*
- b. **Park area.** An open space parcel conveyed to a local park district shall be of a sufficient size to adequately accommodate park infrastructure, amenities, and parking.*
- c. **Individually owned open space parcel area.** An open space parcel designated as an individually owned preservation parcel shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total; and shall be in compliance with the following:*
 - 1. The ten acre minimum contiguous area does not need to be platted in the same subdivision.*
 - 2. Each individually owned open space parcel shall be provided clear and perpetual legal access from a public or private street right-of-way.*
 - 3. Drainage detention or retention facilities intended to accommodate subdivision improvements may be located on an individually owned preservation parcel and counted toward the subdivision's overall open space area, but the acreage of the facility shall not be included as part of the parcel's agricultural use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement.*

If the 3.7 acre parcel is not owned by the HOA as common area, or as a park parcel, then the open space parcel area requirements are not met, and the revision should not be approved.

Option 2 indicates that the subdivision plat would create a 3.7-acre open space parcel L that would be owned and managed by the HOA. The Hooper Irrigation District would individually own the 5-acre parcel A for the placement of a regional irrigation pond (see exhibit B).

While this option would meet the acreage requirements for an individually owned open space parcel, the cluster ordinance does not allow a regional irrigation pond to be located on cluster open space parcels (see 108-3-5(c)(6)). If the Planning Commission can find that placing an irrigation pond on 5 acres, to be owned by Hooper Irrigation, meets the intent of “prime agricultural land”, then the Planning Commission may choose to discuss and consider allowing the irrigation pond on the 5 acres.

Staff Recommendations

Staff recommends that a decision on the proposed amended open space plan be denied or tabled until the cluster ordinance is amended to allow the proposed amendments, or until the developer proposes an option that meets the current requirements. This recommendation is based on the following finding:

1. The proposed options do not meet the requirements of the land use code.

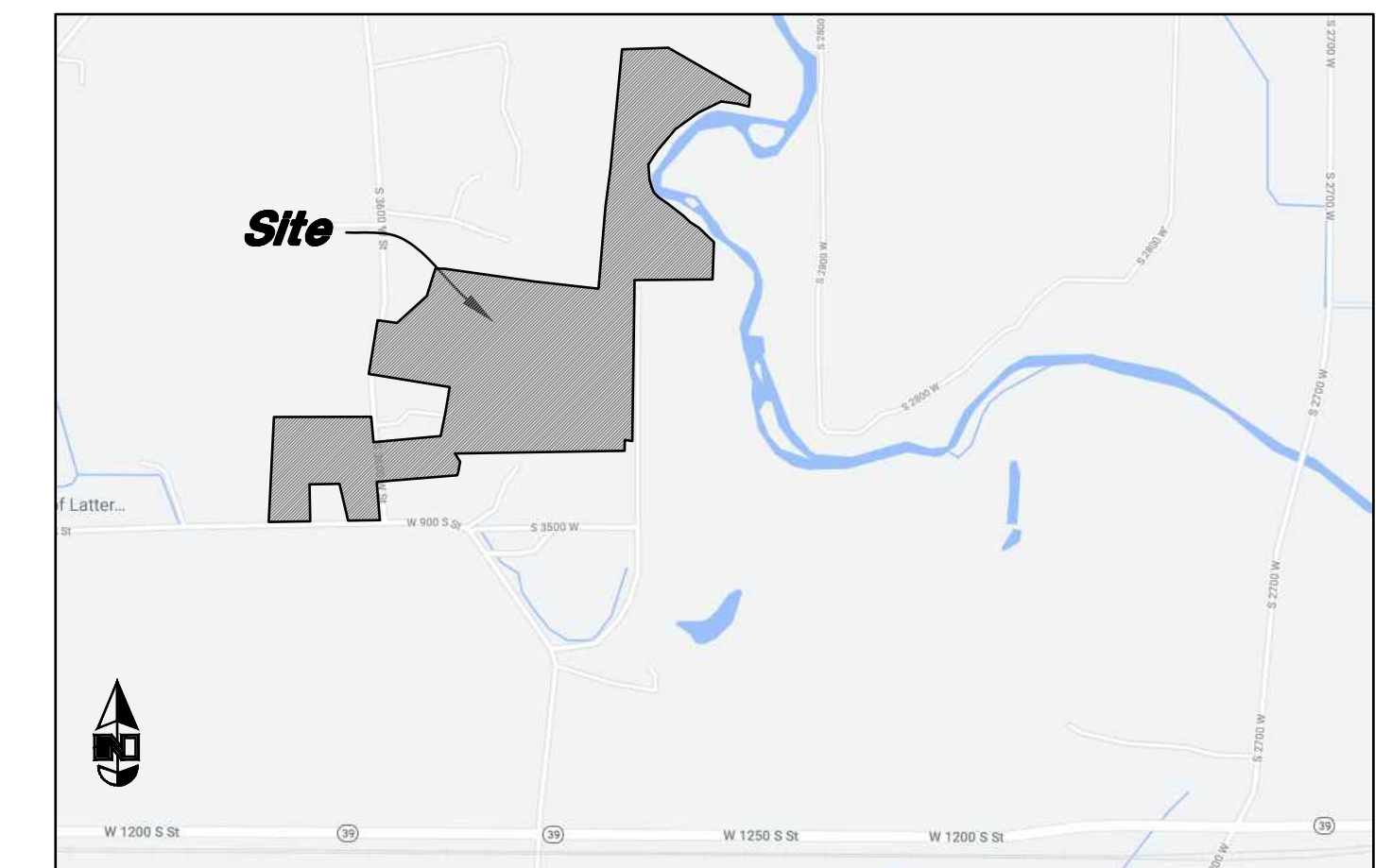
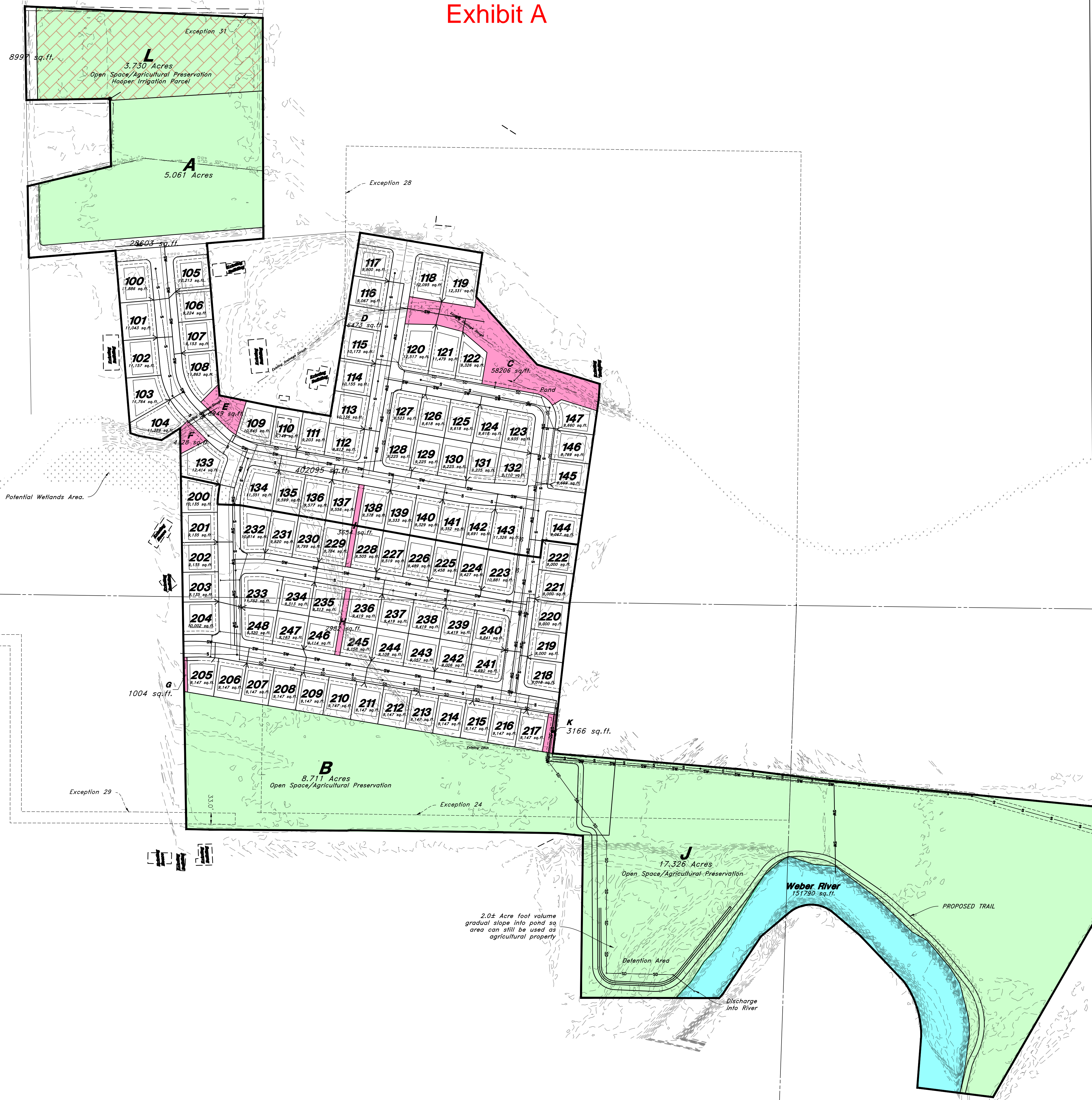
Exhibits

- A. Open Space Preservation Plan Option 1
- B. Open Space Preservation Plan Option 2

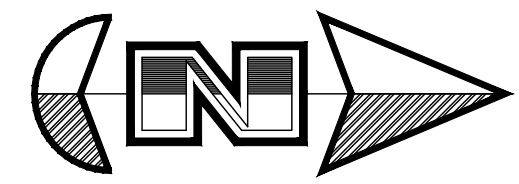
Area Map



Exhibit A



VICINITY MAP
Not to Scale



Scale: 1" = 150'

- NOTES:**
- Phase 1 = 1,565,966 Sq Ft - 35.949 Acres
 - Phase 2 = 1,457,872 Sq Ft - 36.275 Acres
 - Parcels C, D, E, F, G, H, & I, are to be designated as Common Area.
 - Common Area is to be owned and maintained by Home Owners Association.
 - Parcels A, B, and J are to be dedicated as Open Space for Agricultural Preservation and Detention ponds.
 - Open Space is to be owned by a private entity (entities) and is to be used for Agricultural/Open Space Proposes and/or Irrigation Ponds.
 - Parcel L is to be Dedicated as Open Space for Agricultural Preservation and Irrigation Pond Purposes and will be owned and maintained by Hooper Irrigation Company.
 - Weber River is to be dedicated as Sensitive Lands and is to be used for Open Space Proposes.

SITE TABLE

Overall Area	72.224 Acres
Agricultural Open Space Required	31.065 Acres
Provided	31.090 Acres
Weber River	3,485 Acres
Additional Common Area /Open Space	5.452 Acres
Net Open Space Area	40.027 Acres
Area in Roads	10.094 Acres
Developable Area (100%)	58.645 Acres
Allowable lots	63,8644
Developable Area (25%)	3.485 Acres
Allowable Lots	0.9487
Total Allowable Lots	64.813
50% Bonus Density	32.406
Total Lots	97.219

RIVERBEND FARMS OPEN SPACE PRESERVATION PLAN NARRATIVE

There are approximately 31 acres of open space in the Riverbend Farms subdivision that will be preserved for agricultural use.

Although Agricultural Preservation Open Space Parcels are to preferably be organized into a contiguous area in this case the preservation of Agricultural Preservation Open Space is best accomplished by creating two separate areas. This allows land that is best suited for agricultural purposes to be preserved. A memorandum of findings that supports this conclusion has been submitted to Weber County.

The Agricultural Preservation Open Space will be made available to farms for lease to be used for agricultural purposes. Discussions with local farmers who are knowledgeable and experienced in agricultural uses have shown there is strong interest in farming the land to produce crops.

There are also approximately 5.5 acres of Common Area Open Space that is not part of the Agricultural Preservation Open Space, of which 2.2 Acres will be dedicated to the Homeowner's Association, the remaining 3.7 acres will be dedicated to Hooper Irrigation Company for a Regional Irrigation pond, this area is adjacent to Parcel A which will be Agricultural Preservation Open Space. The existing drainage slough that runs through the property will be located within the Common Area Open Space Parcels, together with a walking path.

REV	DATE	DESCRIPTION
1	6/8/2021	County Comments, Site Table

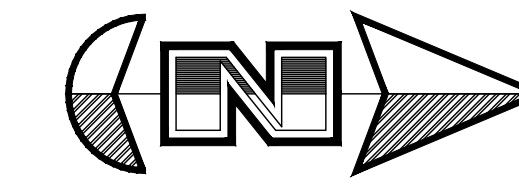
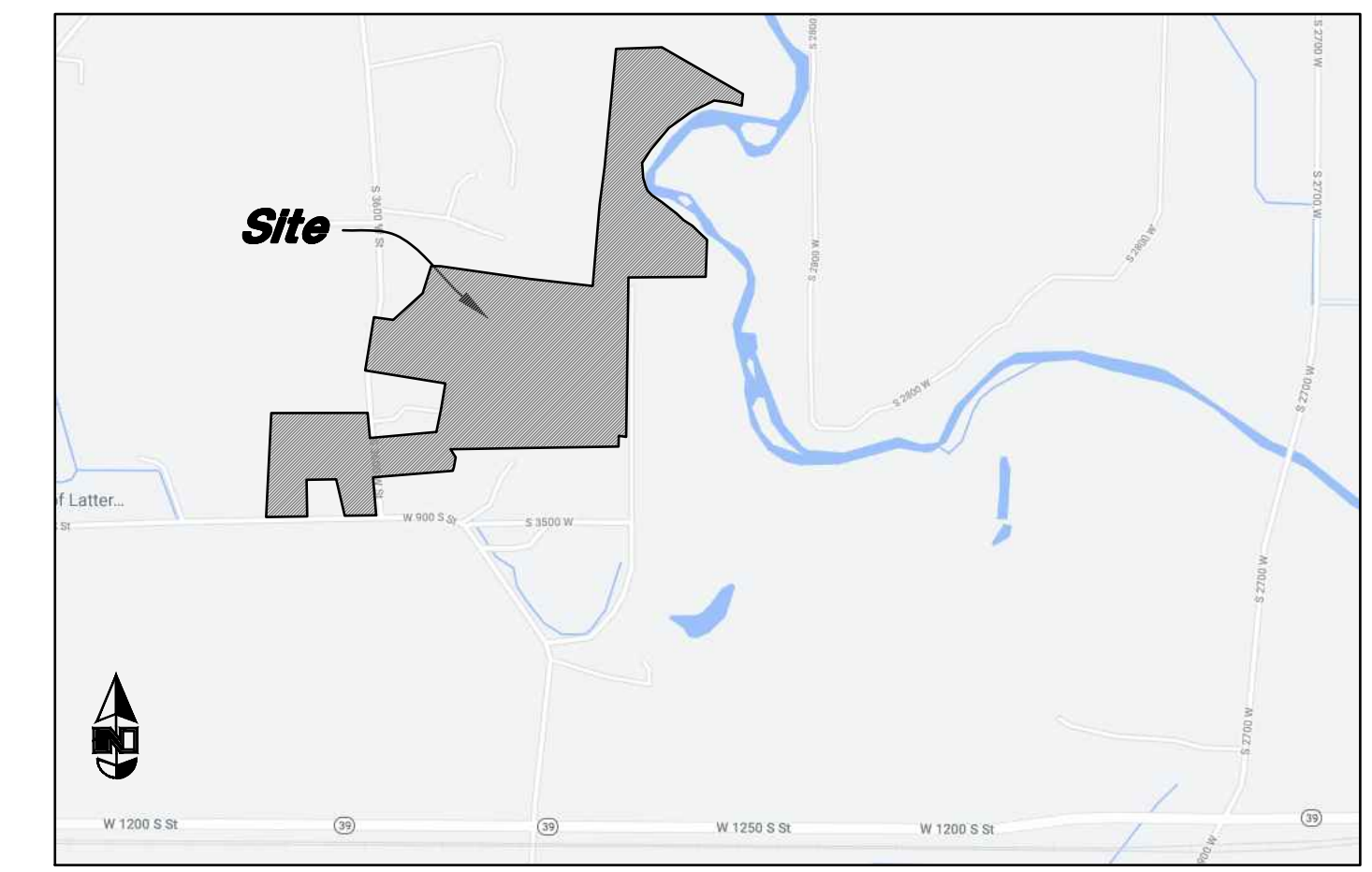
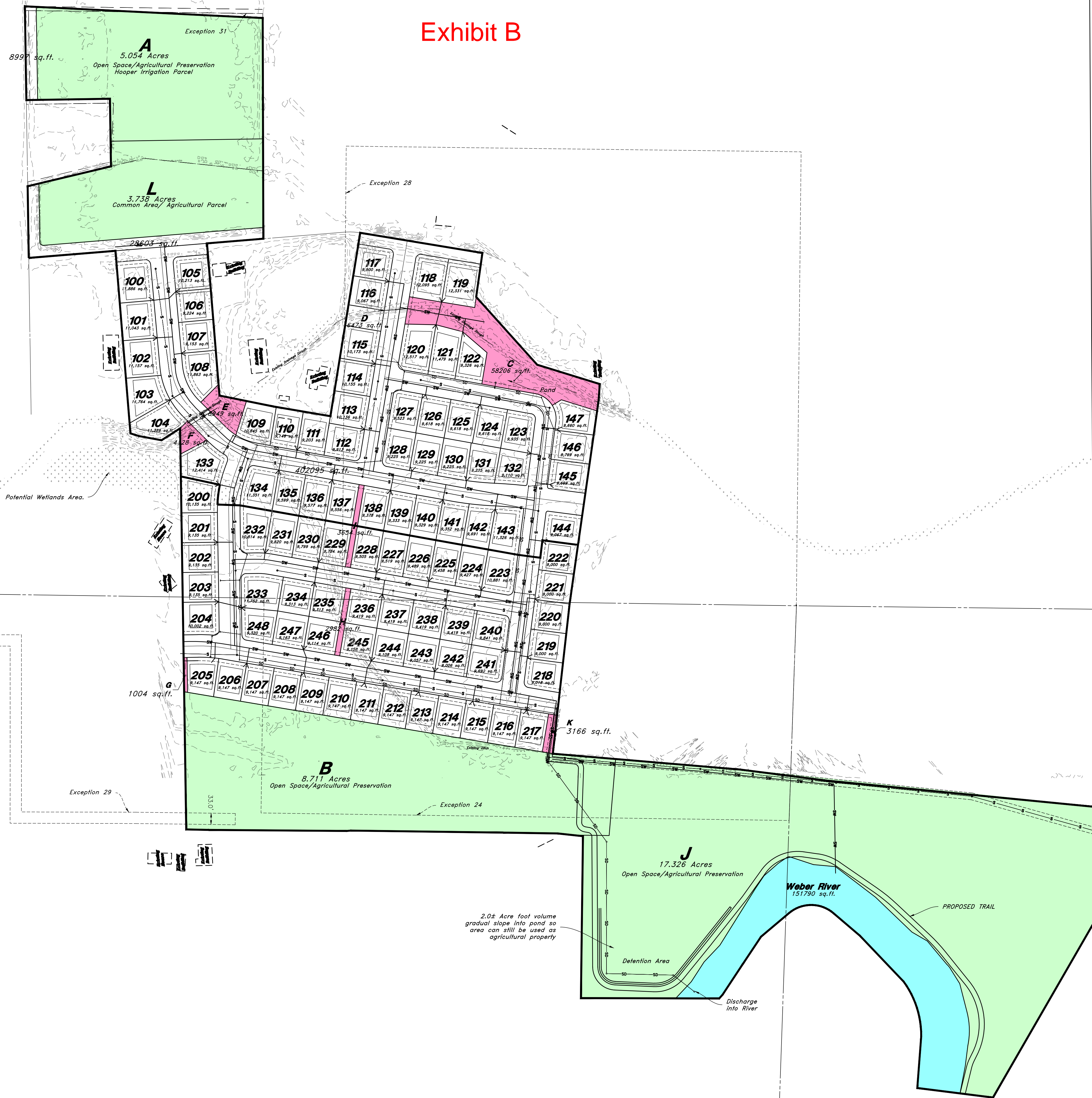
GREAT BASIN ENGINEERING
 5746 SOUTH 1475 EAST OGDEN, UTAH 84403
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Open Space Preservation Plan
Riverbend Farms
 A part of Section Southeast Quarter of 16 and the West Half of Section 15, TEN, TEN, R2W, SL&M, U.S. Survey

22 Dec, 2021

SHEET NO.
C1

Exhibit B



Scale: 1" = 150'

- NOTES:**
- Phase 1 = 1,565,966 Sq Ft - 35.949 Acres
 - Phase 2 = 1,457,872 Sq Ft - 36.275 Acres
 - Parcels C, D, E, F, G, H, I, & L are to be designated as Common Area.
 - Common Area is to be owned and maintained by Home Owners Association.
 - Parcels A, B, and J is to be dedicated a Open Space for Agricultural Preservation and Detention ponds.
 - Open Space is to be owned by a private entity (entities) and is to be used for Agricultural/Open Space Proposes and/or Irrigation Ponds.
 - Weber River is to be dedicated as Sensitive Lands and is to be used for Open Space Proposes.

SITE TABLE

Overall Area	72.224 Acres
Agricultural Open Space Required	31.065 Acres
Provided	31.090 Acres
Weber River	3.485 Acres
Additional Common Area /Open Space	5.452 Acres
Net Open Space Area	40.027 Acres
Area in Roads	10.094 Acres
Developable Area (100%)	58.645 Acres
Allowable lots	63.8644
Developable Area (25%)	3.485 Acres
Allowable Lots	0.9487
Total Allowable Lots	64.813
50% Bonus Density	32.406
Total Lots	97.219

RIVERBEND FARMS OPEN SPACE PRESERVATION PLAN NARRATIVE

There are approximately 31 acres of open space in the Riverbend Farms subdivision that will be preserved for agricultural use.

Although Agricultural Preservation Open Space Parcels are to preferably be organized into on contiguous area in this case the preservation of Agricultural Preservation Open Space is best accomplished by creating two separate areas. This allows land that is best suited for agricultural purposes to be preserved. A memorandum of findings that supports this conclusion has been submitted to Weber County.

The Agricultural Preservation Open Space will be made available to farms for lease to be used for agricultural purposes. Discussions with local farmers who are knowledgeable and experienced in agricultural uses have shown there is strong interest in farming the land to produce crops.

There are also approximately 5.5 acres of Common Area Open Space that is not part of the Agricultural Preservation Open Space, that will be dedicated to the Homeowner's Association. of the 5.5 acres roughly 3.7 acres is adjacent to Agricultural Preservation Open Space area that will be used for either Large Scale agricultural purposes or for community garden type uses for members of the homeowner's association. The existing drainage slough that runs through the property will be located within these common Area Open Space Parcels, together with a walking path.

REV	DATE	DESCRIPTION
1	6/9/2021	County Comments, Site Table

GREAT BASIN ENGINEERING
 5746 SOUTH 1475 EAST OGDEN, UTAH 84403
 MAIN (801)394-4515 S.L.L.C. (801)521-0222 FAX (801)392-7544
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Open Space Preservation Plan
Riverbend Farms
 A part of Section Southeast Quarter of 16 and the West Half of Section 15, T6N, R2W, S16&M, U.S. Survey



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

- Application Request:** Public hearing and action regarding a county-led text amendment to add definitions, regulatory language, and clerical edits to the Land Use Code regarding Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations.
- Agenda Date:** Tuesday, January 4, 2022
- Report Author:** Scott Perkes (webercountyutah.gov)
(801) 399-8772

Applicable Ordinances

- § 101-2-2 – An Definitions
- § 104-1-2 – Boundaries of Zones
- § 104-1-3 – Rules of Ordinance and Maps
- § 104-2 – Agricultural Zones
- § 104-21 – Manufacturing Zones

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

During the 2021 General Session, the Utah State Legislature passed S.B. 130 (See **Exhibit A**) which served to accomplish the following:

- 1) Enacted the Large Concentrated Animal Feeding Operations Act (17-27a-11) (Effective 5/5/2021).
- 2) Provide defined terms for Animal Feeding Operations (AFO) and Large Concentrated Animal Feeding Operations (LCAFO).
- 3) Required adoption of a county LCAFO land use ordinance.
- 4) Addressed the scope of a county LCAFO land use ordinance.
- 5) Addressed the geographic area where large concentrated animal feeding operations may be located.

Per item #3 above, the Act requires that County adopt an LCAFO land use ordinance by no later than February 1st 2022. Pursuant to this requirement, Planning staff have worked with the County Commission in work session as well as the Western Weber Planning Commission and Ogden Valley Planning Commission in work session on potential regulation scenarios that could be implemented prior to the February 1st 2022 deadline.

Through work session discussions with both Planning Commissions, the general consensus on a regulation scenario can be summarized as follows:

- 1) Only allow new LCAFOs to locate in the A-3, M-1, M-2 and M-3 zones as Conditionally Permitted Uses.
- 2) Existing LCAFOs not located in the A-3, M-1, M-2, and M-3 zones, may continue to operate as non-conforming uses.
- 3) Existing AFOs (Animal Feeding Operations), known as “Livestock Feed Yards” under the current land use code, may continue operating as conforming or non-conforming uses. Conforming uses may expand if located in a permitted zone (conditionally permitted in the A-3, M-2, and M-3 zones). Non-conforming uses may not expand.
- 4) Farms (dairy, poultry, cattle, sheep, goats, etc.) will continue to be Permitted Uses in all Agriculture zones with existing special provisions.

The attached regulatory draft (**Exhibit B**) has been crafted to implement the outlined scenario above into the Land Use Code. Some edits are clerical in nature and are intended to allow the proposed amendments to merge into the structure of the existing code.

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

INITIAL RECOMMENDATION:

Staff recommends that if the Planning Commission supports the proposed regulation of Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations, that the Planning Commission recommend a positive recommendation to the County Commission for file ZTA2021-10, a proposal to add definitions, regulatory language, and clerical edits to the Land Use Code regarding Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations.

This recommendation is consistent with the regulation scenario drafted as Exhibit B, and is based on the following findings:

1. The proposal protects existing Animal Grazing, AFOs and LCAFOs ability to continue operations for as long as the prevailing markets allow.
2. The proposal gives clear direction to any new Animal Grazing, AFO, or LCAFO operation as the zones where such uses are permissible and operational standards under which they will need to operate.
3. The proposal is in the best interest of the public both in the short term and in the long term.
4. The proposal is not detrimental to the general plan.

ALTERNATIVE RECOMMENDATION:

In light of the ongoing Western Weber Futures General Plan Update, anticipated changes to zoning densities in the A-1 and A-2 zones, and the upcoming MEGA SITE industrial/manufacturing park development, staff recommends that the planning commission review the land use tables in the Agricultural Zones and Manufacturing Zones and re-evaluate where Animal Grazing, AFOs, and LCAFOs may be best sited. In staff's review of the long-range planning efforts mentioned previously, NEW LCAFOs may be best sited as Conditionally Permitted uses in only the A-3 and M-3 zone. This would ensure that any newly established LCAFOs wouldn't quickly run into conflicts with increasing housing density and manufacturing uses envisioned in the A-1, A-2, M-1, and M-2 zones.

If the Planning Commission supports the alternative recommendation, a positive recommendation to the County Commission for file ZTA2021-10 could be provided under the same findings listed above as modified by the alternative recommendation's adjustments to the land use tables.

Exhibits

- A. S.B. 130 – Regulation of Concentrated Animal Feeding
- B. Proposed Regulatory Language

Exhibit A

Enrolled Copy

S.B. 130

1 **REGULATION OF CONCENTRATED ANIMAL FEEDING**
2 **OPERATIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Scott D. Sandall**

6 House Sponsor: Joel Ferry

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts provisions related to large concentrated animal feeding operations.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ enacts the Large Concentrated Animal Feeding Operations Act, including:
- 14 • defining terms;
 - 15 • requiring adoption of county large concentrated animal feeding operation land
 - 16 use ordinances under certain circumstances;
 - 17 • addressing scope of a county large concentrated animal feeding operation land
 - 18 use ordinance; and
 - 19 • addressing determining the geographic area where large concentrated animal
 - 20 feeding operations may be located.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **17-27a-1101**, Utah Code Annotated 1953

28 **17-27a-1102**, Utah Code Annotated 1953

29 [17-27a-1103](#), Utah Code Annotated 1953

30 [17-27a-1104](#), Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **17-27a-1101** is enacted to read:

34 **Part 11. Large Concentrated Animal Feeding Operations Act**

35 **17-27a-1101. Title.**

36 This part is known as the "Large Concentrated Animal Feeding Operations Act."

37 Section 2. Section **17-27a-1102** is enacted to read:

38 **17-27a-1102. Definitions.**

39 (1) "Animal feeding operation" means a lot or facility where the following conditions
40 are met:

41 (a) animals have been, are, or will be stabled or confined and fed or maintained for a
42 total of 45 days or more in any 12-month period; and

43 (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the
44 normal growing season over any portion of the lot or facility.

45 (2) (a) "Commercial enterprise" means a building:

46 (i) used as a part of a business that manufactures goods, delivers services, or sells
47 goods or services;

48 (ii) customarily and regularly used by the general public during the entire calendar
49 year; and

50 (iii) connected to electric or water systems.

51 (b) "Commercial enterprise" does not include an agriculture operation.

52 (3) "County large concentrated animal feeding operation land use ordinance" means an
53 ordinance adopted in accordance with Section [17-27a-1103](#).

54 (4) "Education institution" means a building in which any part is used:

55 (a) for more than three hours each weekday during a school year as a public or private:

- 56 (i) elementary school;
- 57 (ii) secondary school; or
- 58 (iii) kindergarten;
- 59 (b) a state institution of higher education as defined in Section [53B-3-102](#); or
- 60 (c) a private institution of higher education in the state accredited by a regional or
- 61 national accrediting agency recognized by the United States Department of Education.
- 62 (5) "Health care facility" means the same as that term is defined in Section [26-21-2](#).
- 63 (6) "Large concentrated animal feeding operation" means an animal feeding operation
- 64 that stables or confines as many as or more than the numbers of animals specified in any of the
- 65 following categories:
- 66 (a) 700 mature dairy cows, whether milked or dry;
- 67 (b) 1,000 veal calves;
- 68 (c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including
- 69 heifers, steers, bulls, and cow calf pairs;
- 70 (d) 2,500 swine each weighing 55 pounds or more;
- 71 (e) 10,000 swine each weighing less than 55 pounds;
- 72 (f) 500 horses;
- 73 (g) 10,000 sheep or lambs;
- 74 (h) 55,000 turkeys;
- 75 (i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure
- 76 handling system;
- 77 (j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other
- 78 than a liquid manure handling system;
- 79 (k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure
- 80 handling system;
- 81 (l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure
- 82 handling system; or

83 (m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.

84 (7) "Manure" includes manure, bedding, compost, a raw material, or other material
85 commingled with manure or set aside for disposal.

86 (8) "Public area" means land that:

87 (a) is owned by the federal government, the state, or a political subdivision with
88 facilities that attract the public to congregate and remain in the area for significant periods of
89 time;

90 (b) (i) is part of a public park, preserve, or recreation area that is owned or managed by
91 the federal government, the state, a political subdivision, or a nongovernmental entity; and

92 (ii) has a cultural, archaeological, scientific, or historic significance or contains a rare
93 or valuable ecological system, including a site recognized as a National Historic Landmark or
94 Site; or

95 (c) is a cemetery.

96 (9) "Religious institution" means a building and grounds used at least monthly for
97 religious services or ceremonies.

98 Section 3. Section **17-27a-1103** is enacted to read:

99 **17-27a-1103. County adoption of a county large concentrated animal feeding**
100 **operation land use ordinance.**

101 (1) (a) The legislative body of a county desiring to restrict siting of large concentrated
102 animal feeding operations shall adopt a county large concentrated animal feeding operation
103 land use ordinance in accordance with this part by no later than February 1, 2022.

104 (b) A county may consider an application to locate large concentrated animal feeding
105 operations in the county before the county adopts the county large concentrated animal feeding
106 operation land use ordinance under this part.

107 (2) A county large concentrated animal feeding operation land use ordinance described
108 in Subsection (1) shall:

109 (a) designate geographic areas of sufficient size to support large concentrated animal

110 feeding operations, including state trust lands described in Subsection 53C-1-103(8) and
111 private property within the county, including adopting a map described in Section
112 17-27a-1104;

113 (b) establish requirements and procedures for applying for land use decision that
114 provides a reasonable opportunity to operate large concentrated animal feeding operations
115 within the geographic area described in Subsection (2)(a);

116 (c) disclose fees imposed to apply for the land use decision described in Subsection
117 (2)(b);

118 (d) disclose any requirements in addition to fees described in Subsection (2)(c) to be
119 imposed by the county; and

120 (e) provide for administrative remedies consistent with this chapter.

121 (3) (a) This part does not authorize a county to regulate the operation of large
122 concentrated animal feeding operations in any way that conflicts with state or federal statutes
123 or regulations.

124 (b) Nothing in this part supersedes or authorizes enactment of an ordinance that
125 infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
126 Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

127 Section 4. Section 17-27a-1104 is enacted to read:

128 **17-27a-1104. Criteria considered in adopting the geographic area of a county**
129 **large concentrated animal feeding operation land use ordinance -- Maps -- Exception.**

130 (1) (a) To determine the geographic areas where large concentrated animal feeding
131 operations may be located under a county large concentrated animal feeding operation land use
132 ordinance, the county shall consider:

133 (i) the distance of the geographic area measured in feet from the following:

134 (A) a residential zone;

135 (B) a health care facility;

136 (C) a public area;

- 137 (D) an education institution;
- 138 (E) a religious institution;
- 139 (F) a commercial enterprise;
- 140 (G) a municipal boundary; and
- 141 (H) a state or county highway or road;
- 142 (ii) prevailing winds;
- 143 (iii) topography;
- 144 (iv) economic benefits to the county; and
- 145 (v) reasonable access to transportation, water, and power infrastructure.
- 146 (b) A county may consider criteria in addition to those described in Subsection (1)(a).
- 147 (2) After considering the factors described in Subsection (1), the county shall designate
- 148 the geographic areas where large concentrated animal feeding operations may locate as
- 149 required by Subsection [17-27a-1103](#)(2)(a) and prepare a map available to the public showing
- 150 the geographic areas in the county.
- 151 (3) A county may not designate a geographic area for large concentrated animal
- 152 feeding operations based solely on a uniform setback distance requirement from the locations
- 153 described in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all
- 154 criteria in Subsection (1).
- 155 (4) A county shall designate at least one geographic area within the county where large
- 156 concentrated animal feeding operations for all animal species listed in Subsection
- 157 [17-27a-1102](#)(6) may be located unless the county demonstrates that one of the following makes
- 158 it not feasible for the county to meet the criteria described in this section:
- 159 (a) the county's population density; or
- 160 (b) the county's population density relative to the amount of private land within the
- 161 county.

Exhibit B

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

48 (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an
49 allowed use in that zone.

50 (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional
51 uses shall not be construed in any manner as an allowed use in the zone.

52 (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or
53 conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted
54 or conditional uses is not permitted in the other zone.

55 *Editors Note: Ord. No. 2021-XX consolidated the text that was in this section, which was named Section*
56 *104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this*
57 *Section 104-1-3 to Rules of Interpretation.*

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

59 ...

60 ***Animal-related agricultural-wholesale or noncommercial uses.*** The following are animal-related uses
61 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 <u>Section 104-2-4.</u> 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 <u>Section 104-2-4.</u> 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 <u>Section 104-2-4</u> .
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 <u>Section 104-2-4</u> . 2-acre use.
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	

62 ...

63 Sec 104-2-4 Special Regulations

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

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

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

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

73 (3) It shall not be closer than 300 feet to any dwelling, public or semi-public building on an
74 adjoining parcel of land; and

75 (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or
76 other buildings normally associated with an animal feeding operation

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

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

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

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

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

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

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

96 (g) **Family food production.**

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

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

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

106 (4) .

- 107 (h) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction
 108 vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the
 109 same lot or parcel on which it is parked, or the owner or operator's employee. This use shall:
- 110 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
 - 111 (2) Be restricted to vehicles and related equipment that are used for the actively-operating
 112 agricultural use;
 - 113 (3) Include no more than one three-axle truck, and no pups.
- 114 (i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound
 115 GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt
 116 from these restrictions.
- 117 (j) **Temporary building or use.** The building or use shall be removed upon completion or
 118 abandonment of the construction work.

119 HISTORY
 120 *Adopted by Ord. 2021-6 on 3/23/2021*

121 ...

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

123 ...

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

...

	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	
Animal feeding operation. An animal feeding operation, as defined in Section 101-2.	N	N	N	C	See <u>Section 104-21-4.</u> 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 <u>Section 104-21-4.</u> 5-acre use.
Animal grazing. 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	
Apiary.	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.
Aviary.	P	P	P	P	
Battery manufacture.	N	C	C	C	

Blacksmith shop.	N	C	P	P	
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125 ...

Railroad yards, shop and/or roundhouse.	N	N	C	C	
Recreation area, private.	N	N	N	C	

126 ...

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

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

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

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

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

137 (3) It shall not be closer than 300 feet to any dwelling, public or semi-public building on an
138 adjoining parcel of land; and

139 (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or
140 other buildings normally associated with an animal feeding operation

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

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

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

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

150 (d) **Automobile recycling (parts dismantling).** This use shall be conducted within a completely
151 enclosed building. In the M-2 zone, the recycling facility shall have no more than 40 automobiles
152 at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a
153 solid wall or fence of not less than seven feet in height

154 (e) **Building material sales yard.** In the M-1 zone, a building material sales yard may include the
155 sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall exclude

156 concrete mixing except as such concrete mixing is necessary in the preparation and manufacture
157 of any of the products specified in this section.

158 (f) **Cement batch plants.** The following standards apply to a cement batch plant:

159 (1) The cement silo mixer shall not be larger than 300 barrel in the M-1, M-2, and M-3
160 zones, and 200 barrel in the MV-1 zone.

161 (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with
162 six feet or larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines,
163 Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The
164 evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be
165 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees
166 per 100 feet. These trees shall be Maples, Linden, Quaking Aspens, Cottonless
167 Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch
168 caliper. This landscaping shall be planted on the crest of the six-foot berm when the
169 property abuts agricultural or residential zones.

170 (3) There shall be no more than three cement trucks, and no more than two other semi-trucks
171 and trailers used with this operation stored on site.

172 (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand
173 and gravel mix shall be stored in a three-wall bin and covered when not in use.

174 (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of
175 the lot shall be dedicated for this use.

176 (6) The property shall be at least one acre in size.

177 (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be
178 submitted with the permit application.

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

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

188 (i) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated
189 shooting positions for which ballistic backstops are designed. No shooting is allowed except in
190 these designated shooting positions. All sides down range of a shooting position shall have a non-
191 ricochet ballistic backstop, including overhead and on the ground or floor, capable of containing
192 all errant bullets. For an outdoor range, the overhead backstop may be a series of baffles.
193 Approval shall be subject to the requirements and conditions of the local fire authority. The range
194 operator shall be onsite at all times shooting is occurring.

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

197 HISTORY

198 Amended by Ord. 2020-11 on 8/4/2020

199 Amended by Ord. 2020-24 on 12/15/2020

200 Amended by Ord. 2021-16 on 5/25/2021

2022

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CALENDAR KEY :	
	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1 st Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS

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	ELECTIONS

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