



## BOARD OF ADJUSTMENT

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### MEETING AGENDA

**Tuesday, December 23, 2025**

**4:30 p.m.**

- Pledge of Allegiance
- Roll Call

#### Regular Agenda Items

**1.1 BOA 2025-08:** Request to appeal a decision of the Ogden Valley Planning Commission regarding CUP 2025-21; A request for approval of a conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan.

**Staff Presenter: Tammy Aydelotte**

#### Adjourn

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

<https://webercountyutah.zoom.us/j/84134172857> Meeting ID: 841 3417 2857

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761***



## Staff Report to the Board of Adjustment

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration of an appeal on a decision made by the Ogden Valley Planning Commission in a public meeting held on October 28, 2025 to approve a conditional use permit (CUP 2025-21) to operate a temporary construction building and yard for 16 months.

**Agenda Date:** Tuesday, December 23, 2025

**Applicant:** Christopher Cross

**File Number:** BOA 2025-08

#### Property Information

**Approximate Address:** 4795 E 2600 N, Eden, UT, 84310

**Zoning:** MV-1

**Existing Land Use:** Commercial

**Parcel ID:** 22-040-0004

**Township, Range, Section:** T7N, R1E, Section 34 NW Qtr

#### Adjacent Land Use

<b>North:</b> Manufacturing	<b>South:</b> Agricultural
<b>East:</b> Commercial	<b>West:</b> Manufacturing

#### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@webercountyutah.gov  
801-399-8794

**Report Reviewer:** FL

#### Applicable Land Use Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)

#### Background

This appeal was accepted for review by the Planning Division on November 5, 2025. The appellant asserts that the applicant for the CUP had been operating in violation of ordinance for approximately 17 months without a conditional use permit. Applicant for this appeal also states a deficient staff report by not mentioning the violation in the staff report. Applicant also mentions negative impacts tied to the existing operation, and a lack of measurable mitigation standards for these negative impacts (See applicant narrative, Exhibit A).

The appellant's narrative and supplemental information are included in the staff report as exhibits (Exhibit A).

Copy and paste the link below into your Internet address bar. You will find the audio presentation and Planning Commission discussion beginning at the 2:24:53 mark. The motion is made at the 2:45:10 mark.

<https://www.youtube.com/watch?v=uoNO7synRvk>

Draft minutes are not yet available to include as part of this staff report.

Under Weber County's Land Use Code (Sec 102-3-3), The Board of Adjustment has the following duties and powers:

- a) *To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.*
- b) *To hear and decide variances from the requirements of the Land Use Code.*

The following are the decision criteria and standards for the Board when considering appeals from decisions applying and interpreting the Land Use Code and Zoning Maps (Sec 102-3-4).

*Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.*

1. *The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.*
2. *The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.*
3. *The appellant has the burden of proof that the land use authority erred.*
4. *All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.*
5. *Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.*

Planning Staff considers the exhibits in this staff report to be the record, so far.

## Exhibits

- A. Planning Division Notice of Decision for CUP 2025-21
- B. Appellant's narrative
- C. CUP 2025-21 Public Presentation Meeting Slides
- D. October 28, 2025 Planning Commission Report
- E. Draft Minutes from 10/28/2025 Ogden Valley Planning Commission

## Exhibit A

### Ogden Valley Planning Commission NOTICE OF DECISION

October 29, 2025

Victoria Garcia  
4775 E 2600 N/ 4785 E 2600 N  
Eden, Utah, 84310

Case No.: Conditional Use Permit 2025-21

You are notified that the Ogden Valley Planning Commission held a meeting to take action on a request for approval of a conditional use permit to operate a Temporary Construction Building and Yard for an additional 16 months. The public meeting was held on October 28, 2025.

The Ogden Valley Planning Commission renders the following decision:

Approved based on the following conditions:

- 1) The traffic shall abide by the Storm Water Pollution Prevention requirements.
- 2) The site shall be kept and maintained for safety and good visual appearance
- 3) The site and the streets within the cul-de-sac shall be watered to mitigate dust.
- 4) Street sweeping shall take place on a daily basis.
- 5) All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.
- 6) All outdoor lighting shall be compliant with the outdoor lighting code for dark skies.

This recommendation is based on the following findings:

- 1) The proposed use is allowed in the MV-1 Zone and meets the appropriate site development standards.
- 2) The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Weber County Planning Division  
2380 Washington BLVD, Suite 240  
Ogden, Utah

Felix Lleverino  
801-399-8767  
flleverino@co.weber.ut.us

The decision of the Planning Commission may be appealed to the Board of Adjustment by filing such appeal within 15 days after the date of the notice of decision.

New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

## **New World Distillery Inc.**

P.O. Box 597, Eden, UT 84310

### **Appeal Filing – CUP 2025-21 (LineCo Laydown Yard)**

**Filed: November 4, 2025**

**Submitted by:**

Christopher Cross, Owner

New World Distillery Inc.

P.O. Box 597, Eden, UT 84310

(801) 920-1110 | [Chris@NewWorldDistillery.com](mailto:Chris@NewWorldDistillery.com)

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New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

## NOTICE OF APPEAL

**To:** Weber County Planning Division (Appeal Authority Clerk)

**Cc:** Ogden Valley Planning Commission; Weber County Attorney – Civil Division

**From:** Christopher Cross, Owner – New World Distillery, Inc.

**Address:** P.O. Box 597, Eden, UT 84310

**Phone:** (801) 920-1110 | **Email:** Chris@NewWorldDistillery.com

**Date:** November 4, 2025

**Re:** Appeal of Conditional Use Permit Approval – CUP 2025-21 (1884 LineCo Laydown Yard)

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Pursuant to the **Weber County Land Use Code** and Utah's **Land Use, Development, and Management Act (LUDMA, Utah Code Title 17-27a)**, the undersigned hereby files this **Notice of Appeal** of the Ogden Valley Planning Commission's decision on **October 28, 2025**, approving **Conditional Use Permit (CUP) 2025-21** for the **1884 LineCo Laydown Yard**.

**Appellant:** Christopher Cross (adjacent business owner – New World Distillery, Inc.)

**Decision Appealed:** Approval of CUP 2025-21 (Ogden Valley Planning Commission – 10/28/2025)

**Appeal Authority:** Board of Adjustment


**Relief Requested:** See attached *Statement of Grounds for Appeal*.

Appellant requests that the Appeal Authority:

1. Accept this appeal as **timely**;
2. **Stay the effectiveness** of the CUP approval pending final resolution of this appeal;
3. Direct preparation and **certification of the complete administrative record** (including audio, minutes, staff report, exhibits, public comments, and conditions of approval); and
4. Set a **hearing schedule** for review.

By filing this Notice, Appellant preserves all rights and issues raised in the attached *Statement of Grounds for Appeal* and in the administrative record.

Respectfully submitted,



\_\_\_\_\_  
Christopher Cross  
New World Distillery, Inc.  
P.O. Box 597, Eden, UT 84310  
Date: November 4, 2025

# STATEMENT OF GROUNDS FOR APPEAL

**Appellant:** Christopher Cross, Owner – New World Distillery, Inc.

**Mailing Address:** P.O. Box 597, Eden, UT 84310

**Adjacent to subject property:** Cul-de-sac, MV-1 Zone

**CUP:** 2025-21 – 1884 LineCo Laydown Yard

**Decision Date:** October 28, 2025 (Ogden Valley Planning Commission)

**Appeal Authority:** Board of Adjustment

**Filing Date:** November 4, 2025

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## Requested Relief

Appellant respectfully requests that the Appeal Authority:

- **Vacate the approval** of CUP 2025-21; or in the alternative,
- **Remand the matter** to the Planning Commission for further proceedings with proper findings and complete evidence; and
- **Stay the effectiveness** of the CUP pending this appeal.

Appellant further requests issuance of an **immediate Stop-Use Order** until lawful approvals, if any, take effect.

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## Grounds for Appeal

1. **Exceeding the One-Year Limit Without Findings of “Good Cause.”**  
The approval allows operation for approximately **17 months** beyond the code’s one-year limit without any factual findings of good cause or authority for such extension.
2. **Inaccurate and Incomplete Staff Report.**  
The Staff Report omits the documented **17 months of unpermitted operation** and multiple enforcement complaints, instead presenting the operation as a new or compliant applicant.
3. **Unaddressed Negative Impacts.**  
Documented conditions include **dust, air particulates, truck congestion, blocked access, light pollution, noise, and safety hazards** along the cul-de-sac. These are not speculative concerns — they are ongoing and verifiable.
4. **Lack of Measurable Mitigation Standards.**  
The decision provides no specific metrics for **dust suppression, decibel limits, truck**

New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

**routing, hours of operation, or lighting compliance**, rendering the permit **unenforceable**.

5. **Unequal Enforcement and Arbitrary Leniency.**

Allowing a violator to retroactively apply for a CUP after 17 months of illegal operation — when other businesses followed the code — represents **unequal treatment** under Weber County enforcement policy.

6. **Material Misstatements at Hearing.**

During the public meeting, the applicant's representatives made **false statements** regarding site fencing, locked gates, and operational limitations. These were accepted without verification, compromising the integrity of the record.

7. **Procedural Errors in Findings and Duration.**

The Commission's motion lacks specific findings supporting the 16-month duration or identifying measurable conditions to justify approval.

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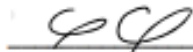
## Conclusion

The approval of **CUP 2025-21** is **arbitrary, unsupported by substantial evidence, and contrary to law**.

Appellant respectfully requests that the Appeal Authority **vacate or remand** the approval, direct the County to **resume enforcement and issue a Stop-Use Order**, and ensure that future approvals adhere to the **equal and lawful application of County Code**.

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Respectfully submitted,



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Christopher Cross  
New World Distillery, Inc.  
P.O. Box 597, Eden, UT 84310  
Filed: November 4, 2025



## Appendix Exhibit Index

Exhibit	Title / Description	Summary of Content	Purpose / Relevance
A	<i>Annotated Staff Report – CUP 2025-21 (LineCo Laydown Yard)</i>	Marked-up Weber County staff report highlighting omissions, inaccuracies, and contradictory findings.	Demonstrates reliance on incomplete and inaccurate information in approval recommendation.
B	<i>Neighbor Business Joint Letter</i>	Jointly signed letter by adjacent businesses detailing dust, noise, parking, and lighting impacts.	Shows collective, first-hand evidence of adverse operational impacts contradicting staff findings.
C	<i>Complaint Timeline Summary (June 2024 – Oct 2025)</i>	Chronological summary of complaints, follow-ups, and County responses.	Documents 17 months of unpermitted operation and lack of enforcement action.
D	<i>Photographic &amp; Observational Evidence</i>	Photos showing dust emissions, light glare, and access obstructions from March 2024 – Oct 2025.	Provides direct visual corroboration of ongoing noncompliance.
E	<i>Public Comment Statement (Oct 28 2025)</i>	Transcript of appellant's oral comments to the Ogden Valley Planning Commission.	Ensures appellant's live testimony is part of the official record.
F	<i>Future Supplemental Materials (Pending GRAMA Response)</i>	Placeholder for official slides, transcripts, and correspondence once released.	Completes the administrative record for appeal review.

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New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

## **Appendix Exhibits**

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**Exhibit A – Annotated Staff Report: CUP 2025-21 (LineCo Laydown Yard)**

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**Exhibit B – Neighbor Business Joint Letter**

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**Exhibit C – Complaint Timeline Summary (June 2024 – October 2025)**

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**Exhibit D – Photographic and Observational Evidence**

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**Exhibit E – Public Comment Statement (October 28 2025)**

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**Exhibit F – Future Supplemental Materials (Upon Release)**

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**End of Appeal Filing Packet**

**Filed November 2, 2025 | New World Distillery, Inc.**

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## Exhibit A

### Annotated Staff Report – CUP 2025-21 (LineCo Laydown Yard)

Prepared by: Christopher Cross – New World Distillery, October 2025

#### Key Annotations and Observations

L53: Incorrect statement describing the site as 'vacant.' The site has been in active use since 2024.

L59–L61: Mischaracterization of surrounding land uses as residential. The adjacent parcels include lawful MV-1 businesses such as a distillery, gym, childcare facility, excavation yard, and homebuilder office.

L117–L123: The report claims 'nominal impact' despite documented issues with dust, noise, traffic congestion, and runoff. These observations contradict the on-the-ground reality.

L122: Unsupported statement: 'No negative environmental impact expected.' No inspection or air/dust monitoring data is presented.

L195–L205: Omission of enforcement history: 17 months of operation without a CUP and paused enforcement by the County.

L297–L305: Community impact section includes no consultation with adjacent property owners, despite multiple formal complaints on file.

General: No acknowledgment of cumulative duration violations per §108-4-3, which limits temporary operations to 12 months.

#### Summary

This Staff Report omits critical context regarding violation history, operational impacts, and code consistency. It presents an incomplete record that could mislead Commissioners into approving a use that has already caused prolonged disruption. The absence of verified mitigation data, neighbor consultation, and accurate land-use representation requires that this CUP be denied or deferred pending correction.

## Exhibit B

### Ogden Valley Group Letter Opposing Retroactive CUP Approval

To: Weber County Planning Division

Ogden Valley Planning Commission

Subject: Opposition to Retroactive CUP 2025-21 – 1884 LineCo Laydown Yard

Date: [Insert Date]

Dear Members of the Ogden Valley Planning Commission,

We, the undersigned neighboring property and business owners, respectfully submit this letter regarding Conditional Use Permit (CUP) 2025-21 for the 1884 LineCo Laydown Yard in the MV-1 zone.

Our position is simple: this operation should not be granted a retroactive Conditional Use Permit after operating unlawfully for more than 16½ months without one.

#### 1. A Matter of Fairness and Precedent

This business has been operating without the required permit for over sixteen and a half months. Granting a CUP after such a long period of unpermitted use creates the clear appearance that compliance with County Code is optional. Businesses that followed the law from the beginning bore the time, cost, and scrutiny of the proper approval process, while this operator has been allowed to profit and continue operations outside the law.

Approving this CUP now would set a troubling precedent—signaling to future operators that it is acceptable to begin operations first and seek approval later.

#### 2. Land Use Context and Compatibility

The subject parcels are located at the end of a cul-de-sac that hosts a mix of small local businesses and community-serving uses. It is also bordered by properties used for residential care and agricultural purposes.

The laydown-yard activity introduces heavy truck traffic, early-morning staging, dust, and equipment noise into an area not designed for industrial intensity. Extending that activity retroactively for another year would amplify existing conflicts and degrade safety and quality of life for neighboring operators and patrons who rely on clean air, accessible roadways, and predictable business hours.

### 3. Code Integrity and Community Trust

Weber County's Land Use Code exists to ensure fair, consistent application of rules. When enforcement is deferred or ignored, confidence in that system erodes. Allowing continued operation during a retroactive permit process rewards noncompliance and undermines public trust in County enforcement.

### 4. Reasonable Expectation

If the operator had followed County procedures from the start, the project's one-year term would likely be completed by now. Extending that operation for yet another year effectively doubles the impact period on the surrounding community.

We urge the Commission to deny this CUP request and require cessation of the unpermitted use. We further ask the County to apply enforcement consistently to protect those who comply with the law.

Respectfully submitted,

Name	Business / Property	Signature	Date
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Ashley Cross	New World Distillery		28 October 2025
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*Ashley Cross*

Jeri Torman	HEL Fitness		28 October 2025
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*Jeri Torman*

Chandra Barrong	HAKids		28 October 25
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*Chandra Barrong*



## Exhibit C

### Timeline of Events – Unpermitted Operation Complaint (June–October 2025)

This timeline summarizes all major actions, communications, and County responses related to the ongoing complaint against the unpermitted construction yard adjacent to New World Distillery, from June 1, 2025 through October 26, 2025.

Date	Action	Description / Details	Status
June 2025	Initial Formal Complaint Filed	Formal letter submitted to Weber County Planning and Code Enforcement requesting a Stop-Use Order and denial of any retroactive CUP. One week later, the County confirmed receipt, stating they were 'working on the complaint' and coordinating with the criminal division. Tenant operations continued.	No enforcement action taken.
June 2025	GRAMA Request Filed	Request for enforcement and CUP records submitted. County denied under Utah Code §63G-2-305(10), citing investigative exemption.	Denied; no records released.
July–August 2025	No Enforcement Updates	No written updates received. Violations	Ongoing; unaddressed.

		continued including dust, noise, traffic, lighting, and access conflicts.	
Sept 10, 2025	County Response – Enforcement Paused	Email from Code Enforcement (Iris Hennon) stating enforcement paused while tenant applies for CUP; operator claimed ignorance of need for permit.	County paused enforcement.
Sept 11, 2025	Formal Response Sent to County and Commission	Letter demanding immediate Stop-Use Order, rejecting ignorance defense, and opposing retroactive CUP; cited fairness and precedent concerns.	No formal written reply received.
Mid-Sept 2025	Fairness and No-CUP Policy Memos Sent	Two memos — 'Fairness in Land Use Enforcement' and 'No Retroactive CUP Policy' — sent to Commission and Planning Division.	Delivered; no response.
Oct 11, 2025	Follow-Up Email Sent	Reminder email requesting written response after a month of silence.	No reply received.
Mid-Oct 2025	Formal Escalation Letter to Commission	Comprehensive escalation letter sent requesting resumption of enforcement, rejection of retroactive CUP, and code citation authorizing	Delivered; no written reply.

		enforcement pause.	
Oct 2025	County Staff Report Issued	Staff Report recommended approval of CUP 2025-21 despite acknowledging the use exceeded one-year limit; recommends continued operation through 2026.	Pending Planning Commission review.
Oct 2025	Call with Staff Report Preparer (Mr. Lleverino)	Phone conversation; invited to submit written comments for Commission review.	Invitation accepted.
Oct 2025	Written Comments Submitted	Detailed written comments pointing out omissions in Staff Report (no enforcement history, inaccurate land-use, fairness issues).	Submitted; acknowledgment pending.
Oct 2025	Joint Business Letter Submitted	Jointly signed by neighboring business and property owners documenting ongoing noncompliance and impacts; requested Staff Report revision.	Pending Commission review.
Oct 2025	Concise One-Page Business Letter Drafted	Shorter version circulated to maximize signatures; emphasizes fairness and enforcement	Signatures being collected.



		integrity.	
Oct 28, 2025	Planning Commission Hearing Scheduled	Planned to present comments, group letter, and fairness arguments; appeal ready if CUP approved.	Hearing pending; appeal contingency prepared.

Exhibit D







## Exhibit E

### Public Comments – Ogden Valley Planning Commission

Prepared by: Christopher Cross  
Owner, New World Distillery, Inc.  
October 28, 2025

#### Full 3-Minute Version

Good evening Commissioners,

My name is Christopher Cross, and I own and operate New World Distillery, one of several small, lawful businesses at the end of the same cul-de-sac as the LineCo Laydown Yard.

For 17 months, this operator has conducted daily heavy construction-yard activity without a Conditional Use Permit, in direct violation of Weber County Code §108-4-3. During that entire period, enforcement has been paused, allowing the use to continue uninterrupted.

From a code-compliance standpoint:

- The applicant has operated unlawfully for 17 months—far beyond the one-year limit stated in the code.
- Allowing them to apply now creates a precedent where compliance is optional and delay is rewarded.
- Every additional day of operation is technically a separate violation under County Code.

From a real-world standpoint, the impacts are daily and ongoing:

- Dust pollution blanketing neighboring properties.
- Noise from heavy equipment early and late.
- Non-compliant lighting spilling onto adjacent lots.
- Truck congestion on a cul-de-sac never designed for industrial traffic.
- Runoff and erosion damaging adjacent properties.

These are not hypothetical impacts—they are documented, recurring conditions that have persisted for well over a year. Every neighboring business can confirm that the required standards for compatibility and mitigation have not been met.

I understand that this project may be considered large and important. But no project—large or small—should be above the law. Small businesses like mine go through every review, inspection, and permit requirement because that's what County code demands. When a larger operator is allowed to bypass the rules for more than a year, it sends a troubling message that enforcement is unequal—that the rules apply only to those without influence or size.

Over these 17 months, County responsiveness has been disappointing. Repeated complaints from nearby businesses have been met with silence or delay, showing little regard for those already complying with the law. This lack of accountability compounds the unfairness.

Commissioners, this isn't about opposing growth—it's about fair governance. If the County intends to maintain integrity in its code enforcement, the same standards must apply to everyone.

I urge you to deny this CUP, and direct staff to resume enforcement immediately and issue the long overdue Stop-Use Order. This action would restore fairness, accountability, and faith in Weber County's zoning process.

Thank you for your time and for the opportunity to speak.

# Exhibit G – GRAMA Response #25-2270 Summary and Analysis

**Filed:** November 5, 2025

**Submitted By:** Christopher Cross | New World Distillery, Inc. | P.O. Box 597, Eden, UT 84310

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## Summary of GRAMA Response #25-2270 (Weber County Planning Division)

**Date Received:** October 31, 2025

**Respondent:** Iris Hennon, Principal Code Enforcement Officer

**Requestor:** Christopher Cross

1. **Acknowledgment of Unpermitted Operation:**

Weber County acknowledges that the **LineCo Laydown Yard** operated for **more than 12 months without a Conditional Use Permit (CUP)** in the MV-1 zone.

2. **County Action and Policy Statement:**

The response states that the County contacted the property owner and tenant after being alerted by the complainant and then “paused enforcement” once the tenant agreed to apply for a CUP.

The letter cites a County “policy” to rectify violations through post-hoc applications instead of active enforcement.

3. **Protected Records Denial:**

Access to all related enforcement records was denied under **Utah Code § 63G-2-305(10)**, which allows withholding of records if release would interfere with ongoing enforcement.

4. **Current Status and Contradiction:**

The County confirms that CUP 2025-21 was approved on October 28, 2025 — meaning the enforcement case is no longer active, yet records remain withheld under the same “active case” exemption.

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## Analysis and Observations

- **Policy vs. Code Conflict:**

The County’s self-declared “rectify the problem” policy directly conflicts with **Weber County Code § 108-1-7**, which requires timely enforcement of ongoing violations and does not authorize retroactive CUP approval.

- **Protected Record Exemption No Longer Applies:**

Since the CUP was approved and the enforcement action concluded, there is no remaining proceeding to be “interfered with.” Continued withholding is no longer supported by law.

- **Admission of Unequal Enforcement:**

The letter admits the County acted only after a citizen complaint and then paused

enforcement for a large contractor. This reveals a pattern of preferential treatment inconsistent with the County's obligation to apply the Code equally to all operators

### **Addendum – Misstatement Regarding CUP Timing and Duration**

- The County's GRAMA response implies that a construction yard may operate for up to one year before requiring a Conditional Use Permit. This interpretation is **contrary to Weber County Land Use Code §§ 108-4-3 and 108-1-7**, which clearly require that all conditional uses—including contractor or construction yards—obtain a valid CUP **before** commencing operations. The "one-year" provision cited in County practice refers only to the **maximum duration of a temporary CUP once issued**, not a grace period for unpermitted activity. By suggesting otherwise, staff introduced a material error of law that effectively excuses 17 months of unlawful operation and undermines uniform enforcement within the MV-1 zone.
- **Cross-Reference:** See also **Exhibit A – Annotated Staff Report** (demonstrating staff's omission of violation history) and **Exhibit C – Complaint Timeline** (documenting 17 months of unpermitted operation and delayed enforcement).

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**Filed November 5, 2025**

**Christopher Cross** | New World Distillery, Inc.

*(Additional GRAMA correspondence and released materials will be appended to Exhibit G as they become available.)*

**NEW WORLD DISTILLERY, INC.**

P.O. Box 597  
Eden, Utah 84310

**APPEAL OF CONDITIONAL USE PERMIT**

**CUP 2025-21 – LINECO LAYDOWN YARD**

Ogden Valley Planning Commission Decision  
Dated: **October 28, 2025**

**Administrative Record Filing Supplement**

**Expectations Memorandum and Filed Email Copy**

**Submitted By:**

**Christopher Cross**

Owner, New World Distillery, Inc.

(801) 920-1110

Chris@NewWorldDistillery.com

**Filed with:**

Weber County Planning Division

Appeal Authority Clerk

2380 Washington Blvd.

Ogden, UT 84401



# Administrative Record Request – Filing Copy

**Appeal of CUP 2025-21 (LineCo Laydown Yard)**

**Filed: November 6, 2025**

**Submitted by:**

**Christopher Cross**

New World Distillery, Inc.

P.O. Box 597, Eden, UT 84310

(801) 920-1110 | Chris@NewWorldDistillery.com

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## I. Cover Email (Filed Copy)

**Subject:** Administrative Record – Appeal of CUP 2025-21 (LineCo Laydown Yard)

**Date:** November 6, 2025

**From:** Christopher Cross

**To:** mborchert@webercountyutah.gov

**CC:** Weber County Attorney – Civil Division

Dear Planning Staff and Appeal Authority Clerk,

Thank you again for confirming receipt of my appeal filing. To help make the next steps as efficient and straightforward as possible for everyone, I am sending the attached **Expectations Memorandum** outlining the materials that I understand will form the **complete administrative record** for CUP 2025-21.

My intent is **not** to create extra work or to overburden staff.

Quite the opposite — my goal is to be as **clear and complete up front** as possible so we don't end up in a back-and-forth later about missing components or follow-up record requests. This memo is simply meant to ensure that all departments are working from the same checklist and that the Record is certified accurately the first time.

Please let me know:

1. Who the primary **record custodian** will be; and
2. The anticipated **timeline** for assembling and certifying the Record.

If anything on the list needs clarification or adjustment, I'm happy to work collaboratively so the process runs smoothly.

Thank you very much for your time and cooperation.

Sincerely,  
**Christopher Cross**  
New World Distillery, Inc.  
P.O. Box 597 | Eden, UT 84310  
(801) 920-1110 | Chris@NewWorldDistillery.com

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## II. Expectations Memorandum

**Date:** November 6, 2025  
**To:** Appeal Authority Clerk, Weber County Planning Division  
(mborchert@webercountyutah.gov)

**Cc:** Weber County Attorney – Civil Division; Applicant  
**From:** Christopher Cross, Owner – New World Distillery, Inc.  
**Re:** Expectations for Preparation and Certification of the Administrative Record  
**Matter:** Appeal of CUP 2025-21 (1884 LineCo Laydown Yard) – Ogden Valley Planning Commission decision of October 28, 2025

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### Purpose

This memorandum confirms expectations for the **complete preparation and certification of the Administrative Record** (“Record”) for the above-referenced appeal, consistent with Utah LUDMA and Weber County procedure.

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## Requested Contents of the Administrative Record

### 1. Notices & Agendas

- Public notices, agenda postings, proof of posting/distribution for the Oct 28, 2025 meeting.

### 2. CUP Application & Submittals

- Applicant's CUP application and all submittals, including:
  - Plans, narrative, exhibits

- Slide decks, photos, diagrams, maps
- Traffic, dust, lighting, and access plans
- Any revisions or addenda

### **3. Staff Materials**

- Staff Report (final and any versions relied upon)
- Staff presentation slides
- Technical memoranda (traffic, dust/air, lighting, drainage, etc.)

### **4. Public Comments**

- All written comments submitted before or during the hearing
- Sign-in sheets or participation logs

### **5. Hearing Record**

- Complete audio/video recording
- Draft and approved minutes
- Final Findings and Conditions of Approval
- Motions, amendments, vote tally

### **6. Correspondence & Communications**

- Emails/letters between:
  - Planning
  - Code Enforcement
  - County Attorney's Office
  - Applicant/representatives
- Any communications relied upon by staff or Commissioners

### **7. Code Enforcement / Violation History**

- Complaints, notices, photos, field notes
- Communications regarding the **17-month unpermitted operation**
- Any internal rationale for enforcement pause

### **8. External Agencies**

- Communications with Rocky Mountain Power or other agencies referenced in staff recommendations.

### **9. Maps & Site Documentation**

- Parcel maps, zoning maps, aerials, staff site photos.

## **10. Policies, Guidance, Code References**

- Any written policies or internal guidance regarding “temporary” contractor yards, one-year durations, or post-hoc compliance practices.

## **11. Ex Parte Disclosures**

- Any ex parte communications, if present.

## **12. Post-Decision Documents**

- Signed approval letter
- Conditions
- Any immediate follow-up instructions or compliance communications

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# **Certification & Production Standards**

- **Bates numbering** of all record pages
  - **OCR searchable PDFs**
  - **Index** listing all Record components
  - **Privilege log** if anything is withheld
  - **Rolling production** permitted
  - Provide original **audio/video** files
-

## Next Steps Requested

Please confirm:

1. The assigned **record custodian**;
2. The anticipated **certification date**; and
3. Any remaining procedural steps or required fees.

Thank you for your cooperation.

**Sincerely,**

**Christopher Cross**

New World Distillery, Inc.

P.O. Box 597

Eden, UT 84310

(801) 920-1110

Chris@NewWorldDistillery.com



## 1884 LineCo Conditional Use Permit



A request for approval of a Laydown Yard



## 1884 LineCo Conditional Use Permit



# Conditional Use Review



## PROPOSAL

- **CONDITIONAL USE PERMIT FOR A TEMPORARY LAYDOWN YARD**
- **MANUFACTURING VALLEY (MV-1)**
- **STAGING AREA FOR POWER POLE REPLACEMENT IN THE OGDEN VALLEY**
- **2.27 ACRES**
- **ADDITIONAL 16 MONTHS**

# Conditional Use Review



## Standards:

1. Safety for person and property
2. Standard related to infrastructure, amenities, and services
3. Standards related to the environment
4. Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.
5. Standards related to performance  
Standards generally
7. Voluntary contributions providing satisfactory compliance with applicable standards

## Design Review



### Considerations:

- (a) Related to traffic safety and traffic congestion
- (b) Outdoor Advertising
- (c) Landscaping
- (d) Building and site layout
- (e) Utility, easements, drainage, and other engineering questions
- (f) Prior development concept plan approval associated with any rezoning agreement...

## Staff Recommendation



### Approval with the following conditions:

- 1) The traffic shall abide by the Storm Water Pollution Prevention requirements.
- 2) The site shall be kept and maintained for safety and good visual appearance
- 3) The site and the streets within the cul-de-sac shall be watered to mitigate dust.
- 4) Street sweeping shall take place on a daily basis.
- 5) All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.



## Exhibit D – Planning Commission Report

See following Pages.



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** File Number CUP 2025-21 - A request for approval of a conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan.

**Agenda Date:** Tuesday, October 28, 2025

**Applicant:** Victoria Garcia, Representative

#### Property Information

**Approximate Address:** 4785 E 2600 N and 4775 E 2600 N Eden UT, 84317

**Project Area:** 2.27 acres

**Zoning:** Manufacturing MV-1

**Existing Land Use:** Vacant

**Proposed Land Use:** Temporary Laydown Yard

**Parcel ID:** 22-159-005, 22-159-0006

**Township, Range, Section:** T7N, R1E, Section 34

#### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Residential

#### Staff Information

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

**Report Reviewer:** TA

### Applicable Ordinances

- Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Title 104 Chapter 21 (MV-1 Zone)
- Title 108 Chapter 1 (Design Review)
- Title 108 Chapter 4 (Conditional Uses)
- Title 108 Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulation)

### Summary and Background

The applicant requests approval of a conditional use permit for a temporary lay down yard of material and equipment related to the replacement of Rocky Mountain Power Infrastructure in Eden. The 1884 LineCo is leasing the private property for this purpose. No structures are built for this purpose. Considering that the use is still underway and the applicant has exceeded the one-year time frame, the Weber County Code Enforcement requires that a conditional use permit be obtained to allow for site operations for the remaining time needed to complete the work. The estimated completion date is September 2026.

This operation is permitted in the MV-1 zone within the 12 month time allotment. This proposal has been in operation for more than 12 months and is anticipated to operate for an additional 16 months, thereby requiring a conditional use permit.

### Analysis

**General Plan:** This operation is listed as a permitted in the MV-1 zone. With a conditional use permit, this operation may continue and is not contrary to the goals of the General Plan.

**Zoning:** The purpose and intent of the MV-1 Zone can be further described in LUC §104-21-1 (a) as follows:

*The purpose of the Manufacturing (MV-1) Zone, is to provide a light manufacturing zone in areas of the Ogden Valley Planning Area that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.*

**Conditional Use Review:** A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects.

The following is an analysis of the proposal reviewed against the conditional use standards:

- 1) Standards relating to safety for persons and property.

*The primary impacts are likely to occur for properties along the street route, within the adjacent commercial zone to the east, and within public right-of-way in the various project areas within Eden. Mitigation measures for dust within the property and within the cul de sac will be mitigated by watering trucks and regular street sweeping.*

- 2) Standards relating to infrastructure, amenities, and services.

*The primary impacts will take place within the street infrastructure. It is anticipated that other impacts to amenities and services are nominal.*

- 3) Standards relating to the environment.

*The proposal will not negatively impact the environment.*

- 4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.

*The proposal is not anticipated to substantially impact the surrounding area. With the establishment of appropriate conditions as determined by the Planning Commission, this operation is not anticipated to negatively impact the surrounding areas or be at odds with any of the goals and policies of the General Plan.*

- 5) Standards relating to performance

*The 1884 LineCo operator is contracted to do work for Rocky Mountain Power who also bears some responsibility to ensure that the infrastructure is installed to their specifications. The County Zoning Enforcement, Engineering, and Planning Division are responsible to conduct regular inspections to ensure public safety and mitigation measures from this conditional use permit.*

- 6) Standards generally

*The owner is responsible for keeping the operation free of nuisances such as noise, light, and traffic issues. The planning staff's conditions of approval will serve to mitigate potential issues.*

- 7) Voluntary contributions providing satisfactory compliance with applicable standards

*If the planning commission identifies issues not covered in this report, the applicant can volunteer solutions.*

**Parking and Loading Space, Vehicle Traffic and Access Regulations:** The employee parking and construction vehicles will park within the designated parking area within the bounds of the property. Signage to remind drivers to reduce their speeds, driver training, and the use of telematics in the construction vehicles are utilized to avoid traffic violations.

**Design Review:** In addition to the conditional use review, a design review is required to address applicable considerations listed in the section 108-1-4 below:

- (a) Considerations relating to traffic safety and traffic congestion.

*The asphalt public street from which this property fronts is currently a public cul de sac that is built and operational, with a radius that measures 45 feet, and which is compliant with the minimum county standards. All of the traffic for this use will enter and exit at the same location on 2600 North Street.*

- (b) Considerations relating to outdoor advertising.

*Business signage will not be used for this proposal.*

- (c) Considerations relating to landscaping.

*The temporary nature of the use does not require landscaping or the irrigation of landscaping.*

- (d) Considerations relating to buildings and site layout.

*The property is surrounded by a six-foot fence that has an entry gate through which all vehicles enter. The Entire site is under 24 video surveillance. The property is vacant of permanent structures.*

- (e) Considerations relating to utility easements, drainage, and other engineering questions.

*The engineering division has no concerns with this proposal and requires the road is kept clean of any debris. The Weber Fire District requires that fire extinguishers shall be installed in the office building. Fire access shall be maintained to the office or other structures located on the property.*

- (f) Considerations relating to prior development concept plan approval associated with any rezoning agreement planned commercial or manufacturing rezoning, or planned residential unit development approval.

*There are no prior development approvals or rezoning development agreements that apply to the subject property.*

## **Staff Recommendation**

Staff recommends approval of this conditional use permit application, subject to the applicant meeting the following conditions of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission.

Planning conditions of approval:

- 1) The traffic shall abide by the Storm Water Pollution Prevention requirements.
- 2) The site shall be kept and maintained for safety and good visual appearance
- 3) The site and the streets within the cul-de-sac shall be watered to mitigate dust.
- 4) Street sweeping shall take place on a daily basis.
- 5) All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.

The following findings are the basis for the staff's recommendation:

- 1) The proposed use is allowed in the MV-1 Zone and meets the appropriate site development standards.
- 2) The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

## Exhibits

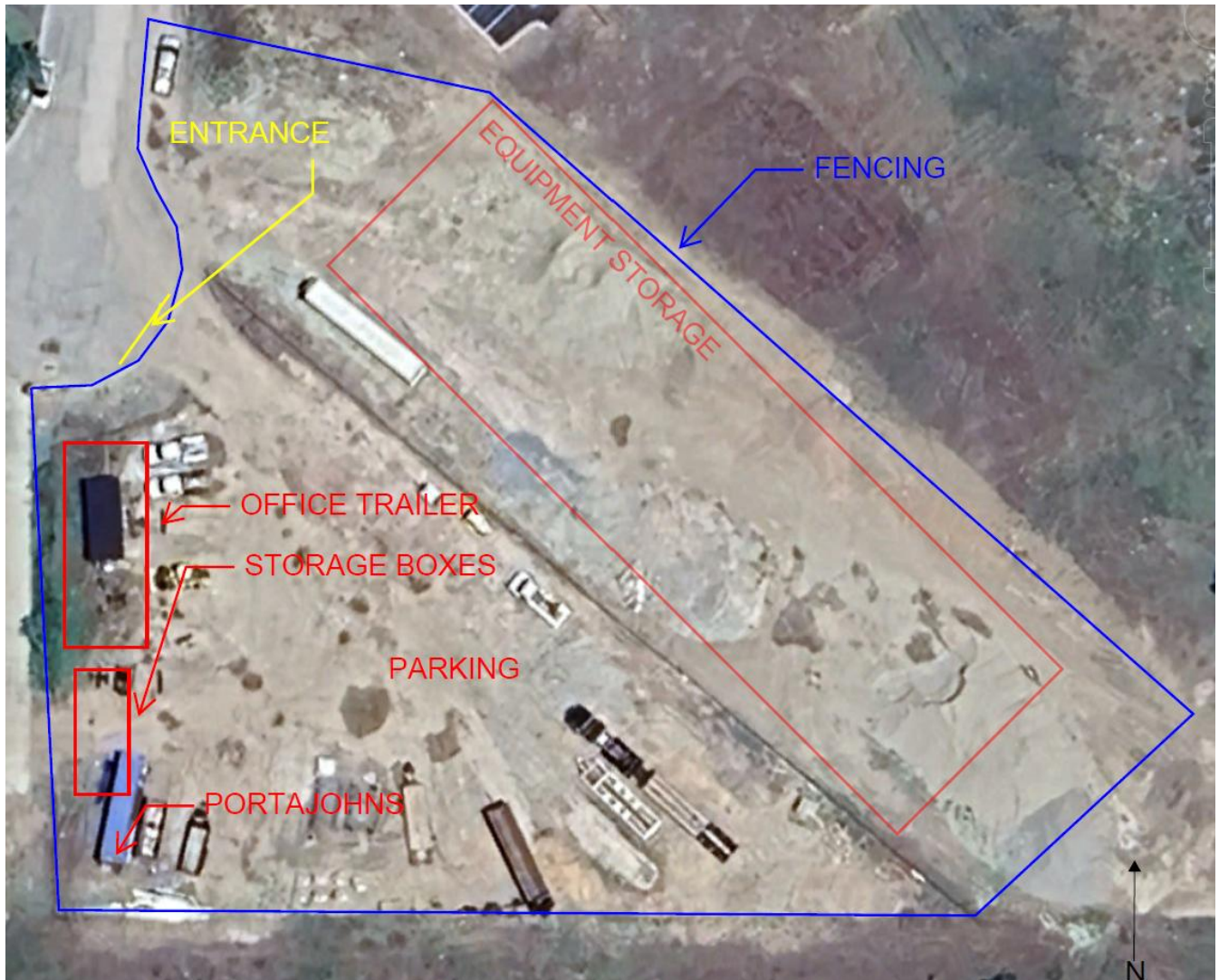
- A. Site plan
- B. Narrative

## Map 1





## Exhibit A





## **EDEN LAYDOWN YARD NARRATIVE**

*Summary:* 1884 Line Co has been contracted by Rocky Mountain Power to work on their Wildfire Mitigation Plan in the Eden area. This work consists of undergrounding portions of the electrical infrastructure in the area as well as removing and replacing power poles. To support this work, 1884 Line Co. has leased a privately owned property to serve as a temporary construction laydown yard. This laydown yard will be housing a mobile office trailer, construction equipment, wooden and steel poles, and other electrical equipment.

*Security Measures:* We have installed chain link fencing along the perimeter of the yard as well as a locking chain link gate at the entrance of the yard. Additionally, we utilize cameras and a Stallion Security Station on the premises to remotely monitor and document activity.

*Community Impact:* We understand that we will be working near other businesses and residents. We will continue to train our employees on being good neighbors to keep our impact to a minimum. Signage reminding drivers to reduce their speed have been placed along the street leading to the yard and telematics have been installed on all company vehicles so that any employee caught speeding will be trained/reprimanded. Dust control concerns have also been raised by the community so we will increase our frequency of watering and track out pads have been installed to keep the street free of excess dust and aggregate materials. We hope to actively engage with our neighbors to resolve any issues that may arise.

*Operating Hours and Activity:* Our yard will be in operation from 5:30 AM – 7 PM. No loud noise producing activities will take place between before 7 AM. We anticipate having about 5 employees to be on site at all times but as our drivers and craft employees enter to retrieve and drop off equipment, there will be increased traffic entering and exiting the property.

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for October 28, 2025. Pre-meeting – 4:30 p.m./ Regular Meeting commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Jeff Barber (Vice Chair), Jeff Burton, Bryce Froerer, Heidi H. Gross, and James (Jim) Morgan.

**Excused:** Janet Wampler (Chair), and Commissioner Laura Warburton

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Vice Chair Barber conducted roll call indicated Chair Wampler and Commissioner Warburton were xcused; all other Commissioners were present.

### **1. Training: Public Clamor – Courtlan Erickson**

Legal Counsel Erickson provided training for the Planning Commission on the topic of public clamor and how it applies to decision-making. He explained that public clamor generally refers to public opinion and sentiment not tied to specific facts. Using a series of case examples, Mr. Erickson clarified the distinction between how public clamor can be considered in legislative versus administrative decisions. For legislative items (like rezones or development agreements), the Commission can properly consider public opinion as part of their decision-making process. However, for administrative items (like conditional use permits or subdivisions), decisions must be based solely on whether the application meets the requirements in the existing code. In these cases, public comments should only be considered if they relate directly to compliance with specific ordinance criteria. Mr. Erickson emphasized the importance of basing administrative decisions on substantial evidence in the record rather than on generalized concerns or opinions from the public. He advised that detailed findings are crucial when making administrative decisions to demonstrate that the Commission based its decision on the correct criteria.

### **2. Minutes: July 22, 2025, August 5, 2026, and August 26, 2025.**

Vice Chair Barber introduced the minutes of July 22, August 5, and August 26, 2025 and asked if any member of the Commission had any suggested edits. He noted Chair Wampler has submitted some corrections to the minutes, and he asked for a motion to approve with those corrections.

Commissioner Morgan moved to approve the minutes as amended. Commissioner Froerer seconded the motion. All voted in favor.

### **3. Administrative items:**

**3.1 CUP 2025-22: Request for approval of a conditional use permit for a public utility substation located at approximately 3980 N 3500 E, Liberty, UT, Applicant proposes to construct infiltration basins for treated wastewater. Treatment will occur off-site, on property located near Nordic Village, and transferred to this proposed site for infiltration. Applicant: Nathan Shel/Enberg; Staff Presenter: Tammy Aydelotte.**

Nathan Shellenberg, an engineer specializing in wastewater treatment, presented the application for Nordic's wastewater treatment infrastructure. He explained that Ogden Valley is designated as a Category 1 area by water quality regulators, which prohibits surface water discharge and significantly limits reuse options. The application proposed infiltration basins as the best available solution for disposing of treated wastewater. Mr. Shellenberg detailed that the facility would include three basins designed to be 30 times larger than technically necessary, allowing for rotation between basins and maintenance. He noted that the water would be treated to better than drinking water standards before reaching the basins. The basins would typically appear dry but would occasionally hold water up to two to three feet deep.



Mr. Shellenberg engaged in a discussion with the Commission about the facility's treated wastewater disposal. He highlighted that the wastewater treatment plant would integrate three infiltration basins, which are intentionally designed to be 30 times larger than technically required. This expanded capacity allows for the rotation of the basins, thereby enhancing their usage efficiency and facilitating necessary maintenance. Commissioners inquired further about future reuse possibilities, to which Mr. Shellenberg explained that current State regulations obstruct treated water usage for snowmaking, despite the high quality of treatment exceeding even drinking water standards.

Planner Aydelotte outlined the County's review process for public utility substations, confirming that the application met all conditional use standards. She noted that staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements, and is based on the following findings:

1. The proposed use is allowed in the AV-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioners sought clarification on certain design standards, fencing/screening exemptions, and how the applicant would manage issues like noise and traffic.

Commissioner Froerer moved to approve CUP 2025-22, a conditional use permit for a public utility substation located at approximately 3980 N 3500 E, Liberty, UT, based on the findings listed in the staff report, and the additional condition of approval that appropriate fencing be installed around the facility to prevent unauthorized access. Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.2 CUP 2025-19: Request for approval of a conditional use permit for a bed and breakfast dwelling, located at 2978 N 3500 E, Eden, UT, 84310. Applicant: Adam Madetzke; Staff Presenter: Tammy Aydelotte**

Adam Madetzke presented his application for a bed and breakfast dwelling at his home across from Nordic Valley Ski Resort. He explained that his five-bedroom residence would use two vacant bedrooms as guest rooms. Mr. Madetzke described having ample parking on his property, including spaces by the garage, a horseshoe driveway, and additional areas near a pole barn.

Planner Aydelotte explained that the application met all requirements for a bed and breakfast dwelling, which is a conditional use in the FV3 zone. She noted that the applicant would need to provide hard-surface parking rather than the gravel surfaces initially proposed. She confirmed that the septic system was already sized appropriately for a five-bedroom home, and the Health Department foresaw minimal additional impact. She concluded staff recommends approval of this conditional use application, as the applicant has shown compliance to necessary standards and requirements. This recommendation for approval is subject to the applicant meeting the conditions of approval listed in the staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

1. A business license is obtained prior to opening to the public.
2. No visitor parking allowed on the public right-of-way (3500 East Street) or within the front yard setback area.

The following findings are the basis for the Planning Division recommendation:

1. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Vice Chair Barber asked if the applicant will be able to secure a permit before completing the required hard surface parking improvements, to which Ms. Aydelotte answered no; the applicant will need to apply for a business license as well and neither the CUP nor the business license will be issued until the parking improvements are completed.

There was brief discussion about the area of the property that is part of the front yard setback, after which Vice Chair Barber called for a motion.

Commissioner Froerer moved to approve CUP 2025-19, a conditional use permit for a bed and breakfast dwelling, located at 2978 N. 3500 E., Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report, and with the additional

requirement that parking for guests be hard-surface with concrete or asphalt and meet the appropriate setbacks as required by Weber County. Commissioner Morgan seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.3 DR 2025-15: Request for approval of a design review application for a residential accessory structure that is proposed to be more than twice the footprint of the existing residence. Per Weber County LUC 108-7-16(c) "Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review." Located at approximately 7704 E 500 N, Huntsville, UT, 84317. Applicant: Paul Jeppsen; Staff Presenter: Tammy Aydelotte**

Paul Jeppsen presented his request to build a pole barn on his property at 7704 East 500 North in Huntsville. He explained that he needed the 64-foot by 80-foot structure to store equipment. The barn would be significantly larger than his existing home, which triggered the design review requirement. Mr. Jeppsen mentioned plans to eventually expand his home and to remove an existing garage on the property.

Brief discussion between the applicant and the Commission centered on the timing of the removal of the existing barn/garage structure, as well as the footprint and size of the structure.

Commissioner Burton noted that he lives near the subject property and knows the applicant personally, but he does not believe that relationship will prevent him from making a fair decision on this application.

Planner Aydelotte provided staff's analysis of the application, noting that the accessory structure meets all setback requirements, being positioned over 400 feet from the front lot line. She noted that due to the distance from the road, the structure was exempt from architectural requirements despite its size. She concluded staff recommends approval of this design review application to enable construction of a residential accessory structure, which proposed uses do not conflict with zoning ordinance, based upon all review agency requirements and the following findings:

- The proposed use is allowed in the AV-3 Zone
- All development standards have been met - proposed building does not exceed maximum height of 25', and site plan shows compliance with all minimum setbacks for a large accessory structure in the AV-3 Zone.
- With any imposed conditions, the proposed building does not impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

Alternatively, if the commission determines that additional review information is needed for adequate consideration, the commission could vote to table the application until such material is furnished for further review.

Commissioner Gross asked if the applicant would connect water and sewer to the accessory structure. Ms. Aydelotte clarified that water and sewer connections are not required at the design review stage of a residential use application. The applicant is welcome to include those improvements at the site plan stage of the project.

Commissioner Morgan moved to approve CUP DR 2025-15, a design review application for a residential accessory structure that is proposed to be more than twice the footprint of the existing residence. Per Weber County LUC 108-7-16(c) "Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review." Located at approximately 7704 E 500 N, Huntsville, UT, 84317. Motion is based on the findings listed in the staff report. Commissioner Froerer seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.4 CUP 2025-20: A request for conditional use approval to expand the infrastructure and footprint of a public utility substation site. This proposal includes replacement of existing transformers, improving wildfire mitigation standards, and increasing overall reliability through upgrades to the existing site. Located at approximately 5700 E 2100 N, Eden, UT, 84310. Applicant: Utah Power and Light/Rock Mountain Power; Staff Presenter: Tammy Aydelotte**

Richard Bardauskas from Rocky Mountain Power (RMP) presented the request to expand RMPs existing substation fence to accommodate larger transformers and additional control equipment. He explained that the expansion was needed to improve wildfire mitigation standards and to meet growth demands in the Ogden area.

Commissioners asked about the timeline for the expansion, with the applicant explaining that the first transformer would be installed in 2027 and the second in 2028-2029, with the expanded capacity serving future development growth. Vice Chair Barber also asked how long into the future the larger substation will be able to meet power demands in the area. Mr. Bardauskas stated that he anticipates the substation being sufficient for the long term, but that will ultimately be dependent upon growth in the area. Vice Chair Barber asked about the noise generated by the larger substation. Mr. Bardauskas stated it will be no more than what is generated at the current facility.

Tammy Aydelotte explained the existing project area footprint is approximately 11,000 square feet. The proposal includes expansion of the project area by approximately 785 square feet. This expansion is required to replace the existing transformers with larger transformers to accommodate the growth in the area. The substation expansion will also allow for the substation to be updated to improve wildfire mitigation standards and provide overall reliability upgrades to the substation. She provided staff's analysis of the application to determine conformance with the General Plan, zoning standards, and conditional use review standards. She concluded staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements, and is based on the following findings:

- The proposed use is allowed in the AV-3 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Froerer asked about fencing improvements associated with the expansion. Ms. Aydelotte stated public utility stations are exempt from the County's fencing requirements, but she understands that the applicant plans to move the existing fence to accommodate the expansion.

The Commission, Ms. Aydelotte, and Mr. Bardauskas reviewed the site plan to gain an understanding of the properties to be impacted by the expansion, all of which are currently owned by RMP.

Vice Chair invited public input regarding the application. There were no persons appearing to be heard.

Commissioner Froerer moved to approve CUP 2025-20, conditional use approval to expand the infrastructure and footprint of a public utility substation site. This proposal includes replacement of existing transformers, improving wildfire mitigation standards, and increasing overall reliability through upgrades to the existing site. Located at approximately 5700 E 2100 N, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Froerer seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.5. DR 2025-10: Request for design review approval for self-storage units located at 4690 E 2650 N, Eden, UT, 84310 in the CV-2 Zone. This is an allowed use per a Zoning Development Agreement recorded 12/15/2020 (see entry# 3110220). Applicant: Jeff Allan; Staff Presenter: Tammy Aydelotte**

Lance Anderson presented the request for design review approval for a self-storage facility at 4690 East 2650 North in Eden. He explained that the project had previously received design review approval, but it had expired. The current application included minor adjustments to the building colors (changing from brown, tan, and red to white with black accents) and modifications to the site entrance due to access constraints.

Commissioners and Mr. Anderson engaged in a discussion about the proposed changes to the self-storage facility, specifically focusing on the building colors. The Commissioner expressed concern that shifting from the originally approved color scheme of brown, tan, and red to white with black accents would make the buildings more visually prominent and stand out in the surrounding environment. Mr. Anderson explained that the color change was intended to better reflect agricultural design elements, and that the shift was made to align with other examples of nearby agricultural buildings.

Tammy Aydelotte explained the proposed development is subject to a previously approved development agreement that required muted earth tones for building colors. She noted that the applicant's proposed white and black color scheme might not comply with this requirement. She presented images of building elevations approved by the County Commission; the elevations are intended to give a barn appearance, with materials generally used on barns. She also explained that the development agreement required several infrastructure improvements, including potential participation in intersection improvements at Highway 162 and Clark Lane. She then summarized development standards for the site, per the recorded development agreement. She concluded Planning staff recommends approval of file# DR 2025-14, subject to all review agency requirements and the following conditions:

1. All exterior lighting, must comply, with the Outdoor Lighting requirements, as outlined in LUC§ 108-16, and will be verified at occupancy.
2. All proposed signage will be reviewed when a detailed signage plan is submitted for request of a land use permit. If no signage is proposed, then the developer needs to indicate this on the building permit application.
3. Development of this site shall conform to the recorded development agreement.
4. A perpetual maintenance agreement shall be recorded prior to c/o of the structure(s).
5. A business license shall be obtained prior to c/o of the structure(s).
6. The developer will provide a financial guarantee for all improvements including site and trail paving, landscaping, and fencing.

The recommendation for approval is based on the following findings:

1. The proposal complies with applicable County codes.
2. The proposed project conforms to the Ogden Valley General Plan.

Ongoing high-level discussion among the Commission, Ms. Aydelotte, and Mr. Anderson centered on his proposed design/color palette adjustments; responsive to the Commission's concerns, Mr. Anderson indicated willingness to revert to a color palette more in keeping with the development agreement's stipulation for muted earth tones.

Vice Chair Barber invited public input regarding the application. There were no persons appearing to be heard.

Commissioner Froerer moved to approve DR 2025-10, self-storage units located at 4690 E 2650 N, Eden, UT, 84310 in the CV-2 Zone. This is an allowed use per a Zoning Development Agreement recorded 12/15/2020 (see entry# 3110220), based on the findings and subject to the conditions listed in the staff report, and the following additional conditions:

1. That the buildings use muted earth tones as required in the development agreement; and
2. A requirement for future considerations for adding curb and gutter to the adjacent parcel where the driveway will enter and to any required roadwork coming off of Highway 160.

Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

**3.6 UVN102425: A request from Nordic Village Venture for preliminary subdivision approval of Nordic Village Phase 3 Subdivision, an 80-lot subdivision located in the Form-Based (FB) Zone at approximately 2600 Nordic Valley Way, Eden, UT, 84310. Applicant: Ryan Christofferson; Staff Presenter: Tammy Aydelotte**

Ryan Christofferson presented the request for preliminary subdivision approval for Nordic Village Phase Three, an 80-lot subdivision with a mix of detached and attached single-family chalet-style homes. He showed how the development included a 100-foot buffer between existing neighbors and the new development, as well as trail corridors and a clubhouse.

Responsive to questions from Vice Chair Barber, an additional applicant's representative, Eric Langvardt, identified private alleyways, parking spaces, and snow storage areas incorporated into the development.

Planner Aydelotte summarized staff's analysis of the application to determine conformance with the General Plan, zoning regulations, infrastructure improvements, and protection of sensitive lands in the area. She also noted that the snow storage and parking areas will be reviewed by County Engineering and the Fire Marshall when engineering plans for the project are submitted. Additionally, staff will pay very close attention to the density of the project as it proceeds. She concluded staff recommends preliminary approval of Nordic Village Phase 3 Subdivision, consisting of 80 lots, located at approximately 3567 Nordic Valley Way, in the Form-Based (FB) Zone. This recommendation for approval is subject to all applicable review agency requirements, and is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with all previous approvals and the applicable County ordinances.

Discussion among the Commission and Mr. Christofferson arose regarding snow removal responsibilities, particularly for public roads within the development. The Commission discovered that the original development agreement allowed the HOA to supplement county snow removal services but did not require them to fully maintain public roads.

Vice Chair Barber invited public input.

Ron Gleason, Sunrise Drive in Eden, asked if the roads and alleyways in the project will be public or private and who will maintain them and perform snow removal.

Mr. Christofferson stated the main road is public, while all the alleyways will be private. The Homeowner's Association (HOA) will be responsible for snow removal and maintenance of the private roads, but the public road is maintained as per County regulations. Further discussion among the Commission and Ms. Aydelotte highlighted that the development agreement permits the HOA to remove snow from the public streets, but does not require them to fully maintain it, allowing the County to continue its standard maintenance services.

Commissioner Froerer moved to approve UVN102425, preliminary subdivision approval of Nordic Village Phase 3 Subdivision, an 80-lot subdivision located in the Form-Based (FB) Zone at approximately 2600 Nordic Valley Way, Eden, UT, 84310, based on the findings and subject to the Conditions listed in the staff report, and the additional condition that staff confirm that the HOA will maintain and perform snow removal on the public and private roads.

Vice Chair Barber inquired as to the definition of the term 'maintain' as part of Commissioner Froerer's motion. Commissioner Froerer stated that he would rely upon the definition of the term in the development agreement. Vice Chair Barber suggested that the motion language be amended to state 'totally maintain'. Commissioner Froerer accepted that adjustment.

Commissioner Morgan seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

The Commission initially approved the subdivision with a condition requiring the HOA to fully maintain all roads but later reconsidered this motion after reviewing the specific language in the development agreement.

At a later point in the meeting, Planning Director Grover requested that the Commission revisit agenda item 3.6; he noted that Legal Counsel Erickson has reviewed the development agreement for the project and could not find a requirement for public street maintenance. Mr. Erickson suggested a motion to reconsider the action taken, and then reopen the discussion to address the condition of approval pertaining to maintenance of the public streets. Ms. Aydelotte referenced the snow removal terms included in the original development agreement approved in March of 2023; the agreement grants the project's HOA or management company the right to plow public streets within the project as well as those leading to it. The master developer comprehends that additional snow removal services from the County may not surpass the existing area's standard service levels. The HOA is responsible for snow removal of public parking and all hard-surfaced pedestrian corridors, although the County may opt to perform these services at its discretion. However, the issue of road maintenance still remains. The idea was that the HOA would supplement County efforts rather than take over full road maintenance. The original motion included a requirement for the HOA to assume full road maintenance responsibilities, both for private and public roads, and staff suggested that requirement be adjusted in a motion to reconsider.

Commissioner Burton moved to reconsider approval of UVN102425, preliminary subdivision approval of Nordic Village Phase 3 Subdivision, an 80-lot subdivision located in the Form-Based (FB) Zone at approximately 2600 Nordic Valley Way, Eden, UT, 84310. Commissioner Morgan seconded the motion; all present voted in favor.

After reconsideration, Commissioner Burton moved to amend the previous motion to remove the requirement that the developer maintain public streets and plow public streets, based on the finding that such a requirement would be inconsistent with the development agreement. The motion stated that the development should follow the precise language in paragraph 9.1.3 of the development agreement recorded as entry number 3276351 on page 1 of book 42 in the office of the Weber County Recorder on March 14, 2023. Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.



**3.7 CUP 2025-21: A request for approval of a conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan. Applicant: Victoria Garcia; Staff Presenter: Felix Lleverino**

Victoria Garcia, representative from 1884 LineCo., presented their request for a conditional use permit for a laydown yard supporting Rocky Mountain Power's wildfire mitigation plan. The work involves undergrounding existing distribution lines in Eden and Liberty, as well as replacing wooden poles with steel poles. Ms. Garcia explained that the yard contains materials, stores equipment, and includes a temporary office to support their crews. The applicant described their security measures, including a six-foot chain-link fence with gate and 24/7 surveillance. She explained that the yard operates daily from 5:30 am to 7:00 pm, with activities before 7:00 am limited to minimize noise disturbances. Approximately five employees work on-site daily, with additional traffic as workers arrive to pick up materials. For dust control, they water the yard regularly and use street sweeps.

Planner Lleverino explained that operation is permitted in the MV-1 zone within the 12-month time allotment. This proposal has been in operation for more than 12 months and is anticipated to operate for an additional 16 months, thereby requiring a conditional use permit. He summarized staff's analysis of the application to determine conformance with the General Plan, zoning regulations, conditional use standards, parking and loading space and vehicle traffic and access regulations, and design review considerations. He concluded staff recommends approval of this conditional use permit application, subject to the applicant meeting the following conditions of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission:

1. The traffic shall abide by the Storm Water Pollution Prevention requirements.
2. The site shall be kept and maintained for safety and good visual appearance
3. The site and the streets within the cul-de-sac shall be watered to mitigate dust.
4. Street sweeping shall take place on a daily basis.
5. All vehicles shall obey the speed limit and shall park within the designated area specified on the site plan.

The following findings are the basis for the staff's recommendation:

1. The proposed use is allowed in the MV-1 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Burton asked if there had been any reported conflicts between the school's students and the heavy equipment associated with the laydown yard on the site. Mr. Lleverino responded that he was not aware of any such issues and that this was a fresh application.

Vice Chair Barber invited public input.

Ron Gleason requested that the facility comply with the County's lighting ordinance, noting issues with unshielded lighting and a bright blue flashing security light visible from three miles away. He emphasized that the temporary building's lighting should abide by the ordinance, which covers all zones and prevents unshielded and non-compliant lighting. He also highlighted the light curfew and restrictions on flashing lights, advocating for the removal of such violations to align the site with the established regulations.

Christopher Cross, 4795 E. 2600 N., Eden, stated he owns a neighboring business – Louisville Distillery – and he expressed concerns that the operator had been conducting activities without a permit for 17 months, with impacts including dust pollution, noise from heavy equipment, non-compliant lighting, and truck congestion. He noted that allowing the applicant to apply for the CUP now will set a precedent that compliance is optional and delayed action is rewarded. Every additional day of non-permitted operation at the site is a separate violation per County Code. The impacts and nuisances are factual and documented and no business should be considered to be above the law. He urged the Commission to deny the application and issue a stop-use order.

There were no additional persons appearing to be heard.

Vice Chair Barber stated his observation is that it is not the Commission's role to get involved in code enforcement. He observed that, while enforcement might seem lacking in some visible areas, it is consistent with the commission's responsibilities to proceed according to the guidelines and instructions provided by staff. He acknowledged that there were certain areas where code

compliance is visually noticeable, but enforcement of those areas falls under a different jurisdiction than the Planning Commission. This led to high level discussion among the Commission regarding Mr. Cross's complaints about lighting issues on the site; Mr. Lleverino indicated that tying compliance with the lighting ordinance to the new conditional use permit was well within their authority. Legal Counsel Erickson agreed.

Commissioner Burton moved to approve CUP 2025-21 conditional use permit for a laydown yard situated on a property within the MV-1 Zone. The laydown yard is used by 1884 LineCo for Rocky Mountain Power Work on the Eden Wildfire Mitigation Plan, and the motion is based on the findings and subject to the conditions listed in the staff report, and the additional condition that the use comply at all times with the lighting ordinance in place for the County. Commissioner Gross seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, and Vice Chair Barber voted aye. (Motion carried on a vote of 5-0). Commissioner Warburton and Chair Wampler were not present when this vote was taken.

#### **4. Public Comment for Items not on the Agenda:**

Jim Berg, 1052 Little Mountain Lane in Eden, spoke about trust and public service in Ogden Valley. He expressed concerns that Weber County's land use decisions were being made for developers rather than residents, despite the 2016 Ogden Valley General Plan calling for limited, village-centered growth. He noted that two-thirds of Ogden Valley voters approved incorporation, reflecting frustration with County governance. Mr. Berg urged the county to pause further development agreements and form-based zoning to ensure a fair handoff to the new city.

#### **5. Remarks from Planning Commissioners:**

There were no additional remarks from Planning Commissioners.

#### **6. Planning Director Report:**

Planning Director Rick Grover defended the County's Code Enforcement efforts, noting that the County has only two code enforcement officers covering a vast area. He expressed appreciation for their hard work and dedication. Vice Chair Barber noted that it is his opinion that Code Enforcement staff should not have missed an unapproved industrial storage yard being operated at Powder Mountain.

There was high level discussion among the Commission and Mr. Grover about the significant area that is covered by Code Enforcement staff with limited resources, such as one vehicle shared by two officers.

#### **7. Remarks from Legal Counsel**

Legal Counsel Erickson complimented the Commission on the manner in which they handled tonight's meeting.

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

*Cassie Brown*

Weber County Planning Commission