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Mike, Dana, Paul

Weber County

Weber County Planning Division
http://www.co.weber.ut.us/mediawiki/index.php/Planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

September 8, 2015

Avon Rock-Pine Ridge Rock Products
C/o Dan Lockwood
PO Box 1108
4776 E 2600 N
Eden, UT 84310

Rec'd email
9/8/2015

Dear Sir,

This letter is intended to provide, as a courtesy, formal written notice of an impending permit revocation for the Conditional Use Permit # CU INDX21-2011 issued by the Weber County Planning Division on July 13, 2011. This permit was issued after receiving approval from the Ogden Valley Planning Commission on February 22, 2011 for application # CUP 2011-02. The purpose of the application was "Surface Boulder Collection" on Parcel# 23-044-0007. The subsequent reviews and approvals for this conditional use permit were based on the following criteria outlined in the application and summarized in the Planning Commission Staff Report:

- The purpose of the operations is to improve grazing on the ranch by removing surface boulders from the property to improve vegetation production.
- The proposal does not include a rock crusher or stockpiling of materials.
- The proposal does not include parking, buildings, landscaping or signage.
- If rocks below the surface are being excavated, an excavation permit is required.
- The proposal will provide material to the local community and reduce traffic going up the Canyon.
- This is a small company, with one dump truck.

The proposal was approved based on the following conditions:

- The boulders may be removed from the property only on Monday through Friday between 7:00 am and 6:00 pm. No work is to take place on weekends or outside of the prescribed hours.
- A Storm Water Pollution Prevention Plan (SWPPP) and an escrow for restoration of the site must be submitted.
- The current stockpile site at the base of Avon Divide must be cleared and restored by March 29, 2011. The restoration includes repair of the County road at the entrance to the site.
- A restoration plan for the upper site must be submitted to the Planning Division.
- A new lease agreement with the property owner must be signed and provided to staff prior to issuance of a Conditional Use Permit.

The Weber County Planning Division has received numerous complaints based on the operations centered around this conditional use permit and has performed a thorough investigation including multiple site visits and found multiple violations of the initial proposal and conditions of approval. The existing violations are derived from the criteria and conditions of approval for this conditional use permit and include:

- Mass grading, mining and rock excavation is taking place without the proper permits from Weber County.
- Stockpiling of material onsite.
- Signage has been placed at the entrance to the site without receiving the proper permits from Weber County.
- A minimum of three dump trucks with pups and one tractor with side dump trailer have been exporting material from the site.
- Working outside of the prescribed hours.
- Failure to provide a current Storm Water Pollution Prevention Plan (SWPPP) to the Weber County Planning and Engineering Divisions.
- Failure to provide an escrow for restoration to the Weber County Planning Division.
- Failure to provide a restoration plan for the upper site to the Weber County Planning Division.

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The Weber County Planning Division staff has made every attempt to work with the applicant to resolve the violations by bringing the project into compliance with the criteria and conditions of approval that have been outlined above. The Uniform Land Use Code of Weber County (LUC) §108-4-8 (effective September 12, 2015) allows for a conditional use permit to be revoked by the Land Use Authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or conditional of approval. (The current revocation language, effective through September 11, 2015, is found in LUC §108-4-5 and says the planning commission may revoke a conditional use permit "upon failure to comply with the conditional use permit.")

A hearing has been scheduled on September 22, 2015 with the Ogden Valley Planning Commission at 5:00 pm for consideration and action on the impending permit revocation.

Please contact our office with any questions or concerns that you may have regarding this process.

Sincerely,

Ronda Kippen
Planner II
Weber County Planning Division

Cc: Karl A. Jensen
Kathryn J. Steffey, Smith Hartvigsen, PLLC
Matthew Brahana, Van Cott, Bagley, Cornwall & McCarthy, P.C.
Courtlan Erickson, Deputy Weber County Attorney
Sean Wilkinson, Weber County Planning Director

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Reed C. Jensen & Karl A. Jensen
7055 N 6800 W
Tremonton, UT 84337

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As the landowner, you have a right to a hearing with the Land Use Authority to show cause for why the permit should not be revoked. A hearing has been scheduled on September 22, 2015 with the Ogden Valley Planning Commission at 5:00 pm for consideration and action on the impending permit revocation.

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Ronda Kippen
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