

TOWN OF LEEDS

ORDINANCE 2009-19

AN ORDINANCE AMENDING CHAPTER 7 – CONDITIONAL USES OF THE 2008-04 LAND-USE ORDINANCE PROVIDING SPECIFIC REVIEW CRITERIA FOR TEMPORARY ROCK CRUSHING OPERATIONS IN ADDITION TO MINOR FORMAT CORRECTIONS

WHEREAS, the Planning Commission of the Town of Leeds discussed possible amendments to Chapter 7 – Conditional Uses of Land-Use Ordinance 2008-04, including the addition of specific review criteria for temporary rock crushing operations and minor format corrections; and

WHEREAS, the Planning Commission of the Town of Leeds held a public hearing on December 2, 2009 to receive public comment on the proposed amendments to Chapter 7 – Conditional Uses of Land Use Ordinance 2008-04, including the addition of specific review criteria for temporary rock crushing operations and minor format corrections; and

WHEREAS, the Planning Commission of the Town of Leeds, after holding a public hearing, voted unanimously in favor of recommending the proposed amendments to the Town Council on December 2, 2009; and

WHEREAS, the Town Council, during a regular public meeting, has considered the proposed amendments to Chapter 7 – Conditional Uses of Land-Use Ordinance 2008-04 recommended by the Planning Commission; and

WHEREAS, the Town Council has determined that adding provisions for temporary rock crushing permits within Chapter 7 – Conditional Uses of Land Use Ordinance 2008-04 serves to mitigate the challenge of improving property within the Town where extensive deposits of native rock are present; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town to place restrictions on temporary rock crushing operations and to enforce its regulatory authority on temporary rock crushing operations;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LEEDS,
UTAH, as follows:**

1. Chapter 7 – Conditional Uses of Land Use Ordinance 2008-04 of the Leeds Town Code is hereby amended as follows:

- a. **Heading:** *Amended by Ordinance 2009-19.* A copy of the final amended Chapter 7 – Conditional Uses is attached hereto, and is incorporated by this reference.
 - b. **Section 7.5.4.1.:** *Any Conditional Use associated with a residential, commercial or industrial development, including temporary rock crushing operations associated with an approved development plan.* A copy of the final amended Chapter 7 – Conditional Uses is attached hereto, and is incorporated by this reference.
 - c. **Section 7.9.2.1.1.1.:** *A comma is inserted into the number '2,640'.* A copy of the final amended Chapter 7 – Conditional Uses is attached hereto, and is incorporated by this reference.
 - d. **Section 7.9.2.1.1.2.:** *A comma is inserted into the number '2,640'.* A copy of the final amended Chapter 7 – Conditional Uses is attached hereto, and is incorporated by this reference.
 - e. **Section 7.10.:** *The last sentence of Section 7.10 is corrected by capitalizing the letter "P" in the word "Planning".* A copy of the final amended Chapter 7 is attached hereto, and is incorporated herein by this reference.
2. An entire new section – Section 7.9.2.2. – is added to Chapter 7 – Conditional Uses of Land Use Ordinance 2008-04 to read as follows:

7.9.2.2. *Temporary Rock-Crushing Associated with an Approved Development Plan*

7.9.2.2.1. *The operation of a rock crusher and associated equipment in any Zoning District within the Town is only permitted under the following conditions:*

7.9.2.2.1.1. *Applicant completes and submits Temporary Rock Crushing permit application to Town Clerk with required fee and obtains conditional use approval.*

7.9.2.2.1.2. *Development approval, including approval of construction drawings and associated grading plan(s) has been granted by Town Council in the form of an approved Final Plat or site plan for at least one phase of development in which rock crushing and related activities are to be conducted.*

7.9.2.2.1.3. *A grading and site plan for additional land included in future phases must accompany the permit application.*

7.9.2.2.1.4. *All environmental and other regulatory requirements of the State of Utah and the United States of America government must be met in addition to the Town's conditional use permit requirements.*

7.9.2.2.2. *An applicant for a Temporary Rock Crushing permit must agree to the following conditions and provide the following required information:*

7.9.2.2.2.1. *A map showing the location of the crusher and any other equipment to be used in the operation. The rock crushing equipment shall be set up as far away as practicable from any existing residence but in no case shall the setback be less than six hundred fifty (650) feet, unless special circumstances can be shown.*

7.9.2.2.2.2. *The map must also show the location of residences and/or businesses in the area within one thousand (1,000) feet of the operation. Prior to public hearing, applicant shall send a notice via US Postal service to each of the residences and/or business within one thousand (1,000) feet of the operation. Required notice shall describe the operations; detail hours of operation; detail the duration of the operation; and contain a contact phone number for the operator.*

7.9.2.2.2.3. *A detailed plan of operations showing the route and frequency of vehicles used in the operation. The plan of operations must also show that road ingress and egress are sufficient to allow safe travel for vehicles and*

pedestrians surrounding the conditional use.

- 7.9.2.2.2.4.** *The plan of operations must also describe the crusher and other equipment to be used in the operation and indicate the expected highest decibels that will be emitted at the source of operation.*
- 7.9.2.2.2.5.** *The plan of operations must include a plan for dust control and show the location of water source. Dust pollution shall not negatively impact surrounding uses in existence at the time of the operation.*
- 7.9.2.2.2.6.** *The plan of operations will also describe the hours of operation for crushing, processing or hauling rock products. Operations shall not begin prior to 7 am or go beyond 7 pm and shall not significantly impact surrounding uses in existence at the time the conditional use is granted.*
- 7.9.2.2.2.7.** *The Town may restrict the hours of operation and roads available for the conditional use in areas where there are schools or residences in close proximity to the operation.*
- 7.9.2.2.2.8.** *The plan of operations must also include a plan for reclamation of land that complies with the applicable provisions of Leeds Land Use Ordinances, the Leeds Subdivision Ordinance (2008-04) and all state and federal law.*
- 7.9.2.2.2.9.** *If the applicant is interested in selling rock, crushed or otherwise, pursuant to Section 7.9.2.2.3. below, the plan of operations must also include a detailed Rock Disposal Plan describing 1) what rock, crushed or otherwise, the*

applicant desires to sell; 2) how much rock, crushed or otherwise, the applicant anticipates selling; 3) a plan to dispose of unsold rock, crushed or otherwise.

7.9.2.2.2.10. *If deemed necessary at the Town's sole discretion, a letter from the State of Utah Department of Environmental Quality confirming all potential environmental hazards associated with materials to be crushed have been mitigated.*

7.9.2.2.2.11. *The operation of a rock crusher and associated equipment shall be limited to the crushing of rock and materials extracted from a proposed development for the purpose of leveling it and preparing it for ultimate construction into a residential, commercial or industrial development. A Temporary Rock Crushing permit will not be granted for operation of a rock crusher and associated equipment to be used to crush rock or other materials brought from off-site locations.*

7.9.2.2.2.12. *The duration of rock crushing operations shall be limited to no longer than thirty (30) days following the completion of development construction of approved phase or grading and site plan, unless the developer obtains prior approval for a longer time period or approval of an extension of time from the Town Council.*

7.9.2.2.2.13. *Town representative(s) shall inspect rock crushing operations periodically to assure conformance with this ordinance.*

7.9.2.2.2.14. *A permit for temporary rock crushing shall include a repair and restoration bond in the amount of \$25,000. This*

repair and restoration bond is in addition to the performance bond required by the Subdivision Ordinance and shall be in a similar form to the performance bond. The Town shall execute the bond when Town infrastructure or property is damaged as a result of the temporary rock crushing operations and the applicant does not repair the damage to the Town's satisfaction.

7.9.2.2.2.15. *Any permit for temporary rock crushing granted in accordance with this Ordinance may be revoked if any of the conditions or terms of such permit are violated.*

7.9.2.2.3. Selling of Crushed Rock

7.9.2.2.3.1. *Excavated crushed material not used for on-site construction or landscaping shall be stockpiled, at the Town's sole discretion, at a Town-approved location within fifteen (15) days of completing the crushing operation.*

7.9.2.2.3.2. *Developer may sell the rock, crushed or otherwise, only after fulfilling the following conditions:*

7.9.2.2.3.2.1. *Developer must apply for and pay the appropriate fee to obtain a business permit from the Town of Leeds.*

7.9.2.2.3.2.2. *All other guidelines set forth in Section 7.9.2.2. of this chapter shall be followed. Under no circumstances shall rock be brought from a location other than that approved for a temporary rock crushing permit pursuant to Section 7.9.2.2. to be crushed.*

7.9.2.2.3.2.3. Sale of rock, crushed or otherwise, may not continue for more than two (2) months from time designated in Section 7.9.2.2.2.12. unless the applicant obtains prior approval of a longer time period for sale or approval of a time extension from the Town Council.

7.9.2.2.3.2.4. If applicant does not sell all rock, crushed or otherwise, prior to the deadline established by Section 7.9.2.2.3.2.3., all excess rock, crushed or otherwise must be disposed of according to the approved Rock Disposal Plan referenced in Section 7.9.2.2.2.9. above.

7.9.2.2.3.3. Any business license for temporary rock crushing granted in accordance with the terms of this Ordinance and the business license ordinance may be suspended and/or revoked if any of the terms or conditions of such license is violated.

A copy of the final amended Chapter 7 – Conditional Uses is attached hereto, and is incorporated by this reference.

1. Repealer: All provisions of the Leeds Town Ordinance which are in conflict with the terms of this Ordinance are hereby repealed. Ordinance 2008-04 is hereby amended.
2. Effective Date: This Ordinance shall become effective December 17, 2009.

PASSED AND ADOPTED by the Town Council of Leeds, Utah, this 16TH day of December, 2009.

ORDINANCE 2009-019 PASSED AND WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, WASHINGTON COUNTY, STATE OF UTAH, ON THIS 16th DAY OF December 2009, AND BECOMES EFFECTIVE ON December 17, 2009

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR TRUDY LAW	✓			
COUNCILMAN JARED WESTHOFF	✓			
COUNCILMAN ALAN ROBERTS	✓			
COUNCILMAN KEITH SULLIVAN	✓			
COUNCILMAN FRANK LOJKO	✓			

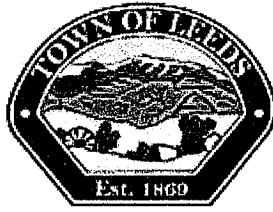
Trudy Law

Trudy Law, Mayor
TOWN OF LEEDS

ATTEST:

Debbie Shakespeare

Debbie Shakespeare, Town Clerk/Recorder



TOWN OF LEEDS

218 NORTH MAIN STREET
PO BOX 460879
LEEDS, UT 84746-0879
PHONE: 435-879-2447 FAX: 435-879-6905
E-mail: leedstownhall@beyondbb.com
Website: www.leedstown.org

CERTIFICATE OF POSTING

I, Debbie Shakespeare, duly appointed and acting Clerk/Recorder for the Town of Leeds,
hereby certify that the forgoing ordinance 2009-19
was passed by the Leeds Town Council on the 16th day of December, 2009,
and that copies of the foregoing ordinance were posted at three public places within the Town
this 17th day of December 2009, which public places were:

Leeds Town Hall
Leeds Post Office
Leeds Market

Dated this 17th day of December 2009.

Debbie Shakespeare
Debbie Shakespeare, Clerk/Recorder