

Minutes of the Western Weber County Planning Commission held on January 12, 2016, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Jannette Borklund, Chair; Mark Whaley, Wayne Andreotti, Lance Greenwell, Roger Heslop, John Parke
Member Excused: Michael Slater, Wayne Andreotti
Staff Present: Scott Mendoza, Assistant Planning Director; Jim Gentry, Principal Planner; Ronda Kippen, Planner;
Iris Hennon, Zoning Enforcement; Sherri Sillitoe, Secretary

*Pledge of Allegiance

*Roll Call

No Exparte Communication was expressed.

1. Administrative Items:

1.1. LVS062415 Request for a recommendation for a variation and exception to the block length standards for Fall Widow Subdivision Phase 2, 120-292 South 7900 West, West Warren; Cliff Commissioner Bell Applicant

Chair Borklund stated that Chris Crockett indicated in the pre-meeting that this agenda item will be taken off the agenda and not heard tonight because they felt it would be inappropriate due to the fact that Cliff Bell did not submit an appeal in a timely manner. To be able to come back to the Planning Commission, he will have to submit a change application reflecting a substantial change.

2. APA 01-2015 Request for creation of an Agriculture Protection Area (APA) in Western Weber County at approximately 700 North 7000 West; AG Resources and Western Basin Land and Livestock, Randy Marriott, Applicant

Jim Gentry presented a report and indicated that the petitioners submitted an application to create an agriculture protection area on 2,046.34 acres. The Planning Commission is a recommending body to the County Commission. Mr. Gentry indicated that the application meets the intent of the General Plan and notices to property owners were sent out. Staff has reviewed the agriculture protection area proposal and the criteria listed above: Staff analysis has the following comments:

- 1) The parcels that will be put into the proposed APA are currently used for livestock, hay, and other agricultural uses which meet the definition of agriculture in the Weber County Zoning Ordinance: "Agriculture: Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses."
- 2) These parcels are located in the Western Weber County area in an Agricultural A-2 Zone. The Agricultural A-2 Zone allows agriculture as a permitted use, and is the preferred use.
- 3) The land is currently used for livestock, hay, and other agricultural uses which have been conducted on the property for many years. The land is clearly viable for these agricultural uses.
- 4) The land has agricultural buildings, areas for storage of hay and equipment, and areas for livestock. The petitioner has not given an indication as to whether or not any additional improvements are planned.
- 5) Insufficient information was provided to determine how the proposal meets anticipated trends in agricultural and technological conditions.

Staff recommends that the Planning Commission recommends to the County Commission approval of the proposed agriculture protection area based on its compliance with the criteria listed including the current viable agricultural operation and existing improvements. Approval of the APA freezes zoning at what it currently is today.

Utah Code Title 17, Chapter 41, Section 305 provides the criteria that the Planning Commission should apply in evaluating a proposal for the creation of an APA: 1) Whether or not the land is currently being used for agriculture production, 2) whether or not the land is zoned for agriculture use, 3) whether or not the land is viable for agriculture production, 4) the extent and nature of existing or proposed farm improvements, and 5) anticipated trends in agricultural and technological conditions.

Commissioner Heslop stated that most of the ground is undeveloped alkali sage brush. On the west end of parcel 10331069, where the large hay sheds, the houses and feed lot will be, does undeveloped land meet the criteria for an agricultural zone? Jim Gentry replied yes.

Chris Crockett, Legal Counsel, read the State statute of what the Planning Commission will have to address in their written report to the County Commission. He referred to Utah Code Annotated (UCA) 17-41-303(2)(a)(i-v):

- (i) analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the county or municipality, as the case may be;
- (ii) analyzes and evaluates the proposal by applying the criteria contained in Section [17-41-305](#);
- (iii) recommends any modifications to the land to be included in the proposed agriculture protection area or industrial protection area;
- (iv) analyzes and evaluates any objections to the proposal; and
- (v) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.

Randy Marriott, applicant, stated that he is the owner of the Basin Land and Livestock. He is trying to create an APA so he can protect his property from any neighbors. He raises elk and they get noisy in the fall. He owns most of the property in the area and has put down fertilizer. He knows people complain and he wants to handle this before further development occurs around him.

MOTION: Commissioner Parke moved to make a recommendation for approval to the County Commission citing all of the criteria listed in the staff report recommendations 1-5. Noting that they have received no objections in writing and no objections have been heard at this meeting. The Planning Commission finds no detrimental effects with the application. No modifications will be made. Commissioner Greenwell seconded the motion.

DISCUSSION:

Chair Borklund asked if they need to find that the proposal does not conflict with the General Plan; Chris Crockett read UCA 17-41-305 which lists the criteria to be applied in evaluating a proposal for the creation of an agriculture protection area. The following criteria were listed in the staff report:

- (1) whether or not the land is currently being used for agriculture production or for an industrial use, as the case may be;
- (2) whether or not the land is zoned for agriculture use or industrial use, as the case may be;
- (3) whether or not the land is viable for agriculture production or industrial use, as the case may be;
- (4) the extent and nature of existing or proposed farm improvements or the extent and nature of existing or proposed improvements to or expansion of the industrial use, as the case may be; and
- (5)
 - (a) in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions; or
 - (b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question.

VOTE: A vote was taken and Chair Borklund indicated that the motion carried with Commissioners Whaley, Greenwell, Heslop, Parke and Chair Borklund voting aye.

3. Election of 2016 Chair and Vice Chair

Commissioner Parke nominated Commissioner Whaley as Chair for 2016 and Commissioner Heslop as Vice Chair for 2016. No other nominations were made. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote.

4. Approval of 2016 Meeting Schedule

The Western Weber Planning Commission meetings are scheduled for the 2nd Tuesdays of each month in 2016 with the exception of November which will be held on the 3rd Tuesday.

MOTION: Commissioner Heslop moved to adopt the 2016 meeting schedule as proposed for the Western Weber Planning Commission. Commissioner Greenwell seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote.

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

6. Remarks from Planning Commissioners - None

7. Planning Director Report

- Scott Mendoza indicated that Iris Hennon will provide security for these meetings until the Sheriff's office makes other arrangements.
- The Annual Planning Commission/Board of Adjustment meeting will be held on Wednesday, January 20, 2016, at Rovali's in Ogden. The members are asked to R.S.V.P. staff by this Friday. Chair Borklund asked to be excused as she has a work commitment that evening.
- The New Planning Director will be Rick Grover and his starting date will be January 25, 2016.

8. Remarks from Legal Counsel - None

9. Adjourn

There being no further business, the meeting was adjourned 5:40 p.m.

Respectfully Submitted,

Sherrill Sillitoe, Secretary
Weber County Planning Division