



## OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

### REGULAR PLANNING MEETING AGENDA

April 24, 2012

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call*

**1. Minutes:**

- 1.1. Approval of the March 27, 2012 regular meeting minutes

**2. Petitions, Applications,  
and Public Hearings:**

**New Business:**

- 2.1. ZTA 2012-05 Zoning Text Amendment ZTA 2012-05 amending Chapter 5B (Agricultural Valley AV-3) Zone Section 5B-3 Permitted Uses Requiring Five (5) Acres Minimum Lot Area to allow Custom Exempt Meat Cutting including wild game and amend Chapter 1 (General Provisions) by adding a new definition of Custom Exempt Meat Cutting.

**3. Public Comments:**

**4. Planning Commissioner's Remarks:**

**5. Staff Communications:**

- 5-1. Planning Director's Report  
5-2. Legal Counsel's Remarks

**6. Adjourn the Regular Meeting to Convene a Work Session**

**WS1. Discussion on the Agri-tourism Ordinance**

**Adjourn**

*The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

*A pre-meeting will be held in Room 108.*



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

Minutes of the Ogden Valley Township Planning Commission meeting held March 27, 2012, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Pen Hollist, Greg Graves, John Howell, Laura Warburton, Dennis Montgomery, Ann Miller

Absent/Excused:

Staff Present: Rob Scott, Director; Jim Gentry, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

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***Pledge of Allegiance***

***Roll Call***

**1. Minutes:**

- 1.1. Approval of the February 7, 2012 and March 6, 2012 work session minutes and the February 28, 2012 regular meeting minutes.

Commissioner Montgomery indicated that his address is 7800 E 1120 N; Commissioner Howell indicated that he wasn't at the 3/6/12 meeting but read the minutes and noticed that the it is Snowberry Inn and not Strawberry Inn as listed.

Chair Parson declared the minutes of the 2/7/12, 2/28/12, and 3/6/12 meeting minutes as amended.

**2. Petitions, Applications, and Public Hearings:**

**New Business:**

- 2.1. CUP 2012-2 Consideration and action on a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan with CUP 2012-02

Ben Hatfield presented a staff report and indicated that the proposed amendment is a major change to what was approved in the past. With this proposal, the applicant is looking to have a select mix of housing and multiple uses. There will be commercial space at the entrance in two buildings. There will be the existing 4-plex, 3 tri-plexes, some duplexes and 28 single-family units as well as other amenities.

The applicant should address the following questions:

- Is the phasing plan appropriate?
- Is this new PRUD design better than the previously approved design?
- Are there any potential negative or detrimental effects that have not been considered and need to be addressed as a conditional use?
- Does the Planning Commission have other questions that have not been addressed?

As part of the PRUD, this plan will also go to the County Commission for approval.

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 based on the following findings:

- The proposed use is allowed in the CVR-1 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met and the mitigation of potential detrimental effects has been accomplished.
- The proposed PRUD plan is found to have a superior design compared to the existing site plan or a conventional layout of lots.

Commissioner Warburton said she has spent the last couple of months trying to understand special and private sewer districts and wonders if the project will tie into Mountain Sewer? Ben Hatfield indicated that yes, it would tie into Mountain Sewer.

The storage units would run parallel to the highway. Ben Hatfield indicated that the rear of the storage units would be visible from the highway.

Commissioner Hollist clarified if from the eastern edge to the subdivision where the topography slopes down into the Forest Service drainage that no building would be allowed there. Mr. Hatfield replied yes.

Commissioner Hollist said concerning the north boundary is that area very steep between the northern boundary and the lake? Ben Hatfield said there is a bluff along the lakeshore.

Commissioner Howell said looking at the map at C-5, the boundary line and the pathway, how much space is required between the property line and any development on the east side of the development? Ben Hatfield said with a PRUD if found to be a superior design, the setbacks are lowered. Commissioner Hollist said that was the basis of his question because even though the setbacks on Unit 1 and Unit 20 encroach on that property line, there is open space that would not be developed and it is a drainage area so it will not appear to encroach on any development or other property line.

Eric Langvardt, Landscape Planner & Architect, Ray Bertoldi Architect & Elise Howell applicant's representative. The project is a revised PRUD and a significant reduction (111 units) in density with single-family townhomes, duplexes, three-plexes and roughly 5,300 sq. ft. (a neighborhood commercial node) for a few neighborhood commercial uses. They are proposing storage barns where the locations are placed sensitively to tuck them into the hillside with hopefully flat roofs. They are taking opportunity of the grade. The front porches will be emphasized and the garages deemphasized. Every one of the units fronts an open space amenity. They met with Ted Black of the Fire District who gave final approval to their proposal.

They were able to provide a transition from the Ski Lake project. As they move to the outside, the open space will move in and out throughout the project. They are proposing ballard lights and they anticipate having some soft architectural lighting for parking.

Commissioner Montgomery asked if the gravel road was a dedicated county road, and Ben Hatfield indicated that a portion of that was dedicated in phase 1. The road has been on a map since the early 1980's.

Commissioner Graves asked why there are two access points on the west road. Eric Langvardt said Ted Black asked that the access roads be extended rather than just for emergency access. Commissioner Graves said it places the lots on that access surrounded on all sides by road. Mr. Langvardt said the reality is that that it is a smaller gravel road and could almost be considered an alley. The units actually block the garages from view. Commissioner Montgomery said he could see where Ted Black is coming from. Eric Langvardt indicated that they could possibly do a hammerhead there but the reality of the plan is that the development fronts green.

Commissioner Graves said if they maintain the first access point like it is what prevents the people down below from using it. Mr. Langvardt indicated that they would be crash gates.

Commissioner Howell asked if there was any space between the garage door and the road for someone to park. Eric Langvardt indicated no, it was done intentionally so as not to block the driveways. They have provided extra parking in the rear as well as tucked into space here and there. Commissioner Howell said he is concerned that parking would be a problem. Mr. Langvardt said they do not ever believe they will reach 100% occupancy, as many would be used as second vacation homes. Some of the extra spaces will be sold to the owners for RV parking, etc.

Commissioner Graves indicated that he does not see the previous 100 ft. setback for the commercial. Eric Langvardt indicated that they believe their commercial (it will be 45 ft. off the pavement). They have exceeded the 100 ft. setback with the storage units.

Commissioner Graves said that the description shows for a 4-car garage on the existing 4-plex. All new buildings will be shorter than the exiting building. All garages will be low key with doors interior to the project.

Commissioner Graves said there has been talk about the requirement of dealing with the canal. Eric Langvardt explained that their engineer's plan is to pipe it back and come across as shown in the utility plan. They are not sure if the turn lane would be required by UDOT. To clarify for Commissioner Miller, Mr. Langvardt said they are not planning a connection off the beach as per the Forest Service. They have talked to Meg at Weber Pathways about having a 10 ft. hard surface trail as part of the Pineview Loop.

Ray Bertoldi, Bertoldi Architects, said from a site plan aspect they reduced density and they looked at every building the same way in sense of its overall mass. They took a hard look at the rooflines, and the shadows of the buildings, and they would like to incorporate some flat roofs. The highest building would be 23 ft. Many of the pitched roofs drain down into the spaces and the varied rooflines allow them to control water. They would not have any drip lines where people walk and makes for a safer environment. He agrees that the storage units will be the nicest storage units around. Mr. Bertoldi said they would integrate different types of siding in the project and will use earth colors. They will have asphalt shingles as well as metal roofing.

Ray Bertoldi indicated that the hard surface water drains to the detention area. On the east commercial building, they have integrated a gable style roof over part of the building and then a lower portion a flatter roof on the front store side that would be protected. They would utilize the grade of the property on the buildings.

Chair Parson said he is concerned where the water travels down from Hwy 39 to the natural drainage. John Reeve said there is an existing ditch there.

Commissioner Hollist asked about basements. Mr. Bertoldi said the units would not all have basements but they will all be subterranean.

Commissioner Warburton thanked Mr. Bertoldi and Mr. Langvardt for their enjoyable presentation.

Steve Clarke said he told Mr. Bertoldi before the meeting that this is a more comfortable plan than those they have seen before.

MOTION: Commissioner Warburton move to approve of CUP 2012-02 a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan with CUP 2012-02 conditioned upon all staff and other agency recommendations. Commissioner Montgomery seconded the motion.

Commissioner Warburton said the plan is keeps to the general plan and that she believes this is a good project for the valley. Commissioner Howell indicated his concerns regarding parking. Commissioner Graves asked if everyone is comfortable with the setback from the highway. Commissioner Miller said the argument of the commercial needing to be closer to the highway in order to be valuable made good sense.

Commissioner Graves asked if everyone was comfortable with the canal. He is comfortable.

Commissioner Hollist said he would like to see the canal piped the entire distance for the safety of the children. Mr. Langvardt indicated that it would be a good idea.

John Reeve indicated that he has spoken with Greg Graves and they are of the same mind regarding the canal. Commissioner Graves indicated that he is president of the canal company that pipes that ditch. The agreement to pipe that ditch has always be part of any plan for this property.

Commissioner Graves said he would like to see a little more landscaping on the west side. It does a good job at buffering the buildings, but he believes that they need a little more buffering from the property to the west.

VOTE: A vote was taken and Chair Parson said the motion carried with all members present voting aye (Vote 7-0).



**Old Business:**

2.2. ZTA 2010-8 Consideration and Action on an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats).

Jim Gentry presented a staff report and indicated that his chapter outlines the requirements for submitting preliminary and final subdivision plats. Meetings have been held for approximately eight months with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to bring the subdivision reviewing process current with state code and to make administering the Subdivision Ordinance more efficient and productive. Policy issues have been discussed with the County Commission.

There is no requirement under state code regarding public notice. Staff is proposing that anything over five lots notice would be sent to property owners.

Under the small subdivision definition it lists the number of lots that can be approved administratively by the Planning Division. Staff is suggesting the numbers are increased as follows:

- a) A subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned, or b) An amended subdivision consisting of ten (10) or fewer lots and for which no new streets will be created or realigned; or c) A subdivision phase consisting of ten (10) or fewer lots which has a valid preliminary approval by the Planning Commission and meets all conditions of that preliminary approval, including proposed street layouts.

In a recent Advisory Opinion issued by the Office of Property Rights Ombudsman, the following statement was made: "to require a planning commission to review and decide on every application for a permitted use is at best, a waste of time and resources, and at worst, a potential violation of the County Land Use and Management Act, in that the policy decision regarding the use will be made again and again despite the ordinance.

Jim Gentry indicated that where people are amending a subdivision the administrative approval of ten lots could come into play. With ten lots, you would need a stub street because it would exceed the maximum block length.

The reason for the title report is to reduce the hours spent by different departments researching the six items listed below and a title report helps protect future buyers.

Changes to Subdivision Time Limitations were made to give the planning director administrative authority to approve time extensions if they meet the requirements of the ordinance. Instead of allowing subdivision to never expire (since closure is needed) staff is allowing one additional time extension for preliminary approval. Preliminary time extension beyond two will have to be approved by the planning director. Any extension request beyond the two needs to be based on other issues besides financial, economic, or self-imposed hardship. Time extensions for final approval remain the same.

Commissioner Warburton asked staff if the appeal process would come into play either way, and Mr. Gentry replied yes.

Commissioner Howell asked if once there is an easement shown on the subdivision plat is it there forever. Jim Gentry indicated yes until it is vacated or ordered to be removed by the courts.

Commissioner Warburton said on 26-1-2 the planning commission should make a recommendation on any variances. Jim Gentry said the appeals would be heard by the planning commission first.

Commissioner Hollist said he believes that he has changed his opinion. Much of what they do is react, and they try to apply the best judgment that they have. He believes that their neighbors are counting on them to have the vision of what is to occur in the future. He believes that is where their concentration should be. He believes that they should leave to the staff as much as they possibly can and only get involved only if there is a variance or a large amount of acreage.

Commissioner Warburton said she also agrees that developing ordinances is where their efforts should go. Commissioner Howell said that his concern of the ten lots was the amount of property it could conceivably be. Commissioner Warburton said that is the beauty of developing a master plan and having guidelines. Commissioner Graves said that even if it a large piece, it is just one house with a lot of open space. Jim Gentry said that it is getting harder to find large tracts on existing roads today.

Commissioner Warburton said on Page 1-9, she said if they are not required to notify by state law. She is all about including the public so if they are going to take the notice away, she would like the Planning Commission to have a lesson on Miradi as well as lessons for the public. She believes it is a great idea to educate the public.

Commissioner Miller said she believes that they really have to learn it. Staff will set it up with Justin Morris so that the Planning Commissioners can learn the program.

Steve Clarke said he feels obligated to speak about administrative approval. A great many people in the Ogden Valley have a deep mistrust of county government. They often feel that county government is out to do things behind their back and to their detriment. He believes that the Planning Commission sits in a position of trust and believes they owe it to the citizens to learn as much as they can about the items they are to make recommendations or decisions for. He believes that the Planning Commission should look at making the best use of their time.

On Page 1-8 26-1-5-6-113 said it is his understanding that prior to this change, all the title work has been done by the staff. If in fact they are now asking the developer for the title report, is that cost deducted from the old filing fee for subdivision developers?

Regarding Miradi, said he learned today to not expect too much because computerized tools have their limits. It is a good tool, but he believes property owners should still be noticed.

Commissioner Howell said communication is the key. He believes that if they get more information into the Ogden Valley newspaper or the Standard about the current issues, he believes that would be a great tool. Commissioner Warburton indicated that the Ogden Valley News would print this information free.

Jim Gentry as part of the application currently, the county surveyor is doing the surveying work and it takes an exorbitant time to research the entire property history. It puts the liability back on the title company and not on the county. The fees that we do cost never covers the entire cost for the reviews, the County Commission structured the fees that way.

**MOTION:** Commissioner Hollist moved to recommend approval to the Commission of Zoning Text Amendment ZTA 2010-8, an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats) subject to items contained in the staff report packet. Commissioner Graves seconded the motion. A vote was taken and Chair Parson said the motion carried with a unanimous vote of all members present voting aye.

**3. Public Comments:**

**4. Planning Commissioner's Remarks:**

Commissioner Hollist said Sean Wilkinson as well as Steve Clarke attended the Wasatch 2040. By Year 2040, they would receive a 65% population increase. He does not know if real estate will handle a 65% increase. It will therefore squish out into the Wasatch Back, namely Snyderville and the Park City Area, Tooele, Ogden Valley, Brigham City and points north, etc. He believes that they need to really start and move aggressively to implement their vision. His vote is to move aggressively to do the planning. He likes the idea of using the Bear River model for updating their General Plan and obtaining public input. He believes that there will never be more than three access points to the Ogden Valley. If they can stop the people coming from the Salt Lake area in commercial nodes in the Ogden Valley and provide them an acceptable plan for immediate access shopping, etc. rather than have the people spill out all across landscape haphazardly.

Commissioner Graves said staff has been looking at this and has been responding. He believes they need to be a little patient.

Commissioner Warburton asked why isn't there a county presence on the Wasatch 2040, and Rob Scott said the Wasatch 2040 project grant is more of a Salt Lake County orientation. The real impact of that project will be mostly in Salt Lake County.

Commissioner Howell said in areas with enormous growth all the infrastructure is concentrated in certain areas. As a result, the growth will go up instead of sprawl.

Commissioner Hollist said in one of the questions of the Wasatch 2040 plan to have metropolitan centers, urban centers, town centers, etc., all of which goes up, was, "How many of you would be willing to live in one of these vertical communities?" Thirty percent responded that they were willing. Commissioner Hollist said he believes they should have their definition of what "up" means.

Commissioner Graves said he believes they will get into that with the node study.

## **5. Staff Communications:**

### **5-1. Planning Director's Report**

Rob Scott said there would be a work session this next week. Chair Parson said he would be gone next week.

### **5-1. Legal Counsel's Remarks**

Chris Allred said gave an update on the residential facilities issue and discussions they had a lengthy discussion with Dan McDonald where he asked for a model ordinance. He replied no. He did say that there were a couple of good city ordinances out there. The landscaping is changing right now with the cases pending in the 10<sup>th</sup> Circuit. Maybe they should start initially with one of the good city ordinances and just tweak it from there.

Green Valley went to the District Court (it went to three different judges) (one was a friend of the applicant, another had to recuse himself, and the final judge was Judge Hadley. He ruled that it was a school and they had no other say. Essentially, the District Court said under the broad definition of school, it did constitute a school. The petitioner could appeal to the appeals court or to the State Supreme Court.

Commissioner Warburton said the ruling was on their ordinances as written not based on ADA or other regulations. Chris Allred replied yes.

## **6. Adjourn**

The meeting was adjourned and a work session convened at this time.

### **WS1. Revisions to the Agricultural AV-3 Zone**

Jim Gentry indicated from the staff report that indicated that staff is proposing some revisions to the Agricultural AV-3 Zone. He reviewed the proposed changes with the Planning Commissioners.

Commissioner Warburton asked what is meant by *permanent structure*. There was a discussion about not being able to build a hay barn on a one-acre parcel in an agricultural zone.

- It was decided to change the ordinance language to allow mobile butchering including packaging.

Concerns were raised regarding 5B-2 and the livestock feed lot only allowed September through April.

Page 5B-4 Dog Training/Breeding, why are they allowing only 10 pups, where a litter could be 12 or more pups. What is the harm?

Under 5B-5 day care is allowed as a business in other agricultural zones. It is just to clarify that it is not a home occupation.

Commissioner Howell said why not list the words half an acre instead of 20,000 sq. ft. Rob Scott said when working with the public, they do not understand half of 43,560 so they simplified.

Commissioner Hollist asked if a small wind energy system could be allowed in a cluster subdivision's common space. Jim Gentry replied yes, but they would have to meet Chapter 23 requirements as well.

- It was decided that under 5B-2, staff would add "Assisted Living."

Rob Scott indicated that they do not really have agricultural zoning in this county. Across the country an agricultural parcel is 25 acres and up. They are just trying to balance things in Weber County.

There Being No Further Business, the meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Commission





## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Zoning Text Amendment ZTA 2012-05 amending Chapter 5B (Agricultural Valley AV-3) Zone Section 5B-3 Permitted Uses Requiring Five (5) Acres Minimum Lot Area to allow Custom Exempt Meat Cutting including wild game and amend Chapter 1 (General Provisions) by adding a new definition of Custom Exempt Meat Cutting.

**Agenda Date:** Tuesday, April 24, 2012

**Applicant:** Garet Jones

**File Number:** Zoning Text Amendment ZTA 2012-05

#### Property Information

**Approximate Address:** N/A

**Project Area:** N/A

**Zoning:** N/A

**Existing Land Use:** N/A

**Proposed Land Use:** N/A

**Parcel ID:** N/A

**Township, Range, Section:** N/A

#### Adjacent Land Use

<b>North:</b>	N/A	<b>South:</b>	N/A
<b>East:</b>	N/A	<b>West:</b>	N/A

#### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767

**Report Reviewer:** RS

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 5B (Agricultural Valley AV-3)
- Weber County Zoning Ordinance Chapter 1 (General Provisions)

### Background

The petitioner is proposing to amend Chapter 5B (Agricultural Valley AV-3) Zone Section 5B-3 Permitted Uses Requiring Five (5) Acres Minimum Lot Area, to allow Custom Exempt Meat Cutting as a permitted use and amend Chapter 1 (General Provisions) by adding a new definition of Custom Exempt Meat Cutting. The proposed definition of the Custom Exempt Meat Cutting is as follows: The cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

The applicant is also proposing two standards for this type of operation, besides being on 5 acres. The first standard is the parcel would have to be located with access to a collector or arterial road as shown by the Weber County Transportation map and the second condition is that the operation needs to be located within a completely enclosed building with no outdoor storage.

## Staff Analysis

The applicant has provided a rationale for why this amendment should be adopted. (See Exhibit A)

In reviewing the general plan, these are the goals and objectives staff feels this petition will promote.

**Section 3.02 Vision: Maintain the Valley's Rural Atmosphere and Rural Lifestyle**

**Goal: Promote Agricultural Land**

**Objectives:** Identify and promote prime agricultural land

Consider agricultural land in dedicated open space planning

Develop means to compensate property owners for the loss of development rights on agricultural land

Promote working farms as an integral part of the Valley's cultural heritage.

**Goal: Recognize and respect private property rights**

**Objectives:** Recognize private property rights in planning and development

Engage creative zoning solutions that protect private property rights while ensuring that development is compatible with the Valley's rural character

Develop a program to compensate landowners in the taking of property for public purposes

**Goal: Require that development be compatible with the Valley's Rural Character and natural setting**

The Weber County Zoning Ordinances states the purpose of the AV-3 Zone is to "designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals and to direct orderly low-density residential development in a continuing rural environment".

The Ordinance further states that "Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone."

This use can be distinguished from other home occupations in that this use will be required to be on 5 acres, which meets Weber County's definition of Agriculture, which is the 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. While some of the use might not be listed in the definition of agriculture, the uses are allowed by the zone.

The proposed use will also meet Weber County's definition of Agriculture Parcel, which is a single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This use will directly support and/or supplement a farmer's agricultural pursuit. The applicant's narrative further explains why the amendment helps farmers and how it will help meet the growing demand for recreational facilities.

The Agricultural Valley AV-3 Zone already has permitted uses that can be highly intense, such as daycares, dairy farms, raising and slaughtering up to 500 rabbits, fur farms, animal hospitals/clinics, dog training schools, petting zoos, plant nurseries, and slaughter houses. The intensity these uses bring to a neighborhood includes traffic, noise, dust, and an increased number of animals. Custom Exempt Meat Cutting (as related to slaughtering rabbits, turkeys and other animals) is a small part of a few of the permitted uses already allowed in the AV-3 zone.

The reason for uses like this and other commercial uses allowed in the Agriculture Zones is to provide certain rural amenities, which enhance convenience and quality of life, while contributing to the economic stability of rural areas.

## Summary of Planning Commission Considerations

- Is adding the proposed use consistent with the Ogden Valley General Plan?
- Is the proposal consistent with the purpose and intent of the Agricultural AV-3 Zone?
- Is Custom Exempt Meat Cutting any more intense than the allowed use of slaughtering rabbits, turkeys, and other animals?

- Is Custom Exempt Meat Cutting any more intense than the allowed commercial use of regular daycares, fur farms, contractor equipment storage as part of a farm/farm operator, commercial garden center, and animal hospitals/clinic
- Do the proposed standards address the projected impact to surrounding properties?

## Staff Recommendation

Staff recommends that the Planning Commission recommend to the County Commission approval of Zoning Text Amendment ZTA 2012-05 amending Chapter 5B (Agricultural Valley AV-3) Zone Section 5B-3 Permitted Uses Requiring Five (5) Ares Minimum Lot Area to allow Custom Exempt Meat Cutting including wild game, and amend Chapter 1 (General Provisions) by adding a new definition of Custom Exempt Meat Cutting based on the following:

- The use is supported by the General Plan
- The use will allow support and/or supplement a farmer's agricultural pursuit
- The use is less intense than other uses such as regular daycares, fur farms, contractor equipment storage as part of a farm/farm operator, commercial garden center, and animal hospitals/clinic
- Similar uses are already allowed such as a slaughter house, slaughtering up to 500 rabbits, turkeys, beavers, frogs, and other animals
- Historically found as part of a rural agricultural area

The conditions for approval:

- The use be allowed in a separate building with no outdoor storage
- The use is to be accessory to a dwelling on a 5 acre parcel
- Located with access to a collector or arterial road

Proposed definition to be added to Chapter 1 (General Provisions) Section 1-6 Definition:

Custom Exempt Meat Cutting: The cutting, wrapping, and preparation of meat for human consumption.

Proposed language for Chapter 5B (Agricultural Valley AV-3) Zone

Section 5B-3 Permitted Uses Requiring Five (5) Ares Minimum Lot Area: Custom Exempt Meat Cutting limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game; located with access to a collector or arterial road; the operation be located within a completely enclosed building with no outdoor storage, and as accessory to a dwelling.

## Exhibits

- A. Applicant's narrative

I would like to formally request that Weber County amend chapter 5B of the Weber County zoning ordinance to add "Custom Exempt Meat Cutting" as a permitted use listed in Chapter 5B-3 of the zoning ordinance. I would suggest the following definition of "Custom Exempt Meat Cutting" also be added to Chapter 1-6 of the Weber County zoning ordinance.

"Custom Exempt Meat Cutting; The cutting, wrapping and preparation of meat for human consumption: provided, however, that the source of said meat shall be limited to: (1) animals that are part of one or more livestock operations in Weber County Utah, and (2) wild game. Any Custom Exempt Meat Cutting activities shall be: (1) Located on a parcel with access to a collector or arterial road as illustrated on the Ogden Valley Transportation Map, and (2) located within a completely enclosed building with no outdoor storage."

With quotes from the Ogden Valley General plan, the Recreational Element, and a brief explanation I will explain why these amendments to the Weber County code will benefit Ogden Valley, Weber County and their respective residents.

These are quotes from "Ogden Valley General Plan: Goals and Objectives".

- Goal: Protect Open Space and Sensitive Lands
- Objectives:
  - Identify and promote the preservation of open space
  - Establish mechanisms to preserve open space in the Valley
  - Identify sensitive lands within the Valley
  - Ensure that development does not harm sensitive lands
- Goal: Preserve Wildlife and Wildlife Habitat
- Objectives:
  - Include wildlife and wildlife habitat as a review element for development proposals in the Valley
  - Include wildlife and wildlife habitat protection as a consideration in recreation planning
  - Examine critical wildlife habitat areas and means for protecting these areas
  - Coordinate with the Utah Division of Wildlife Resources on development proposals that affect wildlife or wildlife habitat

Goal

Promote Agricultural Land

Objectives

- Identify and promote prime agricultural land
- Consider agricultural land in dedicated open space planning
- Develop means to compensate property owners for the loss of development rights on agricultural land
- Promote working farms as an integral part of the Valley's cultural heritage.

Goal



Recognize and respect private property rights  
Objectives

- Recognize private property rights in planning and development
- Engage creative zoning solutions that protect private property rights while ensuring that development is compatible with the Valley's rural character
- Develop a program to compensate landowners in the taking of property for public purposes

Goal  
Enhance quality recreational opportunities  
Objectives

- Identify recreational assets, facilities and activities in the Valley and determine which facilities might be expanded to meet increased recreation demand and plan for such expansion
- Identify areas suitable for community parks, campgrounds or trails systems
- Determine the amount and degree of recreational development necessary to support high quality recreation experiences in the Valley
- Promote public/private cooperation in recreation planning

The following quotes are taken from the "Ogden Valley General Plan: Recreational Element".

**"Encourage Private Businesses and Entrepreneurs to Meet the Growing Demand for Recreational Facilities."** Right now, recreational facilities on public lands, such as campgrounds, parking areas, and boating facilities, are over capacity. Any substantial increases in the amount or types of recreation currently occurring on public lands are expected to have measurable negative impacts on the natural environment. It is only through development of future recreational facilities on private lands that recreational demands can be met in Ogden Valley.

Finding means of fulfilling these goals and objectives is not an easy task. It is increasingly hard for land owners to "keep land open while still obtaining a return on their investment" as it says in the text quoted above. Generally speaking the revenue available through using land for agricultural activities is not nearly as much as can be generated by selling property to real estate developers. Most agricultural businesses have very small profit margins and are subject to commodity market price and demand volatility. The proposed amendment change to the Weber County Code will support the agriculture operations that are already in existence in Weber County and will provide those operations with another outlet to generate revenue from their agricultural operations. This will, in turn make farming operations more viable in the Ogden Valley and Weber County.

In the past the Ogden Valley planning commission and Weber County have supported business. They have allowed many commercial uses in the agricultural and manufacturing zones. They have also expanded the commercial uses that are allowed in people's homes to allow visiting clientele and multiple employees. The Ogden Valley General Plan places a high value on agricultural uses of land. It



allows land owners to gain from the land and maintain the rural environment that is cherished (and for many a way of life) in the Ogden Valley.

The AV-3 zone already permits many high intensity commercial uses. Daycares, commercial plant nurseries, slaughter houses, dairy farms, packing plants for produce, fur farms, animal hospitals, dog training schools, petting zoos, rest homes and convalescent homes, and other uses. Custom Exempt Meat Cutting is a small part of a few of the uses that are already allowed in the AV-3 zone.

There is rising concern of the over processed, assembly line, impersonal way that all of our food is being prepared. Especially with our meat products there is concern with fillers and chemicals that are being used to make it cheaper to buy and easier to process for machines. The recent discovery of "pink slime" or ammonia treated beef bits in our children's school food and in many of the restaurants and grocery stores that we frequent is one example. The rising movement to, "Grow It Yourself" is getting much bigger and may reach every rural home. If Custom Meat Cutting were to be added as a permitted use in the AV-3 zone, customers could bring their already harvested and cleaned animals to be cut, wrapped and returned to the customer labeled not for sale. It is called Custom Meat Cutting because your meat is cut by a butcher with instructions directly from the consumer. You can have your steaks one inch thick or one half an inch thick and your burger can be lean or with some fat and it can be wrapped for a single person, a family of six or anything else. You know how your animal was raised, what it ate and in what conditions it lived, how it was cut and prepared to be consumed.

Wild Game is another clean, healthy alternative to store bought and restaurant meats. As it says in the Ogden Valley General Plan we need to protect wildlife and their habitat. Hunters are the best conservationists in the world of wild lands and open spaces. They give more money and effort to the conservation of wildlife and wilderness areas than any other group. Giving them the opportunity to have their animals cut and wrapped locally helps motivate them to conserve land and wildlife locally.

The cleanliness and sanitation of custom meat cutting operations is closely monitored by the Department of Agriculture and Food and inspected on a regular schedule. Because of the closely guarded sanitation there is no smell or odor from this type of business. The amount of traffic that frequents this type of business is far less than many of the other approved uses. Daycares, hair salons, dance studios can have dozens of vehicles frequenting them every few minutes. Dairies, slaughter houses and packing plants would have far more truck pickups and deliveries. Included in the language of the proposed ordinance is to have parcel access to a collector road or arterial road. These roads are designed to see more traffic of this type. Noise is not an issue with these types of businesses either. To help further alleviate concerns about noise, the proposed amendments to the Weber County Code contain a restriction, that custom meat cutting operations be conducted within an enclosed building.

A Custom Meat Cutting establishment is very common in rural agricultural and residential areas. To be exact there are already 43 Custom Exempt Meat Cutting establishments in the state of Utah. The impact on neighbors and other activities nearby is very minimal. Included are pictures of four examples, of the many, that are located in Weber County already. Two of these examples as you can see are in rural areas like Ogden Valley and two are in even more densely populated residential areas.

The agricultural community in the Ogden valley, like everywhere, is an intertwined network of people and businesses. Any success that one business in the community has directly helps and supports other businesses and the residents in that community. I will give you one example that I am familiar with.

Broadmouth Canyon Ranch ("BCR") and its associated businesses are a shining example of the goals and objectives found in the Ogden Valley General Plan. BCR is one of the largest outfitters in the Western United states. Their business is centered around providing fun, exciting, high quality recreational activities for Ogden valley residents as well as national and international visitors. Allowing recreational activities on private land as well as supporting agricultural use of these lands is at the forefront of their business. BCR works daily with various government agencies to insure proper use for hunting/recreation and agricultural of their properties. In 2011, BCR purchased 320 acres from a developer that had it zoned for around 150 homes and returned it to agricultural and recreational use property. The potential impact of another 150 homes in Liberty would have greatly hurt the Goals and Objectives of the Ogden Valley General Plan and Recreational Plan. The traffic in the valley and expense to Weber County would have been great to support these developments not to mention the loss of open space. BCR purchases hundreds of tons of hay and grain from local farmers in Ogden Valley. They also employ up to 30 people at peak season to accommodate their clients. These amendments to the ordinance would benefit them, as it would others by helping keep their clients and business in Ogden Valley and support our community.

I strongly believe that the proposed amendments to the Weber County zoning ordinance will benefit and increase the value of land within the AV-3 zone. I am happy to provide additional information to assist with the development of this proposal into a final format that can be presented for consideration and ultimately final adoption. Please let me know how I can be of assistance.













