

**MINUTES  
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, December 4, 2012 - 10:00 a.m.  
2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**COMMISSIONERS PRESENT:** Craig L. Dearden, Chair, and Jan M. Zogmaister. Kerry W. Gibson was excused.

**OTHERS PRESENT:** Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Fernelius, of the Clerk/Auditor's Office, took minutes.

- A. **WELCOME** - Chair Dearden
- B. **PLEDGE OF ALLEGIANCE** - Matt Bell
- C. **THOUGHT OF THE DAY** - Chair Dearden

**D. PRESENTATION OF THE SEAL OF SERVICE AWARD TO DEPUTY RAY DAY**

Weber County Sheriff Terry Thompson stated that Deputy Day is a phenomenal person and highlighted some of Deputy Day's experiences that demonstrated his dedication. The Sheriff spoke of his admiration for Deputy Ray's passion for the job after the many years of service. The commissioners commended Deputy Ray for his extreme dedication to his job. He was presented with a Seal of Service pin, a plaque and \$100 for his excellent customer service.

**E. CONSENT ITEMS**

1. Purchase Orders for \$145,371.61
2. Warrants #292366-#292862 for \$1,732,831.17
3. Weber County Tax Review Committee request to refund penalties & interest on the following parcels:
  - #30-200-4831 for \$792.00
  - #30-100-4768 for \$285.95
4. New business license

Commissioner Zogmaister moved to approve the consent items; Chair Dearden seconded, both voting aye.

**F. ACTION ITEMS:**

1. **REQUEST BY WEBER COUNTY TAX REVIEW COMMITTEE TO DISCUSS REQUEST TO REFUND THE DIFFERENCE IN TAXES PAID ON PRIMARY VERSUS SECONDARY RESIDENCE FOR 2007 & 2008**

This item was held.

2. **INTERLOCAL AGREEMENT BY/AMONG WEBER COUNTY, OGDEN CITY & UTAH TRANSIT AUTHORITY REGARDING SKI BUS SERVICE FROM OGDEN TRANSIT CENTER TO POWDER MOUNTAIN SKI RESORT & SNOWBASIN SKI RESORT – CONTRACT C2012-219**

Commissioner Zogmaister noted the need for a public transportation system providing service up Ogden Canyon to and from destination ski areas in the county. However, there had been no funds available but under this partnership agreement the transit service will now be provided. For a couple of years the county has been the major funder for service available only to tourists. She said that 12/14 is a free ski bus day and regular service begins 12/15.

Commissioner Zogmaister moved to approve Contract C2012-219, Interlocal Agreement by/among Weber County, Ogden City and Utah Transit Authority regarding ski bus service from the Ogden Transit Center to Powder Mountain Ski Resort and Snowbasin Ski Resort; Chair Dearden seconded, both voting aye.

3. **CONTRACT WITH PARSONS BRINKERHOFF, INC., TO EXTEND THE TIME ON CONTRACTS C2011-137 & C2012-162. THIS PROJECT WAS DELAYED DUE TO WETLAND PROBLEMS AND THE CONSTRUCTION WON'T BE FINISHED UNTIL NEXT YEAR – CONTRACT C2012-220**

Michael Tuttle, of County Engineering, stated that it is too late in the season to complete certain improvements necessitating this extension. UDOT is providing the match on the federal grant.

Commissioner Zogmaister moved to approve Contract C2012-220 with Parsons Brinkerhoff, INC., to extend the time on Contracts C2011-137 and C2012-162; Chair Dearden seconded, both voting aye.

4. **CONTRACT WITH VALLEY ENTERPRISE INVESTMENT COMPANY, LLC, FOR AMENDMENT NO. 1 TO SUBDIVISION IMPROVEMENT AGREEMENT – CONTRACT C2012-221**

Michael Tuttle, of County Engineering, presented this addendum to the Subdivision Agreement with Ray Bowden noting that the developer cannot complete the subdivision by the end of this year due to slope stability issues and is requesting an extension. This amendment also corrects the escrow amount.

Commissioner Zogmaister moved to approve Contract C2012-221 with Valley Enterprise Investment Company, LLC, for Amendment No. 1 to the Summit at Ski Lake Phase 9 Subdivision Improvement Agreement; Chair Dearden seconded, both voting aye.

5. **CONTRACT WITH ROCKY MOUNTAIN POWER FOR FINANSWER EXPRESS INCENTIVE AGREEMENT – CONTRACT C2012-222**

Jennifer Graham, County Recreation Facilities Director, presented this contract to provide rebate to the county for lighting efficiency upgrades for the Event Center. She said that they will be saving about 60% on the energy cost of the parking lot lighting.

Commissioner Zogmaister moved to approve Contract C2012-222 with Rocky Mountain Power for the FinAnswer Express Incentive Agreement; Chair Dearden seconded, both voting aye.

## **G. PUBLIC HEARING**

3. Commissioner Zogmaister moved to adjourn the public meeting and convene a public hearing; Chair Dearden seconded, both voting aye.
2. **PUBLIC HEARING ON REQUEST TO AMEND THE COUNTY ZONING ORDINANCE BY ADDING CHAPTER 46 (AGRI-TOURISM) & AMEND OTHER RELATED CHAPTERS AS FOLLOWS: CHAPTER 1 (GENERAL PROVISIONS): MODIFYING CERTAIN EXISTING DEFINITIONS & ADDING NEW DEFINITIONS; CHAPTERS 5, 5B, 6, 7, & 12B (AGRICULTURAL-1, AGRICULTURAL VALLEY-3, AGRICULTURAL-2, AGRICULTURAL-3, & FOREST VALLEY-3 RESPECTIVELY): ADDING AGRI-TOURISM AS A CONDITIONAL USE; CHAPTER 18C (OGDEN VALLEY ARCHITECTURAL, LANDSCAPE, & SCREENING DESIGN STANDARDS): CLARIFYING THAT AGRI-TOURISM IS AN AGRICULTURALLY RELATED USE THAT IS EXEMPT FROM ITS REQUIREMENTS; CHAPTER 23 (SUPPLEMENTARY & QUALIFYING REGULATIONS): ADDING NEW LANGUAGE THAT ADDRESSES ACCESS STANDARDS & RELATED CRITERIA FOR AGRI-TOURISM OPERATIONS; CHAPTER 24 (PARKING & LOADING SPACE, VEHICLE TRAFFIC & ACCESS REGULATIONS): CLARIFYING THAT AGRI-TOURISM IS AN AGRICULTURALLY RELATED USE THAT IS EXEMPT FROM CERTAIN STANDARDS; CHAPTER 34 (HOME OCCUPATION, SHORT TERM VENDORS, TEMPORARY OUTDOOR SALES, & FARMERS MARKETS): PERMITTING FARMERS MARKETS AT APPROVED AGRI-TOURISM OPERATIONS; & CHAPTER 36 (DESIGN REVIEW): EXEMPTING AGRI-TOURISM OPERATIONS FROM LANDSCAPING REQUIREMENTS**

Scott Mendoza, of the County Planning Division, stated that the population along the Wasatch Front is anticipated to double by 2050 and there will be increasing development pressures on productive farmland. It is becoming increasingly more difficult for local farmers to maintain profitable or break-even operations. Municipalities across the country are looking to farm-friendly ordinance modifications.

Mr. Mendoza has done much research on this item and reached out to many individuals and agencies including, the general public, farmers, Envision Utah, the Utah Farm Bureau, Utah Department of Agriculture & Food, the USDA Farm Service, Weber State University, USU Extension Office, Ogden-Weber Convention & Visitors Bureau, and the Small Town & Rural Division of the American Planning Association (the nation's planners) for input. The General Plans speak much about the importance of preserving/protecting agricultural lands, including that preserving them should be the county's highest priority. He stated that an open space program could provide such benefits as preservation of farmland, food independence, enhancement of recreation and education opportunities, and options other than urban sprawl. He referred to studies in other states that have been conducted on urban sprawl and the negative impacts. They found that for a community to provide services to residential developments, particularly to rural areas, it cost about \$1.25 for every dollar that is taken in tax revenue, but to provide services to agricultural land the cost was about 51 cents. In 2006 the economic impact of agri-tourism for Colorado was \$2.2 billion. In 2007 there was an agricultural census and they found there were nearly 700 farms participating in agri-tourism in Colorado, which added \$33 million to farm income. In a 2005 survey Maine had 760 farms participating in agri-tourism, which resulted in an additional \$40.8 million farm income and the creation of \$7.5 million in wages for new employees.

Mr. Mendoza showed various examples of agri-tourism (and its variety of uses) vs. urban sprawl. Last Spring the County Planning Division made a presentation at the Diversified Agriculture Conference as to what the county is doing regarding this issue pointing out the consequences of becoming dependent on foreign food, the negative impacts of auto dependent urban sprawl, etc. Utah's growth rate is two times faster than the rest of the nation, and between 2003-2008 Utah lost 500,000 acres of agricultural land to development. Both Planning Commissions wish to pursue the concept of agri-tourism.

Mr. Mendoza outlined the proposed ordinance including that agri-tourism is defined as an event on a farm that occurs more than six times/year and it requires a conditional use permit, Farm Designation, and Use Standards & Limitations.

Chair Dearden expressed concern with a Cal Ranch-type store coming in as part of agri-tourism and Mr. Mendoza said that type of store is not what is intended to have on a farm but that currently on an AV-3 Zone a store is allowed as a conditional use. Commissioner Zogmaister asked if there is store size limitation and Mr. Mendoza replied that the current ordinance does not contain restrictions other than lot size, parking requirements, etc. The agri-tourism ordinance allows only 20% of the farm to be used for that purpose.

Chair Dearden invited public comments and many commended Mr. Mendoza for his work on the ordinance. The speakers are in favor of the ordinance with some amendments. Following is a summary of their comments.

Lee Schussman, of Eden, supports this ordinance with some changes and he outlined concerns if the ordinance would permit the following: 1) RV parks. However, he said that Mr. Mendoza had assured him that the farm stay regulation limits a stay to 14 days; 2) Large permanent retail stores. The Commission and Planning Division should mandate in the ordinance's narrative section that applicants declare their intent for the store; 3) Amusement rides. Some southern Idaho farmers/ranchers have built huge ponds, and 3-4 story structures for water slides, bungee jumping towers, etc., which are a concern. If the use is approved, he would like the ordinance to state that the applicant will show that the particular ride has some relevance/relationship to agriculture, that amusement rides would be less than three stories high, would not emit noises greater than 45 decibels measured at the edge of the property, and would comply with the dark sky ordinance. 4) Sport activities should not be permitted if they have negative effects on neighborhood/surrounding areas. He asked that off-road motorcycle, snowmobile use, etc., be very carefully addressed. 5) Game packaging. He expressed concerns with commercial meat packaging operations and wondered if the ordinance allows someone to butcher a cow on his farm or if it excludes wildlife/game and packaging.

Mr. Schussman suggested ordinance wording changes that animals processed on a site would need to have been raised on that site. He asked if it is possible to have a different set of ordinance criteria for the western county than for Ogden Valley (Valley) because they are quite different areas.

Monty Davis, of Little Weber Farms, read a letter from Seth Winterton, with the Utah Department of Agriculture & Food, who could not be present. Mr. Winterton supports the proposed ordinance because it is important that Utah preserve/protect agriculture lands and agri-tourism would supplement farm income. Mr. Winterton represents Utah's Own, a State marketing program to promote agriculture. Mr. Davis, speaking for himself, also supports the ordinance stating that it can help supplement the young people's income who want to farm. He said that 58% of farmers nationwide are over 65 years of age. He read an excerpt from Governor Herbert's letter encouraging citizens and community leaders to recognize the important role of agriculture in our lives and to take the necessary steps to preserve it. Last year's State Task Force's survey found that 97% of respondents view farming/ranching as important to Utah, 80% believe that converting farmland into subdivisions will eventually lead to a greater dependence on foreign food, 76% support using a small portion of existing tax on food to protect Utah's farmlands, and 52% believe that the Utah legislature should divert taxpayer dollars to the Lee Ray McAllister Fund to protect farmland. He suggested that Weber County set up its own fund (mandated or voluntary), to devise its own agri-tourism logo, to have a marketing bulletin highlighting the local farms, and that participants could have a voluntary tax (license plates, special logo, etc.) to promote the farms. He suggested changes to the ordinance including that the multi-farmer market be year around, and that the value added product processing building limits be increased because the proposed size is insufficient. He also suggested an Agri-Cultural/education center and said that grant money is available to teach farmers/educate the public.

Sharon Holmstrom, of Eden, concurred with Lee Schussman's comments. She said that the Valley is very supportive of giving farms the opportunity to expand uses but there is a difference in processing produce and elk, and this is a real concern for Valley residents. She suggested striking amusement rides, go carts, etc. from the ordinance as a use, which does not address noise, etc.

Jerry Stanger, of Marriott-Slaterville, has had a farm in West Warren since 1953, of which 5 acres is alkali, and he has been paying taxes for that worthless land. It does not appear that the ordinance allows people to come for a few hours and operate the heavy farming equipment and he suggested that change.

Layne McFarland, of West Weber, encouraged adoption of this ordinance, stating that agriculture is a very vital part of the county, however, he opposes certain uses (i.e., a motorcycle race track or bungee jumping tower), because they are not agriculture related. His son is currently in Idaho looking at a farm because he is concerned about the future of agriculture in Weber County. Mr. McFarlane asked the Commission to help promote agriculture in this county.

Neil Barker, of Cold Springs Trout Farms, stated that their business has been around 89 years. His father talked about 30 trout farms in Utah but now there are only 6. Those that do not cater to tourism are going out of business and he strongly supports this ordinance.

James Barnhill, of Utah State University Extension Service, expressed the need for this ordinance, acknowledging that some changes are needed.

Steve Clarke, of Eden, appreciates having been able to review each draft of this ordinance and to be part of the work sessions. He supports it and agrees with the suggested amendments made today. However, he said that this ordinance, in its attempt to be inclusive and offer a lot opportunities, opens the door to commercial operators who wish to take advantage of it through some loophole and Mr. Clarke recommends closing the loopholes as quickly as they become known. The Valley is different than the western Weber County and the Valley's farmers have a special need for this type of ordinance because they struggle to support themselves.

Shana Francis, of Eden, asked that in the application process for this issue there be some requirement for the petitioner to address the impacts to the Valley and mitigation to those impacts, including to soils, water, watershed, air quality, wild life/habitat, view corridors, lighting, the introduction of invasive plant species to the Valley, etc. She would like some type of limitation on square footage and height on commercial-type structures.

Ingrid Sanchez, of Eden, spoke of the positive emotional impact farming can have on someone's life. She supports farming/preserving open space. She suggested having unique markers designating each farm.

Juan Sanchez, of Eden, said he was representing the group "Mountain Farmers," a group of farmers and others who are excited about farming and produce from farms. Only about 2% of them can dedicate themselves fulltime to farming because it is not profitable and he strongly supports this ordinance to help supplement farmers, preserve open space and family farms.

Patricia Denkins, of Huntsville/Kelly Creek Farm, said that she and her husband purchased the farm from farmers who were several generation farmers whose children could not afford to continue farming that land. Her intention is to preserve as much of it in agriculture as she possibly can. Since her husband's passing she is dependent on that farm and supports the ordinance, acknowledging concerns about commercial development coming in and taking advantage of loopholes, impacts on environment, etc.

Mr. Mendoza addressed Chair Dearden's question stating that the value added product processing plant requires a minimum of 5-acres. Chair Dearden noted that some changes are needed to the proposed ordinance. He expressed a concern that it may give a new avenue to a meat processing plant, but there are additional requirements that would have to be met in addition to this ordinance. Commissioner Zogmaister stated, however, that recently owners of a resort-type facility attempted to bring in, as a complementary business, the meat packaging facility, and she asked if this ordinance is clear enough to keep that from happening again. Mr. Mendoza responded that he had excluded livestock from this ordinance originally but the two planning commissions requested that it be put in. The use is listed but would have to meet the standards of the existing ordinances. He stated that a farmer can submit a conditional use application requesting a meat packaging/processing facility because it is a stand-alone use that is specifically listed in the AV-3 Zone, requires a minimum of 5 acres, etc.

Commissioner Zogmaister asked if there had been discussion to have different allowances between the western Weber County and the Valley and Mr. Mendoza responded there had not been any such discussion. He stated that when the Ogden Valley Planning Commission discussed the various uses they thought it was a good idea for someone raising a certain type of livestock to be allowed to prepare that meat and serve it in that facility; this is the reason they asked that livestock be added to the ordinance. Mr. Mendoza reiterated that processing game meat is not a use coming through agri-tourism, but rather through the regular conditional use permit application.

Commissioner Zogmaister said that some concerns brought up today are worth considering. She prefers the uses being connected to agriculture and the land and said that amusement rides do not qualify. She stated that there are enough farm-related activities that an amusement park does not need to be brought into the farm. Mr. Mendoza said that in the uses table in the ordinance an amusement park is not an allowed use but is in the definition of a non-agriculturally related use. He agrees with striking it so it is not confusing.

3. Commissioner Zogmaister moved to adjourn the public hearing and reconvene the public meeting; Chair Dearden seconded, both voting aye.

**4. ACTION ON PUBLIC HEARING:**

Chair Dearden said that he was not prepared to vote on the ordinance and Commissioner Zogmaister concurred. Chair Dearden outlined four items (amusement rides, processing plant, dates for operations, and square footage of building) that need to be reviewed, noting that there may be other issues. Mr. Mendoza will continue to work on those issues. The commissioners thanked Mr. Mendoza for his hard work.

**H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, DECEMBER 11, 2012, 10 A.M.**

**I. PUBLIC COMMENTS:** None

**J. ADJOURN**

Commissioner Zogmaister moved to adjourn at 12:00 p.m.; Chair Dearden seconded, both voting aye.

Attest:

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Craig L. Dearden, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor