



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use permit for an Agri-Tourism operation identified as the Cold Springs Trout Farm.

Agenda Date: Tuesday, May 10, 2016

Type of Decision: Administrative

Applicant: Neal Ward Barker & Carrie L Barker

Authorized Agent: Tarah Michell Barker

File Number: CUP# 2016-08



Property Information

Approximate Address: 2284 Fruitland Drive, North Ogden

Project Area: 12.95 Acres

Zoning: Agriculture Zone (A-1)

Existing Land Use: Agriculture

Proposed Land Use: Agri-Tourism

Parcel ID: 17-082-0113, 17-082-0114, 17-075-0091

Township, Range, Section: Township 7 North, Range 1 West, Section 33 & 34

Adjacent Land Use

North: Agricultural/Residential	South: Agricultural/Residential
East: Residential	West: Residential

Staff Information

Report Presenter: **Ronda Kippen**
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: JG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 5 Agricultural Zone (A-1)
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations
- Title 108, Chapter 21 Agri-Tourism
- Title 110, Chapter 1, Western Valley Signs

Summary and Background

The Planning Division is recommending approval of the conditional use permit for Agri-Tourism operations known as “Cold Springs Trout Farm” based on the findings and conditions outlined in this report. The farm, known as Cold Springs Trout Farm, consists of approximately 12.95 acres and lies in the Agricultural Zone (A-1) which allows Agri-Tourism only when authorized by a conditional use permit. The applicant is requesting approval of a conditional use permit for an agri-tourism operation as an accessory use to the existing agricultural uses located at approximately 2284 Fruitland Drive North Ogden, UT.

The Cold Springs Farm Trout Farm has been in operation since 1924 and qualifies as a “Small Farm” per the Uniform Land Use Code of Weber County, Utah (LUC) §108-21-4 which includes agriculturally productive property consisting of ten acres or more but fewer than 20 acres. The proposed use will be beneficial to the owner as well as the residents of Weber County by allowing the owner to continue utilizing the farm as it has been historically operated and allow for some additional commercial and education abilities to be implemented while promoting the preservation of agricultural property.

Conditional use permits should be approved as long as any harmful impact is mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application meets these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The West Central Weber County General Plan identifies agriculture as a prominent feature of the County and has the desire to preserve the openness by promoting and protecting working farms (see the West Central Weber County General Plan adopted September 23, 2003 pages 1.3, 2.4 & 2.).

Zoning: The subject property is located within the A-1 Zone which is categorized as a "Agricultural Zone". The purpose and intent of the Agricultural Zone A-1 is further described per LUC §104-5-1 as follows:

"The purpose of the A-1 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."

Agriculture is the preferred use in Agriculture Zone A-1 which has specific standards identified in the LUC §104-5-7 that shall be met as part of the development process. The standards are as follows:

- Minimum lot area: 40,000 square feet
 - LUC§108-21-3(2)(b) requires the minimum lot area for all agri-tourism parcels to consist of an area not less than twice the minimum lot area per the zone.
- Minimum lot width: 150'
- Minimum yard setbacks:
 - Front: 30'
 - Side: 10'/14' (total width of 2 side yards not less than 24 feet)
 - Rear: 30'
- Main Building height:
 - Maximum: 35'
- Accessory building height:
 - Maximum: 25', unless meeting requirements of LUC §108-7-16, Large accessory buildings

The A-1 zone allows permitted and conditional uses as well as additional permitted uses that require 2 and 5 acres at a minimum for the more intensive uses in the zone.

Conditional Use Review: The proposed agri-tourism use is conditionally allowed in the A-1 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required material to facilitate a thorough review of the proposed project (see Exhibit A).

Agri-tourism Applicability and Review: General development standards have been established to ensure the purpose and intent of the LUC §108-21 has been met and to provide an acceptable level of assurance that authentic, agriculturally related products and experiences are offered to the public. The applicant took over the family operated farm in 1997 and has seen continued growth over the years and has continued to provide the nice family atmosphere that is part of the experience at the trout farm (see Exhibit A).

Narrative: The applicant has provided an extensive narrative (see Exhibit A) that depicts the history of the farm, the overall vision for the proposed agri-tourism operation, the proposals for both agriculturally related and non-agriculturally related products, uses, activities, facilities and equipment, the anticipated daily operations, patrons, employees and parking needs.

The Cold Water Trout Farm is a well loved destination for residences throughout Northern Utah and has been inspired by the Weber County Agri-tourism Land Use Code to add to the existing activities that predate zoning and land use ordinances in Weber County by implementing some commercial and educational features as the farm continues to attract visitors of all ages within the community. Cold Springs Trout Farm will continuously strive to create an enjoyable experience for the public as they come to enjoy the fishing facilities

General site and building design/layout: The applicant has provided a site plan for the combined 12.95 acres site; identifying both the existing and proposed uses on the site (see Exhibit B). The site includes historic improvements dating back to the early 1900's as well as various amenities for the visiting patrons (see Exhibit C). The existing improvements located on the site include the property owner's primary residence, a green house that is currently under construction, multiple fish hatchery areas, fishing ponds for fee fishing, improved parking areas, restroom facilities and two existing buildings and a small shed that are used for farming operations and storage areas for farming equipment and materials. The farm has an approved septic system and receives water services from an artesian spring.

The immediate plans for the farm will be to transition one of the existing buildings into a small gift shop and to sell produce from the green house at a harvest market stand on site. In the future, the applicant plans on tearing down the two existing buildings and a small shed and replace them with a building that could be used for educational classes/tours, gift shop, and food concessions. This area will be utilized for school groups, scout groups, families, etc. to come and learn all about fish and aquaculture in the AERC, have the opportunity to eat the food they have caught, buy souvenirs and/or have the opportunity to take home fresh organic food from our greenhouse. Additional signage and lighting has not been requested for the proposed use.

- **Production:** The Cold Water Trout Farm will be a working farm consisting of aquaculture and a cultivated corn field. The applicant plans to have a Harvest Market/Stand to sell the produce and products from the onsite greenhouse and products from other local neighborhood gardens.
- **Agri-tourism uses/activities:** To ensure an acceptable balance and mixture of agriculture and non-agriculture related uses/activities a minimum of one-half of all uses and activities will be agriculturally related. The proposed activities and uses consist of the following:

Farm Stay Uses/Activities (Residential and Overnight Accommodations):

- Agro-ecology research center
- Single-family dwelling

Agriculture Related Uses:

- Barn Dance
- Corn Maze
- Educational classes
- Harvest Market
- Nursery (Plant cultivation)
- Special events
- Special Occasion, Agri-Tourism

Non-agricultural facilities include:

- Agricultural Arts Center
- Fee Fishing
- Food Concessions Stand
- Gift Shop (retail)
- Haunted House/Haystack/Farm
- Play area, agri-tourism
- Special events
- Value added product processing

- **Hours of operation:** The Cold Water Trout Farm is open to the public during the hours of 9:00 am – 8:00 pm Monday through Saturday and there is not a proposed changed to the hours of use at the facility. Due to the "Small Farm" designation, a "Multi-farmer open air (farmer's) market" is not considered a permitted use per LUC §108-21-5-Permitted uses/activities table; however, if the applicant is desirous to sponsor such an event, it could be classified as a "Special Event" which is permitted and a special event permit will be required.
- **Development agreement:** Prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, the applicant will be required to record a farm stay and a commercial development agreement provided by Weber County on all parcels utilized as part of an approved agri-tourism operation. A single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption are exempted from this requirement. The applicant will need to amend the site plan for any structures that are not currently identified on the site plan (see Exhibit B). A condition of approval has been added to ensure that a development agreement is executed and recorded prior to the issuance of any building permits as a part of the approved conditional use permit.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2016-08, a conditional use permit for an agri-tourism operation identified as the Cold Water Trout Farm located at 2284 Fruitland Drive North Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. A farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses.
2. Requirements of the Weber County Building Inspection Division.
3. Requirements and recommendations of the Weber Fire District.
4. Requirements of the Weber County Engineering Division.
5. Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

1. The proposed use conforms to the West Central Weber County.
2. The proposed use will protect and preserve agricultural property in Weber County.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Site Plan
- C. Site Photos

Map 1



Map 2

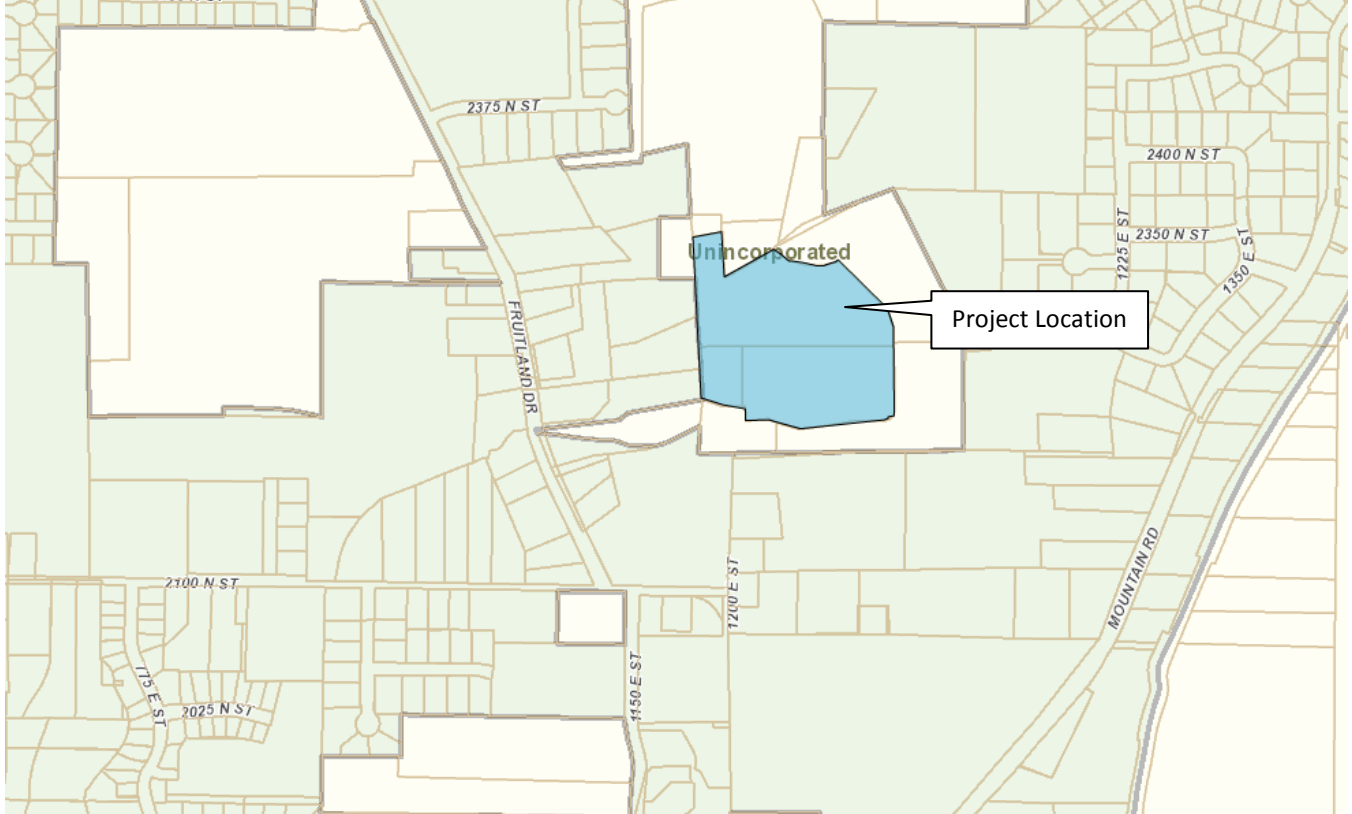


Exhibit A- Application

Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed 04/08/2016	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Neal Ward Barker		Mailing Address of Property Owner(s) 2284 Fruitland Drive North Ogden, UT 84414	
Phone (801) 710-4905	Fax		
Email Address (required) fishcstf@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Tarah Michelle Barker		Mailing Address of Authorized Person 2284 Fruitland Drive North Ogden, UT 84414	
Phone (801) 624-0585	Fax		
Email Address tarahbarker@hotmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name CSTF Agri-tourism		Total Acreage Approx. 13 acres	Current Zoning A-1
Approximate Address 2284 Fruitland Dr. North Ogden, UT 84414		Land Serial Number(s) 17-082-0113 17-082-0114 17-075-0091	
Proposed Use CSTF Agri-tourism			
Project Narrative <p>HISTORY:</p> <p>Cold Springs Trout Farm was purchased just prior to 1907 by Lyman barker from Joseph Orton. Lyman took an interest in raising trout after visiting the trout farm in Liberty, Utah, which was then owned by the Clarks.</p> <p>Lyman first built several dirt ponds after gaining ownership of the farm. The muskrats would dig in the dirt banks which caused him much trouble, so he then decided to make all cement ponds. He hired a man named Bert Barron, who with his son, Alvie built seven all cement ponds in 1924.</p> <p>L. Ward Barker was a boy of 17 at the time and put his hand in the green cement. His print can be seen to this day. L. Ward Barker took over the farm in 1950 and ran it until his son Jay Barker took charge in 1961. Jay turned it over to his son Neal Barker in 1997.</p> <p>In the early days, the fish were fed with cooked wheat shorts ground up with horse meat. The farm has seen its share of hard times and fish losses, but through it all, it has continued to progress. Cold Springs Trout Farm has grown steadily over the years due to the demand for fresh rainbow trout, and the nice family atmosphere that is experienced at the trout farm. We currently see about 40,000 customers every year.</p> <p>Cold Springs Trout Farm is family-oriented, fun, and an educational experience. We are committed to continue to create a better service and business for our customers and family so that we may continue to bring these opportunities to the public. (see attached- Exhibit A for more)</p>			

Exhibit A- Application

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

The nature of our activity is a quiet activity and will not be expected to create noise and too loud of noise is prohibited in our facilities. Vibration will not be an issue in such activity. There will be no change in lighting from our current usage. We will have the same hours of operation so there will be no change in hours of use at our facility. Our road into the farm is paved road therefore is not expected to create dust and has not been a problem in the past. Our activity will not create any additional smoke nor create additional traffic we are not creating such facilities to bring more people rather give more options to the current customers at the farm. We have been in business since 1924 and have always had plenty of parking.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

The proposal is in line with the small farm uses as designated in the code.

Exhibit A- Narrative

We as Cold Springs Trout Farm have always been a community-supporting business and have enjoyed the strong support of the community in return. We continuously strive to create an enjoyable experience for the public as they come to enjoy our fishing facilities. In an effort to maximize our patrons experience at Cold Springs Trout farm and to ensure the viability of our farm into the future.

According to the Agri-tourism Ordinance, a farm of our size is allowed (pending approval) to participate in the following activities: (This is a list of activities that we are interested in incorporating into our farm)

Farm Stay (Residential and Overnight Accommodation) Uses/Activities

- Agro-ecology research center
- Single-family dwelling

Agriculturally Related Uses/Activities

- Barn Dance
- Corn Maze
- Educational classes
- Harvest Market
- Nursery (Plant cultivation)
- Special event; as defined by title 38 special events
- Special occasion, agri-tourism
- U-pick operation/ pumpkin patch

Non-Agriculturally Related Uses/Activities

- Agricultural arts Center
- Fee fishing
- Food concessions stand
- Gift Shop (retail)
- Haunted house/hay stack/farm
- Play area, agri-tourism
- Special event as defined by title 38 special events
- Value added product processing

Our farm has been in operation since 1924 and has already been approved for and has a business license for fee fishing and corn maze. We also have a green house under construction.

We would like to open a small gift shop in our existing building first, and sell produce from the green house at a produce stand on site. In the future, we would like to tear down 2 existing buildings and a small shed and replace them with a building that could be used for educational classes/tours, gift shop, and food concessions. It is our vision that we have a place where the school groups, scout groups, families, etc. can come and learn all about fish and aquaculture in the AERC, have the opportunity to eat the food they have caught, buy souvenirs and/or have the opportunity to take home fresh organic food from our greenhouse. On our farm we have a sceptic tank and artesian spring water.

COLD SPRINGS TROUT FARM AGRITOURISM

Conditional Use Permit Application



LEGEND

- BOUNDARY LINE
- ▨ POTENTIAL BUILDING SPOTS
- ▨ CULTIVATED CORN MAZE
- ▨ GREENHOUSE
- ▨ FISH HATCHERY
- ▨ PARKING

ACREAGE

COLD SPRING TROUT FARM PROPERTY =
Approximately 13 acres

AGRITOURISM ACTIVITY CENTER = 0.41 acres

PERCENTAGE OF TOTAL PROPERTY = 3.15%



98m



Exhibit C- Historical Structure and Historic Site Photos



Exhibit C- Current Site Photos

