



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on ZMA 2013-02 to rezone property located at approximately 6300 South and 1500 East (in the South Ogden area) from the Gravel (G) Zone to the Agricultural-1 (A-1) Zone for the purpose of creating a farm operation that can raise fish, graze cattle, and carry out other various agricultural activities allowed in the A-1 Zone.

Agenda Date: Tuesday, September 10, 2013

Applicant: Gordon Frisbey and Roxanne Ball

File Number: ZMA 2013-02

Property Information

Approximate Address: 6300 South and 1500 East (in the South Ogden area)

Project Area: 54.69 Acres

Zoning: Current zoning is the Gravel (G) Zone and the proposed zoning is Agricultural-1 (A-1)

Existing Land Use: Vacant, reclaimed gravel operation

Proposed Land Use: Agriculture

Parcel ID: 07-081-0012 and 0024

Township, Range, Section: T5N, R1W, Section 22

Adjacent Land Use

North: Residential	South: Agriculture
East: Residential	West: Railroad/Cemetery

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
801-399-8769

Report Reviewer: RS

Applicable Ordinances

- Weber County Land Use Code Title 104, Chapter 4 (Gravel Zone)
- Weber County Land Use Code Title 104, Chapter 5 (Agricultural Zone)
- Weber County Land Use Code Title 102, Chapter 5 (Rezone Procedures)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically, the criteria for recommending in a legislative matter require compatibility with the general plan and existing codes.

Background

The applicant is requesting an approval to rezone property located at approximately 6300 South and 1500 East (in the South Ogden area) from its existing Gravel (G) Zone designation to the Agricultural-1 (A-1) Zone. The purpose for the request is to put the appropriate zoning in place so that it will allow the applicant the opportunity to create a farm operation that can raise fish, graze cattle, and carry out other various agricultural activities allowed in the A-1 Zone. See Map 1 (on page 4 of 4 of this Staff Report) for location map. See Exhibit A for application and project narrative.

The subject property has been operated as a gravel pit for approximately 30 years but is no longer in use. It is made up of two parcels (53.86 and 0.83 acres) which account for approximately 54.69 acres that lie adjacent (directly east) to an existing A-1 Zone. The existing A-1 Zone, in this area of the County, consists of approximately 400 acres. See Exhibit B for a Concept Development Plan. See Exhibit C for an Area Map that shows the existing A-1 Zone and the subject property.

Due to the nature of this request, i.e., the request is considered a “down-zoning” or an action that would result in zoning that allows less intensive uses that are more compatible with surrounding uses, the applicant is further requesting that the County not limit the farm to the improvements currently shown on the Concept Development Plan or require a Zoning Development Agreement. The applicant prefers that the subject property be regulated by the A-1 Zone standards only. Chapter 5 (Rezoning Procedures) of Title 102 states the following:

The County Commission may require an applicant, at the time of zoning approval, to enter into a Zoning Development Agreement which specifies and details the applicant’s responsibilities and commitments in carrying out the development contained in an approved concept development plan and which lists the conditions and limitations of development imposed by the County and also the contemplated action of the County in case of default by an applicant or any successors in interest in the rezoned property.

Summary of Planning Commission Considerations

Section 102-5-3 (Approval criteria) of the Weber County Land Use Code states:

“To promote compatibility and stability in zoning and appropriate development of property within Weber County, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of Weber County and the purposes of this Ordinance. The Planning Commission and the County Commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the General Plan, surrounding land uses, and impacts on the surrounding area. The Commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare.”

In order to explain how the proposal meets these criteria, the County’s Land Use Code requires that the applicant provide answers to the following questions in addition to a narrative that explains the project vision:

1. *How is the change in compliance with the General Plan?*
2. *Why should the present zoning be changed to allow this proposal?*
3. *How is the change in the public interest?*
4. *What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?*
5. *How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?*

The applicant has provided a narrative describing the project vision and answers addressing these five questions. See Exhibit A for Narrative and information related to the above questions.

Staff has visited the site and has reviewed the application in order to determine whether or not the questions have been answered adequately. Staff has made the following determinations relating to whether or not this rezone request meets the criteria:

1. How is the change in compliance with the General Plan?

The West Central Weber County General Plan generally refers to the existence of agriculture, and the open space that it provides, as the reason for the County having the opportunity to offer a rural lifestyle and character that is valued by its residents. An approval of the applicants request would be consistent with the following General Plan statements/goal:

- The Plan states that agriculture should be the County’s highest priority when it comes to encouraging and supporting land uses. (Pg. 1-3)
- The Plan states that agricultural uses and businesses, defined by their open spaces, are responsible for preserving the County’s rural character. (Pg.2-1)

2. Why should the present zoning be changed to allow this proposal?

By allowing the zoning to be changed, the landowner would be able to convert an unproductive gravel pit into a productive farm. The Utah State Extension Office in Weber County has evaluated this application and has responded with a favorable review. See Exhibit D for the Extension Office review.

3. How is the change in the public interest?

Staff has determined that the rezone request is in the public interest for the following reasons:

- The subject property lies directly south and adjacent to the South Ogden City limits and one of its residential neighborhoods. The activity center of the proposed agricultural operation will be located approximately 325 feet away and far below (because of the area's terrain) the existing neighborhood; therefore, a sizeable buffer will be provided.
- The proposed agricultural operation will be more compatible with surrounding uses when comparing it to an active gravel pit which is allowed under the current zoning.
- The agricultural zoning would allow an unproductive gravel pit to become a productive farm.

4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

The main change that has taken place is that this portion of South Ogden City has become developed with residential neighborhoods. Because of this, the Planning Staff believes that the proposed use will be more compatible with the adjacent uses.

5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

When comparing the propose use to that of an active gravel pit, the Planning Staff believes that residents in the area may see the following benefits:

- Protected air quality.
- Less industrial traffic.
- The agricultural zoning would allow an unproductive gravel pit to become a productive farm.
- The adjacent neighborhoods would be located next to an open agricultural landscape.

Conformance to the General Plan

This section has been addressed in the answer to question 1 above.

Conditions of Approval

- Any requirements found necessary by the Planning Commission.

Staff Recommendation

Staff has determined that this rezone request, from the Gravel (G) Zone to the Agricultural-1 (A-1) Zone, meets the criteria found in Chapter 35. Therefore, staff recommends that the Planning Commission recommend approval of this rezone request to the County Commission. This recommendation includes the following provisions:

- The proposal is not subject to a Zoning Development Agreement.
- The proposal is not limited to the development shown on the Concept Development Plan attached as Exhibit B.
- The subject property may develop in a manner consistent and in compliance with the Agricultural-1 (A-1) Zone standards.

Exhibits

- A. Application and Project Narrative.
- B. Concept Development Plan.
- C. Area Map showing existing A-1 Zone and subject property.
- D. Utah State Extension Office Review.

Map 1 (Aerial View of Subject Property)



Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted <i>8-13-2013</i>	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) GDR DONE PLAYGROUND llc		Mailing Address of Property Owner(s) 3451 Airport Road Ogden, Utah 84405	
Phone 801 479 8788	Fax		
Email Address gfrisbey@hotmail.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) Gordon Frisbey or Roxanne Ball		Mailing Address of Authorized Person <i>SAME</i>	
Phone 801 644 3747	Fax		
Email Address gfrisbey@hotmail.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Rezone from G to A1		Current Zoning G	Proposed Zoning A1
Approximate Address 6221 South 1550 East		Land Serial Number(s) 070810024, 070810024	
Total Acreage 54.69	Current Use Gravel	Proposed Use Agriculture	

Project Narrative

Describing the project vision.

We are planning on create a small farm to raise fish, cattle and other farming allowed in an A1 zone.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

Why should the present zoning be changed to allow this proposal?

The change should be made so it represents what we are going to try and do with the property.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Property Owner Affidavit

I (We), _____, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20 _____,

(Notary)

EXHIBIT C %

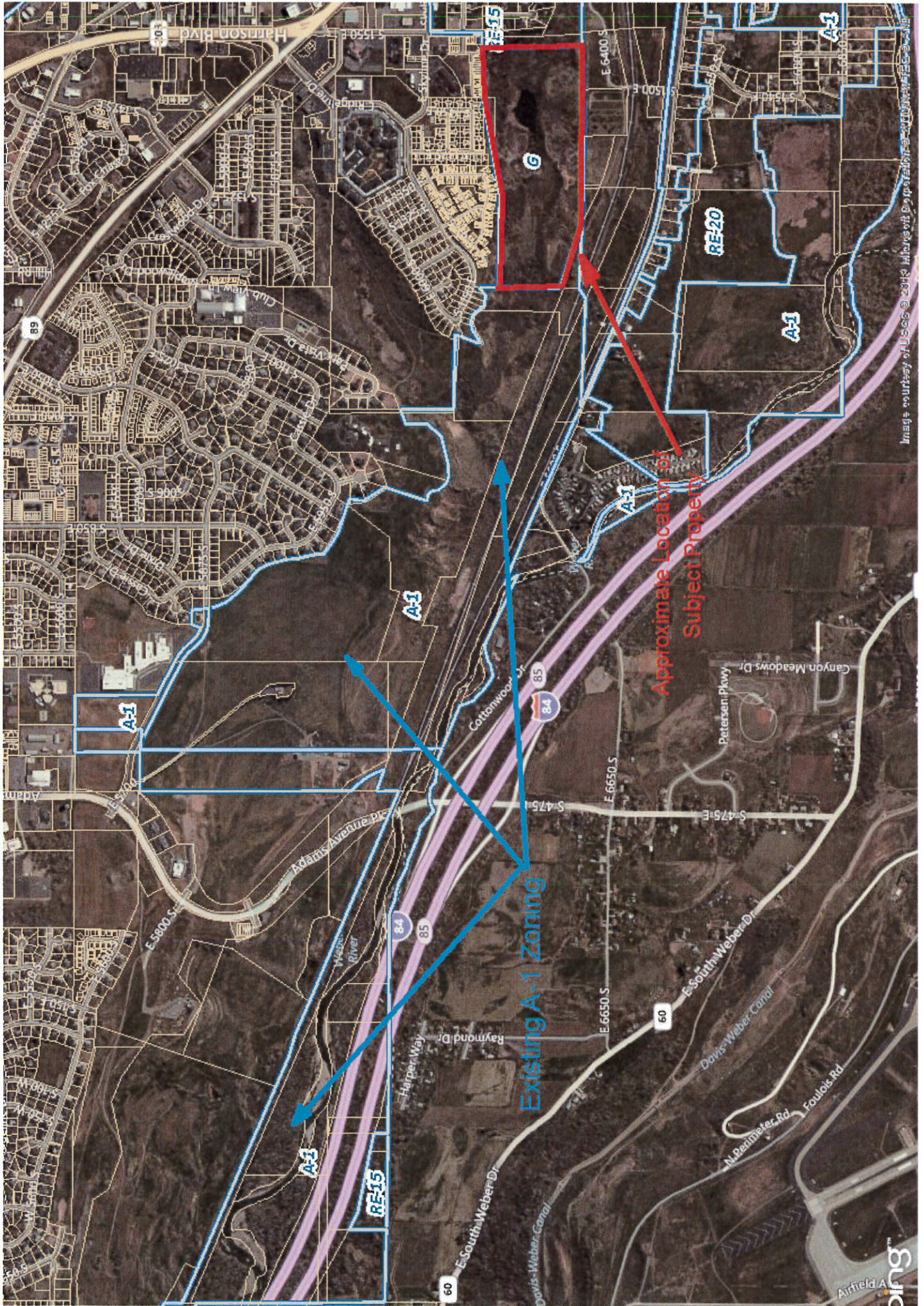


EXHIBIT D 1/2

2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473



Weber County Planning Division

AGENCY REVIEW TO ZONING MAP AMENDMENTS

1. Agency Weber County Extension Date August 13, 2013
2. Agency Address 1181 N. Fairgrounds Drive, Ogden UT 84404
3. Checked by: James V Barnhill Position _____
4. Under existing conditions, the development of this subdivision:
 - Is feasible as shown
 - Is not feasible
 - Is feasible with requirements shown on returned plan
5. Comments: _____

The Weber County Planning Office has received an application for Zoning Map Amendment Application ZMA 2013-01, to rezone from Gravel G-1 Zone to Agricultural A-1 Zone to create a small farm to raise fish, cattle, and other farming that is allowed in the agricultural zone located at 6221 S 1550 E by GDR Done Playground LLC, Gordon Frisbey.

Please review the attached proposed rezoning request: *This property is adjacent to an A-1 zone on one side and residential on the other three. It appears to have a limited water supply and has some significant slopes. It may be possible to maintain a farming operation here if it respects the desires of the community, and*

--Please respond to this review request by returning this form and the attached plan within 5 ~~business~~ *the* days to: *needs of the residential population. I would support the zone*

Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473 *change to*

--If you have any questions or need further information, please call 399-8791, Fax 399-8862 *A-1.*

James Barnhill

Thank You, Kary Serrano