Minutes for Western Weber Planning Commission meeting of January 4, 2022, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 4:30 pm.

**Members Present:** Andrew Favero--Chair

Bren Edwards-- Vice Chair

Wayne Andreotti

Chad Call

Jed McCormick

Sarah Wichern

**Pledge of Allegiance**

**Staff Present:** Rick Grover, Liam Keogh, Scott Perkes, Charlie Ewert, June Nelson

1. **Minutes were approved for December 14, 2021. Bren Edwards motioned to approve minutes. Sarah Wichern seconded the motion. Motion passed 6-0.**

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

1. **Administrative items:**

**This item was pulled from the agenda.**

* 1. **LVR051321:** Consideration and action on a request for approval of an amended Open Space Preservation Plan for the Riverbend Cluster Subdivision located at 4300 W 1400 S.

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

1. **Legislative items**
   1. **ZTA2021-10:** Public hearing and action regarding the county-led text amendment to add a definition and regulatory language to the Land Use Code regarding Large Concentrated Animal Feeding Operations. **Staff Presenter: Scott Perkes**

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

During the 2021 General Session, the Utah State Legislature passed S.B. 130 (See **Exhibit A**) which served to accomplish the following:

1. Enacted the Large Concentrated Animal Feeding Operations Act (17-27a-11) (Effective 5/5/2021).
2. Provide defined terms for Animal Feeding Operations (AFO) and Large Concentrated Animal Feeding Operations (LCAFO).
3. Required adoption of a county LCAFO land use ordinance.
4. Addressed the scope of a county LCAFO land use ordinance.
5. Addressed the geographic area where large concentrated animal feeding operations may be located.

Per item #3 above, the Act requires that County adopt an LCAFO land use ordinance by no later than February 1st 2022. Pursuant to this requirement, Planning staff have worked with the County Commission in work session as well as the Western Weber Planning Commission and Ogden Valley Planning Commission in work session on potential regulation scenarios that

could be implemented prior to the February 1st 2022 deadline.

The Commissioners discussed options including LCAFO needs to be in A3 or M3 zone, also if there should be a buffer zone. There was much discussion as to existing operation, and if they were in the right zone now after some farms had grown. Scott Perkes pointed out that with future plans, or an updated General Plan, M3 could change to M1 or M2. Commissioner Call asked if M3 is taxed differently from A3- an agriculture zone. Director Rick Grover stated that owners might still be able to get the agriculture benefit in the M3 zone. He also stated that one of the County Commissioners is concerned about LCAFO being in M3 or any zone within the County. Commissioner Edwards asks why we would pull this out of A3. What would be the benefit? Commissioner Favero said that he doesn’t think that there is much of a chance of a new LCAFO moving into the area. Scott Perkes said that a new operation would need a Conditional Use Permit. Commissioner Andreotti said that if you have a large number of cattle, it is industrial farming. The traffic in Western Weber County is already bad. A3 is fine for smaller animal feed operations. M2, M3 should be set aside for manufacturing. I want to protect the M3 area for manufacturing. We need to keep manufacturing for manufacturing. Scott Perkes said that under current code, current livestock feed yard is the same as LCAFO. Large is not defined. Current operation will be grandfathered in. If an owner wants to grow, they would need a Conditional Use Permit. Commissioner Edwards stated that under the definitions, it talks about how many animals per acre. Not all land can sustain the same number of animals. Commissioner Favero stated that under the current code, it says a “commercial” operation. That changes that definition for me. Commissioner Edwards says that most farms ARE commercial operations. Scott Perkes says that if an operation is in an A2 zone, they cannot expand to LCAFO. Commissioner Favero stated that some farms are non-compliant. They might need to reapply. This is a new start. Many operations have grown unchecked and may have exceeded what they are zoned for. All new operations will have to comply. We don’t want to tell current farmers that they will need to pare down their operations. Commissioner Call states that the current zoning has been designated according to what was already there. Scott Perkes says that we are looking to the future, we can rezone, and we plan what we foresee. We look at growth patterns, and at the master plan. Commissioner Wichern said that we need to zone. We can’t grant everyone’s wishes. We set expectations, guidelines to follow. Commissioner Andreotti stated that this is the planning process. There is no reason to believe that growth will stop. Development won’t change. We aren’t prepared. We need to consider what will happen in the next 5 years. Let’s not table this, but come to some agreement. Keep an eye on the future, not the past.

**Commissioner Favero asked for a motion to open the public hearing. Commissioner Edwards made the motion, Commissioner Wichern seconded the motion. Motion passed 6-0.**

John Price, 646 S 7900 W, Ogden. He leases many acres. Do you choose what zone you are in? Planning makes changes when it makes sense. I love the ag life, but it is too expensive. I look forward to what is coming. The ground will not support a large number of animals.

**No other public comments. Commissioner Edwards motioned to close public hearing and Commissioner Wichern seconded the motion. Motion passed 6-0.**

Commissioner Edwards says that he doesn’t think that we will see a LCAFO in the area**.** We also don’t want to set a limit to what is there if someone wants to grow. Scott Perkes says that there are already limits. No one is knocking on doors and counting the number of cattle. Current operation can continue as they are. Commissioner Andreotti asks if anyone looks at operations to see if they are environmentally compliant. Many are by rivers, creeks and drains. Commissioner Wichern say that Conditional Use allows us to decide what is reasonable in areas.

**Commissioner Edwards motioned to accept the Alternative Recommendation and findings listed in the staff report and with the added recommendation of striking criteria #4 under the Animal Grazing Special Regulations listed in both the agriculture and manufacturing zoning ordinances.**

**ALTERNATIVE RECOMMENDATION:**

**In light of the ongoing Western Weber Futures General Plan Update, anticipated changes to zoning densities in the A-1 and A-2 zones, and the upcoming MEGA SITE industrial/manufacturing park development, staff recommends that the planning commission review the land use tables in the Agricultural Zones and Manufacturing Zones and re- evaluate where Animal Grazing, AFOs, and LCAFOs may be best sited. In staff’s review of the long-range planning efforts mentioned previously, NEW**

**LCAFOs may be best sited as Conditionally Permitted uses in only the A-3 and M-3 zone. This would ensure that any newly established LCAFOs wouldn’t quickly run into conflicts with increasing housing density and manufacturing uses envisioned**

**in the A-1, A-2, M-1, and M-2 zones.**

**If the Planning Commission supports the alternative recommendation, a positive recommendation to the County Commission for file ZTA2021-10 could be provided under the same findings listed above as modified by the alternative recommendation’s adjustments to the land use tables.**

**This recommendation is consistent with the regulation scenario drafted as Exhibit B in the staff report, and is based on the following findings:**

1. **The proposal protects existing Animal Grazing, AFOs and LCAFOs ability to continue operations for as long as the prevailing markets allow.**
2. **The proposal gives clear direction to any new Animal Grazing, AFO, or LCAFO operation as the zones where such uses are permissible and operational standards under which they will need to operate.**
3. **The proposal is in the best interest of the public both in the short term and in the long term.**
4. **The proposal is not detrimental to the general plan.**

**Commissioner Andreotti, yes, Commissioner McCormick, yes, Commissioner Call, no, Commissioner Edwards, yes, Commissioner Wichern, yes, Commissioner Favero, yes. Motion carries, 5-1.**

**4. Elections: Chair and Vice - Chair for 2022**

**Commissioner Edwards motioned for Commissioner Favero as Chair. Commissioner Wichern seconded the motion. Commissioner Edwards, yes, Commissioner Andreotti, yes, Commissioner Wichern, yes, Commissioner Call, yes, Commissioner McCormick, yes, Commissioner Favero, yes. Motion carries 6-0.**

**Commissioner motioned for Commissioner Edwards as Vice Chair. Commissioner Wichern seconded the motion. Commissioner Edwards, yes, Commissioner Andreotti, yes, Commissioner Wichern, yes, Commissioner Call, yes, Commissioner Favero, yes, Commissioner McCormick, yes. Motion carries 6-0.**

**5. Meeting Schedule: Approval of the 2022 Meeting Schedule**

**Commissioner Wichern motioned to adopt the calendar-schedule. Commissioner Edwards seconded the motion. Motion passed 6-0.**

**6. Public Comment for Items not on the Agenda: no comments**

**7. Remarks from Planning Commissioners:**

Commissioner Andreotti mentioned an article titles A Place to Call Home. He also talked about a movement in the state to only have 2-3 zones state wide. I don’t like others making decisions for us. On another topic he stated the there was more than a billion dollars set aside for the Ogden Airport. Wouldn’t that be better spent on infrastructure? There is not even enough room to expand the airport.

**8. Planning Director Report:** Just for your attention, there is a movement to take things from a local area to state control. We don’t want to get rid of planning commissions. Also there is a meeting for the general plan January 18 at Western Weber Elementary School at 6:00. It will be similar to what we did in Uintah. We want to get feedback. Lastly, there is a dinner tentatively planned for February 10, Thursday. It is an appreciation dinner and spouses are invited. We are still working out the details.

**9. Remarks from Legal Counsel: no remarks**

**Commissioner Edwards motioned to close the meeting and adjourn to the work session. Commissioner Wichern seconded. All voted in favor 6-0.**

**Adjourn to Work session**

**WS1: Discuss conceptual future land use plan for west of Weber River and South of the railroad tracks.**

**Respectfully Submitted,**

**June Nelson**

**Lead Office Specialist**