

The Farr West City Planning Commission was held on Thursday, January 12th, 2023, at 7:00 P.M. at the City Hall.

Commission members present were Chairman Ted Black, Darren Roylance, Steve Hurd, Brandon Whitesides, Lyle Earl, Lou Best and Greg Baptist. Genneva Blanchard is excused.

City Staff present: Janelle Leatham, City Council and McKinzie Tams, City Staff.

Visitors present- see attached list.

#1 – Call to Order – Chairman Ted Black

Chairman Ted Black called the meeting to order.

#2- Opening Ceremony

a. Pledge of Allegiance

Darren Roylance led in the Pledge of Allegiance.

b. Prayer

Lyle Earl offered a prayer.

#3 – Business Items

a. Report from City Council

Janelle Leatham reported that City Council approved business license for Barnfind Motors LLC. They accepted the 2021-2022 Fiscal Year Audit Report. City Council approved a budget adjustment and utility rate increase based on the CPI and Fuel surcharge with the new rate being \$10 per garbage can and \$6 per recycling can for collection and a garbage can fee of actual cost + \$25. City Council tabled a site plan for Robb Gibb located at 3236 North 2000 West. They then approved Ordinance No. 2023-01, amending the C-3 Zone and approved the new general plan maps with some corrections. City Council confirmed date and times of City Council meetings, set a joint work session for January 26th, 2023, to discuss JDC Ranch proposed development. Members of City Council approved the 2023 business licenses renewals, approved minutes for December 1, 2023, and approved bills and reported on assignments.

b. Open a public hearing to consider the request of a re-zone of the Dwight Bird and Steve Bird properties, parcel numbers 15-004-0018 and 15-004-0097, located at 1806 North 2500 West and 2395 West 1900 North, from the R-1-15 zone to the A-1 zone

GREG BAPTIST MOTIONED TO ENTER INTO THE PUBLIC HEARING TO CONSIDER THE REQUEST OF A RE-ZONE OF THE DWIGHT BIRD AND STEVE BIRD PROPERTIES, PARCEL NUMBERS 15-004-0018 AND 15-004-0097, LOCATED AT 1806 NORTH 2500 WEST AND 2395 WEST 1900 NORTH, FROM THE R-1-15 ZONE TO THE A-1 ZONE. LOU BEST SECONDED THE MOTION, ALL VOTING AYE.

Ken Phippen wanted to give his full support for this re-zone to A-1 Zone, commenting he felt Farr West City should be promoting agriculture uses on these types of properties.

c. Close public hearing and proceed with the regular meeting

GREG BAPTIST MOTIONED TO CLOSE THE PUBLIC HEARING TO CONSIDER THE REQUEST OF A RE-ZONE OF THE DWIGHT BIRD AND STEVE BIRD PROPERTIES, PARCEL NUMBERS 15-004-0018 AND 15-004-0097, LOCATED AT 1806 NORTH 2500 WEST AND 2395 WEST 1900 NORTH, FROM THE R-1-15 ZONE TO THE A-1 ZONE. STEVE HURD SECONDED THE MOTION, ALL VOTING AYE.

d. Recommendation to the City Council approval or denial of the re-zone of the Dwight Bird and Steve Bird properties, parcel numbers 15-004-0018 and 15-004-0097, located at 1806 North 2500 West and 2395 West 1900 North, from the R-1-15 zone to the A-1 zone

Lou Best commented that it is unusual for property owners to request zoning to larger lots, as most requests are the opposite and asked for the property owners to explain their request. Dwight Bird stated the property in question is his and that Steve's property is already zoned A-1. Dwight commented that they zoned their property to the R-1-15 zone back in 1995 when they subdivided the property. Mr. Bird commented he has five acres in the green belt that has been used for farming and to raise animals until Steven wanted to use the property to raise flowers. Mr. Bird expressed that they felt the A-1 zone was the best use of the land since it is continued to be used for farming. Lou stated that if the property is being used for a business in that zone, it would need to meet the requirements of a residential business. Lou commented he felt their business did not meet the requirements of the residential business ordinance. Mr. Bird asked if the re-zone to the A-1 would help that and Lou commented it would not as residential businesses are the only businesses allowed in the A-1 zone. Lou then stated the alternative to that would be the agribusiness, but that the requirements are very specific in that ordinance and he did not feel the intent of that ordinance would allow for a nursery. Lou then read from the agribusiness ordinance, emphasizing that the business would allow for agricultural experiences and the continual producing of an agricultural product for sale and purchase. Dwight asked then if flowers would not count towards that. Lou felt that agricultural products should include crops such pumpkins and corn and that the ordinance was never intended to allow for only a nursery. Steve Hurd stated he disagreed and felt that whether it be a flower or the fruit of the plant, it is all agricultural. Ted Black stated the question is was it the intent of the city to include horticultural products in this ordinance. Ted commented that often in ordinances, agricultural and horticultural products and processes are mentioned together but that they are not the same. Ted stated that our ordinance does not include horticultural products and that would have to be a decision for the City Council whether to include that. Ted pointed out that what we are considering this evening is whether

or not it is appropriate to re-zone the property to the A-1 zone from the R-1-15 zone. Ted then commented that he would imagine the City Council will look at whether the horticultural products should be included in this ordinance and that they can either put this request on hold or they can move forward with a vote on the request for the re-zone. Steve Hurd stated he agreed that with the current ordinance, the agribusiness would not allow for what Mr. Bird is doing but argued that he felt it should. Steve then stated he felt the re-zone is one step closer to being compliant with the ordinance and was supportive of that. Lyle Earl stated he felt that this business was the same as Jerry's Nursery and should be operated as a commercial business the same as Jerry's. Steve Bird pointed out that the permitted uses within the agribusiness include a greenhouse or nursery. Lou Best stated that it is allowable to have a nursery or greenhouse but that it did not meet the purpose and intent of the ordinance. Lou commented that if there was some type of educational component to their business, it would help with the intent of the ordinance. Steve Bird stated they do offer educational opportunities on site and listed the various classes that are available. Lou then brought up that a former Planning Commission member who helped draft the agribusiness ordinance was denied approval of an agribusiness because it did not meet the intent of the ordinance. Lou stated he felt he needed to be consistent in the way he votes. Steve Hurd stated he agreed but also remembered that there were other concerns and concerns from the public with that request. Lyle Earl stated he believes there should be equity between this business and the competitor in the city, Jerry's Nursery. Ted Black stated he felt that the agribusiness ordinance needs to be revisited.

STEVE HURD MOTIONED TO THE CITY COUNCIL APPROVAL FOR THE REQUEST OF A RE-ZONE OF THE DWIGHT BIRD AND STEVE BIRD PROPERTIES, PARCEL NUMBERS 15-004-0018 AND 15-004-0097, LOCATED AT 1806 NORTH 2500 WEST AND 2395 WEST 1900 NORTH, FROM THE R-1-15 ZONE TO THE A-1 ZONE. GREG BAPTIST SECONDED THE MOTION WITH GREG BAPTIST, DARREN ROYLANCE AND STEVE HURD VOTING AYE. LOU BEST AND LYLE EARL VOTED NAY. MOTION PASSED.

4. Consent Items

a. Approval of minutes dated December 8, 2022

GREG BAPTIST MOTIONED TO APPROVE THE MINUTES DATED DECEMBER 8, 2022. LYLE EARL SECONDED THE MOTION, ALL VOTING AYE.

5. Chairman/Commission Follow-up

a. Report on Assignments

Lyle Earl reported on the park meeting and the ADA Dock at Smith Family Park.

6. Public Comments

There were no public comments.

7. Adjournment

GREG BAPTIST AT 7:38 P.M., MOTIONED TO ADJOURN THE MEETING. DARREN ROYLANCE SECONDED THE MOTION, ALL VOTING AYE.

McKinzie Tams, Clerk

Ted Black, Chairman

Date Approved: _____