

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

February 12, 2019

5:00 p.m

- *Pledge of Allegiance*
- *Roll Call:*

1. Approval of September 11, 2018, October 9, 2018, and December 11, 2018 Meeting Minutes

2. Consent Items

2.1 DR 2019-01 - A request for design review approval to construct a new greenhouse that will be added to a large scale growing operation named Pineae Greenhouses.

Petitions, Applications, and Public Hearings

3. Administrative items

a. New Business

3.1 Consideration and action on preliminary approval of Uintah View Estates Subdivision, an 8 lot subdivision.

3.2 Consideration and action on final approval of Fenster Farms Phase 2 Subdivision, an eight-lot subdivision.

4. Legislative items

a. New Business

4.1 A public hearing regarding a proposal to add the solar overlay zone (SOZ) to approximately 370 acres at approximately 1700 South 7500 West.

4.2 Consideration and action on ZTA 2018-06, a request allows lot averaging subdivisions to occur in the A-3 zone

4.3 Consideration and action on ZTA 2018-08, a request to create architecture, landscaping, and screening standards for the Western Weber Planning Area and to offer administrative edits for these regulations for the entire unincorporated county area

5. Public Comment for Items not on the Agenda

6. Remarks from Planning Commissioners

7. Planning Director Report

8. Remarks from Legal Counsel

9. Adjourn to Work Session

WS1: Ongoing review of the proposed land use table ordinance amendment.

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
 - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
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Minutes of the Western Weber Planning meeting of September 11, 2018, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jannette Borklund
Greg Bell
Bren Edwards

Members Excused: John Parke
Jennifer Willener
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner/Long Term Planner; Steven Burton, Planner III; Tammy Aydelotte, Planner I; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. **Approval of minutes for July 10, 2018.** Approved as presented.

Chair Hancock asks if Director Grover if has an opening statement. Director Grover states that the first two items are administrative. Public hearings are not required on those. The last item is a legislative item, they will need to take public comment, before forwarding the recommendation on to the County Commission.

Chair Hancock asks if there is any conflict of interest or ex parte communications to declare. There are none.

LVJ07217: Consideration and action on a request for preliminary approval of Jacquelyn Estates Cluster Subdivision Phases 2 and 3.

Mr. Burton gives an overview of the proposal as listed in the staff report.

Craig Standing 5337 Ridgedale Dr. states that they are asking for preliminary approval for phase 2 for 5 lots. Originally there was meant to be 13 lots for phase 2 but based on the financial situation they want to minimize the exposure and have less financial burden going into phase 2. Everything else will remain the same, phase 1 all the lots are sold.

Commissioner Bell asks regarding the space in between phase 1 and phase 2 to the left of lot 19 between and lot 4. Mr. Standing states that it is a walkway to access the open space or common area. There is going to be a pavilion with a small park and a community garden center. Chair Hancock states that one thing they are concerned about is the preservation plan. There is a lot of ambiguous language in the application. Commissioner Edwards states that it appears to be copied from another application and some of the language does not seem to apply to this item. Specifically, the individually owned agricultural parcels. There is also another area in the plan that contradicts themselves, regarding land use options. In one section it states that animals aren't allowed and in another section, it states that animals are allowed. It is very confusing and it needs to be clarified.

Commissioner Edwards asks at what point those amenities going to be installed. Director Grover states that this is something that will be addressed in phase 2 it is a condition of approval. When the item is brought back for final approval those items will have been addressed.

Chair Hancock asks if there are any other questions for Mr. Standing. There are none.

Mr. Burton states that he can speak to Commissioner Edwards last question. The developer has bonded his escrow for those improvements, they just haven't been installed yet. The County does have the funds for the park and the open space. It will be a private park, maintained by an HOA. An open space preservation plan is required for a Cluster subdivision to preserve the open space. It makes it clear to the Planning Commission as well as the future owners what the amenities will be. It also indicates bonus density to be awarded.

Mr. Burton goes over staff recommendation and conditions as listed in the staff report.

Commissioner Borklund asks if the affordable housing was already placed in phase 1. Mr. Burton states that it has, it is lot 1 in phase 1.

Commissioner Edwards asks if there is any indication of where the second lot will be. Mr. Standing states that they had lot designation for affordable housing in the previous Plat which was in lot 15.

Chair Hancock asks if there are any further questions. There are none.

Chair Hancock opens the public hearing. There is no public comment.

MOTION: Commissioner Borklund moves to recommend preliminary approval of LVJ07217 Jacquelyn Estates Cluster Subdivision Phases 2 and 3, consisting of 13 building lots and 2 common areas. The recommendation for approval is subject to all review agency requirements and based on the conditions listed in the staff report with the added condition that the preservation plan is established with detail prior to final approval. The Planning Commission will require something that they can review that fits with the subdivision. The proposal is based on the findings listed in the staff report. Commissioner Hancock seconds. Commissioner Bell votes nay. Motion carries (3-1)

Commissioner Bell states that there are too many conditions for him to feel comfortable with this proposal.

LVF071318: Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision (8 lots).

Tammy Aydelotte states that she apologizes there is a typo on the agenda and the staff report. It is an 8 lot subdivision, not 9. Mrs. Aydelotte gives an overview of the proposal and the map. There are some concerns that have been brought up by property owners. There is a canal that runs to the back. There have been some concerns regarding flooding. The canal is several hundred feet away; it will not encumber phase 2. When the applicant submits a proposal for phase 3 the canal and the wetlands will be addressed. Another issue that has been brought up is some flooding to the South. There has been flooding from irrigation on to the southern property. Engineering has indicated it is a civil matter, there are in the process of trying to mitigate that from phase 1. For phase 2 among other things, Engineering has requested a plat for the detention or a retention pond, and a drainage plant for that. They have also requested a geotechnical report and a bond for the improvement. These are all things that will be addressed before bringing it forward for final approval.

Kenny Palmer 3062 W 4375 S states that this is a continuation of phase 1 which was put in several years ago. It is 8 lot and the detention basin will be going down to the street, there is a letter permitting it to go into the stormwater. He adds that he is not aware of flooding, but one of the things with that canal is that it is a runoff. If

the river gets too high they can open the canal. The canal is used for overflow. The irrigation canal to the east will be moved in phase 3.

Chair Hancock asks if there are any more question for the applicant.

Mrs. Aydelotte notes that they have feasibility letters from West Warren specific to 8 lots in phase 2. Secondary water will be provided by Mt. View Irrigation; they have indicated they can provide secondary water. Weber-Morgan Health Department has done soil testing and recommended varies septic systems for the lots on the plat. She adds that at this point there is not a lot of conditions because the proposal is at preliminary approval. She goes over conditions and recommendation as listed in the staff report.

Commissioner Edwards asks if this item will be brought before the Planning Commission again prior to final approval. Will it be reviewed by the County Engineering? Mrs. Aydelotte states that it will be back for final approval where it will be looked at in more detail.

Commissioner Borklund states that she had previously mentioned that engineering was requiring onsite retention, will that change anything? Mrs. Aydelotte states that it won't. When Planning staff recommend preliminary approvals it is generally a concept, but that doesn't mean that The County Engineering and Surveyors will not give a more detailed review. As the applicant gives a more detailed plat or plans for retention they will be made available at the final approval. Commissioner Borklund states that from what she heard the applicant was required to have onsite retention. Mrs. Aydelotte states that the staff report indicates that stormwater calculations will need to be submitted with the improvement plan.

Chair Hancock opens to public comment

Flora Hayes states 5484 W 560 N Fenster Farms Lot 1 states that she is not present to protest the project or to stop it. She wants to provide some insight as a property owner. She would like to provide a list of her concerns to help devise some solutions to help future property owners. She adds that her home was built in September 2014 as a spec home. One of the main concerns is the proximity of the river to the homes and the groundwater. She states that on February 3, 2016, they woke up to 8 inches of water in their crawl space. They had no idea where the water was coming in. The dirt was just piled and did not allow for the water to flow. They installed a french drain to counteract this problem. It is also important to note that the footings were never backfilled which allowed water to come in from underneath. When the septic was installed they dug underneath the footing and out to the septic box. There is a gap underneath the footings. It was not only not backfilled or filled in on the outside of the foundation, but It was also filled with gravel creating a sump for all the water to run into the crawl space. It is also important to note that the septic pump is low below grade level which allows water to get into the crawl space. there is also a hole underneath the septic panel on the side of the house. The concrete patio on the backside of the house had to be ripped out because it sank. When the concrete was removed there was another 8-inch void. According to the Deed Covenant and Restriction to Run the with the Land all homes be raised with the backfill against the foundation to help mitigate possible sheet flooding. She believes that some important steps were skipped, by either the builders or the inspectors. She states that she does not believe that the home was backfilled compacted or inspected. There were also some issues concerning the catch basins. They are flowing the wrong way. This issue has not been fixed or addressed. She is concerned with these issues with regards to the next phases. She adds that the required stop sign was only installed a few months prior to this meeting. The curb and gutter sidewalks differed during phase one and she believes it was a huge mistake. All the water from the roads runs off and into the yards. The asphalt is not thick enough, two more inches of asphalt was added to the road making it higher than the driveways causing more water runoff. Curb and gutter should be installed at the developer's expense. She states that when moved in three years ago they were told that they could only install temporary mailboxes because community mailboxes were going to be put in. She asks who is putting it in and when it's being installed. She also would like to suggest all homes get pumps added. The groundwater is high in that area. To protect the homes a sump pump needs to be installed. The County should try to protect the people

who are purchasing these homes since they are the ones approving the subdivisions. The inspectors need to ensure that the requirements that the County is putting place are being met. She adds that they have spent 30,000+ dollars fixing the numerous issues.

Eric South 522 N 5500 W Warren is the owner of lot 4. He states that he has spent over 50,000 dollars in dirt to try and mitigate the water issues. Secondary water was supposed to be included. Only half of the bill was paid and the rest was given to the owners to pay. He has also had water issues. Every time they irrigate it has turned his lot into a swimming pool. After all the money he has put into it he is still having issues because the drainage was inadequate. County Engineering needs to look at the plan in-depth before preliminary approval is given.

Chair Hancock asks if there is any further comment. There is none.

Chair Hancock asks Director Grover if there is help that can be given to the families. Director Grover states that he needs to consult with the Engineering and Building Inspection departments to determine the issues. It sounds like there are backfill issues, septic box issues, drainage issues and permitting. He adds that he needs to check with Engineering and Building Inspection to see if those issues have been addressed. He states that there are two options. Planning Commission can table the item and refer back to make sure the issues have been addressed. If the Planning Commission feels comfortable moving forward they may approve with conditions. Commissioner Borklund states that she remembers when the first phase was approved. She remembers hearing the public say there were water issues in the area and that it should not be approved. Yet it met the County standards regulations and the Planning Commission depended on the Engineering staff to work out those details. She states those items need to be addressed first before they can move forward to the next phases. Commissioner Bell states that this is one of his concerns. Is that Planning Commission relies on a lot of things being done after preliminary approval?

Commissioner Edwards asks if Engineering will be seen after preliminary approval. Director Grover states that this is the case for phase 2 and phase 1. These phases have certain improvements that are required and financial guarantees in place. He states that he can go back and look to see if certain improvements have been made for phase 1. If it looks like everything has been installed properly it can be brought back to the Planning Commission.

MOTION: Commissioner Bell moves to table until Engineering approval can be presented, and the improvements have been made. Commissioner Edwards seconds. Motion carries (4-0)

3.1 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future "industrial" to future "residential/agricultural." The rezone would change area currently zoned M-1 to A-2.

a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan.

b. Decision regarding File #ZMA 2018-02, a request to amend the County's zoning map, rezoning areas designated as the M-1 zone to the A-2 zone.

Mr. Ewert states this item has been on the agenda several times, and he is hopeful the Planning Commission has come to a decision regarding this matter. It is important to note that Mr. Davis has approached him and decided he does not want to be rezoned. He would like the Planning Commission to choose an alternative that doesn't rezone his property. Mr. Ewert gives an explanation to the Planning Commissioners of the different options available and how they affect the zone map and the residents.

Commissioner Bell asks what the sliver in-between Mr. Davis's land is zoned, is it permanent agriculture. Mr. Ewert states that it is zoned A-3. He adds that he is not sure if its permanent agriculture, but he believes that there are a

number of options with regards to that property. Commissioner Bell states that Exhibit B is confusing. Mr. Ewert states that there are some issues with the handout copies, and explains map. He states that this is a policy question, and asks if the Planning Commissioner are comfortable making a down zone to Mr. Davis's property and eliminating some of the M-1 rights on the land in favor for A-2.

John Price 400 S 6700 W states that he is not trying to impose on anyone's land. Around his property, there have been 30 homes built and zero manufacturing. He feels that the future use of that land is A-2 residential versus manufacturing. He states that it is completely surrounded by agriculture. Speaking specifically for his land he feels that there is no M -1 uses at all and that the future use is A-2.

Chair Hancock opens the meeting for public comment.

Flora Hayes 5484 W 560 N states that her land is part M-1 and part A-1. She states that the community has essentially agreed on a solution. Move Mr. Prices property to A-2 and make the Hayes property full M-1. She adds that it is not just the farming community they service. They build the trailers that haul the Salt.

Eldon Davis 7090 W 900 S Ogden states that the original application was signed by three people. There is a need for light manufacturing, there will be others. He states that he believes that a lot of what is going on is judgment calls. He states that he would like to stay M-1.

Bill Davis 7598 W 900 S states that he would like to clarify that there have not been 30 homes built around Mr. Prices property. Some of what Mr. Price is referring to is on 900 S. He states that part of his property is in the M-1 and part of it is not. He has met with Mr. Ewert. He states that he owns a construction company and they park some equipment there. He is okay with the property being grandfathered in. He is not bothered as long as he has the right to do what he needs on his property. Referring to Mrs. Hayes and other comments made regarding the Fester Farms Subdivision it was given preliminary approval and was passed on. He believes there is a big problem on Weber County's end. He states that all the subdivisions that have been built in that area have Engineering problems. He states that the County is paying a lot of people a lot of money for jobs that are not getting done.

MOTION: Commissioner Borklund moves to close the public comment. Commissioner Edwards seconds. Motion carries (4-0)

Chair Hancock Closes public hearing.

Commissioner Bell asks Mr. Ewert to explain the differences file #GPA 2018-02 and #ZMA 2018-02. Mr. Ewert states that #GPA 2018-02 is the General Plan amendment. Commissioner Bell asks if they both have to match. Mr. Ewert states that they do not have to match. The General Plan is a recommendation for the future. He explains the different variants. Commissioner Borkland states that the General Plan is looking towards the future. She adds that if she were a resident in that area she would not want some of the uses in the M-1 and M-2 zones in the residential area. She feels that it would be better to keep the industrial zones along 900S. Commissioner Borklund states that it would still be okay to rezone just a piece of it. When it comes to the long term plan, do they want that much industrial in that area? Commissioner Edwards states that when looking at the long-range plan it's important to keep in mind that the West Weber Corridor. The more they push Legacy to the West the heavier manufacturing might be seen in the area. Commissioner Borklund states that perhaps it would be more need for commercial uses rather than industrial. Commissioner Edwards states that demographically based on what is out there the industrial is fitting. Commissioner Bell states that the General Plan needs to be updated either way regardless of the decision made at this meeting, it could all change when the General Plan is updated. He states that he is more inclined to let the match and them see where the General Plan will lead.

MOTION: Commissioner Edwards moves to recommend an amendment to the General Plan to fit Variant 2. Figure 4. with future manufacturing and future residential. This recommendation is based on the following findings. 1. Public opinion regarding the future land uses of the area have changed since 2003 adoption of the West Central Weber County General Plan, and residential and agriculture are deemed more desirable land uses in the subject area. Current development trends will make the property more useful as residential than industrial. The changes are not harmful to the health, safety, and welfare of the public. Commissioner Bell Seconds. Motion carries (4-0).

MOTION: Commissioner Edwards moves to recommend Alternative 3. Variant 1. Figure 5. and recommend the rezone to the County Commission after the changes to the General Plan and the Future Land Use Map. This recommendation is based on the following findings. 1. That after the changes to the General Plan's future land use map, the rezone complies with The General Plan. 2. That the rezone better supports the majority desires of the local community. 3. That the rezone will still protect the existing manufacturing uses through nonconforming rights. 4. That the rezone is not detrimental to the health, safety, or general welfare of the general public. Commissioner Bell seconds. Motion carries (4-0).

Public Comment for Items not on the Agenda:

Douglas Hansen 164 S 3600 W states that he has farmland in Warren. Regarding the discussion about Fenster Farms Subdivision, he believes Mrs. Hayes and Mr. South did an excellent job explaining the issues with the subdivision. He has land across the road from them. He has watched that development, and he understands their problems. These are serious problems that the developer needs to address, not only in phase 1 but in phase 2. An issue he wants to bring up is the letters from Engineering saying they meet the conditions. He adds that in his experience with the County Engineering, it may or may not be adequate. He always questions Engineers. A few issues they don't have is a really good handle on irrigation and irrigation flows and if the field or the ditches are interrupted what happens to the irrigation water and anybody downstream. It will be critical for Phase 3 when they make changes to the ditches. Based on his experience the Engineering department doesn't have drainage knowledge. They tried to do a drainage plan on the channel that goes through the Weber cutoff which affects his property. It was ineffective. He states that he hired an Engineer to help them revise their plan several times because they did not have adequate contracted or in-house support for drainage. An example, on 5500 front of the Fenster Farms before it started, County decided to pipe the open drain. The fields where Fenster Farms exist were irrigated farmland. They had open drains leaving the fields draining into an open drain that went into the spillway. It was adequate it didn't pool or pond on those fields. When the County came in and decided to tile it they never put anything for that water to go into. It started from the north end and ended on the south end and emptied into the spillway. There was no way for the irrigation water to get to the structure, they had to come back and put it in. The road there had some drains there they were set too high, so when the water that drained off it pooled and went elsewhere. He just wants to make sure that when it comes to the preliminary approvals the irrigation plans, the drainage plans, the surface and sub water need to be taken into account. In those type of subdivisions in the area, this is a major concern. The groundwater comes up; it can be 3 or 4 inches below the surface. It varies according to soil and the year. If this subdivision goes to phase 3 and the river gets high it will sub into the ground. It doesn't overflow or flood it will sub. The Engineers need to be aware of this and accommodate. Questions need to be asked to get more details than what is provided in the Engineering letters.

Eric South 522 N. 5500 W. states that the septic systems that have been approved by the County Health Department are horrible. Of the four homes in Fenster Farms phase 1, three of the four have had significant flooding with the on-ground septic system. The only reason the fourth home hasn't had problems is the house has been in place for less than a year. He states that he has had wiring problems, flooding, the Hayes had their leach

field collapse. The neighbor to the East of them has had their leach field collapse. The on-ground septic systems are awful and should not have been approved. It needs to be looked at by the County Engineering for adequacy. Another design needs to be looked at.

Flora Hayes 5484 W 560 N wants to clarify that her leach field did not collapse the builders drove a cement truck over one of the laterals. The only reason the one home hasn't had any problems is that they made sure to share their experiences with owners. She states that the developers need to put sump pumps in and the curbs and gutters need to be added.

Remarks from Planning Commissioners:

Commissioner Bell states that it is important for the public to understand that the Planning Commission can only do so much. The Planning Commission does their best to make sure things are ready for the development but when a plan goes in front of the Planning Commission that meets the code there is an obligation to approve it. He adds that they have to rely on the County Engineering and Building Inspection to their job and for the most part they have been pretty successful. Mr. Bell, It is very unfortunate that the homeowners are dealing with what they are dealing with and he hopes it can get resolved.

Chair Hancock states that it is important these issues are brought to the Planning Commissions attention because it makes them scrutinize the proposals more. They will be paying closer attention to the letters and asking questions for the Engineers. It may delay the process, but bring it to the attention of the Commission makes it possible for them to do their due diligence.

Commissioner Borklund states that one thing that they do have the power to stop the curb and gutter from being delayed.

Commissioner Edwards states that from a stormwater standpoint this is not always a solution when it comes to drainage. It would still go into the ground and still hit the drain ditch in this particular ditch. The state is driving for a more low impact. Now its required for a 90% onsite retention on a 100-year percentile storm. Hopefully, this is something that the Engineering department is looking at. Moving forward as Chair Hancock said The Planning Commission can be more scrutinizing.

Planning Director Report: Director Grover states that at the Commission Meeting earlier today the Dan Bough rezone was approved. The General Plan was amended. The General Plan reflected what was approved. It was approved for the entire parcel to be changed to C-1. He states that he believes it was a good thing one of the Commissioners attended the pre-meeting and explained why. This is not usually seen in a lot of municipalities. It was a good gesture on his part it showed a lot of respect for the Planning Commission and the decisions that are made. They are not always going to vote with the Planning Commission recommendation. They did vote against another item that was passed along recently. They went back and forth on the lot averaging, but they did approve that item. The developer can now go with a smaller lot width and lot area as long as they have a larger lot width and lot area in other lots so that the average is equal to the existing zone. He also wants the Planning Commissioners to be aware that there will be training in the next meeting. The meeting might go longer and they might need to adjust their schedules.

Remarks from Legal Counsel: There are none.

Adjourn to Work Session: 6:28 pm

WS 1: Discussion about setback requirements for alternative accesses.

Mr. Ewert states that the alternative access easements standards ordinance is being worked on. Mr. Ewert gives an overview of alternative access easements standards and changes being proposed. He discusses flag lots and access easements and limitations. He gives an overview of the safety standards, specifically based on Fire District restrictions. He wants the Planning Commission to be aware of the options available. He states that they will need to revisit this when the Subdivision Code is put in place. He asks if they would be comfortable with the 30ft setback and the adjustments can be made when the code is put in place. They agree that this is a good option. Mr. Ewert states that he will bring back to the Planning Commission the details are more clearly laid out.

Adjourn-7:05pm

Respectfully submitted

-Marta Borchert

DRAFT

Minutes of the Western Weber Planning meeting of October 9, 2018 held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair; Jennifer Willener-Vice Chair; Jannette Borklund, Greg Bell, Bren Edwards, John Parke, Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner/Long Term Planner; Steven Burton, Planner III; Felix Lleverino; Planner II; Tammy Aydelotte, Planner I; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

Approval of minutes for August 14, 2018. On page 1 paragraph 1 Mr. Hancock should be Mr. Heslop. Page 2 paragraph 2 1.2 DR 2018-10 should be 1.1 LVD061218. Page 17 the first motion should be (3-1).

MOTION: Commissioner Edwards makes a motion to approve the minutes for August 14, 2018, with noted corrections. Commissioner Willener seconds. Motion carries (6-0) Commissioner Borklund was not present for this vote.

Director Grover Explains the process of the meeting and process to make the meeting more flow more efficiently and to treat everyone fairly. Director Grover explains the criteria.

2.1 CUP# 2018-10 Consideration and action on a conditional use permit application for a residential facility for four handicapped persons. Applicant: Shannon Wilkins

Mr. Lleverino gives an overview of the proposal. Mr. Lleverino turns the time over to the Applicants Shannon Wilkins and Zachary Eskaf.

Zachary Eskaf 5928 Skyline Dr. states that he is the Director of Quality Assurance. They are looking to have a fourth individual move in that has developmental disabilities.

Commissioner Borklund asks if they currently operating with three individuals. Ms. Wilkins states that they are and gives the Planning Commission some background regarding their program.

Commissioner Bell asks how many staff members are onsite. Ms. Wilkins states that generally there will always be one. It depends on the ratio per individual. The home in question has a 1-3 ratio, and there will always be one person there. Commissioner Bell states that his concern is regarding conditional use D. the off-street parking. It states that there be two parking spaces plus off street parking. One for each staff member. He asks how many parking spaces are there. Ms. Wilkins states that the driveway allows for four vehicles and there is also the garage. There would have to be more than five people parked there at a time for them to have to Park on the street. Commissioner Bell asks regarding Parking for the residents. Do they drive? Ms. Wilkins states that one individual has their own vehicle and a vehicle is provided for the staff to drive. At any given time, the most vehicles that would be there is three.

Commissioner Borklund asks where do visitors park. Ms. Wilkins states that they can park in the garage or the street. Commissioner Borklund asks if they are a private nonprofit or state agency. Ms. Wilkins states that they are contracted with the State of Utah.

Chair Hancock asks if there are any other questions for the applicants. There are none.

Mr. Lleverino goes over the recommendations.

Commissioner Borklund states that there are some conditions that Mr. Lleverino did not go over, she feels are important. There are some conditions that limit what they can allow with regards to a handicapped person, as opposed to housing as a halfway house or addiction recovery home. It is limiting the tenants to having a physical or mental handicap.

Chair Hancock opens for public comments.

Carla Prepejchal 2081 E 5950 S states that she lives around the corner from this facility from the home that has already been established. She is upset that she did not receive a notice, and neither did several other neighbors. There is supposed to be a 500 ft. radius for the notification. She is concerned because there are a lot of children in the area. She also has some concerns regarding the types of disabilities the three men placed in the residence have. She states that she does need to know, but she has a background in psychiatry. She is very concerned because she has four grandchildren in that area. She wants to know if the residents vetted, do they need to be on some type of registry. She does not have a problem with individuals with disabilities, but she does have a problem with not being notified because this is around the corner from her. She is concerned not knowing the type of individuals being placed in that home. She has concerns about something unthinkable happening one of the children in the neighborhood. She notes that she received a copy of the staff report for this item, which states that the notice requirement was met. There is a lot of people that did not receive a notice, nor were they notified that three people were already living there. She believes that you never know when something might trigger an incident; it is true for everybody but it is additionally true for individuals with disabilities. She believes they don't necessarily think rationally. She wants to know if the residents are going to be permanent residents at this location, or if they are going to be rotated. Will there ever be more than four residents? She feels the meeting just a technicality since the license has already been established? She wants to make sure the residents are vetted, and the staff is vetted. Ms. Wilkins stated that there would be staff at the residence all the time. Previously it was stated that the staff lives in the area but there are not there all the time. She would like clarification.

James Hunter 5864 S Skyline Dr. states that he is not opposed to people with disabilities being in the neighborhood. He just wants to know more. Are they required to be supervised on a 24-hour base? What are the requirements for the supervisor, do they get special training? There is no mention of requirements for sexual offenders. He states the residents have been living there for two months. He adds that one of the residents there makes him and his family uncomfortable. He has had a security system installed, because of the people who live there now. There is a resident that lives there that stares at them continuously. He believes that the individual is fixated on his wife. There was an incident where he and his wife were planting shrubbery in the back yard and the individual had a fake phone call going on while he was staring at his wife. He does not feel comfortable exiting through the back door, not know if they are staring at him and his wife. They don't feel comfortable in their own back yard. The thing that bothers him the most is what if this individual is the supervisor.

Mark Peterson 2072 E 5950 states that he is sympathetic to the organization. He would like to formally request that the Commission delay approval because not everyone received notification and it deserves more vetting. He states that to his understanding there will not be a person permanently on site. This is concerning, given the nature of the facility. There needs to be more vetting and background before the process moves forward.

Flora Hayes 5484 W 560 N states that she is a mother of a child that lives in a home such as this. He has three other roommates and the people there are amazing. She states that because of them she and her son have gotten their life back. He is 32 years old, and the people that run these types of place are amazing.

Gina Nielson 5925 Skyline Dr. states that a one-day notice for a meeting, that not everyone received notice of seems a bit deceptive. She states that to the organization in question if they want to be part of the community, be open and honest. She believes what they are doing is amazing, but she does not like it as a surprise. She states that she does not agree with the statement "not in my backyard" from some of the neighbors. Everyone needs to get together and vet the process more.

Timothy Foltz 5908 S Skyline Dr. states that he has been in contact with the people that live there. He assisted them when they moved in. He found them to be very nice people. He spoke to one of the Directors Steve, he is a nice fellow. Two of the gentlemen that live there he calls them by their first name. They are both very nice people. He has shared a bench at church with them on Sundays. He has a large garden and likes to share with the neighbors. There was an incident where he took some produce and cookies to them. As he stood at the door, he could hear a fast rush and the door jerked open quickly, and he was quite surprised by one of the residents that are there. He states that this frightened him. At the moment the door

was pulled open, one of the caretakers inside grabbed the man by the arm and pulled him back and had to use some strength. At that moment he heard a man inside of the home say "it's not a good time" at an elevated voice. This made him very concerned about the individual. He is nervous about some of the individuals that may be living there. Also, the same individual was at the church on Sunday and came around the corner quite rapidly with an individual close behind him trying to catch him. The individual can right up into Mr. Foltz face with stiff arms and frightened him again. There were some ladies in the hallway that were frightened also. There are concerns, he wants to make sure there is safety for the families in the area. He adds that he leaves his house at 5 in the morning and his wife is home alone. He wants to know that his family is safe and the children that walk down the street are safe. Regarding the parking, there is room for four cars in the driveway and there is room in the street, which is ample. He states that there isn't any use for the garage because it is filled with giant pallets inside, which is going to be used to build a mobile home to be pulled around. He adds that he is not sure if that is something they want in the neighborhood. He thanks everyone for listening and asks that they be considerate of neighbors.

Katie M 1625 South states that she doesn't have anything against someone with mental disabilities. One of her best friend's brothers is autistic. As he is getting older there are times when has gotten aggressive. She states that she worries about her children because the home in question is right around the corner from a school. There is a lot of children that walk by there. She states that with one person it is difficult to control him and he is only thirteen. If Mr. Foltz was frightened by the incident that occurred to him, imagine how children might feel. There needs to be more than one person at this facility to watch four grown adults, especially if they are having issues with one of them already. There are children outside all the time. She adds that she is not against it but she doesn't want to be scared to have her children play outside or be approached by someone that makes them uncomfortable.

Joan Tonn 2086 E 5950 S states that she agrees with the comments that have been stated. She wants to know if they can be notified when new residents are placed at the house in question. They like to know when there is somebody new in the neighborhood. She adds she would appreciate it if they could keep them informed and be more neighborly.

Valerie Hansen 4540 W 1150 S states that she has had a hard time listening to some of the comments. At the age of fourteen of, she began working with people with disabilities as a volunteer. She has been an interpreter for the deaf, she has worked helping people get placed in homes. She has worked in schools helping people with disabilities get jobs. She states that if the neighbors of the residence in question want to welcome the individuals into the neighborhood; it is going to come down to communication. She would like to commend facilities that do this type of work. Regarding the training for professionals that work with people with disabilities, there are laws in place. Every year she has had to receive special training similar to what police officers get. There is ongoing training on other matters. If the neighbors want to welcome the individuals into the neighborhood, it should not come down to their race, gender, disability. They should be welcomed and the doors of communication need to be opened. These types of facilities are needed. According to the law, the least restrictive environment to be provided at any time. She has been abused by people with disabilities and has worked with severely autistic children, she has had a broken bone, bruises, but it is very rare. She has had her children around people with disabilities, it was a type of training. Her children would go into the classrooms and be taught by them. She states that they should not teach their children to be afraid of people with disabilities, or "the weird neighbors" because this will occur every day and everywhere. For the individuals that want to go against it, they need to look at the laws. The community needs to reach out not just the company.

Bruce Stratford 2285 Jennifer states he is the former owner of the home in question. When he started his career in law he worked for the department of youth corrections. He contracted for group homes. He believes that the use is needed. His concern is that the house is the configuration. Unless extensive remodeling has been done he is not sure the house is set up for this type of accommodation. He asks that the Commission take some time to look into it. He is also concerned that the house has been through several transactions, and it might just be an attempt to find a commercial use for a residence as opposed to a good facility that could accommodate the need. He states that the Commission needs to look at the accommodations and see if it is suitable for what is being proposed.

Director Grover states that regarding the notices sent out, it could have been due to Monday being Columbus day. There was no attempt to hide anything from the residents. Also, it was a courtesy notice that was sent out to people within 500 ft. He notes that the Planning Commissioners are welcome to table the item if they feel uncomfortable with it. It is important to note that in the Conditional Use Review there is a list of requirements that must be met prior to the approval of the proposed conditional use. Specifically regarding some of the concerns of the residents. "(L) No residential facility for persons

with disability shall be made available to any individual whose tendency therein would constitute a direct threat to the health and safety of other individuals or would result in substantial physical damage to the property of others." Also, it has been noted that the individuals can't be placed in this type of facility if they have a criminal record or violent tendency.

Shannon Wilkins states that 5928 Skyline Dr. states that she would like to apologize to anyone who felt they were not being neighborly. Normally it's their practice to introduce the individuals and help them become a part of their neighborhood and neighborhood activities. As it was mentioned two of the individuals participate in the LDS church and a regular part of the services there. There seems to be a lot of concern by the neighbors regarding the safety of both the staff and the individuals that live there. There is a vetting process, that excludes individuals that are violent, have destroyed property, or abuse alcohol and drugs. Staff is required by the State to undergo a criminal background clearance that is conducted by the State and the Office of Licensing. They are not allowed to be on the premises alone until the clearance has gone through. It generally takes them three or four weeks because it is an extensive process. Mr. Eskaf states that Utah is the only state that takes that long. He has worked in over 11 states, in Utah, it might take three or four weeks. In Pennsylvania, they can get it in 72 hours. Ms. Wilkins states that they do not discount the safety of the individuals in the neighborhood because they are also important, but their number one priority is to the safety of the individuals they are serving. This means that they will always have adequate staffing to ensure that they are not putting themselves in danger. She notes that regarding the Mr. Foltz incident, she believes that, it might just involve getting to know the individuals. They have never been violent and there is no real reason to conclude that they have any reason to question safety.

Zach Eskaf 5928 Skyline Dr. states that he would like to thank all the public for voicing their opinion, the Planning Commission for listening. The advocates, without them people with disabilities don't have a voice. He notes that the residents are permanent, very rarely do they need to make adjustments if something isn't working out. If there is a lot of complaints, changes can be made. He adds that at this point they don't anticipate this being the case. The plan is to have these four individuals living in the home permanently. There will never be more than four, and as it was stated previously they have to go through an extensive process. Regarding their supervision, they have to be within sight. Staff is required to complete more than 40 hours of training annually. This includes medication training, CPR, First Aid, Restraints, a fire escape plan, along with other various training. With regard to the question about sexual offenders, the individuals in the neighborhood are more than welcome to look at the registry online. They won't find any in registered to the home in question. He states that as far as being good neighbors as soon as everything settles down they usually do barbecues, and other neighborhood events, to get to know everybody. People from the community and commission are welcome.

Commissioner Borklund asks how long they have been operating with three individuals. Ms. Wilkins states that they have been there since August. Commissioner Borklund asks if it is a permitted use in the zone. Ms. Wilkins states that once it goes above three people it is a different licensing requirement. Under three it is considered a family home. With the certification included in the packet, the Fire Department and the Health Department have to check for safety. A person from the Division of Services with Disabilities and the Office of Licensing who is in conjunction with the Department of Human Services go out and inspect the home. They have a rigorous inspection list that is not just for the home, but also for staff training requirements. All of these requirements have been met. Mr. Eskaf states that regarding Mr. Stratford's comments about the suitability of the home, minor accommodations are made to the home, such as handrails, nonslip surfaces on the steps, and change hardwood to carpet. He adds that the individuals who move in need to feel at home, they get to decide if the home is right for them. They visit the home to make sure they are comfortable living there. He notes that he feels confident that the home is accessible to everyone that has been placed there. If someone ever needs a wheelchair, the proper accommodations can be made. Commissioner Borklund asks if they have 24-hour staff, do they live there? Ms. Wilkins states that staff doesn't live there, but there is always someone there. There is one individual who does not require 24-hour supervision, he does not need that level of care. The shift is from 2 to 10, and then there is nobody there to need the staff from 10 to 2. Mr. Eskaf states that for anyone who is nervous about this, they are encouraged to contact him or staff, he will give out contact information, to anyone who wants it. They are encouraged to report anything out of the ordinary. He states that he wants the neighbors to communicate with them, and reach out to them, the State or the Department of Human Services.

Commissioner Bell asks Director Grover if a condition can be added to the conditional use permit. Director Grover states that they can, as long as it is reasonable. Commissioner Bell asks if they can add the condition that they get the certificate for four individuals. Director Grover states that they can add this condition since it is required by the state. Ms. Wilkins states that

their license won't get approved until the business license through Weber county is approved. Commissioner Parke states that it can't be a condition of approval, because they can't get the license until it is approved.

Commissioner Borklund asks if there is any concern if it is tabled for a month, because of the notification. Ms. Wilkins states that she would like to have it be expedited because the fourth individual is ready to move into the home. He is ready and excited to move. His family is excited to have that support. She understands that the Planning Commission only meets once a month and the application was submitted last month the day after the meeting, so there has already been a 30-day delay.

Commissioner Parke asks if they can have Counsel review the notice requirement. Mr. Wilson states that State Law required 24-hour notice which can be satisfied by posting on the State website. With regards to the County Code section 106-1-6 Section B "*Public notice*. Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commission's public meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property."

Commissioner Borklund states that this is for subdivision. She asks if it is different for conditional use permits. Mr. Wilson states that it is under general provisions in the Land Use Code. The mailing notice is courtesy it is not required. Chair Hancock asks if there are any further questions from the Planning Commission. There are none.

MOTION: Commissioner Bell moves to approve item 2.1 CUP# 2018-10 Consideration and action on a conditional use permit application for a residential facility for four handicapped persons, based on the conditions that each person occupying the home will be supervised on a 24-hour base. The landscaping and lawn care will be maintained consistent with the surrounding properties. The decision is based on the findings that the proposed use conforms to the 1970 South East Weber County Master Plan. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare. The proposed use, if conditions are imposed, will comply with applicable County ordinances. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Edwards seconds. Motion carries (7-0)

2.2 Consideration and action on a revision to the phasing plan of Sunset Equestrian Cluster Subdivision.

Steve Burton gives an overview of the proposal. The Planning office has received a request to make some changes to the phasing plan of the Sunset Equestrian Cluster Subdivision. The size and layout of the lots and the size and layout of the open space of the entire subdivision was approved as a part of preliminary approval. Approval was granted on December 12, 2017. The applicant is not proposing to change the layout of the lots or the widths. This is what the existing phasing plan is; it shows the existing trail, and in Phase 2 it excludes these lots, the existing sewer only allows for seven lots. Mr. Burton turns the time over to the applicant Chris Artell.

Chris Artell, 1294 Santa Anita Drive, Kaysville, states that because of the subdivision east of our property that didn't go in; they're requesting this change and they're doing it based on the available sewer. There is a main sewer pump that's going to go in, and they're still working with engineering to possibly change the location of that sewer pump station. After this phase that pump station will have to go in before any additional phasing comes in.

Chair Hancock opens for public comment. There is none

Mr. Burton states that no formal application was sent in for this item, because of the nature of the application there is no process for this. He states that for this reason he submitted a memo and recommends approved based on what the applicant has listed. There are no finding or file number for this item.

MOTION: Commissioner Edwards moves to recommend the Revision for the Sunset Equestrian Cluster Subdivision Phasing Plan. Commissioner Parke seconds. Motion Carries (7-0)

2.3 LVS091818: Consideration and action on a request for final approval of Sunset Equestrian Cluster Subdivision Phase 2. Applicant: Doug Nosler (Representative).

Steve Burton gives an overview of the proposal as listed in the staff report.

Commissioner Bell asks if the HOA has been established for this subdivision. Mr. Burton states that he will allow the applicant to answer this. He adds that they have received the documents that are required as part of the Cluster subdivision ordinance.

Commissioner Bell states that his concern because this surrounds the first phase that incorporates open space. As phase 2 is developed who will maintain that if phase 1 isn't established. Mr. Burton states that they will ensure that the HOA is established prior to recording phase 2.

Director Grover states that typically most CCNR's with PRUDS the developer is the acting HOA until a certain number of lots are sold. After a certain number of lots are sold they are required to have a president and board that acts and function.

Chris Artell 1294 Santa Anna Dr. states that the CCNR's were recorded and the HOA was established. They are working with Red Rock HOA management and at some point, it will be turned over to the residents.

Commissioner Bell states that during the pre-meeting there was discussion regarding the roads on 2200 S along 4300 W; that have been torn up for months. There was some concern expressed about approving Phase 2 in order to clean up those roads and if Mr. Artell could speak about that. Mr. Artell replies they've asked to move that along with improvements for asphalt on 2200 S with contractors in trying to get an asphalt tractor out there. He states that he believes the contractor is slow playing so that he can do the whole patch at once. Along 4300 it has been delayed because it's an old road. The irrigation company has wanted to attach the canal until they drained it, and they drained it on October 1st. Those pipes that are sitting onsite are now in the process of being laid out. Once the pipes are done and the 18-inch irrigation line goes in; then they are required to do asphalt. They would have like for this to be done sooner, but the schedule is set for two weeks out.

Commissioner Edwards asks Director Grover that he spoke with the Engineering Department, and they have run into some issue here. Would it be possible to put a condition on approval, where they are tying it to an existing street, that either road cuts go to the center of asphalt or center of the existing roadway, or as being necessary by the County Engineering Department? Commissioner Edwards believes that it would be better off for the county; more beneficial for that to be prepared in that way is that something could be put in as a condition. Director Grover replied he doesn't know if that is necessary; Engineering already has these standards in place that they look at an address as part of their review. There is also a financial guarantee in place to make sure that it does happen.

Chair Hancock opens up for public comment.

Shae Bitton, 4088 W 2200 S, states that regarding the road, she has called and they have promised that it would be done in two weeks. As for the what phase the Club House and everything is, she just wants to make sure that it's not the last phase. she believes in the Cluster Ordinance that it can't be in the last phase because all of the amenities will need to be provided. When the subdivision was being drawn up, they had a soil test done and there were several recommendations to make it so that sandy soil up there was fixed so that it wouldn't erode away. She has noticed that the water is flooding over there already.

Chair Hancock closed up for public comment.

Mr. Burton states that in reference to the last comment under the old cluster subdivision; there isn't anything that says they have to put certain open space in a certain time.

Commissioner Edwards asked is if that money is in escrow is also for those amenities, or will that come up at that time of that phase. Director Grover replies the landscaping is part of the requirement, but it does come at each phase.

Commissioner Bell states that he has a concern with moving forward on Phase 2 without having some kind of guarantee of this open roadway. He doesn't know what the process is to use that money to get the paving done. They were told that it would be two weeks and that promise has been given before. He just doesn't know what can be done to ensure that it's done prior to Phase 2. Director Grover states that he understands his concerns, especially in that area; however, per the ordinance the financial guarantee is awarded as a mechanism to ensure that it is put in. Typically, and historically they rely on the Engineering Department to decide at what point the trigger gets pulled; if they are going to move forward with those improvements and that they have the money to go in and act on that.

Commissioner Edwards stated I spoke with the Engineering Department with these same concerns, and that's why he brought up the condition of requiring them to pave as a necessary by the County Engineer. The county ordinance requires after a road is cut in 72 hours, they are required to have it patched. Speaking with the Engineering office, they said they would give them a leeway; because they were having them go extra width with the full width or half cross-section with these roads. That's why he brought it up the recommendation to take that burden off the County Engineers Office and put it as a condition in writing that they take that as being necessary. With that being a condition would be more on us, by putting that as a condition on the developer more so than the Engineering Department. Maybe we could go back and enforce the 72 hours, so they are patching the trenches and have some of the requirements that should be met. Director Grover replied as long as you can make in the findings, that condition is directly impacted towards Phase 2, that would be his recommendation.

MOTION: Commissioner Edwards moves to grant final approval for Sunset Equestrian Cluster Subdivision Phase 2, consisting of 16 Lots and 4 agricultural parcels. This recommendation for approval is subject to all review agency requirements and the following conditions: Guarantee of all improvements will be required prior to the recording of the final Mylar as outlined in LUC 106-4-3. That all road cuts or road improvements be reviewed by the County Engineer's office, and they will have the authority to deem widths of replacement there. This recommendation is based on the findings of the proposed subdivision conforms with the Western Weber General Plan, and with the recommended conditions of the proposed subdivision complies with county ordinances. No one seconds.

Commissioner Edwards states that in speaking with the County Engineers, they were asking more of the developer to full width. This is just putting in a requirement that they go that far. That gives the County Engineer office the ability to ask without having to feel like they are asking more of the developer. They can go back and enforce the 72-hour rule.

MOTION: Commissioner Borklund moves to grant final approval for Sunset Equestrian Cluster Subdivision Phase 2, consisting of 16 Lots and 4 agricultural parcels. This is subject to all review agency requirements including a financial guarantee of all improvements will be required prior to the recording of the final Mylar as outlined in LUC 106-4-3. This is based on the findings that the proposed subdivision conforms with the Western Weber General Plan, and with the recommended conditions of the proposed subdivision complies with county cluster subdivision ordinance. Commissioner Parke seconded. A vote was taken with Commissioners Willener, Borklund, Bell, Parke, Whaley, and Chair Hancock voting aye. Commissioner Edwards voting nay. Motion Carried (6-1)

2.4 CUP# 2018-06: Consideration and action on a conditional use permit application for a gravel crushing and soil conditioner manufacturing site located in the M-3 zone, at approximately 10485 W 900 S, Ogden. Applicant: Cody Turner

Steve Burton gives an overview of the application and proposed uses as listed in the staff report. Mr. Burton states that the applicant is not present and there is no representative present. The applicant has stated that they will have a building in the future that they will have a building with employees. A rendering has not been submitted regarding the building, based on this a condition of approval has been added. The applicant will be required to go through design review when he decides to build. The Planning Commission will take care of the design review to make sure that it does comply with the surrounding area specifically the building that is being proposed. Staff recommends approval based on the conditions and findings outlined in the staff report.

Chair Hancock asks if the Planning Commissioners have any questions.

Commissioner Bell asks what the current use of the land is. Mr. Burton states that it is vacant. Commissioner Bell states that he has noticed when driving by that they have been dumping material. He adds that he is not sure if they currently are doing this work. He asks if this a conditional use permit is to use the soil. Mr. Burton states that it is for the soil manufacturing and gravel crushing, but they are allowing to store equipment out there. He states that he is not aware of anything currently existing in the area. It is important to note that it is a manufacturing zone outdoor storage would be allowed.

Chair Hancock asks if there are any other questions or comments from the Planning Commissioners. There are none.

Chair Hancock opens for public comment. There is none.

MOTION: Commissioner Parke moves to approve CUP# 2018-06 Consideration and action on a conditional use permit application for gravel crushing and soil conditioner manufacturing site located in the M-3 zone, at approximately 10485 W 900 S, Ogden. This recommendation is subject to all review agencies and requirements and the following conditions. 1. The applicant must comply with all state regulation for gravel crushing and soil conditioner manufacturing. The future buildings and signage will be required as separate design review approval prior to building permit application submittal. The landscaping and hard surface parking are required to be installed prior to issuing a certificate of authenticity for future buildings. This recommendation is based on the following findings that proposal conforms to the Western Central General Weber County General Plan. The proposal will not be detrimental to the public health, safety, and welfare. The proposal will not deteriorate the environment of the general area so as to negatively impact the surrounding properties and uses. Commissioner Bell seconds. Motion carries (7-0)

2.5 LVS082218: Consideration and action on a request for final approval of Sun Crest Meadows Subdivision Phase 2. Applicant: Stan Nielsen and Dee Wight

Steve Burton gives an overview of the proposal. He states that the phase 1 approval was granted February of 2017 and consisted of 47 lots. It was a standard subdivision of 40,000 sq. ft. lots with 150 ft. of frontage.

Carson Jones 1106 W 4050 N states that this is just a continuation of the project. Going to the south this will sub into the southern border. It is pretty standard.

Chair Hancock asks if there are any questions from the Commissioners. There is none.

Mr. Burton states staff is recommending approval based on the findings and conditions in the staff report. In reference to the comments regarding secondary water or irrigation water, this is something that the Engineering division looks at.

Chair Hancock asks if there are any questions. There are none

MOTION: Commissioner Bell moves to approve Suncrest Meadows phase 2 consisting of 9 lots. This recommendation for approval is subject to all review agencies requirement and based on the following conditions that a guarantee of improvements will be required as outlined in LUC § 106-4-3. The recommendation is based on the following findings. The proposed subdivision conforms to the Western Weber General Plan. With the recommended conditions, the proposed subdivision complies with all applicable ordinances. Commissioner Edwards seconds. Motion carries. (7-0)

2.6 LVF071318: Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision (8 lots). Applicant: Kenny Palmer (Representative)

Tammy Aydelotte gives an overview of the project. She states that in the previous meeting there was some concern regarding water, Engineering has since done a site visit. Chad Meyerhoffer was present in the pre-meeting. Hopefully, he addressed all the questions. Lot size and width all meet zoning. This is a standard subdivision. Culinary water is being provided by West Warren. The secondary water is being provided by Mountain View irrigation. There will be septic systems on each lot. She states that staff recommends approval based on all review agency requirements. She adds that Engineering will be addressing water issues and keeping an eye on drainage.

Kenny Palmer 3062 W 4375 S states that they are ready to go, and asks if they have any questions for him.

Chair Hancock asks if there are any further questions. There are none.

Chair Hancock opens to public comments. There is none.

Public comment is closed

MOTION: Commissioner Edwards moves to recommend preliminary approval of Fenster Farms subdivision phase 2 an 8 lots subdivision located at approximately 560 N 5500 W this recommendation is subject all review agency requirements. This recommendation is based on the following findings. The proposed subdivision conforms to the West Central Weber General Plan. The proposed subdivision complies with all applicable county ordinances. Commissioner Parke seconds. Motion carries (7-0)

Commissioner Bell states that he wants the homeowners in the area to hold County Engineering accountable. County Engineering has told the Planning Commission that they will review this item often and pay attention to the drainage. They also intend to deepen the flood basins. He states that they should be communicating with them if they have any concerns.

Legislative items

a. New Business

3.1 ZMA 2018-06: Public hearing regarding a proposal to rezone approximately 3.5 acres located at approximately 2220 E. Eastwood Drive from the RE-15 zone to the R-1-10 zone. Applicant: HCA Investments; Jeremy Jaggi (Agent)

Mr. Ewert gives an overview of the proposal. He states that this item is regarding the Uintah Highlands. When it comes to changes in the zones, it is important to look at The General Plan. This plan was adopted in 1970. He states that the plan was meant to cover 1970 to 1990, this does not mean it expired only that this was the plan for these time periods. It is also important to note that it is mostly built out. Up until now there really hasn't been the need for it, but there are some vacant parcels. He gives an overview of the land use masterplan. He states that the Planning Commission is being asked to forward a recommendation to the County Commission. The County Code requires that the General Plan is followed in making the recommendation. Staff is recommending approval based on the fact that the proposal follows the General Plan.

Commissioner Borklund states that it looks a bit isolated, she asks if it matters. She asks if it spot zoning. Mr. Ewert states that it is not spot zoning because it follows the General Plan. He states that according to the General Plan the hopes are that the other property owners in the area would ask for the same kind of zone.

Commissioner Edwards asks if there is concern regarding a road connecting through there and the layout in the packet shows a cul de sac. Mr. Ewert states that this is explained in the staff report. He is not recommending that this issue be addressed at this point. This would be addressed when a proposal gets submitted, by Staff. Blocks are required to be a certain length. There may be a requirement to put a through street in and any change to that would require a General Plan amendment.

Chair Hancock ask if this would be a change to the General Plan. Mr. Ewert states that in this case, it would be supporting the General Plan.

Chair Hancock asks if there are any further questions for Mr. Ewert. There are none. He asks the applicant to address the Planning Commission.

Jeremy Jaggi 6690 Willow Creek RD states he represents the landowner. The Uintah Highlands area is shrinking because 65% of the residents are 2 persons empty nesters. He adds that he is representing several people who hope to build new energy-efficient homes on smaller lots so that they may remain in the area. The proposed owners are in the audience and may be able to answer any questions. He states that this may be an important change because of the changing demographics in the area. This can be seen in the lower population in students in Uintah Elementary and the High Schools are shrinking from this represented area. Younger professional families want to move to the area but are not able to at this time. There are some

other owners who want a smaller footprint and want to stay in the area. He adds that they have spoken to local residents and they do not want a through road on Eastwood Dr.

Chair Hancock asks who Burton Trust are. Mr. Jaggi states that it is the landowner that he is representing.

Chair Hancock asks if there are any further questions for the applicant. There are none.

Chair Hancock open for public comment.

Les Greenhaugh 2244 Jennifer Dr. states that he represents all the property owners on Jennifer Dr. He has acquired signatures from all the residents with a few exceptions. Some of the same people also signed the petition for the rezone, this because they were deceived. He states that they feel that this rezone would have a negative impact on their properties. He adds that if this rezone is approved it sets a precedence to high-density housing and rentals. There are hazards included with this such as fires. The residents would like the Planning Commissioners to make a recommendation against this proposal and keep the zoning as is. He believes that this is all about money.

Bill Grilz 2232 Eastwood Blvd states that the lot in question is in his backyard. He adds that his lot is too big. H has also spoken to the neighbors and there are four or five that would be interested in being able to downsize to sell to younger families that could raise their children there. He is in favor of the redevelopment. He believes that it would benefit the community.

Dave Hardman 1235 E 5275 N states that he is representing the Bingham family trust. The property is on 2403 Combe RD. It is adjacent to the Burton property. They have a similar situation, Their family is older and there may come a time that his family might need to do the same. He states that the demographics of the community has changed dramatically. He believes that this could be a positive change.

Bruce Stradford 2285 Jennifer Dr. states that he is one of the landowners that is contributing to the development. Mr. Greenhaugh is one of his neighbors down the street and he appreciates their input. He is one of the individuals that showed off a subdivision plat. Mr. Greenhaugh is correct there is more money in more lots, this a part of development. He states that in his opinion there is a need in that area for these housing types. There have been some new homes added and they have been a great addition to the neighborhood that are on smaller lots. He agrees that some of the lots being proposed are odd, but he would like to speak in favor of the rezone. There are some tracks of land that are five to twenty acre lots. There has been some agriculture out there. The reality is that they need to look at a broader picture. It is not apartments that are being proposed, it is 400,000 dollar homes with smaller footprints. The whole Uintah Highlands area is in desperate need of infill. There are no children in the area. There is a need for housing diversity in the area.

MOTION: Commissioner Edward moves to close the public comment. Commissioner Bell seconds. Motion carries (7-0)

Commissioner Borklund states that she lives in that community, she can see both sides of the argument. She believes that considering future development R-1-10 is a better fit for the area.

MOTION: Commissioner Bell moves to forward a positive recommendation to the County Commission regarding item ZMA-2018-06. A proposal to rezone approximately 3.5 acres from RE-15 to R-1-10 at approximately 2220 E Eastwood Blvd. This recommendation is based on the following findings: 1. The Southeast Area Comprehensive Land Use Master Plan recommends the use and densities of the R-1-10 zone the proposed rezone will promote the health and safety of the general welfare of the general public by affording more affordable lot sizes in the surrounding zoning and the surrounding land use do not pose a conflict with the proposed zone and new uses of the proposed zone are anticipated to fit into the area harmoniously Commissioner Willener seconds. Commissioner Parke votes nay. Motion carries (6-1)

3.2 Public hearing for the following items:

- a. **GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. Applicant: Dennis Costesso**
- b. **ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Applicant: Dennis Costesso**

Mr. Ewert states that this is very similar to a proposal that was brought before the Planning Commission a few months ago. Mr. Castesso is looking to change the zone from A-1 to C-1 he has 10 acres of property. It might be better to add more definition of what the village center can look like. Looking at making changes to the General Plan it might be good to change some of the language to make it less passive. He adds that if there is a rezone there, there is no standard for commercial zoning to require an attractive commercial property. In the Ogden Valley, they have standards to help make things attractive, they don't have that out west at this point.

Commissioner Borklund asks regarding the commercial nodes versus the Village Center. Is there a definition of the Village Center? Mr. Ewert states that was a bit of inconsistency in terminology and he is just changing it to match so that it will make more sense.

Chair Hancock ask the applicant to address the Planning Commission.

Dennis Costesso 4206 W 1800 states that he owns the property being considered for the zone change. He notes that his father purchased that parcel in 1945 and provided a good living for him and his family. The area has experienced dramatic change since then and it should be expected to continue changing. He states that it is important to plan for the changes. He wants to make it clear that he has no plans to sell the property or discontinue renting it for agriculture purposes. It is his intention to will the land to his children and have them continue to lease it out until it becomes impractical. Because of the location the property is unique, it needs to be rezoned to take advantage of its full potential. He gives some examples of what could be placed on this land in the future. He states that this would be beneficial for the community. He adds that he was very lucky to grow up in the community and he wants nothing but the best moving forward.

Commissioner Willener asks what is the advantage of changing the rezone at this stage. Mr. Ewert states that this might be a better question for the applicant, but he believes that it would grant the rights and entitlements now. Commissioner Willener states that in order to accommodate the request they would need to amend the General Plan. Mr. Ewert believes that it boils down to is it the right time for this. It is a policy question for the Commissions and also for the Community. Are they ready for a change like this? Mr. Costesso states that after the zone change for Dan Baugh he believes it is a good time for this change. He adds that if it is done now it won't be a burden for his children.

Commissioner Edwards asks could the rezone be contingent on a development agreement and site plan approval before the zone change takes effect so that the Planning Commission can revisit it when the potential buyer wants to come in and develop there. Basically, it is an overlay so that it has the potential but is dependent on a development agreement and site plan approval. Mr. Ewert states that he has had experience with this, but he is not aware of how to do it. A development agreement that goes with a masterplan or master concept should come with the rezone not after the rezone and if it does come after the rezone it is an administrative action not legislative so the discretion to be flexible is gone. Commissioner Borklund asks if amending the plan has the same effect. Mr. Ewert states that it would be that type of effect but it would not give the entitlement. Once you give the zone you can't take it back. He doesn't want to speak for Mr. Costesso but if this was his land he would like to have his entitlement secured. Commissioner Parke asks if it makes more sense to postpone it and revisit it at a later date seeing that there is an intent to redo the General Plan. Mr. Ewert states that this is a great option but they need to think about the findings because the change was made for another person. It's important to remember the spot zoning, there is a need to be cautious. Commissioner Borklund states that this is an applicant that paid a fee and it's not fair to put it off for a year.

Commissioner Whaley asks what was recommended in the amount of acreage with the Dan Baugh property. Mr. Ewert states that the recommendation was for 10 acres. Commissioner Whaley states that personally he against this, because of what is already there. If there is a General Plan coming up there ought to be more input. There is a high level of concern regarding changing zoning ordinances. It is a modification to the rules of the County not just to an area. Commissioner

Whaley asks if Legal Counsel if they know anything regarding granting and taking property rights. Mr. Wilson states that he is not there to advise the resident, as it stands he does not have the interest in the C-1 zone. Commissioner Whaley asks when a legislative body such as the County Commission uses the authority to appropriate a certain amount of property value to a particular area. He asks if there is a limit because it has gone from 10 acres to 45. Mr. Wilson states that there is right that can be implicated but first there has to be a deprivation of the right. He states that if they are implying that it was deprivation by granting it to the Baugh's that may be an issue but ultimately as it stands he doesn't have the interest in the C-1 zone there would not be a taking on a denial. Commissioner Whaley asks if they approve it then he has the right if they don't would it be a proposed taking. Mr. Wilson states that he does not believe it does because he doesn't have the interest and there has to be a deprivation of that right.

Commissioner Borklund states that with the asterisk the way that it is it makes it look like all four corners have that option, it needs to be changed so it includes the recent changes and identifies what it should say but take away the asterisk. Mr. Ewert states that this could be very beneficial. He states that this would be an easy motion to make.

County Commissioner James Ebert 1754 N 1350 states that he wants to give an explanation of how the County Commission came to the decisions that were made. He gives a general overview of the discussion by the County Commission. He states the General Plan very clearly creates a commercial or a village node from the 2003 General Plan. The overlay has not allowed the commercial plan to move forward it allowed fifteen acres it didn't say in the General Plan that it had to be three on each corner or four on each corner, but the general feeling was to provide some equity and the acreage be broken up on each of those corners. Mr. Baugh went in and had a discussion with them and stated that it was difficult to put a commercial development project on such a small piece of land. They would have to be larger for it work. This is a possible reason for the commercial part of that area not growing. The question for the County Commission was how to provide an environment for that commercial experience to happen with only fifteen acres and three or four acreage parcel for each of the corners. The second issue there was, was a request to only make fourteen or fifteen acres approved, this would be cutting Mr. Baugh's property in half. What staff had requested Mr. Baugh do was to create a development and layer some of the requirements in that zone which is residential, and it was surmised that residential would not build next to the railroad, so this removed any opportunity to have a useful use for that property. He states that they tried to follow the recommendations made by the Planning Commission, the problem with this is that there were mixed messages. The recommendation was to make the node work and make the zone work, but the zone did not allow. He states that they went back and forth on the issue but where they ended with a two to one was where the entire property to make it work was at a C-1. He adds that it was a long discussion. There seemed to be two competing interests and they were trying to figure out how to make it work. The fifteen acres were not going to provide the necessary property to allow it to occur and it was cutting property in half making half the property useless.

Chair Hancock opens the public comment.

Tom Favero 1295 N 4700 W states that the property for the Costessos and the Baugh has to be considered commercial property because it touches the railroad tracks. He has lived in the area his whole life. As he has grown up in the area he feels that there is no one who has given up as much as the Costessos, anytime a road was widened it was taken from the Costessos. Whether it be on 4700 or 1100, or 12th street. In the mid-'70s the Country Corner was placed on that corner. The corner that the Baughs have belonged to the Railroad it didn't matter what was given up there. The Costessos always had somebody taking more out of their front yard every time the road has widened the road from all sides. Now they are asking for the commercial zone, it is the Counties turn to give. It would be an asset to the community to have a commercial center. It would be nice to have something there instead of having to go to Ogden for groceries. He asks that they make it so that the Rauzi's can do the same in the future. The side by the railroad tracks that is trapped by the 12th street is not good for housing or anything else other than commercial or retail. He also asks that they don't put a limit on what a village is. There needs to be enough that it attracts people. Small shops can make enough to make a living. Mr. Castesso is trying to plan for the future. He wants to do the right thing for the community.

Jill Hipwell 858 S 3600 W states that she was at the last meeting and if Mr. Costesso had brought the proposition up then she would have been okay with it because it was still within the plan. She walked out of the meeting with the impression that the whole 15 acres were going to be in one spot and the conversation would be brought up again once the General Plan was reviewed. This needs to be held back until the whole community is on board. This opening it up for others to come forward

and ask for more acres. She has brought up public notices many times; She asks why there isn't signage posted like CUP's. It would be good for the community to know what is going on.

Sam Cooper 4972 W 2200 S states that he has lived in that area for seventeen years. It makes it difficult for business to be limited in advance. He appreciates Mr. Favero's understanding of business. With all the subdivision that are being placed out there, where are they going to get their groceries and gas? It would be great to be proactive instead of reactive. For those who have the environmental concern, how much gas and diesel is being used to go into town. With regards to the Kent's that was placed in Plain city, there was a lot of discussions when that was put in, now everybody loves it. It is not a good idea to limit the commercial zones in that area, there is going to be a lot of families coming in with the new subdivisions there is going to be a demand for it. It would be well worth it to move forward with this decision and not hold back for another year.

Les Meyerhoffer 1348 S 3500 W states that he and his wife currently own the property west of the Rauzi's. He is not opposed to the rezoning. He just wants to make sure it is streamlined for the other owners. He adds that his property is split between A-1 and A-2.

Shae Bitton 4088 N 2200 S states that in the General Plan it says it is a guiding document adopted by a community to help decision-makers to help evaluate the development proposal and implement the desired future of the community. It looks in general at a larger year. It determines the kind of land uses. This General Plan is old. Regarding Mr. Cooper's comment about being proactive, she does not feel that they are limiting the owners who are requesting changes, it is fair because the area is still growing. The General Plan needs to be updated but they need to take the time to do it right. It was not fair to change the zone and not notify the public. She agrees that the commercial needed to be rezoned. She is okay with the growth there is a need, but it needs to be done the right way. She feels that the best thing to do is to deny the rezone right now. Sometimes life isn't fair, the Costesso's have had their land taken but redoing the plan would make it fair for everybody. It would benefit everyone in the area instead of picking and choosing. She adds that she is very disappointed in the County Commissioners and not looking into the future. They could have just postponed it and redid the General Plan. It would be fair and a better option for all of the community.

County Commissioner James Ebert 1754 N 1350 W States that he would like the Planning Commission to please forward something that they don't have to debate, tear apart to make it work. He states that he agrees with Ms. Bitton the General Plan is a guide and a tool to help the Commission's make better decisions. It is a document that can become convoluted and staff has to interpret what was is trying to be accomplished with the intent language. He adds that where it got confusing was there was intent language in the guiding document that stated this is where the commercial should be centered so that it's not scattered all over. Regarding the overlay, the 15 acres aren't attached to any type of research. It seemed to be an arbitrary type of number. He wants everyone to know that what the County Commission did was forward thinking. It was understanding what the General Plan was trying to accomplish in commercial growth and how to provide the infrastructure to create commercial growth. It is important to understand demand and traffic patterns. He asks that the Planning Commissioners understand the intent of the General Plan and please forward something that meets the intent of the General Plan because the General Plan is an instrument that guides to a destination.

Tom Favero 1295 N 4700 W states that his grandfather bought 250 acres, and in the 70s. Later people started buying 5 – acre lots after that it was the 1 acre lots. Now there have been a lot of the new people who have gotten up and talked. They say that this is a change that is not needed. He believes that it would still be a great farming community if all the new people stayed in town. They did not stay in town and now there is a need for commercial centers and places for people to shop. For anything to succeed in the area, there needs to be a lot of in and out traffic. Looking at the demographics of that map there is no other good area for commercial use. He reiterates that nobody wants to be up against the railroad tracks. That area is not going to be good residential. He asks that the Planning Commission give Mr. Costesso his commercial zoning and if he wants to pay the upcharge on the commercial zone that is his business. It is no more than fair and if the Rauzi's want to do it in the future that's fine. He adds that there should not be an overabundance of it but they can go in for a rezone when they are ready. Up against the tracks is better planning. He feels that Weber County has always been behind. It should be done now so that it can be in place for future development.

Brent Hipwell 585 S 3600 W states that he agrees with his wife Jill Hipwell. He also agrees with Ms. Bitton. He wants to disagree with Commissioner Ebert regarding leaving the decision up to the Commission. When the General Plan was written all the resident have a voice. It took two years to get the wording down it is a lot of work that is being neglected. There might

be a new General Plan and maybe everyone on 4700 would like to see some commercial ground. He is all for that if that is what everybody out there wants. The consensus of the residents out there is that they put the General Plan together as guidelines for the people who have been elected, they feel completely ignored. He adds that a lot of those rezones including the Baugh area should have been postponed until the General Plan could be redone and people from the entire area, not just five miles and word of mouth Warren, West Warren, Reese and Taylor. The whole unincorporated Weber County need to get together and establish a new General Plan.

Shae Bitton 4088 N 2200 S states that she just wants to reiterate that she does not mind the commercial rezone. All she is saying is that the General Plan should be redone. Mr. Costesso isn't going to use it right now for commercial use. She asks where is the stopping point.

MOTION: Commissioner Edwards moves to close the public hearing. Commissioner Bell seconds. Motion carries. (7-0)

Mr. Ewert states that if the Planning Commissioners are looking to make changes the smaller and easier the changes are the easier it is for staff.

Commissioner Willener states that she has not been able to attend all the meetings. She agrees with the direction that this taking. Being on the Commission to provide recommendations to the County has been difficult because of the outdated General Plan. They agree that the General Plan needs updating and they feel limited by it. They have also heard from the community that it is a sacred document and it should not be changed. There have been conflicting opinions from the community that should be taken into account. It is important to keep in mind that the Planning Commission is obligated to respond in a timely manner. The Planning Commission has to be able to move forward and make decisions in the absence of a General Plan revision. In this regard, there is a lot of uncertainty. With this in mind, there are applicants who have paid the fee and submitted a request. Commissioner Borklund adds that they have heard "there is going to be a new General Plan in the next two years" for about six years. Commissioner Willener states that while she appreciates the need and the desire for the community to hold action until the General Plan is updated this doesn't seem realistic, given that there is an applicant present with a request. She adds that she appreciates Commissioner Ebert's explanation on their decision, what was reiterated was that the parcel is landlocked by a road and railroad. It is not desirable for any kind of agriculture, that being said the commercial should stay together. She likes the proposal to have a 45-acre piece divided among the four corners of the intersection. In order to access the commercial, there is going to be a need for land. There has been discussion regarding parking on 12th street and she feels this is a dangerous place to put parking and pedestrian access to a commercial zone. When it comes to these proposals it's important to think about safe access to the commercial facilities.

Commissioner Bell asks if there is any new information regarding the General Plan update. Director Grover states that he has had a discussion with the County Commissioners and a budget is going to be approved soon. He adds that they have discussed different options, but there are no definite answers yet.

Commissioner Bell states that he conflicted with this issue because Mr. Costesso was at the meetings concerning the Baugh's property and he indicated then he had no interest in rezoning commercial. He asks how the General Plan going to be redone if there is just going be amendments being pushed through a little at a time. He adds that he does agree that this is the best area for commercial. He feels that the community feels the same way, they only disagree with the method used to be placed there. Regarding County Commissioner Ebert's comments about being forward thinking and making sure there is a demand driven by the housing; he is not aware of any evidence that 45 acres of commercial land can be supported in the area. There is information regarding the sustainability of that commercial land. This gives him the impression that the General Plan should be updated before anything else is done with that area. He asks where does it end. A General Plan update would help confine those developments.

Commissioner Whaley states that the Planning Commission is an interface between the County Commission and the public. He agrees with the comments that the General Plan be updated before moving forward. Commissioner Bell states that he agrees and it is easier to up zone than to down zone. If all the people come forward to get a rezone and it contradicts the new General Plan, how do they take all that back? It would be better to see the hard data first.

Commissioner Edwards states that if a business comes in a does studies they will decide if it's a good place for commercial. If the changes are made to the zone that does mean that there is going to be a store, there tomorrow. Growing up in that

community there is no better place out there for the commercial. There has been a lot of change, and it's going to keep changing.

Commissioner Borklund states that as a minimum there is a need to remove the asterisk.

MOTION: Commissioner Borklund moves to recommend approval of the General Plan amendment to make all four corners of 45 acres the same. According to figure 2. Commission Edwards seconds. Commissioner Borklund votes Aye.

Commissioner Edwards votes Aye. Commissioner Bell votes Nay. Commissioner Hancock votes Nay. Commissioner Willener votes Nay. Commissioner Parke votes Nay. Commissioner Whaley votes Nay. Motion is denied (2-5)

Commissioner Parke states that he agrees with the Commissioners that there is no better place for the commercial in the area. He agrees with County Commissioner Ebert when he said 8,000 minds are better than 7. It would be better to involve the entire community. He adds that they have the ability to change the General Plan but that does not mean that they should. The applicant has no immediate desire to change the use of the land. He doesn't see where anyone is penalized by waiting.

MOTION: Commissioner Parke moves to recommend denial of items a. GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. b. ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Subject to a new General Plan being made. Chair Hancock seconds. Commissioner Edwards votes Nay. Commissioners Whaley, Hancock, Bell, Willener, Borklund, Parke Vote Aye. Motion carries (6-1).

Legal Counsel, Matthew Wilson recommends adding clear findings for the denial.

MOTION: Commissioner Parke moves to recommend denial of items a. GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. b. ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Subject to a new General Plan being made. This recommendation is based on the findings that it doesn't comply with the General Plan and the Planning Commission would like to get public input for this decision. Chair Hancock seconds. Commissioner Edwards votes Nay. Commissioner Edwards votes Nay. Commissioners Whaley, Hancock, Bell, Willener, Borklund, Parke Vote Aye. Motion carries (6-1).

Chair Hancock states that he made an informal survey with the public and some were more concerned with property rights versus keeping it rural. He feels that if Mr. Castesso had asked for the rezone with somebody lined up to buy the property he would have voted yes. Where it is just making a change and there are no immediate plans to make changes with the General Plan update hopefully coming up it very likely that Mr. Costesso will receive the rezone at some point.

Commissioner Parke agrees and states that he fully supports the commercial. He just feels that they are going about it the wrong way. I was denied so that the public could have input.

Commissioner Edwards states that regarding the Weber Visioning meetings this year there is only a small portion of people who go out to those meetings. He adds that he feels that all they are doing is delaying the inevitable. He doesn't understand why they are holding Mr. Costesso up if everybody agrees that this is where the commercial should be. Chair Hancock states that they could allow the Rauzi's and other owners rezoned at one time, so there is no need for them to come back. He adds that they have different views on the General Plan but everyone wants the same thing. Commissioner Edwards states that it is a living document and it's meant to be a guide. He states that he doesn't see the difference between this proposal and the Baugh proposal that was approved recently. Commissioner Bell states that this is a significantly bigger rezone based on the input and the impact on the community. The General Plan needs to be updated.

Director Grover states he would like to be respectful of the Planning Commissioners time. Typically, there is an 8:30 cut off but there is one more item that did have notices sent out and is imperative for the state. He adds that the work session can be postponed. He asks if they would like to entertain it or if they want to table it to the next meeting. Chair Hancock states that they would like to move on with the meeting.

3.3 GP#2018-04: A public hearing regarding a proposal to change the Western Weber County Resource Management Plan and the Ogden Valley General Plan specifically related to forest firefighting management of roadless areas on Forest Service Land. This amendment is focusing on the County's limited role in offering the state and the forest service guidance as to appropriate forest management principles. Applicant: Weber County

Charles Ewert gives an overview of the proposal and some of the issues associated. The states has asked that the County identify how to designate the categories in the area. These categories are Primitive areas, Forest Restoration Areas, Forest Stewardship and Boundary Adjustment/ Rei-inventory Areas. He gives an explanation of the types of roads that can be built in each area. He explains the roadless map. He that a road this a something a vehicle can drive on and not a trail.

Chair Hancock open the public comment. There is none.
Public comment closed.

MOTION: Commissioner Parke moves to recommend approval GP#2018-04: a proposal to change the Western Weber County Resource Management Plan and the Ogden Valley General Plan specifically related to forest firefighting management of roadless areas on Forest Service Land. This amendment is focusing on the County's limited role in offering the state and the forest service guidance as to appropriate forest management principles. This recommendation is based on the findings that 1. The amendment will offer necessary forest management guidelines for the State and Federal Government. 2. The County supports States efforts to better manage public lands. 3. The street adjacent and waterway- adjacent trails pathways have significant public support. 4. The changes are in the best interest of the public. Commissioner Bell Seconds. Motion carries (7-0)

Public Comment for Items not on the Agenda-There is none.

Remarks from Planning Commissioners-Commissioner Edwards asks that staff work with the Engineering staff about adopting an ordinance that clarifies for developers when they add roads or add a curb and gutter. Mr. Wilson states that with regard to this he may want to refer to the County 18-7-12. He adds that it does spell out that if the cut is more than a quarter of the road they need to resurface the area of the road.

Planning Director Report- Director Grover states that they appreciate their comments and he believes it was very healthy dialogue. He feels that the Planning Commission did a good job.

Remarks from Legal Counsel- Mr. Wilson agrees that the Planning Commission did a good job.

Adjourn to Work Session.

WS1: A discussion regarding the creation of commercial design standards for the Western Weber County Planning Area.-
Postponed

Adjourn-9:15pm

Respectfully submitted

- Marta Borchert

Minutes of the Western Weber Planning Commission meeting of December 11 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Blake Hancock – Chair; Jennifer Willener – Vice Chair; Gregory Bell, Jeanette Borklund; John Parke

Members Excused: Bren Edward, Andrew Favero

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Matt Wilson, Legal Counsel; Kary Serrano, Secretary

- *Pledge of Allegiance*
- *Roll Call:*

1. Approval of minutes for November 13, 2018 meeting minutes

Chair Hancock approved the meeting minutes with the noted corrections.

- 2. Public Comment for Items not on the Agenda:** None
- 3. Remarks from Planning Commissioners:** None
- 4. Planning Director Report:** None
- 5. Remarks from Legal Counsel:** None

6. Adjourn to Work Session:

Charlie Ewert said I am going to rearrange the order of the items. Work Session Items 3, 4, and 5 are applicant driven requests. We do have applicants for each one of these and I will walk you through and explained what they are.

WS 3: Discussion regarding Burton General Plan amendment

Charlie Ewert said this is the Burton General Plan amendment; and that one is for the south eastern area. There is the rezone we did for the elementary school. The zone was amended but the plan wasn't, and we should have encouraged them to amend their plan at the same time. The zone is consistent with the plan but their proposal is minor enough that we debated whether or not he needed an amended plan. It does mean that we relied heavily on the Ogden Valley consultants doing contract management with them. With some guidance, we would be looking at our consultants to provide some technical information beyond our daily experience. We will be doing more writing, formatting, and more working with the public; and reporting with the consultants.

Charlie Ewert said until the applicant gets here, I will represent the item. He reviewed the maps and explained where everything was located and what the applicant was requesting on the map. The applicant arrived and Mr. Ewert introduced Jeremy Yaggi; and continued with more information on the map.

Charlie Ewert said go to page 177; of the Southeast General Plan. This shows a detailed information of where they were platting on the streets. The solid black lines where the streets were in 1970, the red lines are where streets are now, and the dash lines were where they planned on having streets in the seventies. There is a through street that was provided but not where we thought it was. If you look at the green dash just above the school property, that's the cul-de-sac that we're talking about. Do we need a General Plan amendment, maybe not and that's why we wanted to run this through just to be sure that it complies with the General Plan? I do believe that we missed providing a sufficient through street on 5950 South. The stub that hangs off of 5950 doesn't currently connect, but there is a subdivision with a reserved right-of-way for future street attachment. Are we going to tear down this house to make a connection, or is it that important of a connection? If not, let make a minor adjustment on this map, and if you are comfortable, make this this as close to being into compliance. If you are comfortable, and this is close to being into compliance now.

Charlie Ewert said someone was taking some flexible interpretation of map at the time; but if you look there is still the same amount of dead end roads, cul-de-sacs, and connections. There's less efficient in connection in the way they have these streets; but that empty property centered on that map gets developed, that will be a good solid connection with the existing street, and our ordinance would require it. Director Grover asked Mr. Ewert to bring up that 5950 was to come down and connect in to Eastwood; that we would have an offset on the intersection, if we have a cul-de-sac it's not an issue. If its tied into 5950; that would be great, but with the homes already there, we can't. As staff we have talked about the challenges with traffic, and I would recommend not to require the connection here, unless we're looking at huge tax dollars here to negotiate with the School District to reconfigure the section so we're not tearing houses own. The code indicates that if there is a certain distance on the other side of the road between intersections; you are required to build a street.

The Planning Commission, Jeremy Yagi, and staff had a discussion about concerns with children walking home from schools, code requires pedestrian access for children, an easement is planned there, possibly having a gate, having a dedicated walkway for the kids, providing connection because of the school. The neighbor's primary concern is the increased traffic, especially during soccer games. It was suggested to do an adjustment in the plan that would be preferable. If that street connected to 5950, it would make things easier. The easement is connected all the way up to 5950 South. That intersection needs to be reconfigured as it could potentially have problems. They will probably have the connections that the neighborhood needs.

WS 4: Discussion regarding A-3 Zone Lot Averaging

Charlie Ewert said if you will remember that the County Commission changed the lot averaging in the A-1 and A-2 Zone. This proposal is to amend the A-3 Zone to allow for lot averaging there as well. We would stick with the same standards of no less than 20,000 sq. ft. and no less than 80 feet of lot width; and it would just be applicable in the A-3 Zone. The green area is the only zone that is being shown on this map; that's on the A-3 Zone is pretty far out west. That road that's on 4700 we just rezoned the property on, and the next one over is 5600 was zoned in the A-3 Zone. As we looked at the lot averaging, we didn't know that lot averaging would pick up traction as it did. The Planning Commission wasn't impressed with the idea and recommended it not be included in the ordinance; the County Commission thought we need some extra development tools so included that in. Without the Planning Commission recommendation, it was fully vetted. We only did A-1 and A-2 Zone, because there was an interested party asking for A-1 and A-2. Now that we're being asked by an applicant to extend it to the A-3, and I have been working on this. There's a few things that we will be asking if lot averaging does get passed; that certain nodes be placed on the plat. It will need to say, *"This is a lot averaging subdivision; any redevelopment of this needs to go back and find what those originals were, so we don't accidentally re-dividing any of that stuff."*

Charlie Ewert clarified what lot averaging is and what works. In the A-3 Zone, that allows for two acre residential lots, the overall average of all the lots in the subdivision can't be less than two acres; and the overall lot width, cannot be less than 150 feet. Even though you can have some lots, if lot averaging gets implemented in the A-3, it would be 20,000 sq. ft. and 80 feet wide. One of the drawbacks is not having much ability to cluster homes into a smaller footprint. My anticipation is to be doing lot averaging for people who already have frontage on an existing road, and not doing a ton of road building. If you have bigger lots elsewhere that could potentially sustain agriculture. When we went to the Ogden Valley Plan, I asked the Planning Commission and the public; do you want to preserve your agrarian lifestyle, because you believe you have an agrarian lifestyle, or do you want one because it's disappearing. Is it about open space, or about doing agriculture on these properties? The question was difficult because in Ogden Valley it's more about view shed; and the agricultural was the tool they used for someone to have a viable use of their property.

The Planning Commission and staff had a discussion and about questions about lot sizes and if the maximum lots are bigger, so should the minimum be larger too. There were some issues with the lot averaging comes in, that it doesn't preserve any type of agricultural. There was a question about having an ordinance that allows to have a home in a section where the agriculture land could be preserved. Lot averaging was not a tool used to prevent agriculture. We need to incentivize land when we run out of agricultural lands out there. Agricultural lands in the western part of Weber County is condensed where anyone doing agricultural for an occupation is rapidly coming to an end. We need to provide a balance so we don't push people out of agricultural; and there was a concern about changing it to A-2, until staff does a General Plan amendment. It was suggested to make this part of the Master Plan and get input from the public. There was a discussion about lot averaging

reducing lot to less than half acre is not increasing density, its increasing building density. People who live in the A-3 Zone is agriculture, but they live there for the view and not just the agriculture. It was suggested to move forward with the General Plan; there might be more options in the future.

WS 5: Discussion regarding Solar Farm in the A-3 Zone

Charlie Ewert said this is a photovoltaic solar generation is allowed in the M-3 Zone. There is a question whether we're going to allow it in the A-3 Zone. We do have an applicant who is looking at a couple of different pieces of property. If this gets changed to allow these kinds of solar farms in the A-3 Zone; and they are suggesting that it's on at least 200 acres. So they have 200 acres or more in the A-3 Zone, they are amenable to setbacks, berms, landscaping, and all sorts of things we can do. My thoughts for a better way to preserve open space, we can't farm it, and the properties they are looking at have a high salt content, they can't do much with that property. The applicant is trying to obscure the view of these solar panels as much as they possibly can; whether that be with berming, or keeping significant distance from other homes in the area.

Charlie Ewert said I did reach to a few of my colleagues; Duchene County, Iron County, and a few other counties have a robust code for this. I was surprised that we don't have one, considering we do allow these kinds of solar farms to exist in the M-3 Zone. The applicant is proposing a conditional use permit in the A-3 Zone as well. Director Grover said that if this does become a conditional use, it can't be denied, so if they didn't want a solar farm in this area, don't make it a conditional use because it is permitted with conditions. Mr. Ewert said the conditions need to be related to actual criteria that exists in your ordinance. Our ordinance talks about not creating extra demand on government resources and services, substantial compliance with the General Plan, and environmental care. My suggestion with this type of use, that we put more standards very specific to this kind of use. He stated they have these mirrored panels, with a tub of boiling water at the top of the tower that is used to create energy. This won't happen with photovoltaic because it converts light to energy, is non-reflective, and it moves with the sun to maximize energy in the area.

Charlie Ewert said the reason for this is because it is applicant driven with property in the A-3 Zone. The power would be sold to Rocky Mountain Power to its final destination; and it could be used to boost the generator in this area. Director Grover said when seriously looking at this, you need to think about setbacks and berming. A 30 ft. setback is not going to do anything when looking at something substantial; there needs to be the right type screening in that area to protect the integrity. Some of the items that we've discussed with the applicant; to have a 15 ft. buffer between any solar panel, building, or the next zone. If there any solar too close to the A-2 Zone, we would need at least a 1500 feet separation. We talked about landscaping, berms, and sign obscuring with 200 acres. In the Ogden Valley we said in their lighting code; if you can see a lit lightbulb then you are out of compliance with the Dark Sky Ordinance. That is really easy to enforce, if you drive by and you can see the lightbulb, they are out of compliance.

Charlie Ewert said that the applicant submitted a really good cost analysis in their application. They have enough acres in the A-3 Zone for 124 houses, and if they can't do this, they are going to maximize their property some other way. With 124 residential dwellings, the average cost per student to education is \$6500.00, yearly cost to the district for this residential development will be \$1, 213,840.00. His analysis on addressing the impact; the solar farm has impact on the education system. If you look at a household size of 3.0 people, the average gallons of water per person per day is 256. This development would require 34,898,826 gallons of water per year. When you go to build this thing, it may be a little water when constructing it that's it for the long term. With the sewer is the same results. With public safety, they are looking at a local cost from \$50,000.00 to serve that subdivision. They provided me with some resources on water fowl; and we will work with the Division of Wildlife Services on environmental impacts. We do need to have a reclamation plan and possibly have a bond to execute the reclamation plan, when they come in for a conditional use permit.

The Planning Commission and staff had a discussion and questions about this being more of industrial use rather than agricultural. There was a question if this was to provide power to a dedicated entity, not to grid. The response was it will provide more energy to the grid, and it's not Rocky Mountain Power asking for this but a private entity. There was a question if the solar made noise when they moved, and the response was very little. There was a question about multi-use for the land, if it were taller; the land could be used for grazing. hey made noise when they move, and the response was very little, maybe just a hum. What about multi-use for the land, because if they were taller, it could be used for grazing. It was suggested

to bring up some dirt to bring up the berms. There was a question if it had to be in the A-3 Zone, and suggested to cut that property out and rezone that property to make it into M-1, and was suggested to cut that property out and rezone the property to make it into M-1. Otherwise we would have this small section in the middle of all this A-3 Zone with this solar farm. The Planning Commission had concerns if the property was buildable to allow 124 houses on two acres, not having sewer, but it's developable the way it is. It was suggested to have 124 homes there with photovoltaic solar on the roofs and call it good. There was a discussion about allowing this in the A-3 versus M-3, and would rather see an island of M-3 in the middle of an A-3 Zone then to allow this into the A-3 Zone.

Director Grover said the one thing that could help this too, if we did this in the M-3 and entered into a development agreement with them, that says if you remove this solar farm and reverts back into an A-3 Zone. That way you protect the area so that it stays because M-3 allows a lot more manufacturing that could impact the neighborhood than a smaller scale solar farm could. So if you were to do something like that, then you could possibly accomplish both. Mr. Ewert said we will still need to mitigate the issues. As we were working with the applicant; we broached the idea of a rezone with a development agreement. Director Grover said we started looking in the A-3 Zone on where this could possibly go in those 200 acres. Mr. Ewert said in looking at all the obstacles and issues that go with this; my professional opinion is to change the A-3 Zone. That's primarily because this is renewable energy, even though this isn't the standard understanding of what a farm is, this is farming of a sort. I will get back with the applicant and get back with the development agreement. Currently we don't have a code that has any standards on solar farms; so we would have to create a code that does adopt that before we do any kind of rezone.

WS 1: Discussion regarding the creation of commercial design standards for the Western Weber Planning Area.

Charlie Ewert said this is commercial design standards; and as you know we have more commercial area out west. The big concern that I have with that is we don't have commercial design standards as it stands. There's a couple of things here you are going to say, in the Ogden Valley this is applicable, and in Western Weber this is applicable. This is a good start; the code is not great but this will be the bandaide until we get something a little more comprehensive.

Charlie Ewert said I just want to run through this really quickly just to get your ideas on this. So you have Purpose and Intent and it talks about making it look nice and work well with the community that it's in. We have Definitions that are specific to this chapter. I am giving this to you as homework; so you can get yourself familiarized with this before we get back to this again. Pay attention to the work Parkway; because it does show up in this code several times in the definition section. It just the area between the curb and the sidewalk, and I would call it the park strip. Go to Section 108-2-3 – Applicability; and he read subsection (a); and we are going to propose that industrial and manufacturing be not included in this. Director Grover said that this Applicability was too stringent for manufacturing to meet these design guidelines in this area. Mr. Ewert said this would also apply to multi-family dwellings of three units or more. In subsections (b) and (c) is applicable to Ogden Valley and does not apply to Western Weber.

Charlie Ewert said moving down to Section 108-2-4 - Minimal Standards Architectural. The following architectural design standards shall apply to exteriors of new and remodeled structures in unincorporated Weber County. Unless they are exempted by Section 108-2-3. Subsection (1) color and we are just talking about those commercial/manufacture and this does not apply to houses. External surfaces shall be predominately natural, muted earth tones, and white may be used as an accent color. Contrasting accent colors may be allowed by the Planning Commission. Director Grover said this is more like a bandaide fix for all the commercial that's happened out there. Mr. Ewert said the roof addition to an existing structure when matching the existing colors is exempt from this requirement. He read through subsection (2) Exposed fronts and street sides of buildings does include the rear of the building and he read that section. He read subsections (3), (4), (5), (6), (7), and (8).

Charlie Ewert said Section 108-2-5 – Minimum Standards and Guidelines; General Landscaping. He read through Subsection (a) and said that 80 percent of the landscaping is excessive especially in the desert. I am going to propose that we adjust that 80% of living material. He read through Subsection (b) and said he is rewriting that sentence, but basically what that means if you're building a setback from the street, that first 15 ft. has to be landscaped. He read Subsection (d) and that may be a nice idea and it won't work if the building is on the street. He read Subsection (e) and striking out manual. He read through Subsection (f) and I want to talk about future expansion areas; there's a number of reasons why that would be appropriate

to allow a native vegetation blend into a curb on the back of the property where future destination may be. My original proposal for Dan Baugh was plant grass and irrigate it, and we want to include it as part of the required landscaping as long as it's grass and irrigated. He read through Subsection (h) Item (1) Quality, and said we will strike some of these words. We are going to clean this up a little bit, so there is not a lot of public debate. He read Item (2) Size; and Sub Items a through f; and noted that there were clarifications to be made. He read through Item (3) Selection, so what a lot of communities will do, they will list what you can plant. He read through Item (4) with no issues. He read Item (5) need to scratch out manual, and just say provided with an automatic irrigation system. He read through Subsection (i) Maintenance, Item (1) Responsibility; said there's that term parkway, should be park strip. He read Item (2) Materials, and changed the word health to healthy. He read Item (3) Replacement, and changing approval of the planning commission staff, whose decisions are appealable to the planning commission, and this goes to the Board of Appeals as the appeal authority. He read subsection (j) Design guidelines, item (1) Scale; and this is one of the reasons this doesn't work in the M-3 Zone. This is subjective and will be rewritten in this section code. He read item (2) Selection; need to change habit to habitat. He read item (3) Evergreens; no issues there. He read item (5) Mulch; need to add decorative stone or some other material have an industrial strength weed barrier underneath it, or it will just sink under the mud. He read item (6) Water conservation; just want to make sure you are using valves and such so you're not watering everything. He read item (9) Trails, he read through this and is going to be rewriting this to say you need to provide safe and efficient pedestrian access from the right-of-way to the main entrance of the facility. He read Subsection (k) Manufacturing sites, and this wouldn't be applicable if we don't apply it to the manufacturing zones.

Charlie Ewert said Section 108-2-6 – Minimum Standards – Off-street Parking. He read subsection (a) and (b), and my proposal for these two sections is to consolidate and simplify. This will be one of the bigger rewrites to consolidate and simplify. He read item (3), this conflicts with another section specifically talking about fencing. He reviewed Subsection (b), this is what happens when your building is more than 20 feet away from the right-of-way. The difference between the two; it talks a little bit more about earthen berms, berm height, and 3 feet for at least 75% of the entire length of the berm. He read Subsection (c) Parking areas, and he is removing 100% and change to along the landscape area. It's intended to say that you need to spread them out so it's consistent. He read Subsection (d) Necessary access, and if you are cutting through the landscape area, you can do so for parking and an extra accessibility. He read Subsection (g), this is one that I like best, because despite anything you might do, you have a sea of asphalt and just put a few trees in there it really changes the dynamic of that sea of asphalt looks like and how it appears from the street level. Director Grover suggested to have a diagram with this next item, it might be helpful to the public if we have time.

Charlie Ewert said Section 108-2-7 – Screening and buffering. He read subsection (1) screening device materials, and this is something you may want to allow out west. This is only when it's a screening device; chain link fencing is allowed in the Ogden Valley when it's not screening something. My thought on this if you do allow chain link fences; you may want to black vinyl coated or powder coated, or something that may make it more than just shiny galvanized fencing. He read subsection (2), combination of earth berming, it's a good thing that we are requiring 15 ft. for those berms in there. He read subsection (b) Parking areas, he proposed a change to this, don't think we should be proposing to screen the view of a parking lot from a right-of-way as that is a huge burden. We've got all these trees, we've got buffers, we've got berms, we've got all kinds of landscaping that will help soften the existence of these commercial buildings. He read subsection (d) loading and delivery, so one thing that we debated about as staff, what are we talking about when we say screened. Is this 100% site security, or does this just make it look a little less clear? We do talk about opaque once we get down to the garbage.

Charlie Ewert said Section 108-2-8 – Clear Sight Distance for Landscaping and Screening. He reviewed the information and said the two criteria below the paragraph is about site triangle. So we have talked about site triangle twice plus one more time; plus, we have another code that talks about site triangle The site triangle talks about you can't have anything that's over two or three feet in height, and I will have to check. Ultimately what we're looking at is 40 feet this distance; so if you are in a car on the approach and you're about to intersect with a street, you need to be able to see at least 40 feet that way, 40 feet this other way, and 15 feet between you and the intersection.

Charlie Ewert said Section 108-2-9 – Landscape Plan. He said landscape is required and these are all the requirements in the landscape plan. This will just help us verify they are in compliance with the ordinance.

There was a discussion between the Planning Commission and staff and there was a concern about signage. The response was there is something on signage on commercial. There was a question if they were going to adopt particular colors or just earth tones. The response we talked about earth tones, predominately natural, muted, or earth tones. In the Ogden Valley we talked about the color and how it works. Out here we're just saying earth tones, and it is defined as a color that comes from the earth, and other places in the code we talked about colors that come from the earth. One of the issues that we keep looking when we're talking about commercial development in the area is knowing how much land is needed to accommodate for what might go out there. When you start putting restrictions like this, you have to have a minimum width here, there, and everywhere. You are really restricting how much development can happen for the size of whatever you are developing in just the landscaping purposes. When you are talking about a small scale commercial like a restaurant, it makes a little more sense; but when you put it in a large scale like gas stations or grocery stores maybe they don't fit. When we come up with what we need and keep in the scale of commercial, that's a lot that we're going to have. The Planning Commission wanted clarification to what could be planted, because weeds grow pretty but not something we need to plant. We would need a list of appropriate plants. The response that we could provide a list of noxious weeds and say those are not allowed. We talked about rewriting this and talk with USU on planting schedules. There was a question about the 10 feet that was left, if you only have 12 feet, it should be the same. The 15 ft. makes sense, but the 20 ft. setback if you've got a building at 20 ft., what are you going to do with the other 5 ft. If what's left is parking lot, it's not a big deal with the building. The response was I don't know if it was to anticipate you can't get stuff to grow on the shoulder of the street, but it also states later on that you need to plant stuff right up to the asphalt. We do talk about 20 feet and further away in the next section. There was a concern that a berm would depend on how much the slope. The response was this does talk about berm needs to be tall, or 75% of the entire berm; and if we are talking about a minimum of 15 ft. wide.

Charlie Ewert said what you might see instead of a sea of asphalt out front of the building, with a little building in the back, with a little bit of asphalt in the front because that's all they can fit and a bunch off to the side. Which is not the worst thing in the world, if fact it might be more preferable. The Planning Commission do not want the landscaping the railroad tracks; so we need to have some kind of exception to that rule.

WS 2: Discussion regarding the creation of a consolidated land use table in the county code in place of the fragmented list of uses that currently exist.

Charlie Ewert said we're working on the land use table and consolidating. All of our zones have a list of permitted conditional uses. Our commercial zones have tables showing permitted and conditional uses. Tables are really nice to look at because you can see every single use and whether it's permitted or not permitted in each of those zones. The way that our ordinances is supposed to work, if it's listed and allowed in one zone but not in other zones, it's not permitted in the other zones. If it's intended to say something, then it's not allowed. Over 20 or 30 years of changing ordinances, we've added things in certain zones without thinking how that impact other zones. That plus a whole host of administrative nightmare issues with the volumes of pages that exists in all those lists, I suggest that we condense this into a table.

At this time Commissioner Willener excused herself.

Charlie Ewert review the table with a number of documents and today we are just doing review. He handed out various information to the Planning Commissioners. This memo is one that I did years ago, intended to help the Planning Commission keep abreast of what's happening next with all of this. He suggested that the Planning Commission go through the memo to help you understand the document; it talks about the color coding and that kind of stuff. What you can see from these tables here, trying to take the many uses here that are allowed in the ordinance and just put them all in on table, and see how each of them compare to each other. These are all categorized; you have agriculture, agriculture industry, commercial and industrial. There is also residential, quasi-public, public and institutional, and recreational also included.

Charlie Ewert said the last thing we worked on at the end of 2015, was filling in all the agricultural uses. So everywhere you see an "N", the code previously didn't specify whether it was allowed or wasn't allowed. We were supposed to interpret that it wasn't and I just filled it in. The objective here is to consolidate the ordinance and make it easier to use without changing what the ordinance currently says. The second objective, is once it's adopted to say exactly what it says in different format;

that's when we start making changes as necessary. It's going to be applicable to Western Weber as it to Ogden Valley; but in the Ogden Valley General Plan, they've got a very specific directive to do that

Charlie Ewert said what you'll see in the first column of this table packet. The first column is the Table of Uses; and I go on to explain a little bit more qualifying information about those uses, intended again what's in our current code. This one is all those same uses, and it tells you what it currently is that is being stricken out in red, it tells suggestions and changes are in blue. There a bunch of notes on the whys. You can go through and my comments aren't intended for public comments just for your information, observations, and frustrations about trying to put this together. We're going to be working in the work sessions and this is going to take some time, and you have everything in front of that I have handed out is being proposed for the agricultural section. All the agricultural uses are accommodated for are in there, so just make sure you agree with it, I am not asking for a huge policy changes. This document here are changes to these supplemental chapter; so one of the ways that we could consolidate, are list of uses that have a whole ton of qualifying information in it, is by putting the qualifying information in the supplemental chapter. As you go through and look at the rest of the chapter and the rest of these sections; you will see once we get to the commercial, it's going to be difficult to get through. A question was asked what was the coding in here with the "P". Mr. Ewert replied the coding is "P" is for Permitted, "C" is for conditional, and "N" is for Not Allowed. Once this is adopted, we can take this by use, by use, and make a real impact.

Director Grover said some of the intent with this is to help reduce your time in reviewing conditional use permits, because a lot of the times you can't deny conditional use permits, so either we make conditions, and actually put those conditions in the ordinance, or we just make it a permitted use. So that you can focus more on long range planning, and not this stuff that can be done administratively. We are going to be doing a lot of this, this coming year. Staff will be heavily involved because the funding that we have for the General Plan; so we're going to be having to accomplish a lot of it with staff plus the consultant. I am trying right now to get Scott Park, to allow us to carry over some portion of our budget that we have right now into next years, so that we can apply that to the General Plan to help increase that.

7. Adjournment: The meeting adjourned at 7:30 p.m.

Respectfully Submitted,
Kary Serrano

Kary Serrano, Secretary
Weber County Planning Commission



Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	A request for design review approval to construct a new greenhouse that will be added to a large scale growing operation named Pineae Greenhouses.
Type of Decision:	Administrative
Agenda Date:	February 12, 2019
Applicant:	Pineae Greenhouses
Authorized Agent:	Brian Gold
File Number:	DR# 2019-01

Property Information

Approximate Address:	1901 S 5100 W, Taylor
Project Area:	75 Acres
Zoning:	Agricultural (A-2) Zone
Existing Land Use:	Plant and tree nursery
Proposed Land Use:	Plant and tree nursery
Parcel ID:	15-081-0031
Township, Range, Section:	Township 6 North, Range 2 West, Section 30

Adjacent Land Use

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

Staff Information

Report Presenter:	Felix Lleverino flleverino@webercountyutah.gov 801-399-8767
Report Reviewer:	RG

Applicable Ordinances

- Weber County LUC Title 104, Chapter Agricultural (A-2) Zone
- Weber County LUC Title 108, Chapter 1 - Design Review

Development History

The Pineae Greenhouse site plan was approved by the planning commission on April 12th, 2005.

A site-plan amendment to move a 7,000 sq. ft. office from within a greenhouse to a stand-alone location due to the high humidity was approved by the Planning Commission on July 12th 2005.

On November 1, 2006, the Planning Commission approved a design review amendment that was approved to leave the driveway unpaved. The request to omit perimeter fencing surrounding the detention pond was denied.

Design Review Amendment 2013-11 was approved on November 12th 2013 to construct four 48,000 square foot greenhouses (see Exhibit B, site plan buildings six through nine).

Summary and Background

The applicant is requesting design review approval to amend the approved site-plan by constructing a 68,000 sq. ft. greenhouse that will be used to grow potted plants. This business has been in operation in the unincorporated Weber County since 2005. This proposal is before the Planning Commission as a Design Review because of the scale of the addition and that the agricultural greenhouse is considered a wholesale commercial operation. The staff has determined that a greenhouse and nursery limited to the sale of materials produced on premises and with no retail shop operation is a permitted use in the A-2 Zone.

Analysis

Design Review: LUC §108-1-2 requires a design review for a business, and commercial structures and uses to ensure that the general design, layout, and appearance of the site is orderly and harmonious with the surrounding neighborhood.

As part of the design review, the Planning Commission shall consider applicable codes and impose conditions that mitigate deficiencies if necessary. Consideration is given to the following:

- *Traffic safety and traffic congestion:*
 - The dead-end public right-of-way called 5100 West Street leads to the entrance of Pineae Greenhouses. The parking area occupies a space that measures roughly 21,000 sq. ft. and is capable of providing parking for 95 vehicles.
- *Outdoor advertising:*
 - This design review amendment does not include any outdoor advertising.
- *Landscaping:*
 - A greenhouse operation is considered an agricultural operation, which is exempt from the landscaping requirement as outlined in LUC §108-1-3.
- *Building and site layout:*
 - The greenhouse location will exceed the minimum setback of 20 feet regulated within the site development standards for the A-2 Zone. The site-plan submitted indicates a 118-foot setback from the south property line.
 - The proposed hours of operation are from 7:30 AM to 4:30 PM, Monday through Friday.
- *Utility easements, drainage, and other engineering questions:*
 - The proposal must meet all review agency requirements, including the requirements outlined in the Engineering Division's review.

Conformance to the General Plan

The proposal conforms to the West Central Weber General Plan by allowing owners to pursue agricultural related activities associated within agricultural zones.

Staff Recommendation

The Planning Division recommends approval of file# DR 2019-01, subject to all review agency requirements and with the following conditions:

1. The Pineae Greenhouse operation will comply with all requirements from Weber County Engineering as a means to manage all stormwater and effluent from business operations.
2. A land use permit must be issued for the new greenhouse.
3. A building permit must be issued for gas and electrical lines.

The recommendation based on the following findings:

1. The proposed project complies with applicable County codes.
2. The proposed project conforms to the West Central Weber General Plan.
3. The proposed project will not negatively affect public health, safety, or welfare.
4. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Design review application and narrative
- B. Site Plan

Vicinity Map



Weber County Design Review Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) <i>PINEAE GREENHOUSE INC</i>		Mailing Address of Property Owner(s) <i>1901 S 5100 W OGDEN, UTAH 84401</i>	
Phone <i>801-633-6295</i>	Fax <i>801-731-7783</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>bgold@pineae.com</i>			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>BRIAN GOLD</i>		Mailing Address of Authorized Person	
Phone <i>801-633-6295</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>bgold@pineae.com</i>			
Property Information			
Project Name <i>NEW GREENHOUSE 2019</i>		Current Zoning <i>A-2</i>	Total Acreage <i>75</i>
Approximate Address <i>1901 S 5100 W OGDEN, UTAH 84401</i>		Land Serial Number(s)	
Proposed Use <i>WHOLESALE GREENHOUSE</i>			
Project Narrative			

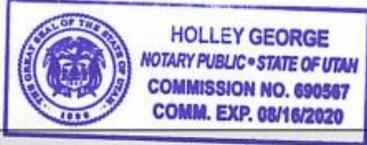
Property Owner Affidavit

I (We), Brian Gold, 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.

PRESIDENT CEO
PINEAE GREENHOUSES INC
(Property Owner)

[Signature]
(Property Owner)

Subscribed and sworn to me this 15 day of JANUARY, 20 19.



[Signature]
(Notary)

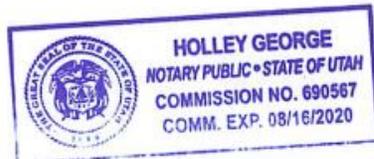
Authorized Representative Affidavit

I (We), PINEAE GREENHOUSES INC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

~~BRIAN GOLD~~
PRESIDENT CEO
(Property Owner)

[Signature]
(Property Owner)

Dated this 15 day of JANUARY, 20 19, personally appeared before me BRIAN D. GOLD, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]
(Notary)



Synopsis

Application Information

Application Request:	Consideration and action on preliminary approval of Uintah View Estates Subdivision, an 8 lot subdivision.
Type of Decision:	Administrative
Agenda Date:	Tuesday, February 12, 2019
Applicant:	Jeremy Jaggi, Representative
File Number:	LVU111318

Property Information

Approximate Address:	2277 East 5950 South, Ogden, UT, 84403
Project Area:	2.799 acres
Zoning:	Residential (R-1-10)
Existing Land Use:	Residential/Vacant
Proposed Land Use:	Residential
Parcel ID:	07-783-0002, 07-340-0011, 07-086-0065
Township, Range, Section:	T5N, R1W, Section 23 SE

Adjacent Land Use

North:	Agricultural	South:	Eastwood Blvd
East:	Residential/5950 South St.	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us
Report Reviewer:	SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 12 (R-1-10 Zone)

Background and Summary

The applicant is requesting preliminary approval of Uintah View Estates Subdivision, consisting of 8 lots, located at approximately 2277 East 5950 South, Ogden, 84403 in the R-1-10 Zone. The proposal includes amending the Stratford Highlands Subdivision, to the north. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the 1970 South East Planning Area Master Plan, by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Geologic Hazards: The proposed development is located in a geologic hazard study area. The submitted report indicates no hazards located within the development site. Attached is a letter from the Geologist who performed the study, stating that no imminent hazards exist on or near the development site.

Zoning: The subject property is located in the R-1-10 Zone. Single-family dwellings are a permitted use in the R-1-10 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-12-4, the R-1-10 zone requires a minimum lot area of 10,000 square feet, as well as a minimum lot width of 80 feet. All lots in this proposed Uintah View Estates Subdivision meet this requirement.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the R-1-10 zone standards in LUC § 104-12. The proposed subdivision will create a new public street.

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for culinary water and sanitary sewer services (Uintah Highlands). Feasibility for secondary water will be required prior to scheduling for final approval.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, Uintah Highlands Improvement District, the Surveyor's Office, and the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for final approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2019 property taxes are not considered due at this time, but will become due in full on November 30, 2019.

Public Notice: A notice has been mailed not less than ten calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

Staff Recommendation

Staff recommends preliminary approval of Uintah View Estates Subdivision, an eight lot subdivision located at approximately 2277 East 5950 South, 84403. This recommendation is subject to all review agency requirements, including those of the Uintah Highlands Improvement District, and the following condition:

1. A paved, 6' wide walking path is required from E 5950 South to the proposed cul-de-sac shown on the subdivision plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the South East Planning Area Master Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision Application
- B. Subdivision plat
- C. Feasibility letters
- D. Letter from Geologist
- E. Review from Uintah Highlands Improvement District

Area Map

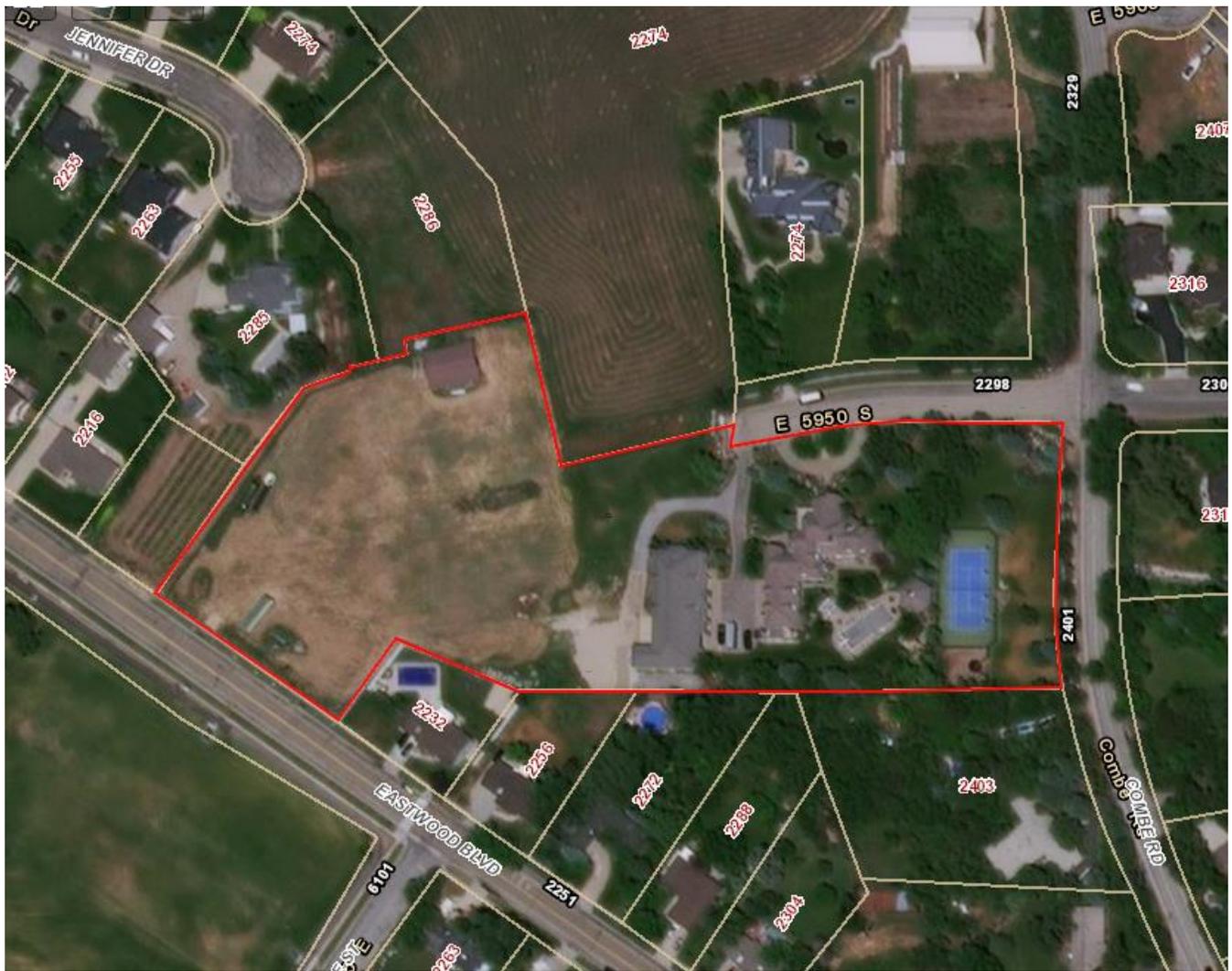
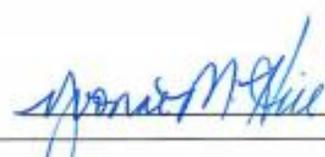


Exhibit A – Subdivision Application

Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
11/13/2018			
Subdivision and Property Information			
Subdivision Name			Number of Lots
Uintah View Estates			8
Approximate Address		Land Serial Number(s)	
2297 E. 5950 S. Ogden, 84403		187081 (west portion) 07-086-0065	
Current Zoning	Total Acreage		
R-1-10	2.4		
Culinary Water Provider	Secondary Water Provider	Wastewater Treatment	
Weber Basin	Uintah Highlands	Uintah Highlands	
Property Owner Contact Information			
Name of Property Owner(s)		Mailing Address of Property Owner(s)	
Brenda Burton Trust		2297 E. 5950 S. Ogden, Utah 84403	
Phone	Fax		
801-726-2605	-		
Email Address		Preferred Method of Written Correspondence	
orbit1962@armormax.com		<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)		Mailing Address of Authorized Person	
Jeremy R. Jaggi		4287 Harrison Blvd #135 Ogden, UT 84403	
Phone	Fax		
805-559-0197	-		
Email Address		Preferred Method of Written Correspondence	
jeremy.jaggi@hcainvestments.com		<input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer		Mailing Address of Surveyor/Engineer	
Reeves Engineering (Chris Cave)		5160 S. 1500 W. Riverdale, UT 84405	
Phone	Fax		
801-458-0947	-		
Email Address		Preferred Method of Written Correspondence	
ccave@reeve-assoc.com		<input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Owner Affidavit			
<p>I (We), <u>Mark F. Burton</u>, 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. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.</p>			
 _____ (Property Owner)		_____ (Property Owner)	
Subscribed and sworn to me this <u>13th</u> day of <u>November</u> , 20 <u>18</u>			
		 _____ (Notary)	
NOTARY PUBLIC YVONNE M HILL Commission No. 683038 Commission Expires APRIL 24, 2019 STATE OF UTAH			

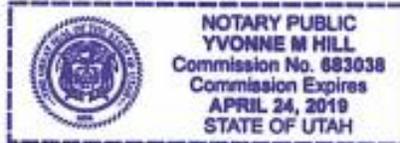
Authorized Representative Affidavit

I (We) Mark F. Burton, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s) Jeremy R. Jaggi, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]
(Property Owner)

(Property Owner)

Dated this 13th day of November, 2018, personally appeared before me Mark F. Burton, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

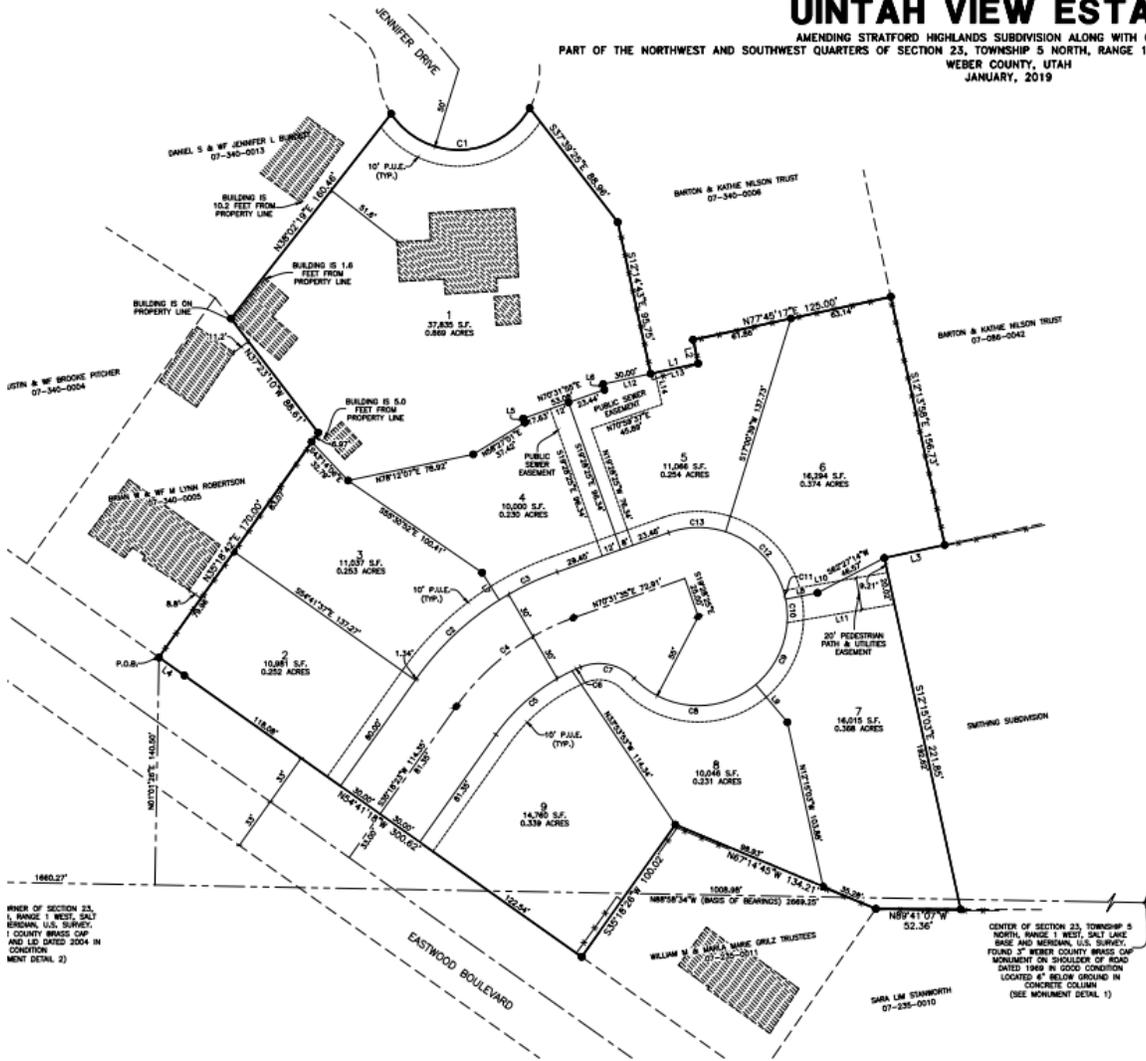


[Signature] (Notary)

Exhibit B – Subdivision Plat

UINTAH VIEW ESTATES

AMENDING STRATFORD HIGHLANDS SUBDIVISION ALONG WITH OTHER LANDS
 PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MER
 WEBER COUNTY, UTAH
 JANUARY, 2019



OWNER OF SECTION 23,
 TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE
 BASE AND MERIDIAN, U.S. SURVEY,
 1 COUNTY BRASS CAP
 AND LID DATED 2004 IN
 CONDITION
 (SEE DETAIL 2)

CENTER OF SECTION 23, TOWNSHIP 5
 NORTH, RANGE 1 WEST, SALT LAKE
 BASE AND MERIDIAN, U.S. SURVEY,
 FOUND 3" WEBER COUNTY BRASS CAP
 MONUMENT ON SHOULDER OF ROAD
 DATED 1969 IN GOOD CONDITION
 LOCATED 6" BELOW GROUND IN
 CONCRETE COLUMN
 (SEE MONUMENT DETAIL 1)

LEGEND

- = SECTION CO
- = SET 5/8" & STAMPED "A"
- = SET CENTER
- = BOUNDARY
- = LOT LINE
- = ROAD CENT
- = EASEMENT
- = EXISTING FE
- = ADJOINING L
- = EXISTING ST

Scale: 1" = 30'



PROJECT INFO.	
Surveyor:	T. HATCH
Drawn by:	J. ANDERSON
Scale:	1"=18'-18"
Name:	UINTAH VIEW ESTATES
Number:	2019-01
Revised:	
Scale:	1"=30'

Uintah Highlands Improvement District

2401 East 6175 South
Ogden, UT 84403-5344
Phone: 801-476-0945
Fax: 801-476-2012
uhid1@qwestoffice.net

September 5, 2018

Subdivision Planner
Weber County Planning and Engineering
2380 Washington Blvd.
Ogden, Utah 84401

Re: Availability of services for Culinary Water and Sanitary Sewer within Uintah Highlands Improvement District for the: Proposed 10 Lot Development - Parcel 07-086-0065

Officials of the Uintah Highlands Improvement District, have been contacted about the proposed development of 10 lots on the property owned by Brenda Burton Trust parcel 07-086-0065, which is located within the boundaries of the District. The proposal is to divide this parcel into a 10 lot subdivision. Based upon the information from the phone conversation with Mr. Jeremy Jaggi, a representative for the proposed development, and under existing conditions, the District hereby states that culinary water and sanitary sewer collection services would be available for the proposed 10 lot development. When the existing lot is subdivided, the district does have the availability to provide services for each of the proposed 10 lots. The Developer would be responsible to make the connection to the existing services of the District, at the expense of the developer. The lines may be considered private from the connection at the main, which would then become the sole responsibility of the owner of the lateral. Detailed plans must be submitted and approved and all fees must be paid before a commitment-to-serve is granted and before construction begins.

Please note that:

Secondary Water for the area is provided by Weber Basin and is NOT part of this Commitment to Serve - District Rules and regulations (section 4.1.4) states, Use of District water for secondary Irrigation purposes on lawns and gardens or outside use is strictly prohibited. (See complete Rules and Regulations for full explanation.)

A separate source for secondary water is required and must be approved and provided for.

This commitment is made expressly subject to the condition that the Developer of the proposed 10 lot subdivision shall be required to comply with all applicable development procedures of the District, including, without limitation, the Developer shall agree to construct all water and sewer system improvements in strict conformance with and subject to the Uintah Highlands Improvement District current 'Public Works Standards', obtain proper easements, and to abide by all applicable rules and regulations of the District, as the same currently exist, or as they may be amended from time-to-time.

Dated this 5th day of September, 2018.

UINTAH HIGHLANDS IMPROVEMENT DISTRICT

By: 
Blaine E. Brough, District Manager

Exhibit D – Letter from Geologist

From: Frank Namdar <FNamdar@earthteceng.com>
Date: December 17, 2018 at 5:12:56 PM MST
To: Jeremy Jaggi <jeremy.jaggi@hcainvestments.com>
Subject: RE: 187081 3 Acre Lot, 2277 E 5950 S., Ogden (HCA Investments)

Jeremy,

I did not see any geologic hazard on the site after looking at the geologic maps and other sources as described in my reconnaissance letter. There are mapped debris flows and a landslide further to the east that are mapped to the north-northeast of the site but do not seem to have reached or impacted the subject site. Most of these areas are developed. The geologic reconnaissance letter has provided a geologic map that shows the location of these mapped features and our evaluation.

Sincerely,

Frank F. Namdar, P.G., E.I.T.
Project Manager



Earthtec Engineering
1596 West 2650 South, Suite 108
Ogden, Utah 84401
Phone: (801) 399-9516
Fax: (801) 399-9842
fnamdar@earthteceng.com

"This message may contain confidential and/or proprietary information and is intended for the person/entity to who it was originally addressed. Any use by others is strictly prohibited."

Below are initial review comments from Matt Robertson, Engineer for Uintah Highlands, for this subdivision based off of the plans received last week: (Matt included a PDF in email with red line drawings to reflect comments – Not included here)

1. Note #17 under Utility Notes on Sheet 2 should state that the culinary water line should be installed 48" below finished grade.

2. I believe that the Weber Basin Aqueduct line runs on the east side of Eastwood Blvd and is a 42" dia. pipe. This is not shown anywhere on the plans and will make utility crossings difficult. They need to find out the location and elevation of this line and determine whether the water line will need to be looped underneath it.

3. Old plans show that there may already be a culinary water line stub into the property. The maps show that the stub would be located in between the two valves on Eastwood and should have a valve on the line. The valve needs to be found and the water should tie into this location if possible.

4. The new 8" water line needs to be looped/connected to the existing dead end lines on 5950 South and Jennifer Drive instead of creating another dead end at the fire hydrant as currently shown. The water line could be installed within the same utility easements as the sewer as long as the 10' separation is maintained.

5. With the looping of the water lines, one of the fire hydrants shown on the plans could be eliminated and just one hydrant installed in a more central location on the new cul-de-sac.

6. New water and sewer easements should be shown on the plat and dedicated to the Uintah Highlands Improvement District where these lines will be installed between lots. The plat should include a signature block for the District for these easements.



Staff Report to the Western Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on final approval of Fenster Farms Phase 2 Subdivision, an eight lot subdivision.
Type of Decision:	Administrative
Agenda Date:	Tuesday, February 12, 2019
Applicant:	Kenny Palmer, Representative
File Number:	LVF071318

Property Information

Approximate Address:	560 N 5500 W, West Warren, UT, 84404
Project Area:	25.78 acres
Zoning:	Agricultural (A-2)
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	15-024-0015, 15-024-0016
Township, Range, Section:	T6N, R2W, Section 07 SE

Adjacent Land Use

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

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us
Report Reviewer:	RK

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (A-2 Zone)

Background and Summary

The applicant is requesting final approval of Fenster Farms Subdivision Phase 2, consisting of 8 lots, including continuation of a county, dedicated road (560 North St) located at approximately 560 N 5500 W in the A-2 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-2 Zone. Single-family dwellings are a permitted use in the A-2 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed phase of Fenster Farms meet this requirement.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-2 zone standards in LUC § 104-7. The proposed subdivision will not create any new public streets, but continue a previously dedicated public street (dedicated in Phase 1).

Culinary water and sanitary sewage disposal: A capacity assessment letter has been provided for both culinary (West Warren-Warren Water) and secondary (Mt. View Irrigation). Weber-Morgan Health Department has performed the necessary testing to recommend design requirements for on-site septic systems for each lot.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for final approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2018 property taxes are not considered due at this time, but will become due in full on November 30, 2019.

Staff Recommendation

Staff recommends final approval of Fenster Farms Subdivision Phase 2, an eight lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements, and the following conditions:

1. A letter from the water district and secondary water provider approving design of the new infrastructure.
2. An escrow established for improvements to be installed.

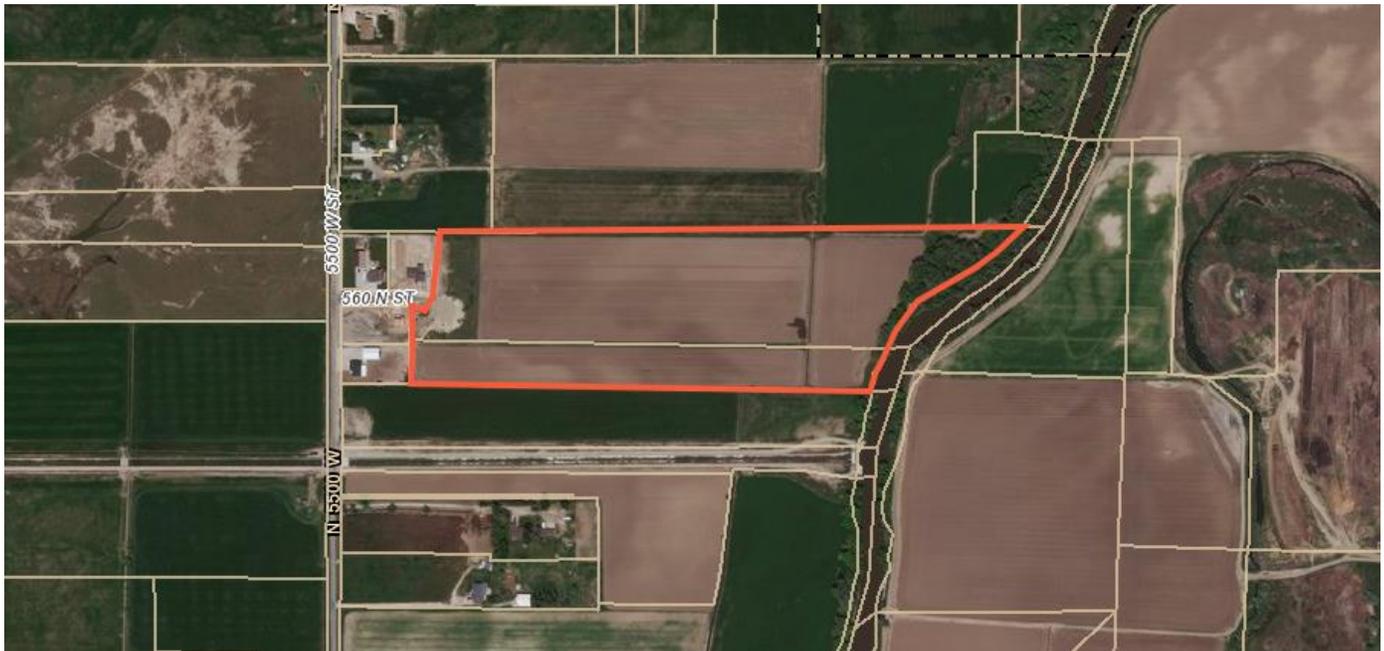
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision plat
- B. Feasibility letters, capacity assessment letter

Area Map



WEST WARREN-WARREN WATER IMPROVEMENT DISTRICT
5783 W 950 N
WARREN, UTAH 84404
801-731-1702
www.westwarrenwtr@gmail.com

July 9, 2018

One Behalf of Kenny Palmer for the Fenster Sub Division

The West Warren and Warren Water Improvement District will supply culinary water to the Fenster Sub Division (phase two) located on 5500 West in Warren, Utah. This letter of **intent to supply** applies to only the eight lots included in the phase two plot plan.

Installation of culinary water and meter placement is also contingent on the second water line installation and proof that it is working at the time the culinary water meter is installed to the residence.

The water is available upon payment of current meter installation and impact fees at the time of construction and is to be paid prior to the beginning of construction.

Should you have questions or comments, please contact the district clerk at the phone or e-mail listed above.

Sincerely,

Connie S. Judkins
District Clerk
West Warren and Warren Water Improvement District.

RLG/csj

Mt. View Irrigation
5238 W 150 N
Ogden, Utah 84404

7-6-2018

To: West Warren – Warren Water District & Weber County Planning

Dear Sirs,

This is to confirm that Mt. View Irrigation has the capacity to serve secondary water to the 8 Lots in Fenster Farms Subdivision Phase 2. The owner of the subdivision has completed a development agreement with the company which includes providing the applicable water shares sufficient to provide water to the project, completion and approval of the pipelines, service laterals and payment of applicable connection fees. Upon completion of these items, Mt. View Irrigation will deliver pressurized secondary water to the project. Each lot owner will become a shareholder in the company and be bound by its by-laws.

Signed

A handwritten signature in cursive script, appearing to read 'Kami Marriott', written in black ink.

Kami Marriott
Secretary

June 26, 2018



Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Preliminary Subdivision **Determination**
Fenster Farm, Phase 2, Lots 5-12
Parcel #15-024-0016
Soil log #13996

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Peterson Pipeline Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Lot 7, 8, 9, 10, 11 Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System or a Packed Bed Media System followed by an At-Grade absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. As defined in the Utah Administrative Code R317-4 Table 6 the absorption area is to be designed using a maximum loading rate of 0.25 gal/sq. ft./day for a Wisconsin Mound absorption area, or 0.40 gal/sq. ft./day for the At-Grade absorption area as required for the fine sandy loam, massive structure to clay loam, blocky structure soil horizon, with documented percolation rates of less than 60 minutes per inch.

Lot 5, 6, 12: Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Packed Bed Media System followed by an At-Grade absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.35 gal/sq. ft. /day as required for a clay loam blocky structure with a documented percolation rate of between 96-120 minutes per inch.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

Summer Day, LEHS III, Program Manager
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on ZMA 2019-01, a request to to apply the solar overlay zone (SOZ) to approximately 370 acres of land at approximately 1700 South 7500 West

Agenda Date: Tuesday, February 12, 2019

Applicant: Strata Solar; Doug Larson as Agent

File Number: ZMA 2019-01

Property Information

Approximate Address: 1700 South 7500 West

Zoning: Currently zoned A-3

Existing Land Use: Agricultural

Proposed Land Use: Solar Farm

Township, Range, Section: T6N, R3W, Section 23 and 26

Adjacent Land Use

North: Agricultural/Rangeland	South: State of Utah (Ogden Bay)
East: Agricultural/Rangeland	West: Agricultural and Large Lot Residential

Staff Information

Report Presenter: Charles Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

- §102-5: Rezoning Procedures
- § 104-30: Large Solar Energy System Overlay Zone

Summary

This application is a request to apply the newly created solar overlay zone (SOZ) to approximately 370 acres of land. The actual acreage is likely to be reduced to 200-250 acres prior to final county commission approval due to a forthcoming revised legal description of the requested overlay zone area, which will not consume 100% of all of the subject parcels, but until then this review assumes all 370 acres is the subject property.

The SOZ will enable the construction and operation of an unmanned utility-scale solar energy facility as a permitted use with a development agreement.

The subject parcels are located east of 7500 West at approximately 1700 South. They receive access from 7500 West. The parcels are wholly within the A-3 zone.

The SOZ allows utility scale solar energy collection with non-reflective collection devices for areas 100 acres or greater in the A-3 and M-3 zones. The SOZ requires a development agreement to provide site specific development conditions. This agreement will be negotiated between the County Commission and Strata Solar, however, the site specific development conditions should be vetted through the planning commission.

If favorable, after the commission adopts a development agreement and applies the SOZ to the property, a utility scale solar energy operation will be entitled to occur there with no additional approvals, provided it complies with the SOZ and development agreement.

A few community effects to consider when reviewing this application is the aesthetic effect, the transportation effect, the construction and disassembly effect, and the weed management effect.

Staff are recommending that the planning commission offer a positive recommendation to the county commission for the overlay zone with the specific requirements listed herein to be incorporated into a development agreement prior to final adoption.

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. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

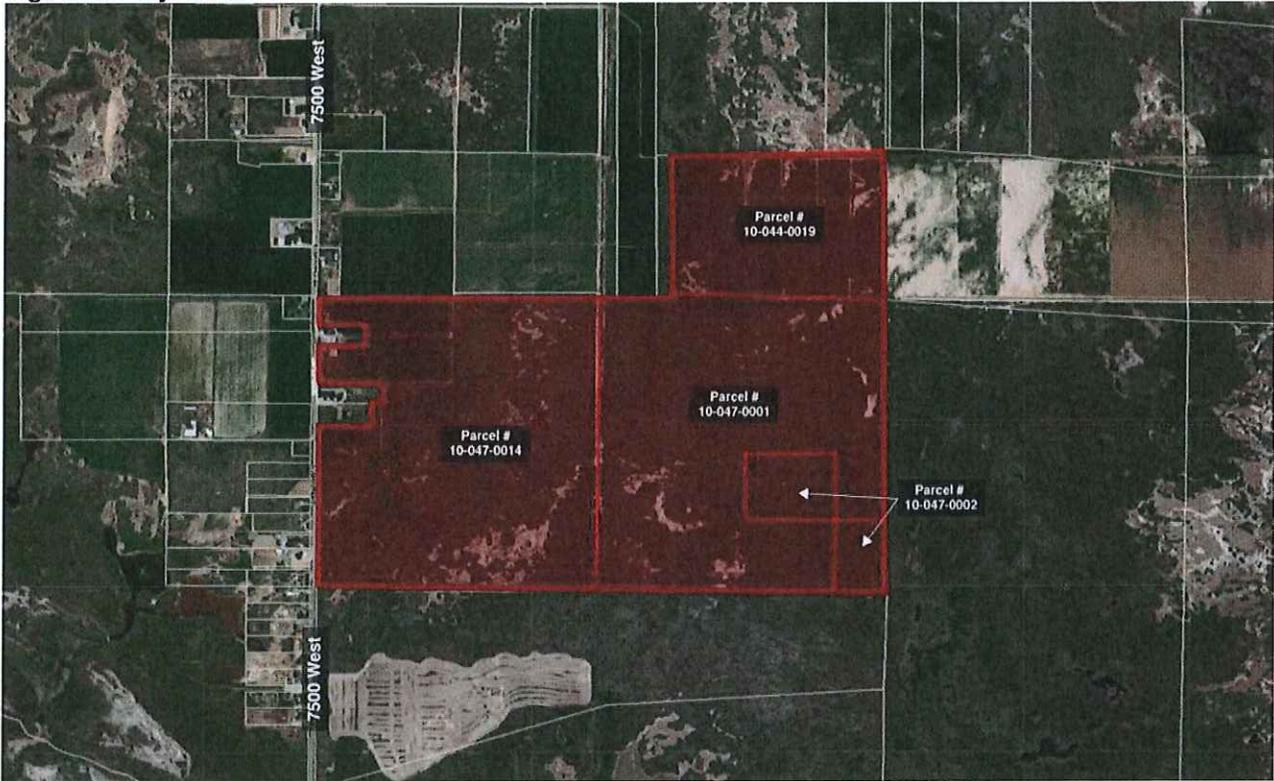
Policy Analysis

The subject property is comprised of the following four contiguous parcels: #10-044-0001, #10-044-0002, #10-044-0014, #10-044-0019, which combined, form approximately 370 acres. The parcels are currently owned by the Willson Family Trust. The Willson Family Trust will lease 200-250 acres to Strata Solar. The remainder of the land will continue to be used as agricultural property. Figure 1 shows the general area of the project. Figure 2 shows the specific parcels included in this application.

Figure 1: Vicinity and Boundaries of Project Parcels



Figure 2: Project Parcels.



The Weber County Land Use Code has provisions that govern application-driven rezones. The following is a policy analysis of this requested rezone based on those provisions and relevant best-planning practices.

Zoning. The subject parcels are currently located in the A-3 zone. That is not being proposed to change. Rather, a solar overlay zone (SOZ) is being proposed to overlay the parcel's A-3 zoning. Figure 3 shows the current zoning of the parcels and the parcels' outer boundary. Figure 4 shows the parcels with the proposed SOZ.

The purpose and intent listed in the A-3 zone is:

"...to designate farming areas where heavy agricultural pursuits can be permanently maintained."¹

The preferred use of the A-3 zone is:

Agriculture is the preferred use in Agriculture Zone A-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone.²

The purpose and intent of the SOZ is:

The solar overlay zone (SOZ) is intended to allow a legislatively adopted overlay zone that permits a large solar energy system. This chapter also establishes minimum requirements and regulations for the placement, construction, and modification of large solar energy systems, as defined in Section 101-1-7, while promoting the safe, effective and efficient use of these energy systems.³

¹ § 104-8-1 of the Weber County Code

² § 104-8-2 of the Weber County Code

³ § 104-30-1 of the Weber County Code

Figure 3: Current Zoning and Boundaries of Project Parcels.

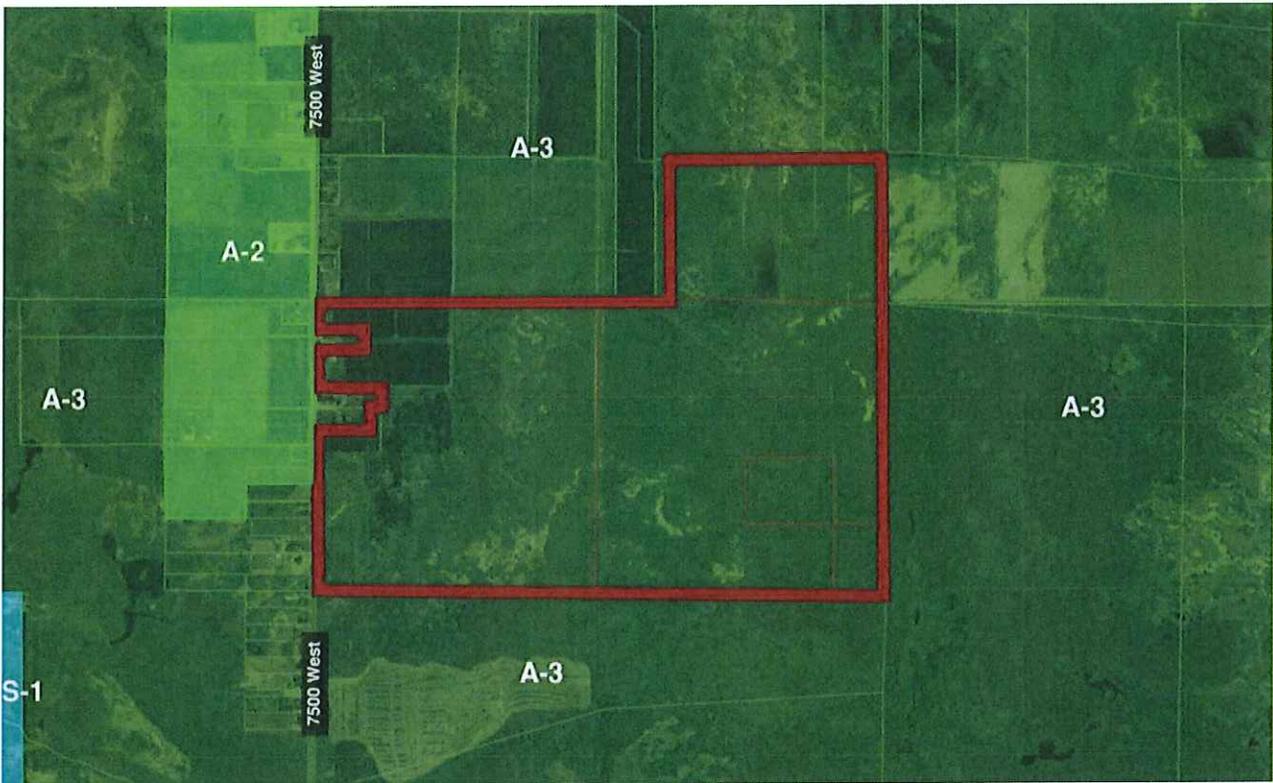


Figure 4: Proposed Zoning and Boundaries of Project Parcels.



The SOZ requires a solar project to encumber at least 100 acres with a development agreement that specifies, among other things, the development standards and performance of the solar farm. Those standards are as follows, with an evaluation of how they may be applied to this application.

- *Site plan.* Exhibit F, also seen, in part, in Figure 6, shows the proposed concept plan for the site.
 - The solar project will not consume the entire 370 acres of the site, but rather will consume between 200 and 250 acres on the eastern side of the site. The unused western side is proposed to continue to be used for agriculture.
 - The site will be fenced with a six foot chainlink fence with barbed wire on top. The fence will be setback 100 feet from the property boundary's northern, eastern, and southern boundary. The fence will be approximately 1,200 feet from the property's western boundary, 650 feet from the nearest parcel boundary containing a residence, and approximately 1,000 feet from any residence. This demonstrates compliance with the SOZ setback requirements.
 - There will be a proposed power substation onsite. No conditional use permit is required for this substation under the SOZ rules. The substation will be on the eastern edge of the site, nearly one mile from the nearest residence. It appears to comply with the county's public utility substation requirements.⁴
 - The site will be accessed from 7500 West. There is a proposed concrete approach from the project boundaries to 7500 West that will protect the edge of asphalt on that street. We recommend this be asphalt to seam better with the street's asphalt.
 - The site plan proposes a gravel driveway along the southern edge of the property. We recommend this be compacted road-base with dust treatment, sufficient to support a 75,000 lbs. fire truck.
 - Given the distance from the nearest residence, no screening has been proposed. The planning commission should determine whether this is satisfactory given site conditions and neighboring uses.
- *Vegetation plan.* No formal vegetation plan has been proposed. Where the project's perimeter is more than 1,000 feet from any residence and 1,200 feet from any street, it may be determined by the planning commission that the distance offers a satisfactory buffer in lieu of vegetation. We recommend requiring, at the very least, a viable weed mitigation plan for the entire site and an appropriate financial security, as approved by the County Attorney, Treasurer, and Planning Director, to ensure perpetual compliance.
- *Waterfowl and other wildlife mitigation.* It is our understanding that the solar panels are a photovoltaic panel with a surface treatment intended to capture as much sunlight as possible. They are intended to be nonreflective and will slowly move throughout the day to track the sun. The motion is slow enough to not create an unreasonable risk of harm to birds and other wildlife. The panels do not generate heat at dangerous levels. One element of concern, especially for this location, is the "lake effect" that a large solar system can create in which birds mistake the panels for water. Some waterfowl are unable to take flight if not on water. We recommend the panels be treated with special industry-standard patterns, or other reasonable mitigation strategies, to eliminate the "lake effect" from this site.
- *Performance measures.* As mentioned above, we recommend that the company maintain a financial security to ensure perpetual performance with development standards. The form of this security will need to be approved by the County Attorney and County Treasure. This will likely result in the company maintaining a surety policy, naming the county as a beneficiary. A surety is similar to an insurance policy, but, in this case, is intended to ensure satisfactory compliance with requirements.
- *Height requirements.* Exhibit F, also seen, in part, in Figure 7, shows the proposed height of the solar structures, which is 10 feet. The SOZ limits this height to 15 feet.
- *Relevant conditional use requirements.*
 - *Fire.* The construction of the solar farm will be required to meet the requirements of the local fire authority.

⁴ See § 108-10 of the Weber County Code.

- *Law enforcement.* The difference in demand for services from the local law enforcement and local EMS may increase during the construction period, but are anticipated be reduced virtually back to existing levels once the site is constructed and the security fence is erected.
- *Local infrastructure.* Traffic in the area may be impacted during the construction and future reclamation of the site, but once completed, the impact will be fairly negligible. All construction staging should remain onsite. The proposed drive approach will mitigate street-shoulder damage caused by occasional maintenance vehicles coming to the site.
- *Water and septic.* It is not anticipated that the site will require permanent culinary water or sanitary sewer facilities, as the site is intended to be unmanned except during occasional maintenance. If the planning commission desires to apply any vegetation requirements for the site then secondary or irrigation water will be necessary.
- *Environmental concerns.*
 - *Site prep and earth movement.* The land is relatively flat and is not anticipated to need significant earth movement. In the event earth movement is required the applicant will be required to provide storm drainage mitigation.
 - *Wetlands.* As can be seen in Figure 5, the site has a large amount of delineated wetlands. It is often permissible to develop in wetland areas, provided any reduction to wetland is appropriately compensated with the creation of other wetland area. A wetland mitigation/management plan has not been submitted for our review. We recommend that the development agreement give reference to the Army Corps of Engineers and the need for their approval of the proposal.

Figure 5: National Wetland Inventory Map

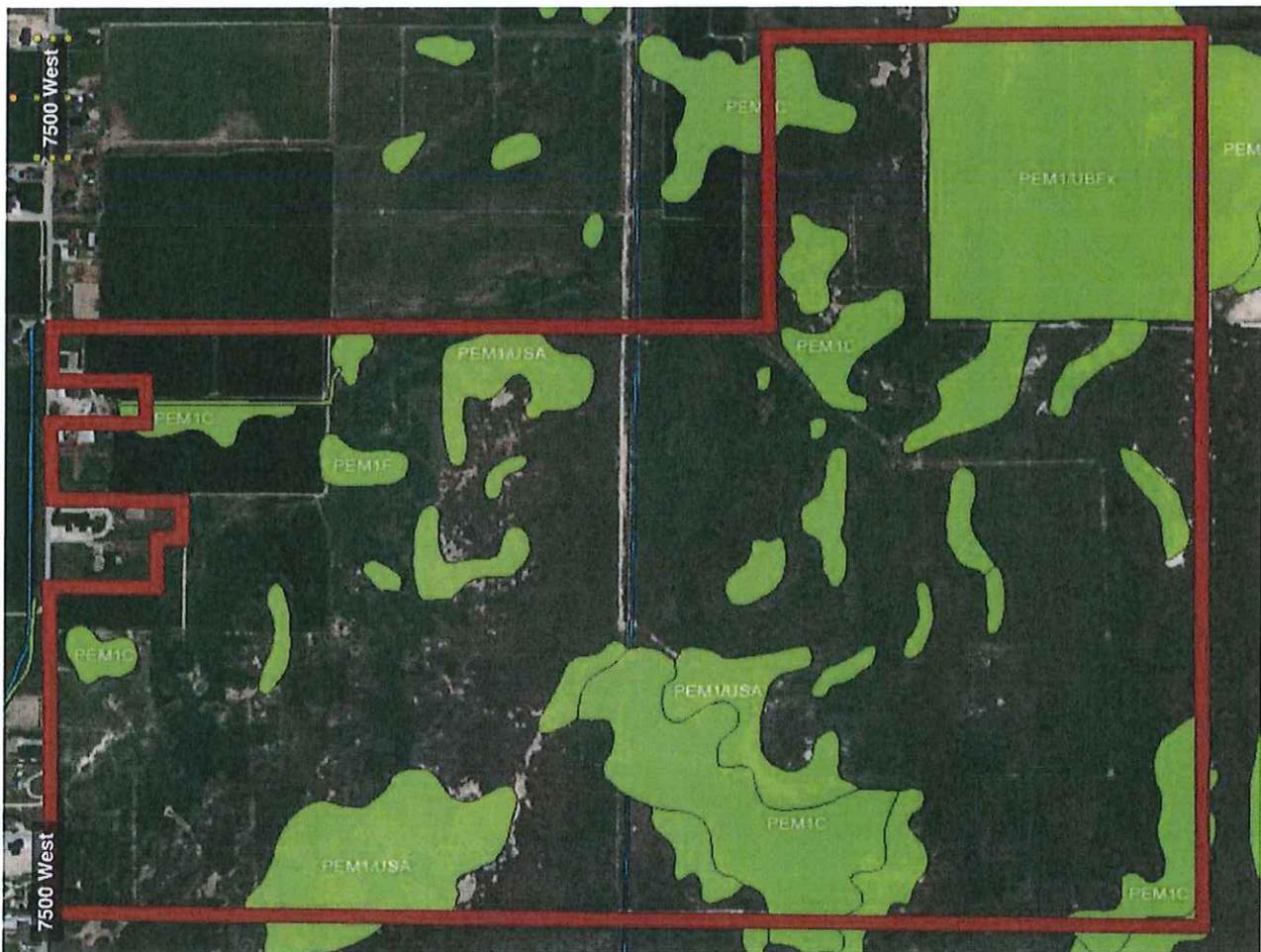


Figure 6: Concept Site Plan (excerpt)

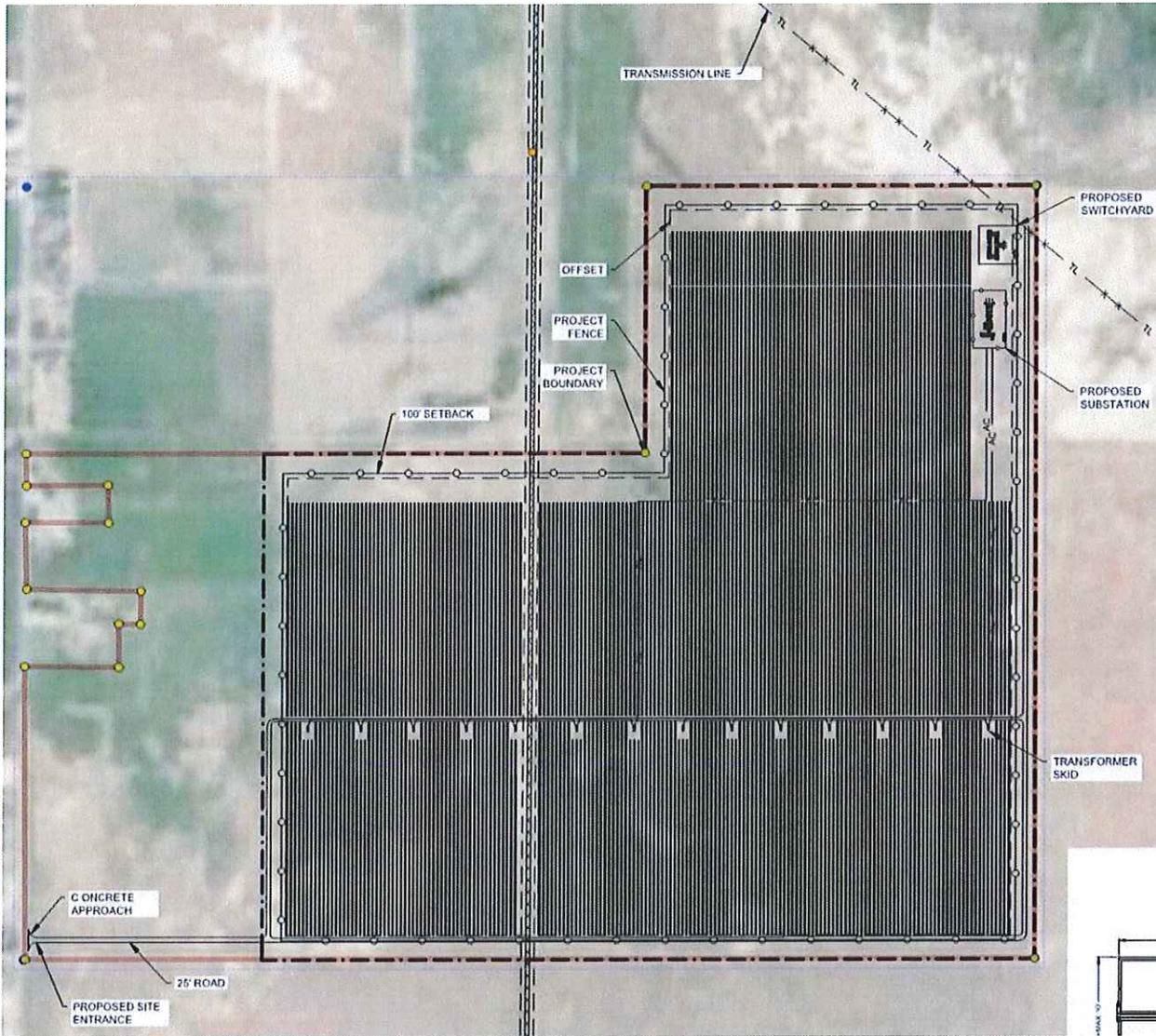
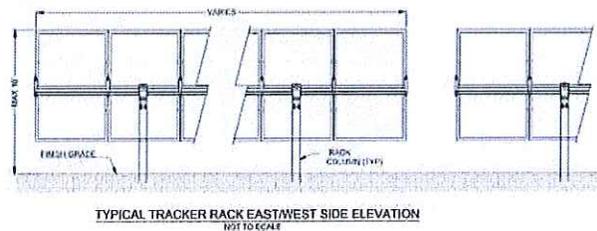


Figure 7: Solar Panel Side Elevation View



General plan. The West Central Weber County General Plan does not offer any specific recommendations regarding energy generation, however, the Western Weber County Resource Management Plan does. It suggests that there may not be sufficient acreage for large-scale solar generation given the existing agricultural uses of the area.⁵ However, it does offer this recommendation:

Policy: Energy Resources Support the development of renewable energy resources, such as solar,

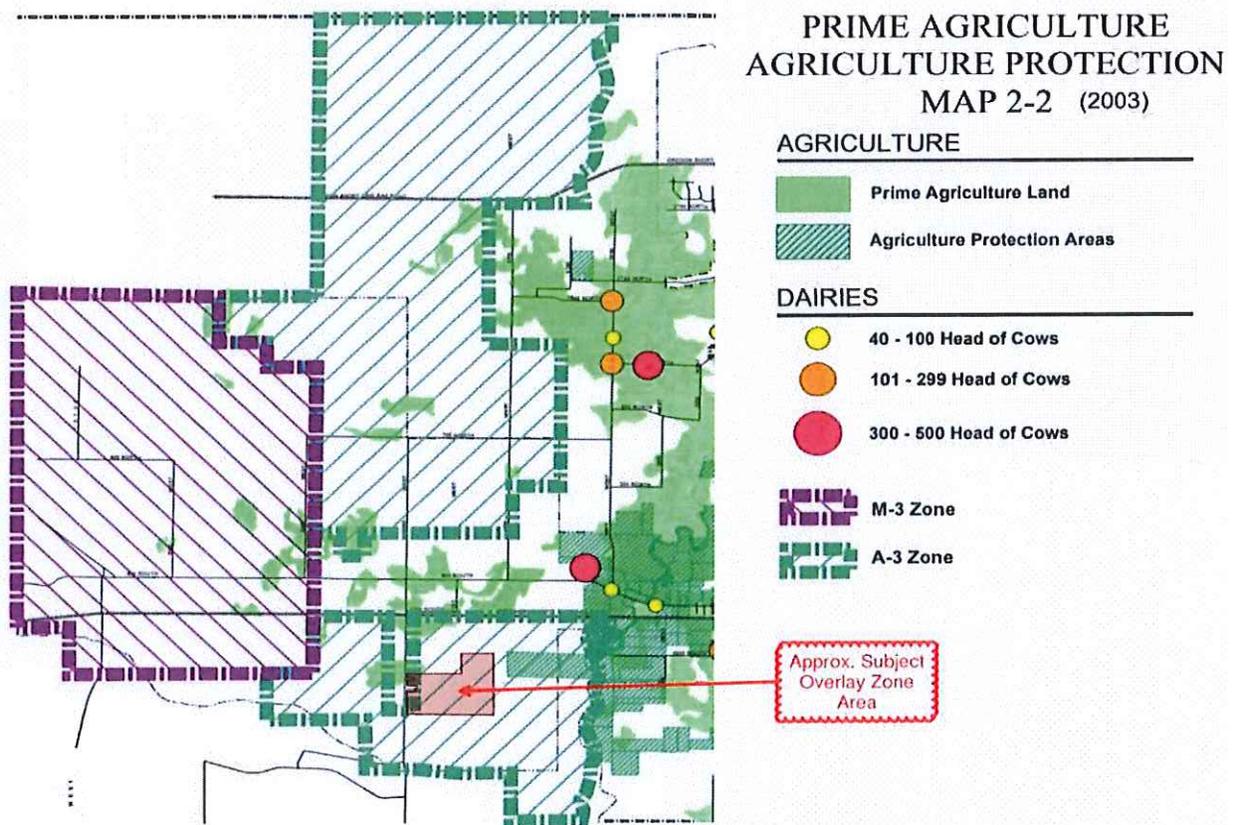
⁵ Western Weber County Resource Management Plan, p. 18.

wind power, and geothermal energy for private or small-scale commercial uses.⁶

The author's dismissal of larger solar farms is based on land-acreage as opposed to other community impact concerns. This could be interpreted to mean that allowing large-scale solar systems may be supportable if sufficient land is available that is not already better used by agricultural uses.

The West Central Weber County General Plan suggests that the A-3 zone has very little prime agricultural land. Figure 8 offers a map showing the A-3 boundaries and prime agricultural land (as of 2003). This map shows that other than a small portion on the western border of the subject parcels, an area where agricultural operations are intended to continue onsite, the majority of the subject property, and all of the area where the proposed solar panels will be constructed⁷, contains no prime agricultural land.

Figure 8: Prime Agricultural Land and A-3 and M-1 Zoning in Western Weber County.



Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

⁶ Western Weber County Resource Management Plan, p. 32.
⁷ See Exhibit F for the concept site plan.

Staff recommends the planning commission recommend approval to the county commission for file #ZMA 2019-01, a solar overlay zone for approximately 370 acres located at approximately 1700 S. 7500 W. This recommendation comes with the following recommended development agreement requirements:

1. A building permit is required for the solar structures.
2. Area for accessory structures anticipated to be needed in the future should be shown on the site plan and provisions for their permitting should be established such that it isn't necessary to amend the development agreement.
3. Keys or access codes to any security gate should be given to local law enforcement, fire, and EMS; or, at the request of one of those authorities, a special lock should be used that enables access during emergency situations.
4. Chainlink fencing should be vinyl or powder coated with an earth-toned color that blends well with the natural colors of the site area and eliminates the shine of untreated chainlink.
5. The drive approach to the property lines should be compacted and asphalted to the satisfaction of the County Engineer. At the owner's option, the approach may be completed after completion of construction of the site or within six months after commencement of construction of the site. A photo survey of the existing edge of asphalt on 7500 West at the site's entrance should document the current asphalt condition prior to commencement of construction. Any excess damage to the existing asphalt should be replaced at the time of asphaltting the drive approach. No final building inspection should be given until the approach is installed or a cash escrow has been offered to secure its construction.
6. A weed mitigation plan should be provided to the satisfaction of the Planning Director.
7. The owner and operator should be required to agree to provide reasonable treatment methods to mitigate the impact on waterfowl and other wildlife in the area. In doing so, all reasonable efforts should be made to accommodate and mitigate any concerns from the Utah Division of Wildlife Resources (UDWR), if required by the planning director. If not in conflict with the recommendations of UDWR, and if no other mitigation of "lake effect" is offered, recommended, or required, special patterns should be added to the panels to significantly reduce their appearance as a body of water to waterfowl. Performance measures should be implemented to determine whether additional mitigation treatments are necessary in the future, as may be recommended by the UDWR or Planning Director. The owner and operator should be required to allow county staff or UDWR staff to inspect the site at any reasonable time, with or without notice. If accessing without a company representative present, staff should be accompanied by law enforcement.
8. All power or other utility lines should be underground.
9. The wetlands impact and any necessary mitigation should be approved by the Army Corps of Engineers.
10. Construction staging should be restricted to the subject parcels.
11. An irrigation plan should be provided and a will-serve letter or feasibility letter should be provided from the relevant irrigation/water entity if vegetation is proposed or required for the site.
12. Upon discontinuance of the use, the site should be returned to its current condition, with all solar infrastructure onsite removed. A financial security should be provided to ensure this reclamation occurs.
13. Any outstanding review agency requirements should be appropriately applied in accordance with the law and to that review agency's satisfaction.

Exhibits

- Exhibit A: Application.
- Exhibit B: Vicinity Map.
- Exhibit C: Current parcel layout.
- Exhibit D: Current Zoning Map.
- Exhibit E: Proposed Zoning Map.
- Exhibit F: Concept Site Plan.
- Exhibit G: Prime Agriculture Map (2003 General Plan).
- Exhibit H: National Wetland Inventory Map.

Weber County Zoning Map | Rezone Application

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

Date Submitted:	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Wilson Family Trust		Mailing Address of Property Owner(s) 1700 South 7500 West Ogden, Utah 84404
Phone	Fax	
Email Address		Preferred Method of Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail

Authorized Representative Contact Information | APPLICANT

Name of Person Authorized to Represent Request Project Douglas Larsen Mathew Niesen (Strata Solar)		Mailing Address of Authorized Person Strata Solar Development LLC. 285 South 400 East Suite 216 Moab, Utah 84532
Phone 801.726.9048 435.260.0366	Fax	
Email Address Welev8@gmail.com mniesen@gmail.com		Preferred Method of Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name Little Mtn. Solar Farm	Current Zoning A-3	Proposed Zoning A-3 Solar Zoning Overlay (SOZ)
Approximate Address 1700 South 7500 West	Land Serial Number(s) 10-044-0019 10-047-0001 10-047-0002 10-047-0014	
Total Acreage 250 (+/-)	Current Use Agricultural	Proposed Use Utility Scale Solar Farm

Project Narrative

Describing the project vision

Under the umbrella and direction of Weber County Land Use Ordinance: Chapter 30: Large Solar Energy System Overlay Zone (SOZ), Strata Solar (Developer) desires to develop a 48MW solar farm (large solar energy system) on approximately 250 acres of vacant land located in the western area of the unincorporated Weber County. (Conceptual Site Plan attached as Exhibit A).

The Solar farm system will be comprised of non-reflective solar photovoltaic panels (modules) set in an array mounted to the ground on steel or aluminum frames, a substation, inverters, monitoring systems and security fencing. Lower voltage clean energy generated from the solar farm system will be converted to high voltage energy and will then interconnect with the regional power grid (electricity distribution network) via existing transmission lines located north east of the development site. Access to the system will be from 7500 west. The system will be monitored remotely with maintenance crews attending the site on a monthly basis at minimum, and as needed.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

Solar farm projects align well with certain components of the West Central Weber County Vision Statement:

Values and protects its rural character, lifestyle, and atmosphere: Development of solar farms protect large tracts of open acreage from other forms of development such as: residential, commercial, mixed use or industrial with very little impact on environmental and community assets. Once installed (planted) solar farms will not create increased traffic, utilize culinary or secondary water, create sewer waste and do not create any measurable demand on, or need for public safety services. Solar farms across the country exist harmoniously with their rural neighbors. In addition, at the end of a solar farm projects useful life, the ground at a subject site will be returned to the conditions that existed prior to development of the solar farm – open space, often farm ground.

Manages growth to strike a balance between preservation and development: Solar farms can be considered almost a perfect balance between preservation and development as they perpetuate both perspectives. Solar farms inhibit typical growth within a subject site for 25 to 35 years while at the same time allowing and supporting a development project that increases the tax base substantially with minimal use and impact on public services. Furthermore, allowing development of solar farms fosters the concept of enabling property rights opportunities that can provide a feasible pathway to sustaining open-space within communities.

Maintains a community that is safe from environmental hazard and criminal activity: Solar farms are a renewable energy producer. The system will generate “clean” electric power with very limited, if any impact on the surrounding and regional environment.

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

The development of the solar farm can, in a sense protect the integrity of open-space and will inhibit residential subdivision sprawl that is likely to occur over time in Western Weber County.

The harvesting of energy from the sun via ground mounted infrastructure is by all means a process very similar to other harvesting agricultural activity wherein the land is dedicated to the development of a crop. Such crops are dependent on the sun, in addition to water and often other nutrients as well as maintenance and care of the crops – crops are then harvested with the purpose of providing some form of value.

Accordingly, the solar panel and related infrastructure can be thought of as the crop, dependent *only* on the sun and maintenance of the components – ultimately producing a product, clean (renewable) energy that provides sustainable monetary and environmental value.

The solar farm will be a quiet neighbor and can certainly enable the desire of the West Weber community to maintain “...a sense of quiet, country living”.

As well, the Weber County Land Use Ordinance anticipates the potential development of solar farms within the A-3 zone under the direction of Chapter 30: Large Solar Energy System Overlay Zone (SOZ) and such direction provides significant protection the County and project neighbors as the approval is tied to a negotiated Development Agreement – (DRAFT attached as Exhibit B) that binds the development to certain site design and project retirement/termination standards.



Project Narrative (continued...)

How is the change in the public interest?

The development of commercial solar farms will have very minimal impact on public services and infrastructure. The table below represents the impact and public costs associated with a residential development consisting of 124 single family dwellings. (124 represents the quantity of homes needed at the current average assessed value in order to generate an amount of property tax revenue to public entities equal to that of a solar farm development at a significantly depreciated value of \$19M).

Public Service Public Asset	Public Cost Impact Est. of 124 Residential Dwellings	Impact Use of Public Services & Assets from Solar Farm
Education (Weber School District)		
Average Cost Per Student	\$ 6,500	None
Average Estimated Number of K-12 Students Per Household	1.50	
Yearly Cost to District from Residential Development	\$ 1,213,840	
Water (Utah Department of Natural Resources Data)		
Average Household Size	3.00	Relatively minimal use during construction only.
Average Gallons Per Person Per Day	256	
Average Yearly Household Water Use	280,320	
Yearly Water Use (gallons) from Residential Development	34,898,826	
Sewer (Central Weber Sewer Data)		
Average Gallons Per Household Per Day	450	Relatively minimal use during construction only.
Average Gallons Per Household Per Year	164,250	
Yearly Sewer Use (gallons) from Residential Development	20,448,531	
Public Safety (Weber County Sheriff Data)		
Total Subdivision Population Estimate	373	Minimal to None
Local Cost Basis:		
Unincorporated Weber County Cost per Resident - Public Safety	\$ 78.00	
Anticipated cost associated with residential development	\$ 29,094	
National Cost Basis:		
One officer per 1,000K people (373/100)	0.37	
Resource cost based on National Est. of \$125k per officer.	\$ 46,625	
Traffic Generation (2012 Utah Travel Study)		
Estimated number of vehicles per household	2	Construction traffic: 6 to 8 months. Post construction estimate @ 50 (+/-) trips annually
Estimated number of vehicles in subdivision	248	
Wasatch Front daily trip rates by households with 2 vehicles	13	
Estimated number of daily trips generated from subdivision	3,214	
Estimated number of weekday trips	16,070	
Estimated number of annual trips generated on weekdays	835,661	

Project Narrative (continued...)

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

Weber County, like other healthy economies in Utah has and will continue to experience measurable growth. Population estimates are projected to double along the Wasatch Front by 2050. Accordingly, western Weber County is a target area for growth and residential sprawl. Development can often strain community resources such as water, sewer and transportation systems. The "general area" of the proposed development site has experienced a notable increase in residential subdivision development over the last 10 to 15 years. The development of the large-scale solar farm will inhibit residential development on the sites 250(+) acres of farm ground for a period of 25 to 35 years. As such, the strain on resources that is currently occurring within the region, and will likely occur as articulated within the table above should positively warrant approval of the change.

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

According to the U.S. Department of Energy's National Renewable Energy Lab – While the impacts of a solar farm on neighboring property values have not been studied in-depth, numerous studies have found the impact of wind energy generation on neighboring property values to be negligible. As solar farms do not have the same impacts as wind farms (i.e., PV facilities do not cast a shadow on neighboring properties, cause light flicker, or have the same visual impact as wind farms), *the impacts on property values caused by solar farms are anticipated to be very minimal.*

Additionally, photovoltaic (PV) solar panels are coated with non-reflective materials designed to maximize light absorption and, as a result, minimize glare. According to a 2014 study, solar panels produce less glare and reflection than standard window glass. Regarding noise, a study conducted by Tech Environmental, Inc., for the Massachusetts Clean Energy Center, that investigated two utility-scale solar projects concludes: any sound from the PV array and equipment was inaudible at set back distances of 50 to 150 feet from the (project) boundary. In fact, solar is a quiet and, typically, visually appealing neighbor that can *block the path of undesirable development for decades to come.* The same study also concludes that the electrical and magnetic fields generated by solar panels and their inverters are lower than background electrical and magnetic fields created by other devices that surround our daily lives, such as computers and cell phones, and emit fields that are several hundred times less than recommended exposure limits.

Photovoltaic solar farms produce no air emissions, do not release toxic materials, and emit no radiation. Photovoltaic technology does not produce excessive heat. In fact, solar farms are frequently home to nesting birds, and with the right plant and grass mix, can attract bees, butterflies and other species.

Compared with reserves of fossil fuel, which are essentially finite, solar energy production is a renewable resource of almost unlimited capacity and scale. As the International Energy Agency noted in a 2011 report, "Solar energy is the largest energy resource on Earth -- and is inexhaustible." The amount of solar energy received by Earth in a year exceeds the energy that has been developed from oil, natural gas, coal, and nuclear sources in the history of humankind. The amount received by the planet in an hour is greater than the earth's entire yearly energy consumption. Additionally, the volatile price fluctuations typical of fossil fuels -- stemming from political tension, strife and other regional factors -- solar offers the potential for more stable energy costs, which benefits consumers as well as utilities.

From an economic development perspective, renewable energy is quickly becoming a requirement for corporate expansion and relocation decisions, particularly by tech and new generation business. Since 2010, renewable energy power purchase agreements generated over 18,000 mega-watts of clean power from wind and solar operations – tech companies alone have purchased 47% of the 18,000mw's with government and universities in second place at only 13%. Beyond environmental and sustainability objectives, the long-term fixed utility rate from renewables feeds the health of a positive bottom-line. Communities supportive of renewables will have increased opportunities for tactical commercial growth that takes place in the urban centers while inhibiting such in the rural environments where the renewable systems may be located.

Finally, solar farm systems generate increases in local property tax revenue to fund public service entities: The County, Weber School District, Park Districts and other special service property taxing districts within western Weber County with little to no demand on assets and services of such entities.

Source(s):

Strata Solar at <https://www.stratasolar.com/g>

Bloomberg Opinion, Tech Investments are Powering Up Clean Energy at <https://www.bloomberg.com/opinion/articles/2018-09-29/tech-companies-are-big-spenders-on-renewable-energy>

National Renewable Energy Laboratory, TOP FIVE LARGE-SCALE SOLAR MYTHS (Feb. 3, 2016), at <https://www.nrel.gov/technical-assistance/blog/posts/top-five-large-scale-solar-myths.html>.

Tech Environmental, Inc., STUDY OF ACOUSTIC AND EMF LEVELS FROM SOLAR PHOTOVOLTAIC PROJECTS (Dec. 2012), at <http://files.masscec.com/research/StudyAcousticEMFLevelsSolarPhotovoltaicProjects.pdf>

Sciencing, Positive Effects of Solar Energy (April 2017), at <https://sciencing.com/positive-effects-solar-energy-6192992.html>

Authorized Representative(s):



Douglas S. Larsen

L E V8 Consulting (dba of Apple Eye LC) on behalf of Strata Solar Development LLC

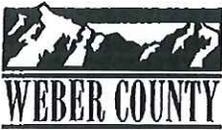
State of Utah
Weber County

This instrument was acknowledged before me on:

Date: 1/28/19 By: Douglas Larsen


Notary Signature





Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt

Receipt Number **98452**

Receipt Date
01/29/19

Received From:
Doug Larsen

Time: 10:10

Clerk: amorby

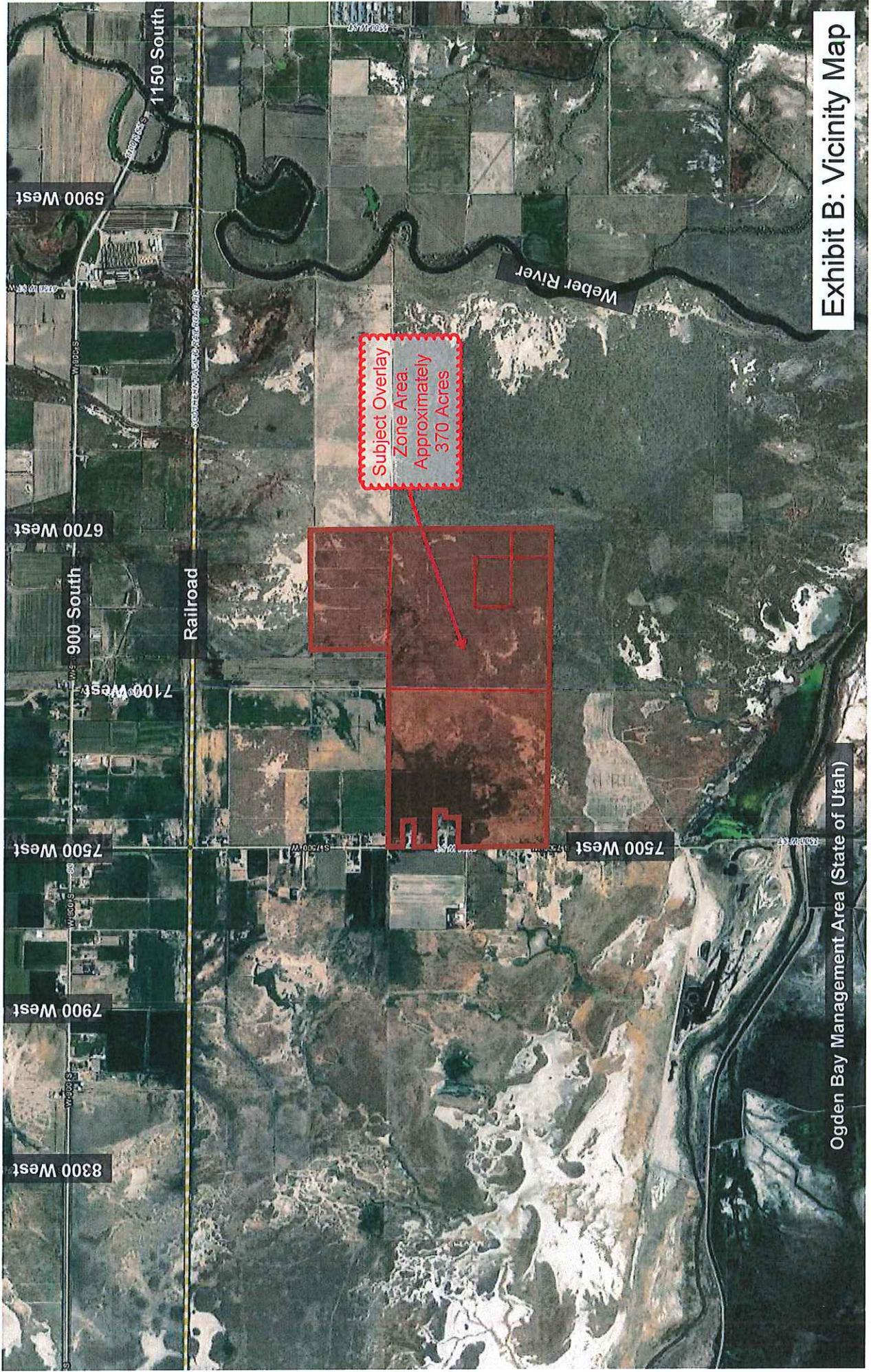
Description	Comment	Amount
ZONING FEES		\$2,900.00

Payment Type	Quantity	Ref	Amount
CREDIT CARD		138016	

AMT TENDERED: \$2,900.00

AMT APPLIED: \$2,900.00

CHANGE: \$0.00



Ogden Bay Management Area (State of Utah)

Exhibit B: Vicinity Map

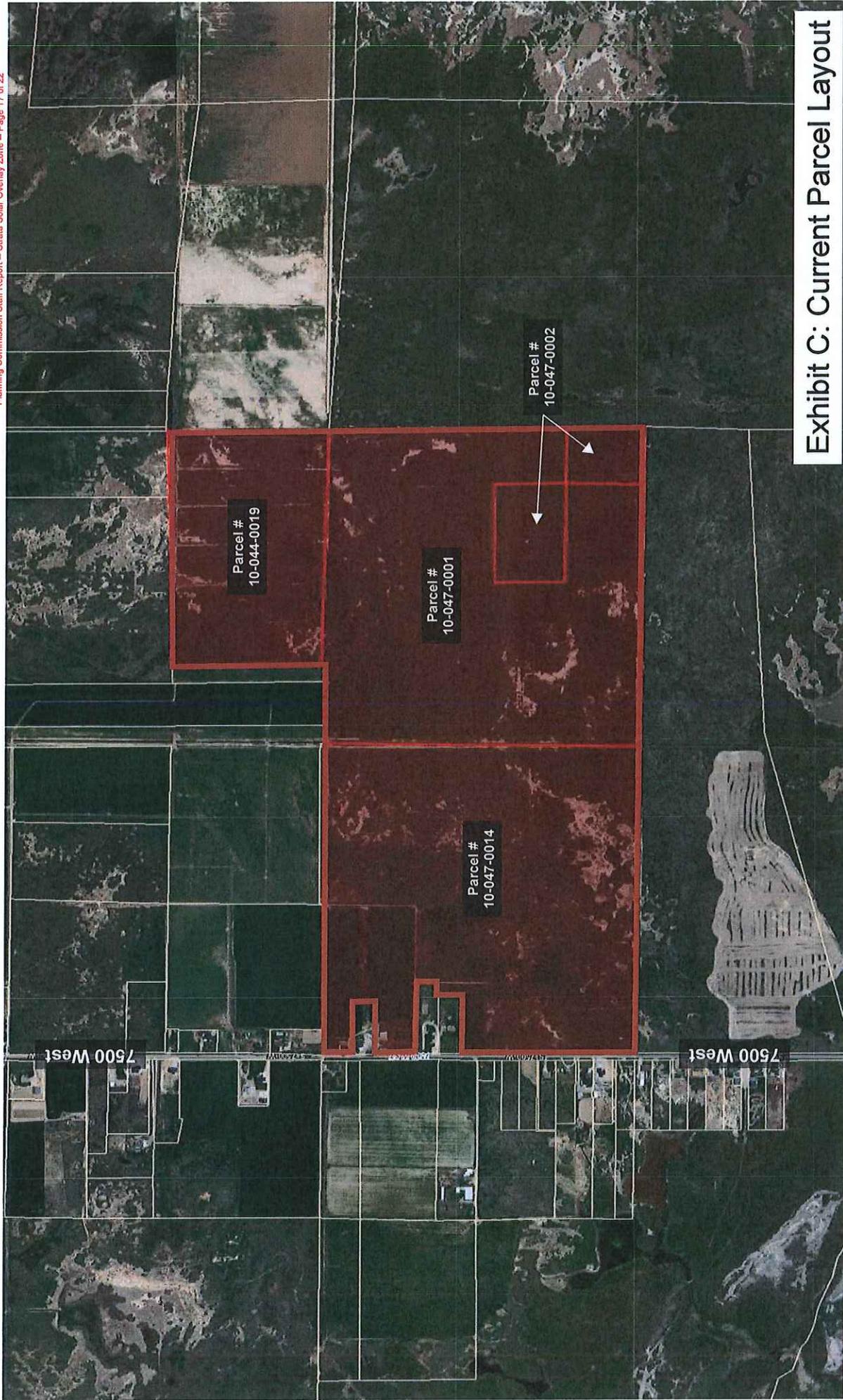


Exhibit C: Current Parcel Layout

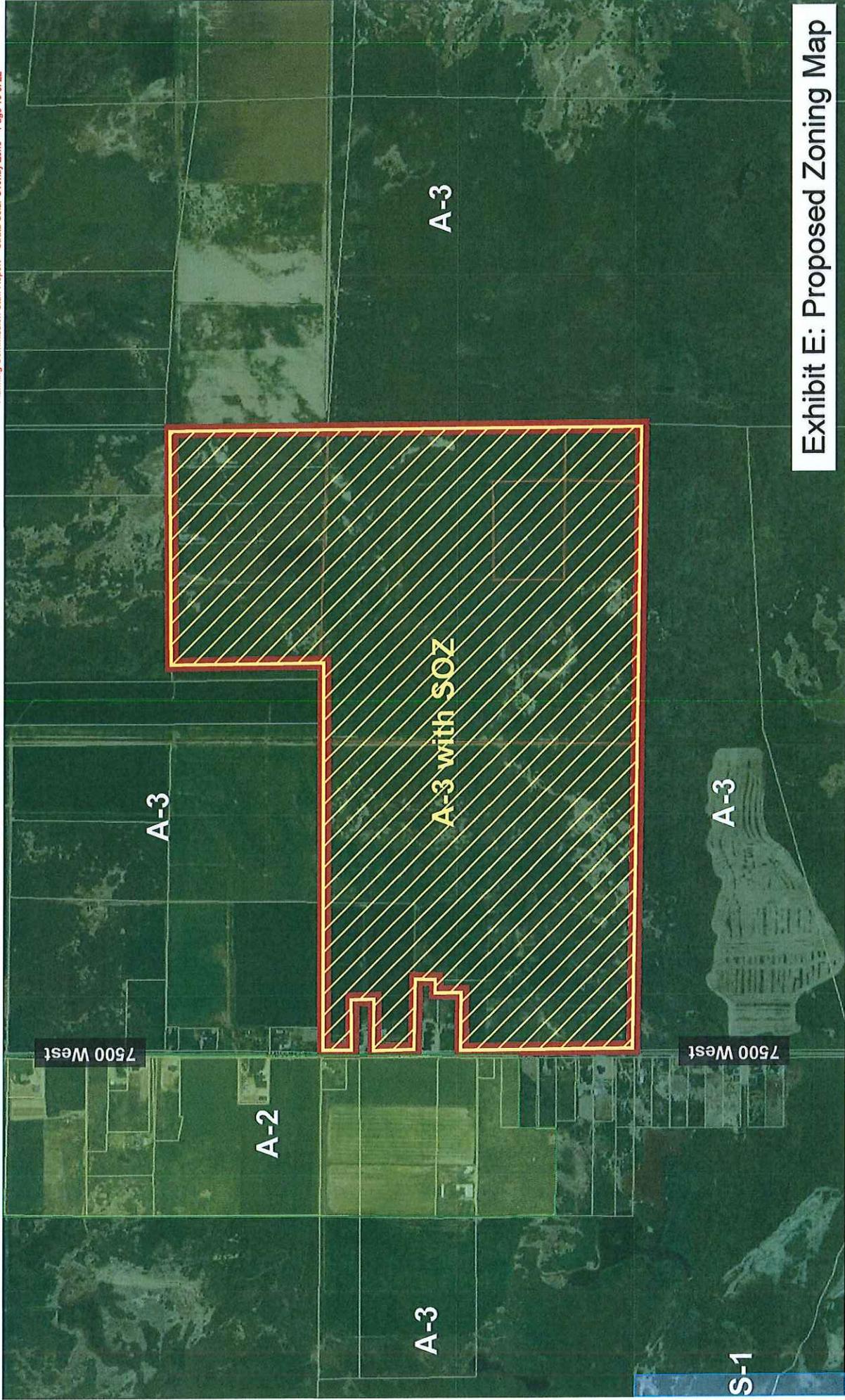
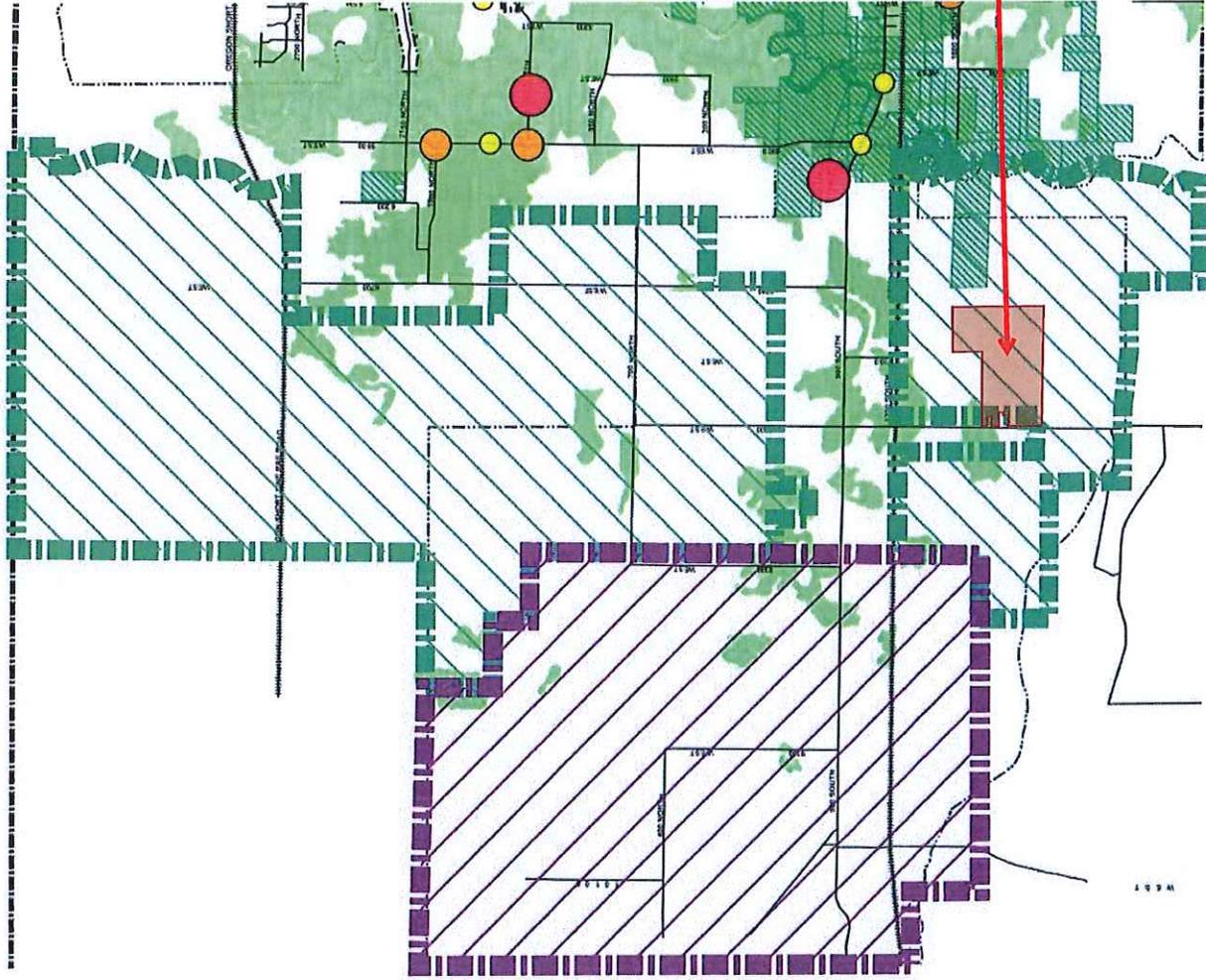


Exhibit E: Proposed Zoning Map

PRIME AGRICULTURE AGRICULTURE PROTECTION MAP 2-2 (2003)



AGRICULTURE

Prime Agriculture Land

Agriculture Protection Areas

DAIRIES

40 - 100 Head of Cows

101 - 299 Head of Cows

300 - 500 Head of Cows

M-3 Zone

A-3 Zone

Approx. Subject
Overlay Zone
Area

Exhibit G: Prime Agriculture Map

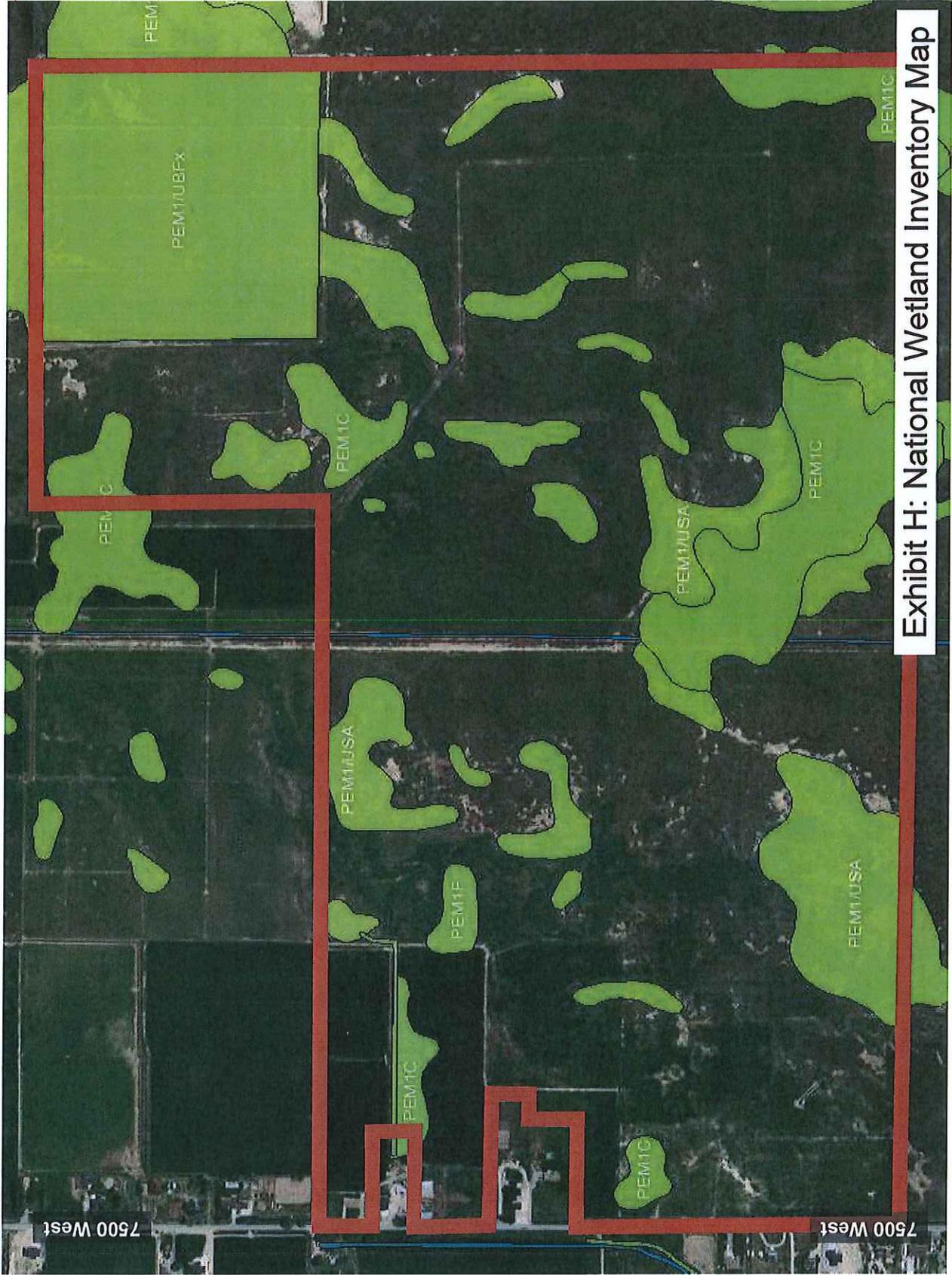


Exhibit H: National Wetland Inventory Map



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on ZTA 2018-06, a request to amend the subdivision code to allow lot averaging subdivisions in the A-3 zone.
Agenda Date:	Tuesday, February 12, 2019
Staff Report Date:	Thursday, February 7, 2019
Applicant:	Kendell and Cindy Harper
File Number:	ZTA 2018-06

Staff Information

Report Presenter:	Charlie Ewert cewert@co.weber.ut.us (801) 399-8763
Report Reviewer:	RG

Applicable Ordinances

§106-2-4: Subdivision Standards – Lots.

Legislative Decisions

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.

Summary and Background

On August 21, 2018, the County Commission adopted an ordinance amendment that allows lot averaging in the A-1 and A-2 zones. Lot averaging allows reduced lots widths and lot acreage as long as the average width and acreage is equal to or greater than the minimum lot width and acreage of the zone. This will result in lots that are smaller than the zone's minimum while also requiring the acreage difference be offset by lots that are larger.

This proposal will extend lot averaging to the A-3 zone as well. The proposal also addressed administrative details necessary to track and administer lot averaged subdivisions.

There is no A-1, A-2, or A-3 zoning in the Ogden Valley. This change will not affect it. However, this change is being made in the subdivision code, over which both Planning Commissions have stewardship.

Policy Analysis

Policy Considerations:

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan and existing ordinances.

General plan. The general plan is supportive of flexible subdivision types. Specifically, the general plan advocates for lots to be clustered into smaller groups while enabling the remainder land to be open.¹ There are a number of ways that this can be accomplished. The current PRUD ordinance and the current cluster subdivision ordinance both offer a product to help advance this objective.

Some landowners struggle to meet the acreage and density requirements of the PRUD and cluster subdivision code. Others are troubled with the PRUD and cluster code's requirement to offer preserved contiguous open space

¹ West Central Weber County General Plan (P. 2-12 – 2-15)

areas. These landowners often opt to create a traditional subdivision instead of a PRUD or cluster because of these issues. This choice could be viewed as a missed opportunity to encourage any degree of clustering on the property. Lot averaging could offer a degree of lot clustering in a highly flexible manner based on a developer's desired configuration, rather than mandating the traditional minimum lot sizes of the zone.

Ordinance. The purpose and intent of the A-3 zone is:

*"The purpose of the A-3 Zone is to designate farming areas where heavy agricultural pursuits can be permanently maintained."*²

The preferred use of the A-3 zone is:

*"Agriculture is the preferred use in Agriculture Zone A-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone."*³

In the A-3 zone the minimum lot size for certain uses, including single-family residential dwellings, is two acres. Despite the purpose, intent, and preferred use of the zone, the highest and best use of land in this zone is often realized when it is divided into the minimum lot size possible. This market force is in direct conflict with the purpose, intent, and preferred use, as it is difficult to sustain and operate a profitable agricultural use on two acres of land.

With this market dissonance, and given that there is an affordable housing crisis in the region that is directly related to a short supply relative to the demand, it seems highly likely that, in time, existing agricultural properties will slowly convert to two-acre housing tracts in the A-3 zone.

The cluster subdivision ordinance could help preserve some of this farming acreage, as it requires permanently preserved agricultural acreage of 10 acres or greater. The PRUD ordinance could also provide open spaces to help preserve agricultural acreage for the long term. However, neither the cluster subdivision ordinance nor the PRUD ordinance offer any provision for small acreage subdivisions. In most years over the last decade, there have been more lots created in small subdivisions (under 5 lots) than in large subdivisions. Currently there is no tool to offer these small subdivisions flexible lot standards that could yield a little more acreage beneficial for agriculture and/or open space. The attached lot averaging proposal, while not a unilateral solution for long term agriculture, can be a tool in the Weber County planning toolbox to help create larger acreage lots beneficial for open spaces and/or agriculture, as the larger lots will be prohibited from further division by a note on the plat.

There is less predictability in this type of tool than that of the cluster subdivision tool, as it relies on a developer's desired layout, but it will predictably provide some smaller lots in exchange for other larger ones. The provision for smaller lots could help alleviate some of the affordable housing concerns of our area, as less acreage could yield a more affordable product for families who cannot afford the larger acreage lots.

A closer review of the proposed Exhibit A may lend to the following:

- Lines 11 – 20 are simple changes intended to help with readability and ordinance clarity.
- Lines 21 – 40 are the proposed lot averaging ordinance changes.
- Lines 21 – 24 revise the previous paragraph to create a modified list of parameters for lot averaging.
- Lines 25 – 26 keep the existing 20,000 square foot minimum lot requirement for A-1 and A-2, and add a 40,000 sqft minimum lot requirement for lots in the A-3 zone.
- Lines 27 – 28 keep the existing 80-foot minimum lot width requirement for A-1 and A-2, but requires the lot width of the A-3 zone to prevail.
- Lines 29 – 32 specify how the averaging is intended to function.
- Lines 33 – 42 require specific information to be displayed on the subdivision plat. This is in order to better track the lots that are a part of "a lot-averaged subdivision." This tracking will help staff ensure that a resulting lot that is larger than the zone's minimum acreage due to other lots be smaller cannot be resubdivided due to unintentional oversight.

² Weber County Code § 104-8-1

³ Weber County Code § 104-8-2

Past Action on this Item

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. They held a public hearing for this item in their January 8, 2019 meeting, wherein they tabled the item until the minimum lot area for a lot-averaged lot in the A-3 zone is increased from 20,000 sqft to 40,000 sqft.

On January 22, 2019, the Ogden Valley Planning Commission heard this request and offered a positive recommendation to the County Commission.

Staff Recommendation

Given that the County Commission has previously adopted the lot averaging allowance for the A-1 and A-2 zones, staff recommends extending its use to the A-3 zone, as proposed in the Exhibits. This recommendation is based on the following findings:

1. The changes offer another tool that could help implement the general plans objective of clustering parcels in exchange for more open areas.
2. The changes will provide additional clarity to the existing ordinance.
3. The changes will strengthen the administration and long-term tracking of lot averaged subdivisions.
4. The changes are not detrimental to the health, safety, and welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy. [Updated with WWPC's desired changes (1/9/19)]
- B. Proposed Ordinance Changes – Clean Copy. [Updated with WWPC's desired changes (1/9/19)]

1-9-19 A-3 Lot Averaging DRAFT

1 Title 106 - SUBDIVISIONS

2 ...

3 CHAPTER 2. – SUBDIVISION STANDARDS

4 ...

5 Sec. 106-2-4. - Lots.

6 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites
7 for buildings, and be properly related to topography and to existing and probable future
8 requirements.

9 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
10 the Land Use Code for the zone in which the subdivision is located, except:

11 (1) Variance. When otherwise permitted by the granting of a variance by the board of adjustment as
12 authorized by the Land Use Code;

13 (2) Cluster subdivision. When in accordance with the cluster subdivision provisions of the Land Use
14 Code;

15 (3) Septic system and wellhead protection. As required by the county health officer as being the
16 minimum area necessary for septic tank disposal and water well protection if greater than the
17 above area requirements;

18 (4) Restricted lots and lots with designated building area. For "restricted lots" and lots with a
19 designated "building area", the minimum area and width requirements shall be increased in
20 accordance with the slope density tables contained in the Land Use Code;

21 (5) Lot averaging. In the A-1, ~~and A-2, and A-3~~ zones, ~~the following~~ flexible lot area and width
22 standards shall be allowed in accordance with the following provisions: provided when there is
23 sufficient diversity of lot sizes and widths within the overall subdivision boundary, and that the
24 base density, as defined in Section 101-1-7, of the overall subdivision is not increased:

25 a. The Mminimum lot area:- allowed in the A-1 and A-2 zones shall be 20,000 square feet.
26 The minimum lot area in the A-3 zone shall be 40,000 square feet.

27 b. The Mminimum lot width:- allowed in the A-1 and A-2 zones shall be 80 feet. The minimum
28 lot width in the A-3 zone shall be unaffected by this section.

29 c. The average area of lots within any zone in the subdivision shall equal or exceed the
30 minimum lot area for the zone.

31 d. The average width of lots within any zone in the subdivision shall equal or exceed the
32 minimum lot width for the zone.

33 e. A table shall be provided on the final subdivision plat showing the area and width of each
34 lot within the overall subdivision boundary, the average area and width of all lots within the
35 overall subdivision boundary, and the average area and width of all lots within each zone in
36 the subdivision.

37 f. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged
38 Subdivision."

39 g. A note shall be placed on the final subdivision plat that reads "for each zone in this
40 subdivision, the average area and average width of lots within the zone equal or exceed
41 the minimum area and minimum width allowed in the zone. An amendment to any part of
42 this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."

43 ...

1-9-19 A-3 Lot Averaging DRAFT

1 **Title 106 - SUBDIVISIONS**

2 ...

3 **CHAPTER 2. – SUBDIVISION STANDARDS**

4 ...

5 **Sec. 106-2-4. - Lots.**

6 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites
7 for buildings, and be properly related to topography and to existing and probable future
8 requirements.

9 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
10 the Land Use Code for the zone in which the subdivision is located, except:

11 (1) *Variance*. When otherwise permitted by the granting of a variance by the board of adjustment as
12 authorized by the Land Use Code;

13 (2) *Cluster subdivision*. When in accordance with the cluster subdivision provisions of the Land Use
14 Code;

15 (3) *Septic system and wellhead protection*. As required by the county health officer as being the
16 minimum area necessary for septic tank disposal and water well protection if greater than the
17 above area requirements;

18 (4) *Restricted lots and lots with designated building area*. For "restricted lots" and lots with a
19 designated "building area", the minimum area and width requirements shall be increased in
20 accordance with the slope density tables contained in the Land Use Code;

21 (5) *Lot averaging*. In the A-1, A-2, and A-3 zones, flexible lot area and width standards shall be
22 allowed in accordance with the following provisions:

23 a. The minimum lot area allowed in the A-1 and A-2 zones shall be 20,000 square feet. The
24 minimum lot area in the A-3 zone shall be 40,000 square feet.

25 b. The minimum lot width allowed in the A-1 and A-2 zones shall be 80 feet. The minimum lot
26 width in the A-3 zone shall be unaffected by this section.

27 c. The average area of lots within any zone in the subdivision shall equal or exceed the
28 minimum lot area for the zone.

29 d. The average width of lots within any zone in the subdivision shall equal or exceed the
30 minimum lot width for the zone.

31 e. A table shall be provided on the final subdivision plat showing the area and width of each
32 lot within the overall subdivision boundary, the average area and width of all lots within the
33 overall subdivision boundary, and the average area and width of all lots within each zone in
34 the subdivision.

35 f. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged
36 Subdivision."

37 g. A note shall be placed on the final subdivision plat that reads "for each zone in this
38 subdivision, the average area and average width of lots within the zone equal or exceed
39 the minimum area and minimum width allowed in the zone. An amendment to any part of
40 this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."

41 ...



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2018-08, a request to create architecture, landscaping, and screening standards for the Western Weber Planning Area and to offer administrative edits for these regulations for the entire unincorporated county area.

Agenda Date: Tuesday, February 12, 2019

Staff Report Date: Thursday, February 7, 2019

Applicant: Weber County

File Number: ZTA 2018-08

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ 108-2 [ALL]
§ 108-7-7 – Clearview of intersecting streets.

Legislative Decisions

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.

Summary and Background

Given the recent commercial rezones in the Western Weber Planning Area there exists a need to adopt reasonable commercial site design standards for future commercial development. The county code currently has commercial site design requirements applicable to the Ogden Valley Planning Area. This proposal is intended to extend those requirements to the entire unincorporated area.

Policy Analysis

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan and existing ordinances.

General plan. The West Central Weber County General Plan was recently amended to recommend that the county adopt new commercial design standards applicable to the area. Under the commercial development policy, the plan states:

Implementation Action: Develop commercial design standards to help commercial development better fit with the character of the area.¹

This proposal is intended to implement this directive.

Ordinance. Architectural, landscape, and screening design standards are currently provided for in Title 108, Chapter 2 of the land use. It is currently only applicable to the Ogden Valley. The attached proposal modifies it to apply to all commercial, public or quasi-public, multifamily, and industrial uses (except those in the M-1, M-2, and M-3 zones)

¹ West Central Weber County General Plan, p. 2-15.

in the unincorporated county. The attached Exhibits A and B offer fairly self-explanatory changes with staff comments in the right margin.

Past Action on this Item

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. The Western Weber Planning Commission considered this item in their January 8, 2019 meeting, and after a public hearing, tabled it pending edits by staff.

On January 22, 2019, the Ogden Valley Planning Commission recommended approval of the attached proposal.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2018-08, the extension of the county's existing architectural, landscaping, and screening design standards to all areas of the unincorporated county. This comes with the following findings:

1. That the proposal executes a directive of the West Central Weber County General Plan.
2. That the proposal will provide for orderly and aesthetically pleasing commercial areas.
3. That the proposal is in the best interest of the health, safety, and welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

CHAPTER 2. - ~~OGDEN VALLEY~~ ARCHITECTURAL, LANDSCAPE, AND SCREENING DESIGN STANDARDS

Sec. 108-2-1. - Purpose and intent.

The purpose and intent of the architectural, landscape and screening design standards is to preserve the rural, ~~mountainous-natural~~ landscape that exists in the ~~Ogden Valley~~ unincorporated areas of Weber County, and also accommodate new growth in commercial and industrial uses. The design standards include the following specific purposes:

- (1) Provide for commercial, industrial development that is aesthetically pleasing and compatible with the rural nature and natural setting of the ~~Ogden Valley~~ area.
- (2) Provide a variety of colors, textures and forms in the environment that blend together in a harmonious manner.
- (3) Protect and preserve the appearance, character and public health, safety and welfare of the ~~Ogden Valley~~ area.
- (4) Minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare and other objectionable activities or impacts conducted or created by an adjoining or nearby uses.
- (5) Help control erosion, absorb solar radiation, divert and control winds, provide shade, frame views and reduce heating and cooling costs.
- (6) Provide visual cues for circulation, screen unsightly or undesired views, and help minimize the adverse effects of large expanses of paving.
- (7) Promote the efficient use of water and conservation of natural resources.

Sec. 108-2-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Awning/canopy means, generally, external window or door coverings having arched, domed, rounded or flat forms that are mounted above the window or door and extend beyond the structure facade. Some awning types, particularly canvas, may be retractable.~~

Commented [E1]: Changes in this proposal render this definition unnecessary.

~~Earth-tone colors means non-bright colors representing natural, earth colors and values, including browns, blacks, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an accent.~~

Commented [E2]: Already defined in 101-1-7.

Hedge means a single or multi-row arrangement of continuous shrubs, designed to act as a screen or buffer. Hedges may be formal, requiring a uniform species, regular spacing, and uniform maintenance, or informal, variety of species, irregular spacing, maintenance specific to the shrubs used.

Landscaping means improvements made to enhance the appearance of the land by planting, grading, and outdoor constructions. Planting materials shall include, but not be limited to, grass, perennials, herbs, ground covers, shrubs, vines, hedges, and trees. Other landscaping materials may include rocks, pebbles, sand, organic and inorganic mulches, top soil, gravel, timbers and mowstrips. Paving for sidewalks, parking and roads is not included.

~~Marqued means a permanent canopy, usually made of metal and glass, projecting over an entrance to a building or extending along and projecting beyond the buildings facade and generally designed and constructed to provide protection against the weather.~~

Commented [E3]: Changes in this proposal render this definition unnecessary.

39 *Mowstrip* means divider material used to separate turf grass from other landscape types, often made
40 of wood, concrete, brick, plastic or metal.

41 *Mulch* means organic or inorganic matter used as a landscape covering over bare earth. Organic
42 matter often used is chipped or shredded bark. Inorganic materials include gravel, rock or other rock
43 products. Erosion matting, weed barriers or geotextile fabrics are not considered mulches.

44 *Parkway-Parkstrip* means, if curb and gutter is present, the area within the ~~public~~street right-of-way
45 which lies between the back of curb and the sidewalk or, if the sidewalk is adjacent to the curb and gutter,
46 it is the area between the sidewalk and the property line. In areas where no curb and gutter is present, it is
47 the area between the edge of pavement and the property line.

48 *Shrubs* means self-supporting, woody plant species without a trunk.

49 *Turf grass* means a contiguous area of grass and the surface layer of earth held together by the grass
50 roots.

51 *Trees* means self-supporting woody plants having a trunk and canopy.

52 *Vines* means woody and herbaceous plants that generally grow by rambling over the ground or
53 climbing on some structure for support.

54 **Sec. 108-2-3. - Applicability.**

55 (a) *Applicability.* The architectural, landscape and screening design standards, as set forth in this chapter,
56 shall only apply to the following:

57 (1) ~~All commercial, industrial, manufacturing, and public or quasi-public uses, except public parks;~~

58 (2) ~~They shall apply to M~~multi-family dwellings of three or more units, including townhouses,
59 condominiums, apartments and bed and breakfast inns; ~~and~~

60 (3) ~~Industrial and manufacturing uses, except those uses located in an M-1, M-2, or M-3 zone.~~

61 (4) ~~Yurts, except the standards of Section 108-2-4(2) if this chapter shall not apply.~~

62 ~~Single family residential use and its approved accessory uses, agricultural uses, including agri-~~
63 ~~tourism, parking or vehicular uses which are under, on, or within buildings, and parking areas~~
64 ~~serving single family and duplex uses shall be exempt.~~

65 (b) ~~Exemptions.~~ The following are exempted uses from the standards of this chapter:

66 (1) ~~Single family residential use and its approved accessory uses;~~

67 (2) ~~Parking areas serving single family and duplex uses;~~

68 (3) ~~Agricultural uses, including agri-tourism; and~~

69 (4) ~~Parking or vehicular uses which are under, on, or within a building.~~

70 ~~Yurts are exempt from the requirements of section 108-2-4(2), Minimum standards; architectural,~~
71 ~~Exposed fronts and street sides of buildings, but shall meet all other requirements of this chapter.~~

72 (e) *Specific considerations in the DRR-1 zone.* In the Ogden Valley Destination and Recreation Resort
73 Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by
74 the planning commission, the land use authority may modify the applicability of any provision of this
75 chapter by approving a landscape, buffering, and screening plan created by the developer if the land
76 use authority determines that the plan is consistent with the approved master plan. For the purposes
77 of this section, the term "developer" refers to the signatory, successors, or assigns of a development
78 agreement, or as otherwise defined in an applicable development agreement.

Commented [E4]: No need for list of specific exemptions when everything else is exempt.

79 ~~(d) Site plan submittal requirement. In addition to site plan requirements specified elsewhere in this Land~~
80 ~~Use Code, colored architectural elevations, colored signage plans, and landscape plans shall be~~
81 ~~included with all site plan submittals.~~

82 **Sec. 108-2-4. - Minimum standards; architectural.**

83 The following architectural design standards shall apply to exteriors of new and remodeled structures
84 ~~in the Ogden Valley area unless specifically provided otherwise exempted in section 108-2-3.~~

- 85 (1) *Color.* External surfaces shall be predominantly natural, muted earth tones. White may only be
86 used as an accent color. ~~Contrasting accent colors may be allowed by the planning commission.~~
87 The roof of an addition to an existing structure, when matching existing colors, shall be exempt.
- 88 (2) *Exposed fronts and street sides of buildings.* Exposed fronts and street sides of buildings shall
89 be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or
90 natural wood/wood-like materials. Concrete masonry units or block CMUs shall not be considered
91 acceptable materials unless it is specially colored and textured to give an appearance of natural
92 rough stone. Vinyl and/or aluminum siding shall not be acceptable.
- 93 (3) *Glass.* Use of glass for displays and to allow visual access to interior spaces shall be allowed.
94 Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.
- 95 (4) *Exposed metal.* Exposed metal shall be painted, stained, or anodized in permitted colors and
96 shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to
97 develop a natural patina.

98 ~~(5) Awnings and canopies. Awnings and canopies shall not be backlit or used for signage.~~

99 (65) *Metal windows.* Metal as a window framing support or mounting material shall be painted,
100 stained, anodized or vinyl-clad in approved colors.

101 ~~(7) Colored architectural elevations, colored signage plans and landscape plans. Colored~~
102 ~~architectural elevations, colored signage plans and landscape plans shall be included with all site~~
103 ~~plan submittals.~~

104 (86) *Architectural detail.* Architectural detail shall be provided at focal points on all building facades,
105 such as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal lines
106 greater than 50 feet ~~are avoided~~ do not occur.

107 **Sec. 108-2-5. - Minimum standards and guidelines; general landscaping.**

108 (a) Minimum landscaped area. ~~All commercial S~~ites shall have a minimum of 20 percent of the total lot
109 area landscaped and a minimum of 80 percent of the landscaping shall be living plant materials. In
110 Western Weber County, the land use authority may reduce the living plant material to 40% if all
111 landscaped area is xeriscaped with drought tolerant plants and, if necessary for the plants to survive,
112 a drip irrigation system.

113 (b) Maximum turf grass area. A maximum of 50 percent of the total landscaped area shall be planted in
114 turf grass.

115 (bc) Front and side property lines adjacent to a street. ~~All commercial S~~ites shall provide a planting area,
116 excluding sidewalk, of at least ~~15-20~~ feet in width along front and side property lines adjacent to a
117 street rights-of-way. If a lesser building setback is allowed by the applicable zone, then the width of
118 the planting area shall be the distance from the street right-of-way to the building unless This
119 requirement shall be waived for areas occupied by a building with a zero setback from the street right-
120 of-way, provided the street frontage meets the complete street requirements of Section 104-21-4(c).

Commented [E5]: This is already covered in the outdoor lighting ordinance for Ogden Valley and might not be as applicable/desirable to the Western Weber area.

Commented [E6]: Moved to 108-2-3(d)

Commented [E7]: Moved to here from two below

Commented [E8]: Changed to be consistent with the rest of this chapter.

121 ~~incorporated herein by reference. a zero-foot setback and the applicant meeting the requirements of~~
122 ~~complete streets within the project limits.~~

123 (d) Side and rear property lines. Side and rear property lines not adjacent to a street rights-of-way shall
124 have a planting area of not less than eight feet in width, except if a lesser building setback is allowed
125 by the applicable zone, then the width of the planting area shall be the distance from the street right-
126 of-way to the building.

127 (e) ~~A maximum of 50 percent of the total landscaped area shall be planted in turf grass.~~

Commented [E9]: Moved up two.

128 (de) Side and rear of building. ~~A minimum planting area of at least ten feet in width shall be provided~~
129 ~~between any parking lot or sidewalk and the front of the building.~~ Minimum planting areas of at least
130 five feet in width shall be provided along the sides and rear of the building except where service areas,
131 docks and entrance points are located. If a lesser building setback is allowed by the applicable zone,
132 then the width of the planting area shall be the distance from the street right-of-way to the building.

133 (ef) Parkstrips. All ~~parkways-parkstrips~~ shall be landscaped with a native grass mixture that is low growing.
134 ~~Manual or a~~ automatic irrigation of ~~parkway-parkstrip~~ landscaping shall also be required. Irrigation
135 equipment shall be located outside of the ~~parkwayparkstrip.~~ Parkway-Parkstrip landscaping shall not
136 be included in the total area and turf grass percentage requirements listed in subsections (a) and (c)
137 of this section.

138 (fg) Other areas. All areas within the site which are not occupied by the primary and accessory uses,
139 structures or parking areas, shall also be landscaped. This includes future expansion areas for either
140 building or parking, except that the living plant material requirement of part (a) of this section shall be
141 waived if replaced with mulch underlaid with industrial-grade weed barrier.

142 (gh) Compliance: financial guarantee. All elements of the landscape plan, including planting, irrigation,
143 screening, and paving shall be installed as approved. If landscaping improvements are not to be
144 completed until after the occupancy of the primary building, a financial guarantee, not to exceed one
145 year, shall be posted and approved by the county attorney and the county commissioners.

146 (hi) Plant material. Plant material shall be as follows:

147 (1) Quality. ~~Initial P~~lantings materials used in conformance with the provisions of this chapter shall
148 be in good healthy and vigorous and capable of flourishing.

149 (2) Size. Plant sizes at the time of installation shall be as follows:

150 a. Deciduous trees. All deciduous trees shall have a minimum trunk size of two inches caliper.

151 b. Evergreen trees. All evergreen trees shall have a minimum height of six feet.

152 c. Shrubs. ~~All v~~woody shrubs shall have a minimum height or spread of 18 inches, depending
153 upon the plant's natural growth habit, ~~unless otherwise specified.~~ As a point of reference,
154 Plants in five-gallon containers will ~~generally-usually~~ comply with this standard.

155 d. Vines. ~~All v~~ines shall be five-gallon size minimum ~~unless otherwise specified.~~

156 e. Groundcovers. Groundcover may be used in place of turf grass provided it is planted densely
157 enough that it will grow into reasonably full and even coverage within two growing seasons
158 after planting. ~~Areas in which groundcovers are specified in lieu of turf grass, in whole or in~~
159 ~~part, shall be planted densely enough such that the area will develop reasonably full and~~
160 ~~even coverage within two growing seasons after planting.~~

161 f. Turf grass. Turf grass species shall be hardy to the ~~Ogden Valley~~ site and be of the type
162 normally specified for ~~this~~ the area. A drought tolerant fescue seed blend is strongly

- 163 encouraged. Turf may be planted by sodding, plugging, sprigging or seeding. Application
164 rates for plugs, sprigs and seed shall be high enough to provide even and uniform coverage
165 of turf within one growing season after planting. Turf areas where erosion is expected to
166 occur under normal conditions, such as drainage swales and/or slopes greater than 30
167 percent, shall be planted exclusively with sod.
- 168 (3) *Selection.* Plants used in conformance with the provisions of this chapter shall be hardy and
169 capable of withstanding the extremes of ~~the climate of individual the site, microclimates typical of~~
170 ~~Ogden Valley.~~ The use of drought tolerant and native plants is strongly encouraged preferred
171 ~~required within areas appropriate to where~~ site conditions can support them.
- 172 (4) *Installation.* All plant materials shall be installed in accordance with the current professional
173 planting procedures.
- 174 (5) *Irrigation.* All landscaped areas containing living plant material shall be provided with ~~either a~~
175 ~~manual or an~~ automatic irrigation system except as authorized by the land use authority.
- 176 (i) *Maintenance.* Plant maintenance shall be as follows:
- 177 (1) *Responsibility.* The owner of the premises shall be responsible for the maintenance, repair, and
178 replacement of all landscaping materials on the site. Each owner is also responsible for
179 maintenance of the ~~parkway parkstrip~~ in front or to the side of the property.
- 180 (2) *Materials.* All plant materials shall be maintained in good condition so as to present a healthy,
181 neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant
182 material, refuse and/or debris.
- 183 (3) *Replacement.* All dead or removed plants shall be replaced with the same type and size of plant
184 material as originally specified on the approved landscape plan. No substitutions shall be allowed
185 without prior approval of the land use authority, planning commission staff, whose decisions are
186 ~~appealable to the planning commission.~~ Replacement shall be made within 30 days of the plant's
187 demise or removal. In cases where the 30-day time limit for replacement extends beyond the
188 normal growing season, replacement shall be made at the beginning of the following growing
189 season.
- 190 (4) *Fences, walls and hedges.* Fences, walls and hedges shall be maintained in good repair.
- 191 (5) *Irrigation systems.* Irrigation systems shall be maintained in good operating condition to promote
192 water conservation.
- 193 (j) *Design guidelines.* Landscaping design shall be as follows:
- 194 (1) *Scale.* The scale and nature of landscaping materials shall be appropriate to the size of the
195 structures to be landscaped. Large buildings should generally be complemented by larger plants
196 and planting beds.
- 197 (2) *Selection.* Plants shall be selected for form, texture, color, habit and adaptability to local
198 conditions.
- 199 (3) *Evergreens.* In the Ogden Valley, Eevergreen plant materials shall be incorporated into the
200 landscape to provide some year round structure and enhance screening and buffering.
- 201 (4) *Softening.* Plants shall be placed intermittently against ~~long fifty feet or greater expanses of~~
202 building walls, fences and other barriers longer than 50 feet to create a softening effect and add
203 variety.

- 204 (5) *Mulch*. Planting beds may be mulched with bark chips, decorative stone or similar materials.
205 Mulch shall not be used as a substitute for plant material unless specifically allowed in this
206 chapter. Mulched areas shall be underlaid with an industrial-grade weed barrier.
- 207 (6) *Water conservation*. All irrigation systems shall be designed for efficient use of water. ~~Use of~~
208 ~~qualified professional irrigation designers is recommended.~~ Turf grass areas and other planting
209 areas shall be on separate irrigation valve systems and adjusted to generally support the
210 minimum watering needs of the plant types being irrigated.
- 211 (7) *Energy conservation*. Placement of plant materials shall be designed to reduce the energy
212 requirements for heating and cooling of the development. Summer shade and blocking of winter
213 winds should be considered.
- 214 (8) *Berming*. Earth berms and existing topographic features ~~should~~ shall be incorporated into the
215 proposed landscape, where appropriate, to enhance screening and provide variety in the ground
216 plane.
- 217 (9) ~~Trails~~ Pedestrian access and area connectivity. Landscape and site design shall ~~encourage~~
218 provide for the most efficient and direct pedestrian access ability and connectivity practicable given
219 typical pedestrian traffic patterns.
- 220 a. Connection to main entrance. Except for a building with a zero setback from the street right-
221 of-way, at least one five-foot-wide pedestrian connection shall be provided from the street
222 right-of-way to the most prominent public entrance onsite. Additional five-foot-wide
223 pedestrian connections shall be provided for other public entrances if they are located
224 greater than 200 feet from another entrance with a designated pedestrian connection. The
225 connections shall:
- 226 1. Offer the most efficient and direct path practicable; and
- 227 2. Be buffered on at least one side with landscaping to protect from automobile cross-traffic,
228 except that a pedestrian crossing no greater than 24 feet in width may be provided where
229 a pedestrian connection crosses vehicle accessways. This width may be increased to up
230 to 40 feet if the pedestrian crossing is raised at least six inches above the grade of the
231 vehicle accessway. A pedestrian crossing shall be either painted on the parking lot
232 surface or be colored concrete.
- 233 b. Connection to adjacent land. Pedestrian connections shall be made to pedestrian facilities
234 stubbed to the property from an adjacent site. Pedestrian connections to adjacent
235 undeveloped land shall be provided when the land use authority has a reasonable
236 anticipation of impending development on the adjacent site. These connections shall align
237 along the most efficient and direct path practicable given reasonably anticipated alignment
238 of adjacent facilities and site conditions.
- 239 c. Pathway dedication. When roughly proportionate and essentially linked to the development
240 of the site, public street right-of-way dedication or a public easement shall be provided across
241 the front of a lot or development project adjacent to a street. The dedication or easement
242 shall be of a width sufficient to support a 10-foot-wide multi-use pathway, including area
243 necessary to operate and maintain the pathway. A six-foot-wide sidewalk may be substituted
244 based on site conditions and public facility needs at the discretion of the land use authority
245 after consultation with the county engineer. The pathway or sidewalk shall be installed as a
246 condition of site plan approval if any of the following circumstances apply:

Commented [E10]: This rewritten section will boost area walkability in commercial areas as new commercial uses are constructed.

- 247 1. A pedestrian pathway or sidewalk exists along the street right-of-way on the same side
248 of the street within 500 feet of the site's street frontage;
249 2. An informal pedestrian trail exists on the street's shoulder as a result of the lack of
250 sidewalk or pathway along the street right-of-way; or
251 3. The nature or scale of the development merits it. ~~and where applicable, accommodate~~
252 ~~condition of public pathways.~~

253 ~~(k) Manufacturing sites~~

254 (10) Noise, dust, and transportation mitigation. ~~Sites with manufacturing uses requiring conditional~~
255 ~~uses permits.~~

256 (1) — In addition to the general landscape requirements and where a proposed ~~conditional~~ use creates
257 noise ~~and/or~~ dust emissions ~~through its manufacturing or loading/transportation process~~ greater
258 than surrounding uses, a landscaped buffer shall be required along the affected area
259 accommodating such uses.

260 a. Berming and trees. A landscaping buffer shall consist of a four-foot or taller earthen berm
261 incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a
262 minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized
263 at a minimum of six feet in height for evergreen trees and three-inch caliper for deciduous
264 trees.

265 b. ~~(2)~~ Berming and shrubs. A mixture of shrubs shall also be planted on the berm with a minimum
266 of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time
267 of installation.

268 **Sec. 108-2-6. - Minimum standards—Off-street parking.**

269 ~~(a) — All off-street parking areas or other vehicular use areas which are 20 feet or closer to any street right-~~
270 ~~of-way shall have a continuous landscape area between the edge of parking and the right-of-way. The~~
271 ~~minimum width of this landscape area shall be 15 feet. The minimum landscaping shall consist of the~~
272 ~~following:~~

273 ~~_(1) — Trees shall be planted and spaced at the equivalent of one tree per 50 lineal feet or fraction~~
274 ~~thereof along the length of the landscape area. They may be spaced linearly or grouped in~~
275 ~~clusters. Tree size shall be a minimum of two-inch caliper.~~

276 ~~_(2) — In addition to trees, an evergreen or deciduous shrub border or hedge shall be planted along~~
277 ~~100 percent of the length of the landscaped area. Shrubs used shall not be less than 18 inches~~
278 ~~and not more than 48 inches in height at maturity. The remainder of the planting area shall be~~
279 ~~landscaped with turf grass or groundcovers.~~

280 ~~_(3) — A fence, permanent screen, or wall may also be installed within the landscaping area; however,~~
281 ~~the non-living screening device shall not exceed four feet in height, and shall not replace the plant~~
282 ~~material requirement. The minimum plantings specified shall be installed on the street side of the~~
283 ~~screen. Additional plant materials may be planted on the parking area side of the screen.~~

284 ~~(b) — Off-street parking or other vehicular use areas which are further than 20 feet from any street right-of-~~
285 ~~way shall also have a continuous landscape area between the edge of parking and the right-of-way.~~
286 ~~The minimum landscaping shall consist of the following:~~

Commented [E11]: This section has a few redundancies. These edits consolidate it.

287 (1) ~~Trees shall be planted and spaced at the equivalent of one tree per 50 linear feet or fraction~~
288 ~~thereof along the length of the landscape area. They may be spaced linearly or grouped in~~
289 ~~clusters. Tree size shall be a minimum of two-inch caliper.~~

290 (2) ~~Earthen berms shall be constructed along the landscape area to provide some screening. Berm~~
291 ~~height may be continuous along the entire length, or vary somewhat to create variety. However,~~
292 ~~a maximum height of three feet shall be maintained for at least 75 percent of the entire length of~~
293 ~~the landscape area.~~

294 (3) ~~In addition to trees, the landscape area shall be planted with low shrubs, groundcovers, or turf~~
295 ~~grass. The total combined height of earthen berms and plant materials, excluding trees, shall not~~
296 ~~exceed 48 inches. Planting schemes which minimize turf use, and promote xeriscape or water-~~
297 ~~conserving principles are strongly encouraged. The limit of 50 percent of the total site landscaping~~
298 ~~being turf grass shall still be applicable.~~

299 (a) Landscaping between parking and street. A continuous landscape area shall be provided between the
300 edge of an off-street parking area or other vehicular use area and an adjacent street right-of-way. The
301 minimum landscaping shall consist of the following:

302 (1) Trees. Trees shall be planted and spaced at the equivalent of one tree per 40 lineal feet or
303 fraction thereof along the length of the landscape area, unless a greater distance is allowed by
304 the land use authority based on the species ability to offer a wide canopy. ~~Tree size shall be a~~
305 ~~minimum of two-inch caliper.~~

Commented [E12]: Redundant. Already covered in (1)(2)a.

306 (2) Shrubs and groundcover. In addition to trees, the landscape area shall be planted with low
307 shrubs, groundcovers, or turf grass, provided the turf grass does not exceed the requirement of
308 Section 108-2-5(c). The total combined height of earthen berms and plant materials, excluding
309 trees, shall not be less than 18 inches and not more than 48 inches. Planting schemes which
310 minimize turf use, and promote xeriscape or water-conserving principles are strongly encouraged.

311 (3) Screening. A fence, permanent screen, or wall may also be installed within the landscaping area;
312 however, the non-living screening device shall not exceed four feet in height, and shall not replace
313 the plant material requirement. The minimum plantings specified shall be installed on the street
314 side of the screen. Additional plant materials may be planted on the parking area side of the
315 screen.

316 (4) Berms. For off-street parking or other vehicular use areas that are greater than 20 feet from a
317 street right-of-way, an earthen berm shall be constructed along the landscape area to provide
318 screening. Berm height may vary between 18 inches and 36 inches, provided that at least 75
319 percent of the entire length of the landscape area shall maintain a berm height of 36 inches.

320 (b) Landscaping between parking and side or rear lot line. Parking areas within 12 feet of a side or rear
321 lot line shall have a continuous landscape area consisting of an evergreen and deciduous shrub border
322 or hedge planted along ~~100 percent~~ the entire of the length of the landscaped area. The minimum width
323 of this landscape area shall be eight feet as specified in this chapter. Shrubs used shall not be less
324 than three feet in height at maturity. Combinations of shrubs and permanent fences or screens may
325 also be considered by the ~~planning commission~~ and use authority.

326 (c) Access ways. Necessary access ways from the public right-of-way through the continuous landscape
327 area to the parking or other vehicular use areas shall be permitted. The width of said access ways,
328 measured from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is
329 present, may be subtracted from the overall linear dimension used to determine the number of
330 required trees.

331 ~~(de) Unless otherwise required, all property lying between the right-of-way and the off-street parking~~
332 ~~area, including the required landscaped area, shall be landscaped with turf grass, shrubs and/or~~
333 ~~groundcovers.~~

Commented [E13]: Redundant. Already covered in part (a) of this section.

334 (df) Landscape exceptions. The following are exceptions to landscaping requirements:

335 (1) Existing hedges may be used to satisfy this landscaping requirement, provided they meet the
336 specified requirements of this chapter.

337 (2) Areas where the clear sight distance regulations of this title apply pursuant to Section 108-7-7.

338 (eg) Internal parking lot landscape standards. Parking areas having more than 15 spaces shall be required
339 to provide interior landscaping within the boundaries of the parking lot or area that meets the following
340 criteria:

341 (1) Minimum parking lot landscape area. A minimum of five percent of the interior area shall be
342 landscaped. Landscaped areas located along the perimeter of the parking area beyond the curb
343 or edge of pavement shall not be included as interior landscaping.

344 (2) Calculating parking lot area. Interior parking area shall be calculated by adding the total area of
345 all parking stalls and adjacent driveway aisles. Excluded are access entrances/driveways and
346 drop-off or service zones and their accompanying driveway aisles.

347 (3) Parking lot landscape islands. Each separate interior landscape ~~island~~ island shall contain a
348 minimum of 120 square feet and shall have a minimum dimension of five feet as measured from
349 back of curb to back of curb, or from edge of pavement to edge of pavement. ~~Landscaped areas~~
350 islands shall be dispersed throughout the parking area to effectively break up the expanse of
351 paving.

352 (4) Parking lot trees and shrubs. Landscape treatment shall consist of one tree per each 120 square
353 feet of the minimum required interior landscape area. In the Western Weber County Planning
354 Area, man-made shade canopies may replace up to 50 percent of the trees required by this part
355 provided the color is a muted natural earth tone commonly found in the area. A minimum of 50
356 percent of the ~~ground plane~~ minimum required interior landscape area shall be planted with shrubs
357 or groundcovers at the appropriate density to achieve complete coverage within two years.
358 Mature shrub or groundcover height shall not exceed four feet as measured from the parking
359 surface.

360 (5) Parking lot landscape island protection barriers. Interior landscaped areas shall be protected by
361 some type of permanent barriers.

362 **Sec. 108-2-7. - Screening and buffering.**

363 (a) Screening device materials. Screening device materials shall be as follows:

364 (1) A non-plant material screening device may be constructed of textured, non-reflective metal,
365 concrete, vinyl, wood, brick or stone. ~~Chainlink fencing shall not be allowed.~~ If painted or stained,
366 the screening devices shall be of a neutral, muted earth tone color and have a nonreflective finish.
367 This color shall be approved along with other colors during the site plan review or conditional use
368 permit. A chainlink fence shall not be used as a screening device in the Ogden Valley Planning
369 Area. In the Western Weber Planning Area, a chainlink fence used for screening shall be powder
370 or vinyl coated, shall have interlocking slats, and shall be of a muted earth-toned color observable
371 in the general area.

372 (2) A combination of earth berming or mounds and plant materials may be used as a screening
373 device, and is recommended unless otherwise required herein, where practicable.

374 (b) Screening parking area. Parking areas shall be ~~screened or buffered~~ obscured from view ~~along all~~
375 ~~street rights-of-way or~~ along any property line, which is contiguous to a residential use or zoning
376 district, or along those separated by an alley, as specified in this chapter.

Commented [E14]: 108-2-6 already covers screening between parking and rights of way.

377 (c) Screening height. The side and rear screens or buffers of parking areas, whether plant material or
378 non-living device shall be a minimum of size six feet in height as measured from the parking surface.
379 The first 25 feet of the side lot line screen or buffer, as measured from the street right-of-way, shall not
380 exceed four feet in height.

381 (d) Screening of staging areas. Loading, delivery and service docks or bays shall be located in the rear
382 or side yards of the property and shall be screened from view from the street right-of-way by a
383 screening device at least six feet in height.

384 (e) Screening mechanical equipment. Mechanical equipment, whether roof or ground mounted shall be
385 screened from street and residential district view by a screening device.

386 (f) Screening trash dumpsters. Trash dumpsters ~~shall be located in an area shown on the approved site~~
387 ~~plan, and shall comply with the following:~~

Commented [E15]: Rearranged for consistence and readability.

388 ~~(1) Trash dumpsters shall be located in an area shown on the approved site plan. Specific approval~~
389 ~~of this item is required.~~

390 (21) All trash dumpsters shall be completely screened from street or public view by a six foot
391 screening device on three sides. The fourth side shall be a gate constructed of opaque materials.

392 (32) The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six
393 inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for
394 positive drainage.

395 (43) All dumpster enclosures or screens shall be illustrated and submitted with the site plan for
396 review and approval.

397 **Sec. 108-2-8. - Clear sight distance for landscaping and screening.**

Commented [E16]: The code already has an umbrella sight triangle requirement. See 108-7-7 below. This is redundant.

398 The requirements of Section 108-7-7 apply for all landscaping and screening.

399 ~~When an access way intersects with a public right-of-way, or when the subject property abuts the~~
400 ~~intersection of two or more public rights-of-way, all landscaping and screening within the triangular areas~~
401 ~~described below shall provide unobstructed cross-visibility at a level between two and eight feet in height.~~
402 ~~Trees may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage extend~~
403 ~~into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf~~
404 ~~grass, shall not be located closer than three feet from the edge of any access way pavement. The triangular~~
405 ~~areas referred to above are defined as follows:~~

406 (1) ~~The area of property on either side of an access way formed by the intersection of each side of~~
407 ~~the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in~~
408 ~~length measured from the point of intersection and the third side (hypotenuse) being a line~~
409 ~~connecting the ends of these two sides.~~

410 (2) ~~The area of property located at a corner formed by the intersection of two or more public rights-~~
411 ~~of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length~~
412 ~~of 40 feet back from their intersection and the third side being a line connecting the ends of these~~
413 ~~two sides.~~

414 **Sec. 108-2-9. - Landscape Site plan supplemental requirements -submittal.**

415 (a) Color copies required. ~~In addition to~~ site plan requirements specified elsewhere in this Land Use
416 Code, colored architectural elevations, colored signage plans, and landscape plans shall be included
417 with all site plan submittals.

Commented [E17]: This part moved here from § 108-2-4.

418 (b) Landscape plan requirements. A landscape plan shall be required whenever landscaping or alteration
419 of landscaping is required by this chapter. Such landscape plans shall be drawn in conformance with
420 the requirements specified in this chapter. Landscape plans shall be approved by the ~~planning~~
421 ~~commission~~land use authority prior to the issuance of a building permit. All landscape plans submitted
422 for approval shall contain the following information, unless specifically waived by the ~~planning~~
423 ~~commission~~planning director:

424 (1) The location and dimensions of all existing and proposed structures, property lines, easements,
425 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,
426 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding
427 electrical equipment, tot lots and playground equipment, all recreational facilities, and other
428 freestanding structural features deemed necessary to accurately portray existing and proposed
429 site characteristics.

430 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant
431 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent
432 of mature size.

433 (3) The location, size and common names of all existing plant material (including trees and other
434 plants in the ~~parkway~~parkstrip) and whether they are to be retained or removed.

435 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the
436 site. Where adjacent trees are growing in native or natural clumps or groves such that showing
437 individual tree locations is impractical, canopy outlines are acceptable.

438 (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals.
439 Show any walls or retaining structures proposed, along with their respective elevations. Proposed
440 earth beaming shall be indicated using one-foot contour intervals.

441 (6) Water efficient irrigation system (separate plan required). This system shall indicate the locations
442 and types of all equipment, including sprinkler heads, control valves, quick-coupling valves,
443 backflow prevention devices, time clock or controller, lateral lines, and main lines.

444 (7) Summary data table indicating the area of the site in the following classifications:

445 a. Total area of the site.

446 b. Total area and percentage of the site in landscape area.

447 c. Total area and percentage of the site in turf grass.

448 ...

449 **Sec. 108-7-7. - Clear view of intersecting streets.**

450 ~~In all zones which require a front yard setback, no obstruction to view in excess of three feet in height~~
451 ~~shall be placed on any corner lot within the area designated as the clear view triangle, except those noted~~
452 ~~below. The clear view triangle is a triangular area formed by the front and side (street facing) property lines~~
453 ~~and a line connecting them at points 40 feet from their intersection. When an access way intersects with a~~
454 ~~public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way,~~
455 ~~the triangular areas described below shall provide unobstructed cross-visibility at a level between two and~~
456 ~~eight feet in height. Trees may be planted inside the triangular areas, but shall be trimmed such that no~~
457 ~~limbs or foliage extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant~~

458 materials, excepting turf grass, shall not be located closer than three feet from the edge of any access way
459 pavement. No other obstruction to view in excess of three feet in height shall be allowed. The triangular
460 areas referred to above are defined as follows:

461 (1) The area of property on either side of an access way formed by the intersection of each side of
462 the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in
463 length measured from the point of intersection and the third side (hypotenuse) being a line
464 connecting the ends of these two sides.

465 (2) The area of property located at a corner formed by the intersection of two or more public rights-
466 of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length
467 of 40 feet back from their intersection and the third side being a line connecting the ends of these
468 two sides.

469

470

CHAPTER 2. - ARCHITECTURAL, LANDSCAPE, AND SCREENING DESIGN STANDARDS

1 **Sec. 108-2-1. - Purpose and intent.**

2 The purpose and intent of the architectural, landscape and screening design standards is to preserve
3 the rural, natural landscape that exists in the unincorporated areas of Weber County, and also
4 accommodate new growth in commercial and industrial uses. The design standards include the following
5 specific purposes:

- 6 (1) Provide for commercial, industrial development that is aesthetically pleasing and compatible with
7 the rural nature and natural setting of the area.
- 8 (2) Provide a variety of colors, textures and forms in the environment that blend together in a
9 harmonious manner.
- 10 (3) Protect and preserve the appearance, character and public health, safety and welfare of the
11 area.
- 12 (4) Minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare and
13 other objectionable activities or impacts conducted or created by an adjoining or nearby uses.
- 14 (5) Help control erosion, absorb solar radiation, divert and control winds, provide shade, frame views
15 and reduce heating and cooling costs.
- 16 (6) Provide visual cues for circulation, screen unsightly or undesired views, and help minimize the
17 adverse effects of large expanses of paving.
- 18 (7) Promote the efficient use of water and conservation of natural resources.

19 **Sec. 108-2-2. - Definitions.**

20 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed
21 to them in this section, except where the context clearly indicates a different meaning:

22 *Hedge* means a single or multi-row arrangement of continuous shrubs, designed to act as a screen or
23 buffer. Hedges may be formal, requiring a uniform species, regular spacing, and uniform maintenance, or
24 informal, variety of species, irregular spacing, maintenance specific to the shrubs used.

25 *Landscaping* means improvements made to enhance the appearance of the land by planting, grading,
26 and outdoor constructions. Planting materials shall include, but not be limited to, grass, perennials, herbs,
27 ground covers, shrubs, vines, hedges, and trees. Other landscaping materials may include rocks, pebbles,
28 sand, organic and inorganic mulches, top soil, gravel, timbers and mowstrips. Paving for sidewalks, parking
29 and roads is not included.

30 *Mowstrip* means divider material used to separate turf grass from other landscape types, often made
31 of wood, concrete, brick, plastic or metal.

32 *Mulch* means organic or inorganic matter used as a landscape covering over bare earth. Organic
33 matter often used is chipped or shredded bark. Inorganic materials include gravel, rock or other rock
34 products. Erosion matting, weed barriers or geotextile fabrics are not considered mulches.

35 *Parkstrip* means, if curb and gutter is present, the area within the street right-of-way which lies between
36 the back of curb and the sidewalk or, if the sidewalk is adjacent to the curb and gutter, it is the area between
37 the sidewalk and the property line. In areas where no curb and gutter is present, it is the area between the
38 edge of pavement and the property line.

39 *Shrubs* means self-supporting, woody plant species without a trunk.

40 *Turf grass* means a contiguous area of grass and the surface layer of earth held together by the grass
41 roots.

42 *Trees* means self-supporting woody plants having a trunk and canopy.

43 *Vines* means woody and herbaceous plants that generally grow by rambling over the ground or
44 climbing on some structure for support.

45 **Sec. 108-2-3. - Applicability.**

46 (a) *Applicability.* The architectural, landscape and screening design standards, as set forth in this chapter,
47 shall only apply to the following:

- 48 (1) All commercial, and public or quasi-public uses, except public parks;
49 (2) Multi-family dwellings of three or more units, including townhouses, condominiums, apartments
50 and bed and breakfast inns; and
51 (3) Industrial and manufacturing uses, except those uses located in an M-1, M-2, or M-3 zone.
52 (4) Yurts, except the standards of Section 108-2-4(2) if this chapter shall not apply.

53

54

55 (b) *Specific considerations in the DRR-1 zone.* In the Ogden Valley Destination and Recreation Resort
56 Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by
57 the planning commission, the land use authority may modify the applicability of any provision of this
58 chapter by approving a landscape, buffering, and screening plan created by the developer if the land
59 use authority determines that the plan is consistent with the approved master plan. For the purposes
60 of this section, the term "developer" refers to the signatory, successors, or assigns of a development
61 agreement, or as otherwise defined in an applicable development agreement.

62 **Sec. 108-2-4. - Minimum standards; architectural.**

63 The following architectural design standards shall apply to exteriors of new and remodeled structures.

- 64 (1) *Color.* External surfaces shall be predominantly natural, muted earth tones. White may only be
65 used as an accent color.. The roof of an addition to an existing structure, when matching existing
66 colors, shall be exempt.
- 67 (2) *Exposed fronts and street sides of buildings.* Exposed fronts and street sides of buildings shall
68 be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or
69 natural wood/wood-like materials. Concrete masonry units or block CMUs shall not be considered
70 acceptable materials unless it is specially colored and textured to give an appearance of natural
71 rough stone. Vinyl and/or aluminum siding shall not be acceptable.
- 72 (3) *Glass.* Use of glass for displays and to allow visual access to interior spaces shall be allowed.
73 Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.
- 74 (4) *Exposed metal.* Exposed metal shall be painted, stained, or anodized in permitted colors and
75 shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to
76 develop a natural patina.
- 77 (5) *Metal windows.* Metal as a window framing support or mounting material shall be painted,
78 stained, anodized or vinyl-clad in approved colors.

79 (6) *Architectural detail.* Architectural detail shall be provided at focal points on all building facades,
80 such as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal lines
81 greater than 50 feet do not occur.

82 **Sec. 108-2-5. - Minimum standards and guidelines; general landscaping.**

83 (a) *Minimum landscaped area.* Sites shall have a minimum of 20 percent of the total lot area landscaped
84 and a minimum of 80 percent of the landscaping shall be living plant materials. In Western Weber
85 County, the land use authority may reduce the living plant material to 40% if all landscaped area is
86 xeriscaped with drought tolerant plants and, if necessary for the plants to survive, a drip irrigation
87 system.

88 (b) *Maximum turf grass area.* A maximum of 50 percent of the total landscaped area shall be planted in
89 turf grass.

90 (c) *Front and side property lines adjacent to a street.* Sites shall provide a planting area, excluding
91 sidewalk, of at least 20 feet in width along front and side property lines adjacent to a street right-of-
92 way. If a lesser building setback is allowed by the applicable zone, then the width of the planting area
93 shall be the distance from the street right-of-way to the building _provided the street frontage meets
94 the complete street requirements of Section 104-21-4(c), incorporated herein by reference.

95 (d) *Side and rear property lines.* Side and rear property lines not adjacent to a street right-of-way shall
96 have a planting area of not less than eight feet in width, except if a lesser building setback is allowed
97 by the applicable zone, then the width of the planting area shall be the distance from the street right-
98 of-way to the building.

99 (e) *Side and rear of building.* Minimum planting areas of at least five feet in width shall be provided
100 along the sides and rear of the building except where service areas, docks and entrance points are
101 located. If a lesser building setback is allowed by the applicable zone, then the width of the planting
102 area shall be the distance from the street right-of-way to the building.

103 (f) *Parkstrips.* All parkstrips shall be landscaped with a native grass mixture that is low growing. Automatic
104 irrigation of parkstrip landscaping shall also be required. Irrigation equipment shall be located outside
105 of the parkstrip. Parkstrip landscaping shall not be included in the total area and turf grass percentage
106 requirements listed in subsections (a) and (c) of this section.

107 (g) *Other areas.* All areas within the site which are not occupied by the primary and accessory uses,
108 structures or parking areas, shall also be landscaped. This includes future expansion areas for either
109 building or parking, except that the living plant material requirement of part (a) of this section shall be
110 waived if replaced with mulch underlaid with industrial-grade weed barrier.

111 (h) *Compliance; financial guarantee.* All elements of the landscape plan, including planting, irrigation,
112 screening, and paving shall be installed as approved. If landscaping improvements are not to be
113 completed until after the occupancy of the primary building, a financial guarantee, not to exceed one
114 year, shall be posted and approved by the county attorney and the county commissioners.

115 (i) *Plant material.* Plant material shall be as follows:

116 (1) *Quality.* Initial plantings used in conformance with the provisions of this chapter shall be in good
117 health and capable of flourishing.

118 (2) *Size.* Plant sizes at the time of installation shall be as follows:

119 a. *Deciduous trees.* All deciduous trees shall have a minimum trunk size of two inches caliper.

120 b. *Evergreen trees.* All evergreen trees shall have a minimum height of six feet.

- 121 c. *Shrubs*. Woody shrubs shall have a minimum height or spread of 18 inches, depending upon
122 the plant's natural growth habit. As a point of reference, plants in five-gallon containers will
123 usually comply with this standard.
- 124 d. *Vines*. Vines shall be five-gallon size minimum.
- 125 e. *Groundcover*. Groundcover may be used in place of turf grass provided it is planted densely
126 enough that it will grow into reasonably full and even coverage within two growing seasons
127 after planting.
- 128 f. *Turf grass*. Turf grass species shall be hardy to the site and be of the type normally specified
129 for the area. A drought tolerant fescue seed blend is strongly encouraged. Turf may be
130 planted by sodding, plugging, sprigging or seeding. Application rates for plugs, sprigs and
131 seed shall be high enough to provide even and uniform coverage of turf within one growing
132 season after planting. Turf areas where erosion is expected to occur under normal
133 conditions, such as drainage swales and/or slopes greater than 30 percent, shall be planted
134 exclusively with sod.
- 135 (3) *Selection*. Plants used in conformance with the provisions of this chapter shall be hardy and
136 capable of withstanding the extremes of the climate of the site. The use of drought tolerant and
137 native plants is strongly encouraged where site conditions can support them.
- 138 (4) *Installation*. All plant materials shall be installed in accordance with the current professional
139 planting procedures.
- 140 (5) *Irrigation*. All landscaped areas containing living plant material shall be provided with an
141 automatic irrigation system except as authorized by the land use authority.
- 142 (j) *Maintenance*. Plant maintenance shall be as follows:
- 143 (1) *Responsibility*. The owner of the premises shall be responsible for the maintenance, repair, and
144 replacement of all landscaping materials on the site. Each owner is also responsible for
145 maintenance of the parkstrip in front or to the side of the property.
- 146 (2) *Materials*. All plant materials shall be maintained in good condition so as to present a healthy,
147 neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant
148 material, refuse and/or debris.
- 149 (3) *Replacement*. All dead or removed plants shall be replaced with the same type and size of plant
150 material as originally specified on the approved landscape plan. No substitutions shall be allowed
151 without prior approval of the land use authority. Replacement shall be made within 30 days of the
152 plant's demise or removal. In cases where the 30-day time limit for replacement extends beyond
153 the normal growing season, replacement shall be made at the beginning of the following growing
154 season.
- 155 (4) *Fences, walls and hedges*. Fences, walls and hedges shall be maintained in good repair.
- 156 (5) *Irrigation systems*. Irrigation systems shall be maintained in good operating condition to promote
157 water conservation.
- 158 (k) *Design guidelines*. Landscaping design shall be as follows:
- 159 (1) *Scale*. The scale and nature of landscaping materials shall be appropriate to the size of the
160 structures to be landscaped. Large buildings should generally be complemented by larger plants
161 and planting beds.

- 162 (2) *Selection.* Plants shall be selected for form, texture, color, habit and adaptability to local
163 conditions.
- 164 (3) *Evergreens.* In the Ogden Valley, evergreen plant materials shall be incorporated into the
165 landscape to provide some year round structure and enhance screening and buffering.
- 166 (4) *Softening.* Plants shall be placed intermittently against building walls, fences and other barriers
167 longer than 50 feet to create a softening effect and add variety.
- 168 (5) *Mulch.* Planting beds may be mulched with bark chips, decorative stone or similar materials.
169 Mulch shall not be used as a substitute for plant material unless specifically allowed in this
170 chapter. Mulched areas shall be underlaid with an industrial-grade weed barrier.
- 171 (6) *Water conservation.* All irrigation systems shall be designed for efficient use of water. Turf grass
172 areas and other planting areas shall be on separate irrigation valve systems and adjusted to
173 generally support the minimum watering needs of the plant types being irrigated.
- 174 (7) *Energy conservation.* Placement of plant materials shall be designed to reduce the energy
175 requirements for heating and cooling of the development. Summer shade and blocking of winter
176 winds should be considered.
- 177 (8) *Berming.* Earth berms and existing topographic features shall be incorporated into the proposed
178 landscape, where appropriate, to enhance screening and provide variety in the ground plane.
- 179 (9) *Pedestrian access and area connectivity.* Landscape and site design shall provide for the most
180 efficient and direct pedestrian accessibility and connectivity practicable given typical pedestrian
181 traffic patterns.
- 182 a. *Connection to main entrance.* Except for a building with a zero setback from the street right-
183 of-way, at least one five-foot-wide pedestrian connection shall be provided from the street
184 right-of-way to the most prominent public entrance onsite. Additional five-foot-wide
185 pedestrian connections shall be provided for other public entrances if they are located
186 greater than 200 feet from another entrance with a designated pedestrian connection. The
187 connections shall:
- 188 1. Offer the most efficient and direct path practicable; and
- 189 2. Be buffered on at least one side with landscaping to protect from automobile cross-traffic,
190 except that a pedestrian crossing no greater than 24 feet in width may be provided where
191 a pedestrian connection crosses vehicle accessways. This width may be increased to up
192 to 40 feet if the pedestrian crossing is raised at least six inches above the grade of the
193 vehicle accessway. A pedestrian crossing shall be either painted on the parking lot
194 surface or be colored concrete.
- 195 b. *Connection to adjacent land.* Pedestrian connections shall be made to pedestrian facilities
196 stubbed to the property from an adjacent site. Pedestrian connections to adjacent
197 undeveloped land shall be provided when the land use authority has a reasonable
198 anticipation of impending development on the adjacent site. These connections shall align
199 along the most efficient and direct path practicable given reasonably anticipated alignment
200 of adjacent facilities and site conditions.
- 201 c. *Pathway dedication.* When roughly proportionate and essentially linked to the development
202 of the site, public street right-of-way dedication or a public easement shall be provided across
203 the front of a lot or development project adjacent to a street. The dedication or easement
204 shall be of a width sufficient to support a 10-foot-wide multi-use pathway, including area

205 necessary to operate and maintain the pathway. A six-foot-wide sidewalk may be substituted
206 based on site conditions and public facility needs at the discretion of the land use authority
207 after consultation with the county engineer. The pathway or sidewalk shall be installed as a
208 condition of site plan approval if any of the following circumstances apply:

- 209 1. A pedestrian pathway or sidewalk exists along the street right-of-way on the same side
210 of the street within 500 feet of the site's street frontage;
- 211 2. An informal pedestrian trail exists on the street's shoulder as a result of the lack of
212 sidewalk or pathway along the street right-of-way; or
- 213 3. The nature or scale of the development merits it.

214

215 (10) *Noise, dust, and transportation mitigation.* In addition to the general landscape requirements and
216 where a proposed use creates noise or dust emissions greater than surrounding uses, a
217 landscaped buffer shall be required along the affected area accommodating such uses.

218 a. *Berming and trees.* A landscaping buffer shall consist of a four-foot or taller earthen berm
219 incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a
220 minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized
221 at a minimum of six feet in height for evergreen trees and three-inch caliper for deciduous
222 trees.

223 b. *Berming and shrubs.* A mixture of shrubs shall also be planted on the berm with a minimum
224 of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time
225 of installation.

226 **Sec. 108-2-6. - Minimum standards—Off-street parking.**

227 (a) *Landscaping between parking and street.* A continuous landscape area shall be provided between
228 the edge of an off-street parking area or other vehicular use area and an adjacent street right-of-way.
229 The minimum landscaping shall consist of the following:

230 (1) *Trees.* Trees shall be planted and spaced at the equivalent of one tree per 40 lineal feet or
231 fraction thereof along the length of the landscape area, unless a greater distance is allowed by
232 the land use authority based on the species ability to offer a wide canopy.

233 (2) *Shrubs and groundcover.* In addition to trees, the landscape area shall be planted with low
234 shrubs, groundcovers, or turf grass, provided the turf grass does not exceed the requirement of
235 Section 108-2-5(c). The total combined height of earthen berms and plant materials, excluding
236 trees, shall not be less than 18 inches and not more than 48 inches. Planting schemes which
237 minimize turf use, and promote xeriscape or water-conserving principles are strongly encouraged.

238 (3) *Screening.* A fence, permanent screen, or wall may also be installed within the landscaping area;
239 however, the non-living screening device shall not exceed four feet in height, and shall not replace
240 the plant material requirement. The minimum plantings specified shall be installed on the street
241 side of the screen. Additional plant materials may be planted on the parking area side of the
242 screen.

243 (4) *Berms.* For off-street parking or other vehicular use areas that are greater than 20 feet from a
244 street right-of-way, an earthen berm shall be constructed along the landscape area to provide
245 screening. Berm height may vary between 18 inches and 36 inches, provided that at least 75
246 percent of the entire length of the landscape area shall maintain a berm height of 36 inches.

- 247 (b) *Landscaping between parking and side or rear lot line.* Parking areas within 12 feet of a side or rear
248 lot line shall have a continuous landscape area consisting of an evergreen and deciduous shrub border
249 or hedge planted along the entire length of the landscaped area. The minimum width of this landscape
250 area shall be eight feet as specified in this chapter. Shrubs used shall not be less than three feet in
251 height at maturity. Combinations of shrubs and permanent fences or screens may also be considered
252 by the land use authority.
- 253 (c) *Access ways.* Necessary access ways from the public right-of-way through the continuous landscape
254 area to the parking or other vehicular use areas shall be permitted. The width of said access ways,
255 measured from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is
256 present, may be subtracted from the overall linear dimension used to determine the number of required
257 trees.
- 258 (d) *Landscape exceptions.* The following are exceptions to landscaping requirements:
- 259 (1) Existing hedges may be used to satisfy this landscaping requirement, provided they meet the
260 specified requirements of this chapter.
- 261 (2) Areas where the clear sight distance regulations of this title apply, pursuant to Section 108-7-7.
- 262 (e) *Internal parking lot landscape standards.* Parking areas having more than 15 spaces shall be required
263 to provide interior landscaping within the boundaries of the parking lot or area that meets the following
264 criteria:
- 265 (1) *Minimum parking lot landscape area.* A minimum of five percent of the interior area shall be
266 landscaped. Landscaped areas located along the perimeter of the parking area beyond the curb
267 or edge of pavement shall not be included as interior landscaping.
- 268 (2) *Calculating parking lot area.* Interior parking area shall be calculated by adding the total area of
269 all parking stalls and adjacent driveway aisles. Excluded are access entrances/driveways and
270 drop-off or service zones and their accompanying driveway aisles.
- 271 (3) *Parking lot landscape islands.* Each separate interior landscape island shall contain a minimum
272 of 120 square feet and shall have a minimum dimension of five feet as measured from back of
273 curb to back of curb, or from edge of pavement to edge of pavement. Landscape islands shall be
274 dispersed throughout the parking area to effectively break up the expanse of paving.
- 275 (4) *Parking lot trees and shrubs.* Landscape treatment shall consist of one tree per each 120 square
276 feet of the minimum required interior landscape area. In the Western Weber County Planning
277 Area, man-made shade canopies may replace up to 50 percent of the trees required by this part
278 provided the color is a muted natural earth tone commonly found in the area. A minimum of 50
279 percent of the minimum required interior landscape area shall be planted with shrubs or
280 groundcovers at the appropriate density to achieve complete coverage within two years. Mature
281 shrub or groundcover height shall not exceed four feet as measured from the parking surface.
- 282 (5) *Parking lot landscape island protection barriers.* Interior landscaped areas shall be protected by
283 some type of permanent barriers.

284 **Sec. 108-2-7. - Screening and buffering.**

- 285 (a) *Screening device materials.* Screening device materials shall be as follows:
- 286 (1) A non-plant material screening device may be constructed of textured, non-reflective metal,
287 concrete, vinyl, wood, brick or stone. If painted or stained, the screening devices shall be of a
288 neutral, muted earth tone color and have a nonreflective finish. This color shall be approved along
289 with other colors during the site plan review or conditional use permit. A chainlink fence shall not

290 be used as a screening device in the Ogden Valley Planning Area. In the Western Weber Planning
291 Area, a chainlink fence used for screening shall be powder or vinyl coated, shall have interlocking
292 slats, and shall be of a muted earth-toned color observable in the general area.

293 (2) A combination of earth berming or mounds and plant materials may be used as a screening
294 device, and is recommended, unless otherwise required herein, where practicable.

295 (b) *Screening parking area.* Parking areas shall be obscured from view along any property line, which is
296 contiguous to a residential use or zoning district, or along those separated by an alley, as specified in
297 this chapter.

298 (c) *Screening height.* The side and rear screens or buffers of parking areas, whether plant material or
299 non-living device shall be a minimum of size six feet in height as measured from the parking surface.
300 The first 25 feet of the side lot line screen or buffer, as measured from the street right-of-way, shall not
301 exceed four feet in height.

302 (d) *Screening of staging areas.* Loading, delivery and service docks or bays shall be located in the rear
303 or side yards of the property and shall be screened from view from the street right-of-way by a
304 screening device at least six feet in height.

305 (e) *Screening mechanical equipment.* Mechanical equipment, whether roof or ground mounted shall be
306 screened from street and residential district view by a screening device.

307 (f) *Screening trash dumpsters.* Trash dumpsters shall be located in an area shown on the approved site
308 plan, and shall comply with the following:

309 (1) All trash dumpsters shall be completely screened from street or public view by a six foot
310 screening device on three sides. The fourth side shall be a gate constructed of opaque materials.

311 (2) The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six
312 inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for
313 positive drainage.

314 (3) All dumpster enclosures or screens shall be illustrated and submitted with the site plan for review
315 and approval.

316 **Sec. 108-2-8. - Clear sight distance for landscaping and screening.** The requirements of Section
317 108-7-7 apply for all landscaping and screening.

318 **Sec. 108-2-9. - Site plan supplemental requirements .**

319 (a) *Color copies required.* In addition to site plan requirements specified elsewhere in this Land Use
320 Code, colored architectural elevations, colored signage plans, and landscape plans shall be included
321 with all site plan submittals.

322 (b) *Landscape plan requirements.* A landscape plan shall be required whenever landscaping or alteration
323 of landscaping is required by this chapter. Such landscape plans shall be drawn in conformance with
324 the requirements specified in this chapter. Landscape plans shall be approved by the land use
325 authority prior to the issuance of a building permit. All landscape plans submitted for approval shall
326 contain the following information, unless specifically waived by the planning director:

327 (1) The location and dimensions of all existing and proposed structures, property lines, easements,
328 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,
329 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding
330 electrical equipment, tot lots and playground equipment, all recreational facilities, and other

331 freestanding structural features deemed necessary to accurately portray existing and proposed
332 site characteristics.

333 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant
334 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent
335 of mature size.

336 (3) The location, size and common names of all existing plant material (including trees and other
337 plants in the parkstrip) and whether they are to be retained or removed.

338 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the
339 site. Where adjacent trees are growing in native or natural clumps or groves such that showing
340 individual tree locations is impractical, canopy outlines are acceptable.

341 (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals.
342 Show any walls or retaining structures proposed, along with their respective elevations. Proposed
343 earth beaming shall be indicated using one-foot contour intervals.

344 (6) Water efficient irrigation system (separate plan required). This system shall indicate the locations
345 and types of all equipment, including sprinkler heads, control valves, quick-coupling valves,
346 backflow prevention devices, time clock or controller, lateral lines, and main lines.

347 (7) Summary data table indicating the area of the site in the following classifications:

348 a. Total area of the site.

349 b. Total area and percentage of the site in landscape area.

350 c. Total area and percentage of the site in turf grass.

351 ...

352 **Sec. 108-7-7. - Clear view of intersecting streets.**

353 When an access way intersects with a public right-of-way, or when the subject property abuts the
354 intersection of two or more public rights-of-way, the triangular areas described below shall provide
355 unobstructed cross-visibility at a level between two and eight feet in height. Trees may be planted inside
356 the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone,
357 and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be located
358 closer than three feet from the edge of any access way pavement. No other obstruction to view in excess
359 of three feet in height shall be allowed. The triangular areas referred to above are defined as follows:

360 (1) The area of property on either side of an access way formed by the intersection of each side of
361 the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in
362 length measured from the point of intersection and the third side (hypotenuse) being a line
363 connecting the ends of these two sides.

364 (2) The area of property located at a corner formed by the intersection of two or more public rights-
365 of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length
366 of 40 feet back from their intersection and the third side being a line connecting the ends of these
367 two sides.

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369