

**Minutes of the Western Weber Planning Commission meeting of January 08, 2019 held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.**

**Members Present:** Jennifer Willener – Vice Chair  
Andrew Favero  
Bren Edwards  
Greg Bell

**Member Excused:** John Parke, Blake Hancock, Jeanette Borklund,

**Staff Present:** Rick Grover, Planning Director; Charles Ewert, Principle Planner; Steve Burton, Planner II; Iris Hennon, Code Enforcement Officer; Matt Wilson, Legal Counsel; Kary Serrano, Secretary

- Pledge of Allegiance
- Roll Call

**1. Consent Agenda:**

- 1.1 LVT100118:** Consideration and action on a request for final approval of Terakee Meadow Subdivision, consisting of 12 lots, located at 900 S 4300 W in the Agricultural (A-1) Zone. (Brad Blanch, applicant)
- 1.2 CUP 2018-13:** Consideration and action on a conditional use permit for a Kennel License in the Agricultural (A-2) Zone. This is a newly blended family, just married. they are combining their family of dogs; they are also taking in a very abused dog and Mrs. Dawn Miller's sister who recently passed away her dog as well; because of this they will be over the limit of dogs allowed without a Kennel License, and are applying for a Kennel so they can continue give their dogs a home and the other two dogs to join their menagerie and live as one blended family. (Gary and Dawn Miller, Applicant)

Commissioner Edwards moved to approve consent agenda items LVT100118 and CUP 2018-13 as written. Commissioner Bell seconded. A vote was taken with Commissioners Favero, Edwards, Bell, and Chair Willener voting aye. Motion carried (4-0)

**2. Elections: Chair and Vice Chair for 2019**

**MOTION:** Commissioner Favero nominated Bred Edwards for Chair. Commissioner Bell seconded. A vote was taken with Commissioners Favero, Edwards, Bell, and Chair Willener voting aye. Motion carried (4-0)

**MOTION:** Commissioner Edwards nominated Andrew Favero for Vice Chair. Commissioner Bell seconded. A vote was taken with Commissioners Favero, Edwards, Bell, and Chair Willener voting aye. Motion carried (4-0)

**3. Meeting Schedule: Approval of the 2019 Meeting Schedule**

**MOTION:** Commissioner Edwards moved to approve the 2019 Meeting Schedule. Commissioner Bell seconded. A vote was taken with Commissioners Favero, Edwards, Bell, and Chair Willener voting aye. Motion carried (4-0)

**4. Approval of the 2019 Planning Commission Rules of Order**

**MOTION:** Commissioner Bell approved the 2019 Planning Commission Rules of Order with no changes from the 2018 Planning Commission Rules of Order. Commissioner Favero seconded. A vote was taken with Commissioners Favero, Edwards, Bell, and Chair Willener voting aye. Motion carried (4-0)

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

- 5.1 Legislative Items:**  
**New Business:**

**1. A public hearing to consider and take action on ZTA 2018-06, a request allows lot averaging subdivisions to occur in the A-3 zone.**

Charlie Ewert said on August 21, 2018, the County Commission adopted an ordinance amendment that allow 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 proposal will extend lot averaging to the A-3 zone as well; as well as address administrative details necessary to track and administer lot averaged subdivisions. In the ordinance the purpose and intent of the A-3 zone is to designate farming areas where heavy agricultural pursuits can be permanently maintained. The preferred use of the A-3 zone is all agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture sue shall be subject to restriction because it interferes with other uses permitted in the zone.

Charlie Ewert said in the A-3 zone the minimum lot size for certain used, including single family residential dwellings, is two acres. Despite the purpose, intent, and preferred use of the zone, the highest and best use of the land in this zone is often realized when it is divided into the minimum lot size possible. 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 subdivision. Currently there I 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 provision for smaller lots could help alleviate some of the affordable house concerns in our area, as less acreage could yield a more affordable product for families who cannot afford the larger acreage lots.

Kendall Harper, applicant, 6585 W 700 N, said he didn't have anything new to provide, and felt that staff did a great job in providing the information.

Charlie Ewert went through Chapter 2 – Subdivision Standards – Section 106-2-4 – Lots: He indicated that information in blue is the proposed changes and the information in red is the deleted changes. He went through that section and asked if there were question or concerns.

The Planning Commissioner reviewed the information and had a lengthy discussion and felt they needed more information and suggested this needed to be tabled.

**MOTION:** Commissioner Favero moved to table this item was tabled until the next meeting. Commissioner Edwards seconded. A vote was taken to table this item with Commissioners Favero, Edwards, Bell, and Chair Willener voting aye. Motion carried (4-0)

**2. A public hearing to consider and take action on ZTA 2018-07, a request to allow large solar energy farms in the A-3 zone, to create a solar energy overlay zone (SOZ), to modify solar energy regulations in the M-3 zone, and to create standards and processes governing the same.**

Charlie Ewert said we have received an application to enable a large solar energy installation in the A-3 zone. The project needs to be located in the A-3 zone due to the proximity to power infrastructure. The only zone the County currently allows large solar energy installations is in the M-3 zone. It should be noted that in the M-3 zone a solar energy installation is a conditional use permit, meaning it is allowed provided it can mitigate detrimental effects as specified by the conditional use code. The proposed ordinance, attached as Exhibits A and B, will create an overlay zone for the A-3 and M-3 zones that could enable a large solar energy system. The West Central Weber County General Plan does not offer much information by way of future power generation implementation goals or objectives. The plan's future land use map designates the A-3 area as "one acre and five-acre development" with "cluster style development pattern required (and) minimum 30 percent open space." If the reason that large-scale power is unlikely in the area is due to minimal available lands as a result of agricultural land is made available for large-scale power generation then this directive could be extended to large-scale solar thereon.

Charlie Ewert said the preference for heavy agricultural-industries in the A-3 zone, and possible support for solar energy framing, is reflected in the uses that are only allowed in the A-3 zone but not in the other agricultural zones. While the impact of the use of a solar energy farm is quite different than aerospace project and testing; the A-3 zone is currently the only zone in which a solar energy farm is allowed. This overlay would not be applied to any property until the County Commission adopts a rezone to it and approves a development agreement. No property owner is currently entitled to it, and the discretion to apply it to any property is up to the County Commission. The Western Weber Planning Commission discussed the idea in their December 11, 2018 work session. No formal action has been taken. The original idea was to allow large solar energy systems in the A-3 zone. While the planning commission seems accepting of the use, there was a concern that allowing it by-right in the A-3 zone could have unforeseeable consequences. There was a desire to address this type of use on a site-by-site basis. Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2018-07, the addition of a solar overlay zone to the County Land Use Code based on the findings listed in the staff report.

Doug Larson, Strata Solar, Agent, 285 S 400 E Moab, gave his presentation and concluded that solar farm systems generate significant 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 or no demand on assets and services of such entities.

Open and Closed for public land closed public hearing period

The Planning Commissioner reviewed the information and had a lengthy discussion and it was suggested to leave it as it is.

**MOTION:** Commissioner Bell moved to recommend approval to the County Commission on ZTA 2018-07, a request to allow large solar energy farms in the A-3 zone, to create a solar energy overlay zone (SOZ), to modify solar energy regulations in the M-3 zone, and to create standards and processes governing the same. This is based on the findings listed in the staff report. Commissioner Favero seconded. A vote was taken with Commissioners Favero, Edwards, Bell, and Vice Chair Willener voting aye. Motion Carried (4-0)

**3. 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.**

Charlie Ewert said this proposal is to address the new commercial properties that have been rezoned out west. Right now Weber County doesn't have any objective commercial design standards, there are a couple in our design review section. With the new commercial areas that you see out west, we want to make sure that we have objective standards that a developer has to develop to in order to provide for a development that actually fits with community.

Commissioner Favero asked this is only applicable to structures. Mr. Ewert replied sites, it's applicable to any sites.

Vice Chair Willener asked so this would apply to parks; does this need to go to Park District as well? Mr. Ewert replied not necessarily, the Park Districts are independent districts and would need to comply with the county's rules. I will see if I can reach out, either that or we can exempt public parks from the rules.

Charlie Ewert said on Section 108-2-4 – Minimum standards, architectural; Lines 78, 79, and 80. As I go through that Section 108-2-9 and just changed the title of that paragraph.

Charlie Ewert said as far as looking at the next lines down under Section 108-2-4, on paragraph 1, which is Lines 84-86 deleted out the sentence. On paragraph 2, I modified the term texture and applied a little bit more language

to that. We are specifically talking about Cement Masonry Unit (CMU); and they have a flat CMU and a split face CMU is the textured.

Charlie Ewert said moving to Section 108-2-5, I made some changes in the handout in Section 108-2-5 (b), (c), and (d); and read through this, and said this is just reorganized so that it flows better.

Commissioner Edward asked is that as far as building and parking. Mr. Ewert replied said actually this is technically anything that's next to a property line. This is one of the concerns that I have with this section is that we do really pick it up. The 15 feet in other sections is 20 ft., so I will need to rectify that. Another section talks about landscaping adjacent to the building; landscaping relative to when a parking lot fronts on a street.

Charlie Ewert read Section 108-2-5 (e) Side and rear of the building. There is a line in there that used to say, "*a minimum planting area of at least 10 feet in width shall be provided between any parking lot or sidewalk, and the front of the building.*" I felt this was burdensome to have a plant or area right up next to the building front.

Vice Chair Willener asked does this address any natural barriers or unnatural barriers that might attack the planting area; such as berms, hillside, or canal frontage. Mr. Ewert replied no, we do talk about berms as a result of creating berms, but not natural berms. There is a section that says to try and work things in to the natural topography as best you can, but these are the requirements.

Charlie Ewert said I took out language on line 141 in your staff report, it says "*unless otherwise specified.*" If you go to same page, lines 155 thru 158, just changing references to Ogden Valley. He read the revised version of trails. He asked if there were any questions or concerns.

Commissioner Favero asked is the 6 ft. and 10 ft. just want has to be preserved? Mr. Ewert replied yes, that's 10 feet with whatever else is necessary, so you might get a foot or two on either side, so that's 12 ft. The 10 ft. would be in anticipation of building a 10 ft. pathway. The 6 ft. would be the anticipation of building a sidewalk. That would be the discretion of the engineer. In Ogden Valley, 10 ft. is part of the law, and we don't have that out west, and the insulation could be different.

Charlie Ewert said in looking at line 231, I have proposed that this be amended. I am proposing to be a subset of the previous section, so instead of being (k), it's going to be (10). Instead of making this specific to manufacturing uses, requiring conditional use permit. That's why we addressed it this way. He read Section (k) subsection (1) and I have (a) and (b) which is what is in front of you.

Charlie Ewert said in Section 108-2-6, I strike out a lot and I added in a lot; but you will find a lot of similarities in here. So I just packaged into one Part A; and addressed the other sections differently; so instead of Part A having three paragraphs under it and Part B having three paragraphs. Now it's just now Part A having four paragraphs, and I am just trying to be a little more efficient.

Commissioner Edwards said so basically if you have parking facing towards the street, with some sort of a buffer berm, bush that's going to deter the headlights or whatnot from entering the end of that. Mr. Ewert replied it's actually more than parking facing the street; it's any parking lot that has essentially land space that is not being occupied by a building or other use between the parking lot and the streets. Whether it's 200 feet, 20 feet, or the other code said 15 ft. so I have to figure if it's 15 or 20 ft.

Charlie Ewert said the handout that I have gave you, I just took out two-inch caliper size, because we already addressed this somewhere else in this same code. I did make a minor adjustment in berms, in your staff report and read line 288 through 291 Item (4). So if you are more than 20 ft. away with your parking area; you need to provide some kind of a berm that is no taller than 36 inches.

Charlie Ewert said if you go own to Section 108-2-7, chain link fencing in the Ogden Valley has long been a little bit of a controversial thing. So in Western Weber, he read line 333 through 336, and what this does is chain link

fence with typical slats if you're driving at 40 MPH past it you can see right through it and see everything on the other side, so interlocking slats it will obscure the site on the other side. If you're going to use a chain link fence to screen the property, it needs to be a reasonable screening device.

Commissioner Favero asked is there a reason why do the same as Ogden Valley and eliminate chain link. Mr. Ewert replied no, there is no reason. Ogden Valley is trying to do a little more resort oriented kind of stuff; Western Weber seems to be more Agrarian in nature, and I thought chain link would be desired. The galvanized chain link fence, the shiny chain link fence, all that would need to be color coated or vinyl coated so it's a little bit more aesthetically pleasing.

Charlie Ewert said looking at Lines 339 through 341, paragraph (b), I just strike out along all street right-of way, that seems to be redundant and unnecessary. Lines 351 through 361 Trash dumpsters, I did a previous shift here with the previous code for the Ogden Valley. I wrote that to say trash dumpster shall comply with the following. Then we will make sure as we give consideration for all site plan, that specific approval for denial if they don't comply as addressed.

Charlie Ewert said looking at Line 362, Section 108-2-8 – Clear sight distance for landscaping and screening. I think this addresses it better; so what I am doing is lifting this from this section.

Charlie Ewert said the last page, Section 108-2-9 – Landscape, this is the section that I was talking about, instead of Landscape Plan Submittal, we just call it Site Plan Supplemental Requirements.

Charlie Ewert said the last Section 108-7-7 – Clear view of intersecting streets, a completely different chapter, and we just modified it just a little bit to accommodate the objective that was already there, but also put better standards in that. Section 108-7-7 has always applied to Western Weber as well as Ogden Valley; but now it's just a little bit better written. So basically if you've got that triangle there in the corner that you would be able to see on your driver side of the window to know where the traffic is coming.

Commissioner Bell asked is there a site minimum of the site landscaping for the size that's required. Mr. Ewert replied that is on line 109, Section 1108-2-5 Minimum standards and guidelines: general landscaping, subsection (a) Sites shall have a minimum of 20% of the total lot area landscaped and a minimum of 80% of the landscaping shall be living plant materials. In addition to that, if you go over to Section 108-2-6 – Minimum standards – Off-street parking on line 247, and what we have here in a parking lot you have to have a certain amount of trees per square foot of parking lot.

Commissioner Bell said I don't know if we're concerned with the islands in the parking lots; given their climate when you travel around in different places. They plant trees that the leaves fall, they don't maintain them that well, and just start being garbage areas. Or areas that shopping carts clutter, and I don't know how I feel, I am not a huge fan of islands in the parking lots.

Commissioner Edwards said I feel that they exclude that 20% it becomes a lot of landscaping, and if that's included then I am okay with the 20%. Commissioner Bell said that 20% seems quite high considering we've got drought, which we spend most of our time with and I would like to see that better. Mr. Ewert replied there's a line in here that my original proposal was that you shall plant some drought tolerant vegetation.

Commissioner Favero said I would like to see the zero scape; I think in a lot of these places from what Commissioner Bell mentioned earlier about the islands and parking lots, potentially that's what they turn into anyway. They aren't taken care of and people walk through them. Mr. Ewert replied what if we build in an incentive of 80% vegetation unless it's zero scape; and maybe we scale that back to 40% or something to that affect. Would that be a good compromise given with all the options and hopefully an encouragement. Commissioner Bell said the more we can push the zero scaping type options on this stuff, the better off we are.

Commissioner Favero said putting information of the islands for traffic flow; and even if it does breakup the sea of asphalt a little bit, even if there's not anything that is very vertical, and that's those areas where you also see the water running in the middle of the day. When I know that they are hooked up to culinary for landscape it's a little tuff. Mr. Ewert said we do have a section in there that if it's turf grass, it has to be done on a different automatic irrigation valve than the other. Hopefully that will regulate itself out.

Vice Chair Willener asked how often do you see shading alternatives to trees; if we're going with the idea of zero scaping, or trees to break up the see of asphalt. I am just wondering what other alternatives there are out there, whether it's awnings, umbrellas, or something provides a little bit of shading in that sea of asphalt.

Commissioner Favero said there are shades that hang on two or three poles to give them a little bit of three dimensional type of shading. Vice Chair Willener added there are artistic things that can be put on too that can be texturally interesting, that are architecturally interesting; and I am wondering what alternatives we have that we might have that we could look in that area. Mr. Ewert replied I will do a little bit of research and see if there are any other ordinances out there that try and address this, and if not I will try and scratch one in ourselves.

Vice Chair Willener said maybe with outdoor sitting area with pergolas, or benches, and if we're looking at pedestrian encouragement in a commercial area; finding pedestrian friendly alternative to landscape or something be included. Commissioner Edwards said I don't mind the zero scape, but I think there's lots of value with trees being planted. I'm kind of on the lines of I don't mind eliminating turf grass but there definitely needs to be some vegetation.

Charlie Ewert said let me see if I can build some alternatives that doesn't eliminate landscaping; maybe allows for replacement or scale back on other bits here and there. Director Grover said you may also think with turf grass, of using more of the drought tolerant fescue plan. There are also grasses that are in the fescue family that don't grow tall so you don't have to mow as often.

Charlie Ewert said I will come back sometime with something more complete.

Vice Chair Willener opened and closed for a public hearing as there were no public present.

6. **Public Comment for Items not on the Agenda:** None
7. **Remarks from Planning Commissioners:** None
8. **Planning Director Report:** Director Grover reminded the Planning Commission about the Appreciation Dinner, at 6:30 p.m., at the Union Grill next Tuesday, January 15<sup>th</sup>.
9. **Remarks from Legal Counsel:** None
10. **Adjournment:** The meeting was adjourned at 7:00 p.m.

**Respectfully Submitted,**



**Kary Serrano, Secretary;  
Weber County Planning Commission**