



## WESTERN WEBER PLANNING COMMISSION

### MEETING AGENDA

January 08, 2019

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*
  
- 1. Minutes
  - 1.1. Approval of the December 11, 2018 meeting minutes
  
- 2. Consent Agenda:
  - 2.1 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)
  
  - 2.2 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)
  
- 3. Elections: Chair and Vice Chair for 2019
  
- 4. Meeting Schedule: Approval of the 2019 Meeting Schedule
  
- 5. Approval of the 2019 Planning Commission Rules of Order
  
- 6. Petitions, Applications and Public Hearings:
  - 6.1 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.
      - 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.
      - 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.
  
- 7. Public Comment for Items not on the Agenda
- 8. Remarks from Planning Commissioners
- 9. Planning Director Report
- 10. Remarks from Legal Counsel
- 11. Adjourn

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> 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*



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for final approval of Terakee Meadow Subdivision, consisting of 12 lots.  
**Type of Decision:** Administrative  
**Agenda Date:** Tuesday, January 8, 2018  
**Applicant:** Brad Blanch  
**File Number:** LVT 100118

### Property Information

**Approximate Address:** 900 S 4300 W  
**Project Area:** 13.41 acres  
**Zoning:** Agricultural (A-1) Zone  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-059-0026  
**Township, Range, Section:** T6N, R2W, Section 21

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Agricultural

### Staff Information

**Report Presenter:** Steve Burton  
sburton@co.weber.ut.us  
801-399-8766  
**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5, Agricultural (A-1 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

## Background and Summary

On November 13, 2018, the Western Weber Planning Commission granted preliminary approval of Terakee Meadow Subdivision, consisting of 12 lots. Since that time the proposed plat has been redesigned to utilize "flexible lot area and width standards" which allow a minimum lot size of 20,000 square feet with 80 feet of frontage in the A-1 and A-2 zones. The applicant is now requesting final approval of the proposal.

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 the LUC.

## Analysis

**General Plan:** The proposal conforms to the Western Weber General Plan by creating lots for the continuation of one acre single family residential development in the area (2003 West Central Weber County General Plan, Residential Uses, Page 1-4).

**Zoning:** The subject property is located in the Agricultural (A-1) Zone. Single-family dwellings are a permitted use in the A-1 Zone.

**Lot area, frontage/width and yard regulations:** Flexible lot area and width is allowed within the A-1 and A-2 zones. The flexible lot option requires that each lot maintain a minimum of 20,000 square feet and 80 feet of frontage. The A-1 zoning allows 12 building lots with the existing 13.41 acres. The flexible lot option will not increase the base density.

As part of the subdivision process, the proposal has also been reviewed for compliance with the current subdivision ordinance in LUC §106-1.

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for the culinary water and the sanitary sewer for the proposed subdivision. The culinary water will be provided by Taylor West Weber Water Improvement District. The sanitary sewage disposal will be provided by Central Weber Sewer Improvement District.

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 recorded.

Additional Design Standards: The LUC §106-4-2(f) requires sidewalk to be installed in developments that are within walking distance as established by a school district. This development is within 1 mile of a school, which is within walking distance. As such, sidewalk or an approved walking path will be required as part of the improvements.

The subdivision standards require block width to allow for two tiers of lots, or as otherwise approved by the Planning Commission because of design, terrain, or other unusual conditions. Staff recommends approval of the proposed block width due to unusual conditions given the property's proximity to 900 South.

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

### Staff Recommendations

Staff recommends final approval of Terakee Meadow Subdivision consisting of 12 lots. This recommendation is subject to all review agency requirements and the following conditions:

1. Sidewalk, or a walking path, is required to be installed and escrowed for, along with the other required improvements, prior to the recording of the final mylar, as outline in LUC §106-4-3.

The 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.
3. The property's proximity to 900 South is considered an unusual condition for block width standards, as such the proposed block width is approved.

### Exhibits

- A. Final subdivision plat

### Area Map



# Terakee Meadows Subdivision

A part of the Northwest Quarter of Section 21, T6N, R2W, SLB&M, U.S. Survey  
Weber County, Utah  
December 2018

### NARRATIVE

This Subdivision Plat was requested by Mr. Brad Blanch for the purpose of creating twelve (12) residential lots and five (5) Open Space Parcels.  
Bass Cop Monuments were found at the Northeast Corner and the North Quarter corner of Section 21, T6N, R2W, SLB&M.  
A line bearing North 89°05'07" West between these two monuments was used as the Basis of Bearings.  
Property Corners were monumented as depicted on this plat.  
If Curb and Gutter is installed, Rivers will be set in the Top Back of Curb on the extension of the Property Line.  
If Curb and Gutter is deferred, the front Property Corners will be required to have Rebar and Cap set.

### NOTES

1. Subdivision will be connected to Central Weber Sanitary Sewer via 900 South design previously submitted with Terakee Village PUD.
2. 50.0' Private Right of Way to be maintained by Terakee Meadows Home Owners Association.
3. Recommendations on the Geotech Report shall be followed during construction of this site.
4. Private Roads shall have a 41.0' Temporary Turnaround Easement at the end of each street during the construction of each Phase.
5. Fire flow for Subdivision shall be 1000 GPM.
6. A temporary address marker shall be required at the building site during construction.
7. Any fire Access roads to any property shall have a minimum clear width of 20 feet (face of curb to face of curb) and a vertical clearance of 13 feet 6 inches and shall be capable of supporting a 75,000 pound load. Roads that are less than 26 feet in width shall be posted with "NO PARKING ZONE LANE" on both sides of the roadway. Roads more than 26 but less than 32 feet in width shall be posted on one side of the roadway. (Roadways and signage shall comply with appendix D of the 2015 International Fire Code as adopted by Weber Fire District).
8. Roads shall have a maximum grade of 10% unless specifically approved as outlined in the International Fire Code.
9. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
10. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
11. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible material construction.
12. The owner shall designate a person to be the fire prevention program superintendent who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program superintendent shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where Guard service is provided, the superintendent shall be responsible for the guard service. The fire prevention program superintendent shall develop and maintain an approved profile plan in cooperation with the fire chief. The fire chief and the fire code official shall be notified of changes affecting the utilization of information contained in such profile plans. (see IFC 5305)
13. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
14. Fire department apparatus access is required for each lot.

### AGRICULTURAL NOTE

Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

### WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Weber County Engineer

### WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairman, Weber County Planning Commission

### WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chairman, Weber County Commission

Attest:  
Title: \_\_\_\_\_

### TAYLOR WEST WEBER WATER

This is to certify that this subdivision plat was duly approved by Taylor West Weber Water.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Taylor West Weber Water

### HOOPER WATER IMPROVEMENT DISTRICT

This is to certify that this subdivision plat was duly approved by Hooper Water Improvement District.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Hooper Water Improvement District

### SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described herein in accordance with Section 17-25-17 and that I have verified all measurements shown hereon this plat of Terakee Meadows Subdivision in Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat. I furthermore certify that all lots within the Subdivision hereby meet all current lot width and area requirements of the Weber County Zoning Ordinance.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

6242920  
License No.

\_\_\_\_\_  
Andy Hubbard

### OWNERS DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots as shown on the plat and make said tract Terakee Meadows Subdivision and do hereby dedicate and grant to Weber County a perpetual right and easement over, upon and under the lands designated herein as public utility easements, the same to be used for the maintenance and operation of public utility, service line, and storm drainage facilities, whichever is applicable, may be authorized by the governing authority, with no buildings or structures being erected within such easements.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

- X -

X - Title

### DESCRIPTION

A part of the Northwest Quarter of Section 21, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah.

Beginning at the Northwest Corner of said Section 21, said point being the Easterly Right of Way Line of 4500 West Street, and running thence South 89°15'52" East (East Record) 1055.91 feet (1056 feet Record); thence due South 558.10 feet (551.76' Record); thence due West 1058.00 feet in said Easterly Right of Way Line; thence North 0°03'37" East (North Record) 551.75 feet (551.76 feet Record) along said Easterly Right of Way Line to the Northeast Corner of said Section 21 and the Point of Beginning.  
Contains 575,286 Sq. Ft. or 13.207 Acres

### ACKNOWLEDGMENT

State of Utah  
County of \_\_\_\_\_ / 88

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by \_\_\_\_\_.

Residing At: \_\_\_\_\_ A Notary Public commissioned in Utah

Commission Number: \_\_\_\_\_

Commission Expires: \_\_\_\_\_ Print Name

### WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat, and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Weber County Attorney

### WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments as record in County Offices. The approval of this plat by the Weber County Surveyor does not relieve the licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Weber County Surveyor

WEBER COUNTY RECORDER  
ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
RECORDED \_\_\_\_\_ FILED FOR RECORD AND  
IN BOOK \_\_\_\_\_ OF OFFICIAL  
RECORDS, PAGE \_\_\_\_\_ RECORDED  
FOR \_\_\_\_\_

WEBER COUNTY RECORDER

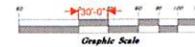
BY: \_\_\_\_\_ Deputy

# Terakee Meadows Subdivision

A part of the Northwest Quarter of Section 21, T6N, R2W, SLB&M, U.S. Survey  
Weber County, Utah  
December 2018



Scale 1" = 60'



### AGRICULTURAL NOTE

Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.



### Legend

- ⊙ Monument to be set
- (Rad.) Radial Line
- (N/A) Non-Radial Line
- P.U.E. Public Utility Easement
- P.U.D.E. Public Utility & Drainage Easement
- Fence
- Set Hub & Tick
- ▲ will be set 90° in Curb
- ⊙ Extension of Property
- Set 5/8" x 24" Long Rebar & Cap w/ Lothe

Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C1	90°40'50"	15.00'	23.74'	S 45°24'53" W	21.34'
C2	48°15'59"	20.00'	16.85'	N 65°12'59" W	16.35'
C3	138°11'23"	53.00'	132.63'	S 69°30'08" W	102.76'
C4	138°11'23"	53.00'	132.63'	S 69°21'14" E	102.76'
C5	35°45'57"	20.00'	12.48'	N 60°25'53" E	12.28'
C6	12°25'46"	20.00'	4.34'	N 84°31'34" E	4.33'
C7	89°18'10"	15.00'	23.38'	S 44°35'58" E	21.09'

### NOTES

- Subdivision will be connected to Central Weber Sanitary Sewer via 900 South design previously submitted with Terakee Village FRUD.
- 50.0' Private Right of Way to be maintained by Terakee Meadows Home Owners Association.
- Recommendations on the Geotech Report shall be followed during construction of this site.
- Private Roads shall have a 42.0' Temporary Turnaround Easement at the end of each street during the construction of each Phase.
- Fire Flow for Subdivision shall be 1000 GPM.
- A temporary address marker shall be required at the building site during construction.
- Any fire Access roads to any property shall have a minimum clear width of 20 feet (face of curb to face of curb) and a vertical clearance of 13 feet 6 inches and shall be capable of supporting a 75,000 pound load. Roads that are less than 26 feet in width shall be posted with "NO PARKING FIRE LANE" on both sides of the roadway. Roads more than 26 but less than 32 feet in width shall be posted on one side of the roadway. (Roadways and signage shall comply with appendix D of the 2015 International Fire Code as adopted by Weber Fire District).
- Roads shall have a maximum grade of 10% unless specifically approved as outlined in the International Fire Code.
- Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
- Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
- All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible material construction.
- The owner shall designate a person to be the fire prevention program superintendent who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program superintendent shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where Guard service is provided, the superintendent shall be responsible for the guard service. The fire prevention program superintendent shall develop and maintain an approved plan in cooperation with the fire chief. The fire chief and the fire code official shall be notified of changes affecting the utilization of information contained in such pre-fire plans. (see IFC 3305)
- All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
- Fire department apparatus access is required for each lot.

Sheet 2 of 2

WEBER COUNTY RECORDER  
ENTRY NO. \_\_\_\_\_ (SEE PAGE \_\_\_\_\_)  
FILED FOR RECORDING AT \_\_\_\_\_  
RECORDED IN BOOK \_\_\_\_\_ OF DISTRICT \_\_\_\_\_  
RECORDED PAGE \_\_\_\_\_ OF \_\_\_\_\_  
FOR \_\_\_\_\_

WEBER COUNTY RECORDER

BY: \_\_\_\_\_ DEPUTY

180718 - Terakee Meadows





# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on Conditional Use Permit (2013-07) for a dog kennel in the Agriculture A-2 Zone.  
**Agenda Date:** Tuesday, January 08, 2019  
**Applicant:** Gary & Dawn Miller  
**File Number:** CUP 2018-13

### Property Information

**Approximate Address:** 3340 West 1400 South  
**Project Area:** 2.76 acres  
**Zoning:** Agriculture A-2 Zone  
**Existing Land Use:** Agricultural/Residential  
**Proposed Land Use:** Residential dwelling with a dog kennel  
**Parcel ID:** 150600058  
**Township, Range, Section:** T.6N,R.2W,Section 22, NE 1/4

### Adjacent Land Use

<b>North:</b>	Agricultural/Residential	<b>South:</b>	Agricultural/Residential
<b>East:</b>	Agricultural/Residential	<b>West:</b>	Agricultural/Residential

### Staff Information

**Report Presenter:** Iris Hennon  
ihennon@co.weber.ut.us  
801-399-8762  
**Report Reviewer:** RG

## Applicable Ordinances

- Zoning Ordinance Section 104 Zone, Chapter 7 (A-2 Zone)
- Zoning Ordinance Section 108 Chapter 1 (Design Review)
- Zoning Ordinance Section 108 Standards, Chapter 4 (Conditional Use)

## Background

The applicant is requesting approval of a Conditional Use Permit to allow a personal dog kennel with six (6) dogs in the A-2 Zone. This couple is a blended family having recently married in 2018; in February 2018 Mrs. Millers younger sister passed away unexpectedly and she inherited a rescued mix breed dog from her, making her menagerie four dogs, a twelve-year-old golden retriever, two mini long hair dachshund's and her sister's dog along with her new husband's retriever mix made a total of five dogs. In August of 2018 Mr. Miller was made aware of a large dog tied to a parked motor home in a mechanic's repair shop not able to move very much on his rope, this dog was unwanted and may have been taken to the Animal Shelter however in his emaciated state would have certainly been euthanized, he is a Great Pyrenees. As it turns out it was very fortunate for this dog that he was rescued from this situation, as a few weeks later the motor home was on the local news station having burned to the ground; the dog would have most certainly been burned as well having been tied to the vehicle. All of the Millers dogs are spayed or neutered depending on the gender, and are all up to date on their vaccinations. These animals are all very loved and pampered going to the groomers on a regular basis. The

area directly outside the back door is a courtyard approximately 25' by 25' which is completely fenced with an eight (8) foot fence, the animals use this area mostly at night and in the cold weather they are contained in the house. The dog's excrement is picked up daily and doubled bagged and disposed and removed by a waste removal company once a week.

A dog breeding, dog kennels, or dog training school can be situated on a minimum of two acres; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property

- No more than twenty (20) dogs older than ten (10) weeks are allowed.
- Minimum setbacks of fifty (50) feet from any lot line, one-hundred (100) feet from a property line adjacent to a street, and seventy-five (75) feet from a dwelling on an adjacent lot are required.

The kennel will be located in the Western area of unincorporated Weber County on approximately two and three quarter (2,3/4) acres. The proposed site is bordered by homes on all sides of the property, this property is located at 3340 West 1400 South. There is a house and a barn and also a separate garage. There is a six (6) foot vinyl fence surrounding the property and another fenced courtyard at the back of the house with an eight (8) foot fence.

There will be no clientele this is a blended family, a mature couple that regards these dogs as their fur babies, the almost three (3) acres that they own can well accommodate their dogs without undue noise and strain to the immediate community. The typical property owners in this area have livestock and dogs this kennel would be well placed and blend in well.

Applicable County review agencies have responded with no concerns, except that a kennel license is required from County Animal Services.

## Analysis

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under Findings.

The Planning Commission needs to determine if the proposed use meets these requirements.

### Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potentially detrimental effects of this kennel relate to noise and loose dogs. Noise is mitigated for the most part because the property is large and the property owners have a plan in place to house the dogs inside the courtyard and house at night. This is a family who is caring and loving their dogs not a commercial venture. There is fencing surrounding the property to keep the dogs from leaving the property. As this is area has a lot of livestock and dogs these family dogs will blend in well with the area and it will not be out of place.

General Plan:

The proposed use conforms to the Western Weber General Plan for Conditional Uses as provided in [title 108](#), chapter 1 of this Land Use Code.

Zoning:

- The property is located in the Agricultural A-2 Zone and a Conditional Use shall be permitted only when authorized by a conditional use permit obtained as provided in [title 108](#), chapter 4 of this Land Use Code.
- The subject property is located in the Western Weber Agricultural A-2 Zone.
- The A-2 zone has a minimum lot area requirement for a dog kennel of not less than two acres.
- The applicants are not proposing more than six dogs'.
- Mature landscaping is already in place.
- No additional parking is required because the kennel will not be a commercial venture with visiting clientele.

Lot area, frontage/width and yard regulations:

- The proposed site (two three quarter acres) is larger than the required two acres for [title 104](#), chapter 7 Agricultural A-2 Zone.
- The kennel location meets the required setbacks in [title 104](#), chapter 7 Agricultural A-2 Zone.

- A plan for removal of animal waste has been submitted to the Health Department. The plan consists of being picked up daily and doubled bagged and disposed in a waste bin that will be emptied on a regular basis.

Tax clearances:

- The 2018 property taxes have been paid in full.

**Staff Recommendation**

Staff recommends approval of CUP 13-2018 for a dog kennel in the A-2 Zone, subject to staff and review agency requirements. This recommendation is based on the proposed kennel being in compliance with applicable County Ordinances.

Recommendation for approval is based on the following findings:

1. The proposed Conditional Use conforms to the Western Weber County General Plan.
2. All requirements from the applicable agencies are met, the Weber County Health Department and Animal services.
3. The proposed Conditional Use will not be detrimental to public health, safety, or welfare.
4. The proposed Conditional Use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

**Exhibits**

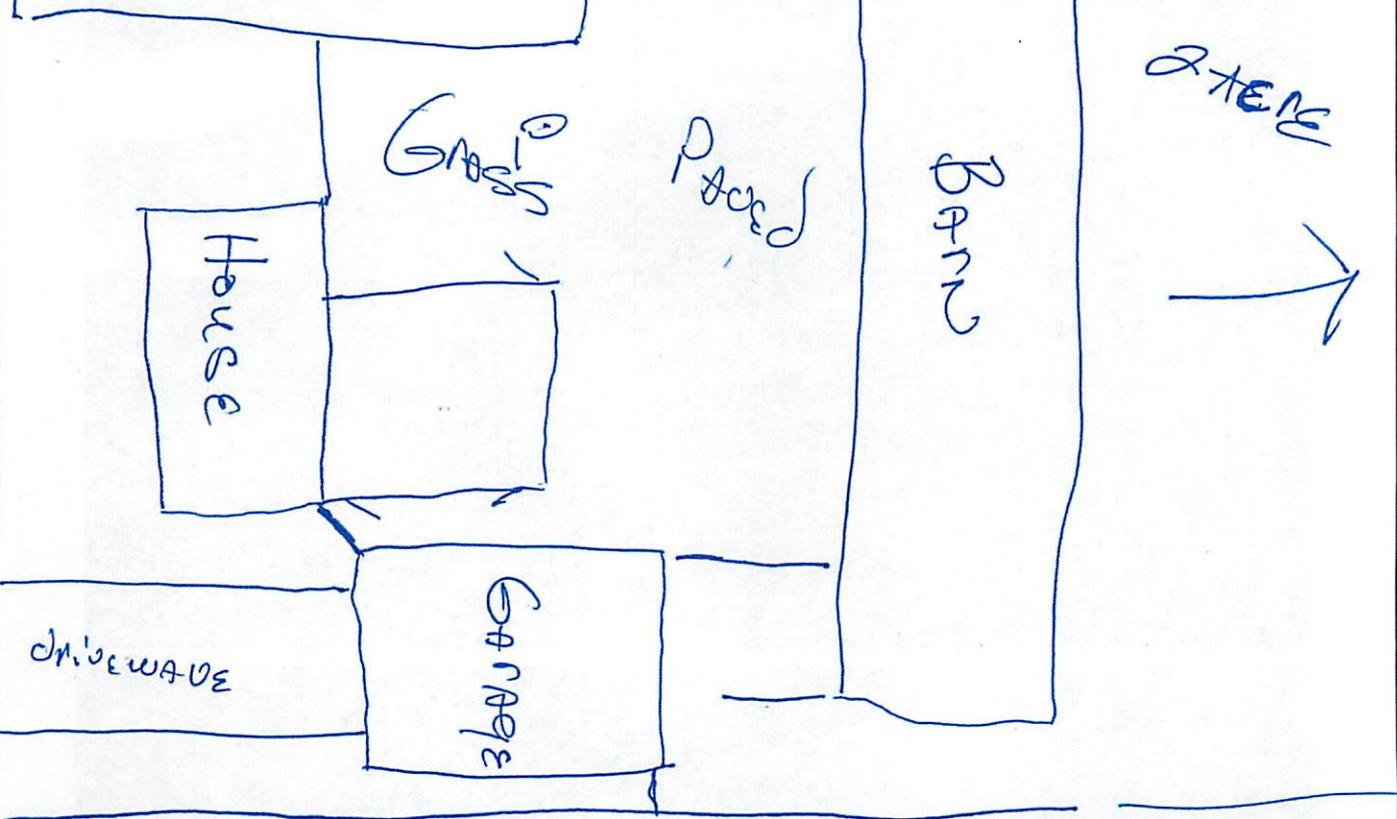
- A. Site plan.
- B. Applicant's narrative and photographs of the dogs.
- C. Map location of property.

Exhibit A

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

1400 South

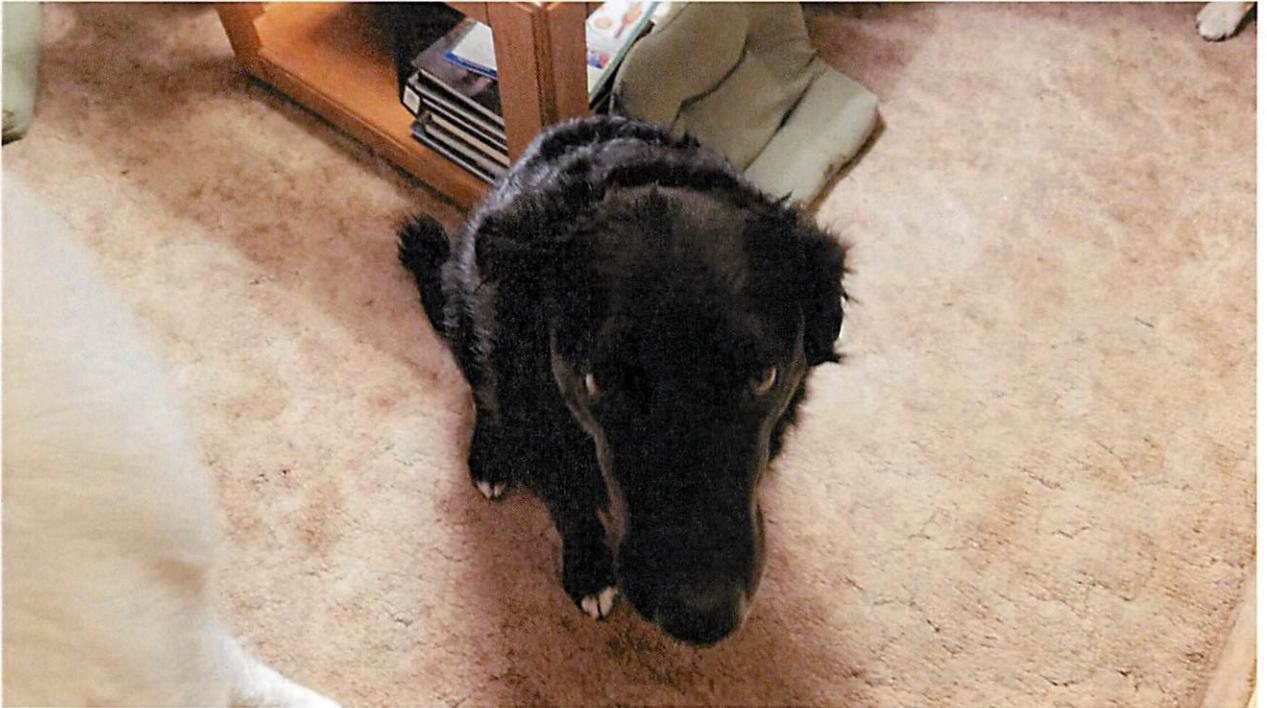


That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

16 St. Utop / Sewer

Exhibit B







we are requesting a kennel license for our own use. We have a total of six dogs, not by plan. 2017 I was living in Cheektowaga, NY. I had three dogs. My ~~10~~ y/o golden, and two mini long hair dachshunds. In February my youngest sister passed away unexpectedly. She had 3 dogs. I managed to return the two pure breeds to the breeders. The third dog was a rescue mixed breed. I decided to keep her I didn't have the heart to place her back in rescue. Now I have 4 dogs. In January 2018 I got married and eventually moved to Utah. My husband had one dog also a rescue. So now we have 5 dogs. In August of this year (2018) my husband knew of a dog who spent the summer tied to a motor home parked in a mechanics repair shop. The owner of the dog had asked the guy who lived in the motor home to keep him for "awhile ". My husband found out the owner no longer wanted the dog, and was going to take it to the pound. We decided to take the dog. He was a Great Pyrenees and we were afraid no one would adopt a dog that big. A few weeks later we saw on the news the motor home where the dog had been tied burned. Our dog most certainly would have died. All of our dogs are spayed or neutered. They are all up to date on their vaccinations. They also go to the groomer on a regular basis. We are asking for a kennel license to keep our dogs "legal". We have three acres all fenced in for the dogs. Poop is picked up daily . The area directly out our back door is fenced With an eight foot fence. It's approximately 25' by 25' area. The dogs use this area mostly at night.

Retriever mix

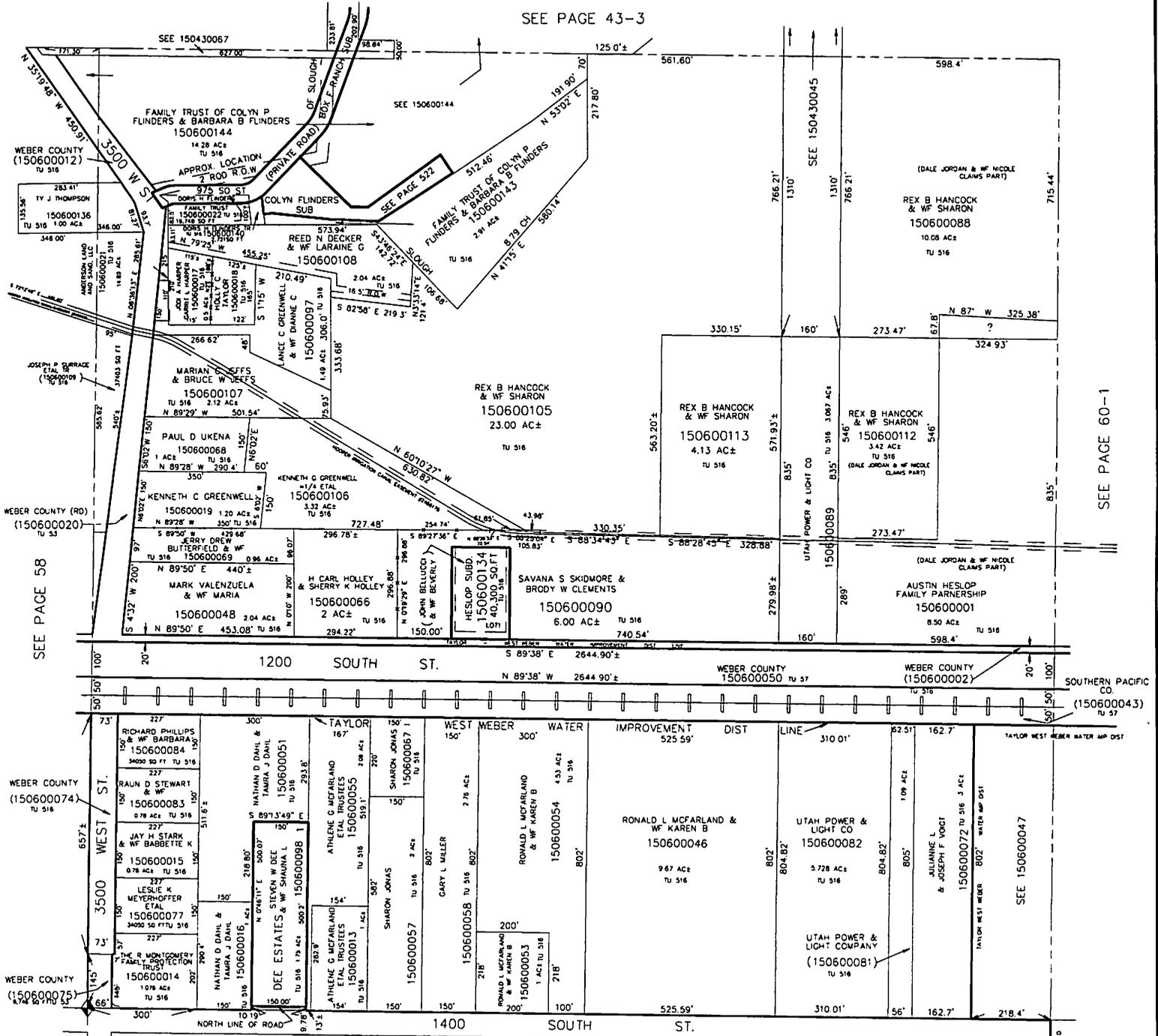
# Exhibit C

## N.W. 1/4 SECTION 22, T.6N., R.2W., S.L.B. & M.

IN WEBER COUNTY  
SCALE 1" = 200'

TAXING UNIT: 53, 57

SEE PAGE 43-3



SEE PAGE 58

SEE PAGE 60-1

SEE PAGE 60-3

# 2019

## JANUARY

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## CALENDAR KEY:

	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1st Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	PC/BOA Annual Dinner
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS

## APRIL

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# 2019

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## CALENDAR KEY:

	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1 <sup>st</sup> Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	PC/BOA Annual Dinner
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS

OCTOBER						
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**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
January 3, 2019

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

2. Chair - Duties

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice Chair

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary - Duties

The Planning Director or his designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- (d) Perform such other duties as may be required by these rules.

**B. CONDUCT OF MEMBERS OF THE COMMISSION**

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend required training.

4. Conflict of Interest

A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission. The Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should withdraw from participation and voting. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting. A Commissioner who has a conflict of interest shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon.

**(a) Disqualification**

No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

**(b) Disclosure of Potential Conflict of Interest**

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.

**(c) Ex Parte Contacts**

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Communications regarding legislative matters are generally permitted.

Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

**(d) Planning Commission Members Wishing to Give Comment**

A member who desires to make comments at a meeting may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he / she can fully participate in the matter.

**(e) Gifts and Favors.** Gifts and favors standards are found in UCA 67 16 5. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 or an award publicly presented in recognition of public service.

(f) Treatment of Information. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information. Communication with planning staff members is not an ex parte contact and is allowed.

(g) Political Activity. Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

## C. MEETINGS

### 1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

### 2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

### 3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business

The order of business in the Commission shall be as follows:

- (a) Chair opens the meeting and welcomes those in attendance
- (b) Pledge of Allegiance
- (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (d) Approval of minutes of prior meetings
- (e) Planning Director reads opening meeting statement
- (f) Chair asks commissioners if there are any exparte communications or conflicts of interest to disclose
- (g) Consent Agenda
- (h) Petitions, Applications and Public Hearings
  1. Administrative Items
    - a. Old Business

- b. New Business
- 2. Legislative Items
  - a. Old Business
  - b. New Business
- (i) Public Comment for Items not on the Agenda
- (j) Planning Commission Remarks
- (k) Planning Director Report
- (l) Legal Counsel Remarks
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

The secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least seven (7) days in advance of a regular meeting.

3. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed thirty (30) days prior to consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline, the application is complete, and determined that Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

4. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

**E. ORDER AND DECORUM**

1. Order of Consideration of Items

The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Abstentions, conflicts of interest and challenges are entertained and any declaration of conflicts of interest and ex parte contacts;
- (c) Staff makes a presentation on the criteria, standards, and recommendations;
- (d) Applicant or applicant's agent presents evidence for the proposal;
- (e) Any opponents and/or proponents may comment;
- (f) Planning Commission members may question staff, applicant, or opponents on all the above;
- (g) Applicant's rebuttal if requested;
- (h) Closing of the public hearing, if applicable;
- (i) Concluding comments of Staff or Staff summary and recommendations;
- (j) Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should be asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

2. Consideration of Items

All parties shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- (a) Regulate the course and decorum of the meeting.
- (b) Dispose of procedural requests and similar matters.
- (c) Set reasonable time limits for individual public input, oral presentations, questions, and rebuttal information.
- (d) Question any person appearing, and allow other members to question any such person.
- (e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
- (f) Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

3. Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.

4. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- (a) Is disorderly, abusive, or disruptive.
- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- (c) Comments without first receiving recognition from the Chair and stating his/her full name and residence.
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

**F. PROCEDURE - MOTIONS**

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been

seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."
- (b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.
- (c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.
- (d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- (a) To fix the time to adjourn;
- (b) To adjourn;
- (c) To continue, table, or postpone indefinitely to a specified time;
- (d) To amend; to substitute;
- (e) Refer to committee;
- (f) Previous question (immediately close debate);
- (g) Limit or extend limits of debate;
- (h) Take a recess;
- (i) Call for orders of the day;
- (j) Suspension of the rules;
- (k) Appeal rulings by the Chair;
- (l) Reconsider an undebatable motion.

4. Motion must be Germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.

5. Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Substitute Motions

A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically, such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

**G. PROCEDURE - RECONSIDERATION**

1. Motion to Reconsider

A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

**H. PROCEDURE - DEBATE**

1. Interruptions and Questions

No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.

**I. PROCEDURE - VOTING**

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yesses) and nay (no's) given by members of the Commission by voice vote. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Minute Approval

The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

3. Voting or Changing Vote Before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

4. Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.

5. Commission Members Required to Vote - Late Voting

No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.

6. Tie Votes

If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.

7. Explaining Vote

After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.

8. Not to Vote Unless Present

No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

J. DOCUMENTS OF THE COMMISSION

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.
2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

K. AMENDMENT

These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

**L. RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

\_\_\_\_\_  
, Chair  
Ogden Valley Planning Commission

\_\_\_\_\_  
, Chair  
Western Weber Planning Commission



# Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** A public hearing to consider and take 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, January 08, 2019

**Staff Report Date:** Thursday, January 03, 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.

## 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.<sup>1</sup> 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 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

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

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.”<sup>2</sup>*

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.”<sup>3</sup>*

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 and the 80 foot minimum lot width requirement, but offers formatting more consistent with the rest of the paragraph.
- Lines 27 – 30 specify how the averaging is intended to function.
- Lines 31 – 40 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.

## Past Action on this Item

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. No formal action has been taken.

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<sup>2</sup> Weber County Code § 104-8-1

<sup>3</sup> Weber County Code § 104-8-2

## 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

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. 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.
- B. Proposed Ordinance Changes – Clean Copy.

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 shall be 20,000 square feet.

26 b. The Mminimum lot width: allowed shall be 80 feet.

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 ...

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 shall be 20,000 square feet.

24 b. The minimum lot width allowed shall be 80 feet.

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

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

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

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

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

39 ...



## Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** 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.

**Agenda Date:** Tuesday, January 08, 2019  
**Staff Report Date:** Thursday, January 03, 2019  
**Applicant:** Strata Solar, Doug Larsen as Agent  
**File Number:** ZTA 2018-07

#### Staff Information

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

**Report Reviewer:** RG

### Applicable Ordinances

- § 101-1-7 – Definitions
- § 104-1-1 – Establishment of zones
- § 104-25-3 – Conditional uses
- § 104 – Creation of a new overlay zone
- § 108-7-27 – Solar energy systems

### 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

Weber County has 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 county would have very little discretion to deny a solar installation in the M-3 zone or to apply conditions that are beyond the scope of 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 attached does not apply this new overlay to any particular property at this time. If adopted, no land owner would be entitled to the overlay zone until the County Commission, after recommendation from the Planning Commission, applies the overlay to their property.

This is intended to enable legislative discretion in allowing large solar energy systems on a specific site, and vest the Commission with the power to appropriately negotiate a project that will offer the most positive public effects.

### Background

The Wasatch Front's electric energy generation profile is changing. A decade ago the area was highly dependent on coal generated power. This is shifting toward natural gas and renewable energy sources. With the growing concern over local air quality, and the global concern over climate change, there is a push towards reducing our dependency on the burning of greenhouse gasses and increasing dependency on renewable resources.

The U.S. Energy Information Administration offers this information about Utah:

*About two-thirds of Utah's net electricity generation came from coal in 2016, down from more than four-fifths just three years earlier and from nine-tenths in 2006. Most of Utah's recently added electricity generating capacity is fueled by natural gas. In 2016, natural gas accounted for nearly one-fourth of the state's net generation. Almost all of the rest of Utah's in-state electricity generation came from solar, wind, hydroelectric, geothermal, and biomass energy.*

...

*An arid state with abundant sunshine, Utah is among the states with the most solar resources.*

...

*More than 8% of Utah's net electricity generation came from renewable sources in 2016. Utility-scale solar energy provided more electricity than any other renewable resource in the state for the first time. Electricity generation from all solar facilities in Utah provided one-third of the state's renewable generation and was 10 times greater in 2016 than in 2015. More than 1,240 megawatts of solar generating capacity was added in 2016, about half of it utility-scale, raising Utah's installed capacity to about 1,550 megawatts. The state requires investor-owned electric utilities and most electric cooperatives to offer net metering, further encouraging electricity generated from solar arrays on consumers' rooftops. In 2016, one-seventh of all the state's solar generation came from distributed (customer-sited, small-scale) facilities.<sup>1</sup>*

Weber County currently has four hydroelectric power plants. Adding a solar power generation source in Weber County will help bolster the existing grid while also supporting the growing power generation needs in of the Wasatch Front.

## 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 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.<sup>2</sup> However, it does offer this recommendation:

*Policy: Energy Resources Support the development of renewable energy resources, such as solar, wind power, and geothermal energy for private or small-scale commercial uses.<sup>3</sup>*

Allowing large-scale zoning may support the intent of this statement provided 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 1 offers a map showing the A-3 boundaries and prime agricultural land (as of 2003). This map shows that very little prime agricultural land exists in the A-3 zone.

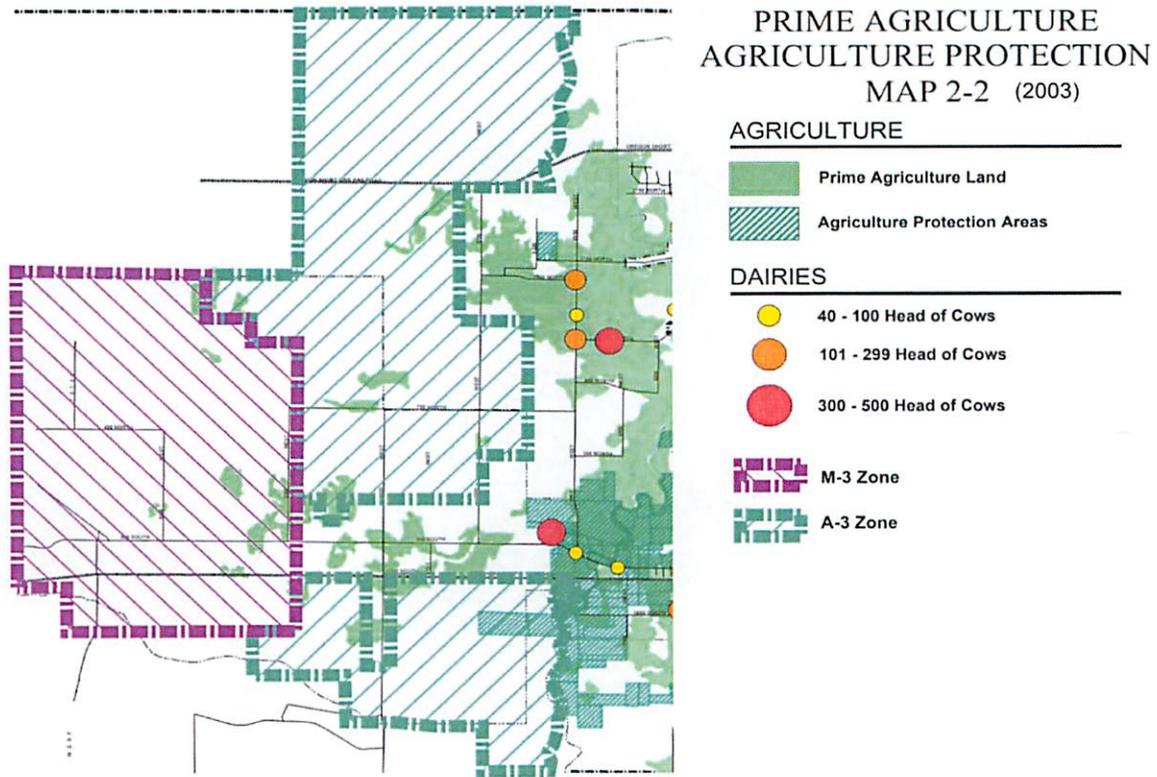
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<sup>1</sup> Obtained from U.S. Energy Information Administration (<https://www.eia.gov/state/analysis.php?sid=UT>)

<sup>2</sup> Western Weber County Resource Management Plan, p. 18.

<sup>3</sup> Western Weber County Resource Management Plan, p. 32.

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



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."<sup>4</sup>*

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."<sup>5</sup>*

Despite the purpose and intent statement and the preferred use, the A-3 zone supports more uses than just agriculture. The definition of agriculture as found in the Land Use Code's definitions section suggests that agriculture is:

*Agriculture. The term "agriculture" means use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.<sup>6</sup>*

Even though the definition of agriculture excludes uses like agricultural industries, the uses allowed exclusively in the A-3 zone suggest that the A-3 zone leans toward offering support for uses that do not technically meet the code's definition of agriculture. The following list of uses are not listed as allowed in any of the other agricultural zones:

<sup>4</sup> Weber County Code § 104-8-1

<sup>5</sup> Weber County Code § 104-8-2

<sup>6</sup> Weber County Code § 101-1-7

- Pig farm
- Livestock feed yard and sales.
- Manure spreading, drying, and sales
- Soil composting, manufacturing, and sales
- Airport
- Dog breeding, dog kennels, or dog training schools
- Slaughterhouse
- Stockyard
- Mines and quarries
- Correctional institution
- Dog pound
- Hospitals
- Sanitariums

As can be observed by comparing the definition of agriculture with this list, a number of uses here are not aligned with the definition of agriculture.

The question the Planning Commission should consider is whether adding the allowance of large-scale solar energy system is capable of preserving the zone's preferred use while offering harmonious diversity of other types of non-agricultural uses.

Exhibit A and B offer a proposed new large solar energy overlay zone. If adopted, no property would be entitled to it until the County Commission formally rezones the property to it. This vests the County Commission to use discretion when selecting which properties this overlay will be applied. It gives the county the best tool to pursue the best public outcomes. The overlay is restricted from being applied to any property not in the A-3 or M-3 zones, and if applied to any property, the overlay is required to be adopted with a development agreement wherein the specific site circumstances and detrimental effects can be best addressed.

### **Past Action on this Item**

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. No formal action has been taken.

### **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 for ZTA 2018-07, a proposal to create a solar overlay zone and related processes and standards. This recommendation comes with the following findings:

1. There is support for clean renewable energy in the Western Weber County Resource Management Plan.
2. There is sufficient space in the A-3 and M-3 zones to support a large scale solar energy system without detracting from the agricultural nature of the area.
3. The overlay enables site specific negotiation without cart-blanch permission for all areas in the A-3 and M-3 zone.
4. The proposal supports the public's health, safety, and general welfare.

### **Exhibits**

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

1 **Sec. 101-1-7. - Definitions.**

2 ...

3 *Small wind energy system.* The term "small wind energy system" means a wind energy conversion  
4 system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will  
5 be used primarily to reduce on-site consumption of utility power for an individual parcel.

6 Solar energy system, small. The term "small solar energy system" means a facility that converts  
7 sunlight into electricity, clearly being an incidental and accessory use to the main use or structure on the  
8 lot or parcel and which only supplies power to other uses or structures on the same lot or parcel. Multiple  
9 lots or parcels developed together under common ownership or management shall be deemed the same  
10 parcel for the purposes of this definition.

11 Solar energy system, large. The term "large solar energy system" means a utility-scale commercial  
12 facility that converts sunlight into electricity for the primary purpose of wholesale or retail sales of  
13 generated electricity to be used offsite.

14 *Special occasion, agri-tourism.* The term "agri-tourism special occasion" means an agri-tourism  
15 use/activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for  
16 events, including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and/or  
17 corporate picnics/outings that do not constitute a special event as defined by title 38, special events.

18 ...

19 **CHAPTER 1. - IN GENERAL**

20 **Sec. 104-1-1. - Establishment of zones.**

21 For the purpose of this title, the Territory of Weber County to which this title applies is divided into ~~22~~  
22 ~~32~~ 34 classes of zones as follows:

Residential Estates Zone	RE-15
Residential Estates Zone	RE-20
Gravel Zone	G
Agricultural Zone	A-1
Agricultural Zone	A-2
Agricultural Zone	A-3
Agricultural Valley Zone	AV-3
Forestry Zone	F-5
Forestry Zone	F-10

Commented [E1]: New definition.

Commented [E2]: New definition.

Forestry Zone	F-40
Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
Residential Zone	R-1-12
Residential Zone	R-1-10
Forest Residential Zone	FR-1
Residential Zone	R-2
Residential Zone	R-3
Forest Residential Zone	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6
Commercial Zone (Neighborhood)	C-1
Commercial Zone (Limited)	C-2
Commercial Zone (Business District)	C-3
Commercial, Valley Zone	CV-1
Commercial, Valley Zone	CV-2
Manufacturing Zone	M-1
Manufacturing Zone	M-2
Manufacturing Zone	M-3

Manufacturing Valley	MV-1
Open Space Zone	O-1
<a href="#">Ogden Valley Sensitive Lands Overlay Districts</a>	<a href="#">SLOD</a>
<a href="#">Ogden Valley Destination and Recreation Resort Zone</a>	<a href="#">DRR-1</a>
<a href="#">Large Solar Energy System Overlay Zone</a>	<a href="#">SOZ</a>

**Commented [E3]:** This is missing from this table but already elsewhere in the code. Must have been a previous oversight.

**Commented [E4]:** This is missing from this table but already elsewhere in the code. Must have been a previous oversight.

**Commented [E5]:** New overlay zone.

23

24 ...

25 **CHAPTER 25. - MANUFACTURING ZONE M-3**

26 **Sec. 104-25-1. - Purpose and intent.**

27 ...

28 **Sec. 104-25-3. - Conditional uses.**

29 The following uses shall be permitted only when authorized by a conditional use permit as provided  
30 in title 108, chapter 4 of this Land Use Code:

31 ...

32 (11) Missiles and missile parts.

33 ~~(12) Large scale photovoltaic solar energy systems designed to produce energy for wholesale~~  
34 ~~purposes.~~

35 (12~~3~~) Public utility substations.

36 (13~~4~~) Private recreation areas.

37 (14~~5~~) Railroad yards, shop or roundhouse; rock crusher.

38 (15~~6~~) Site leveling and preparation for future development.

39 (16~~7~~) Space craft and space craft parts.

40 (17~~8~~) Storage of petroleum.

41 ...

42 **CHAPTER 30. - Large Solar Energy System Overlay Zone SOZ**

43 **Sec. 104-30-1. - Purpose and intent.**

44 The solar overlay zone (SOZ) is intended to allow a legislatively adopted overlay zone that  
45 permits a large solar energy system. This chapter also establishes minimum requirements and  
46 regulations for the placement, construction, and modification of large solar energy systems, as defined in  
47 101-1-7, while promoting the safe, effective and efficient use of these energy systems.

48 **Sec. 104-30-2. - Applicability.**

1-2-19 DRAFT

49 The SOZ is an overlay zone only allowable in the M-3 and A-3 zones and in compliance with this  
 50 chapter.

51 Sec. 104-30-3. - Permitted uses.

52 In addition to the uses allowed in the specific base-zone, the following uses are permitted in the  
 53 SOZ:

54 (1) Accessory building incidental to the use of a main building; main building designed or used to  
 55 accommodate the main use to which the premises are devoted; and accessory uses  
 56 customarily incidental to a main use.

57 (2) Large solar energy system.

58 (3) Public utility substation, in compliance with standards of Title 108, Chapter 10.

59 Sec. 104-30-4. – Prohibited uses.

60 Any solar energy system that uses lenses or mirrors to focus or reflect sunlight is prohibited.

61 Sec. 104-30-4. – Supplemental SOZ adoption procedures and requirements.

62 In addition to the rezone procedures found in Title 102, Chapter 5, the following supplemental rezone  
 63 and development agreement procedures apply to the SOZ:

64 (1) *Overlay zone expiration.* The SOZ shall expire and be removed from the County zone map, and  
 65 the development agreement shall also expire, for any of the following reasons:

66 a. The term of the development agreement expires;

67 b. The large solar energy system use is discontinued or abandoned;

68 c. The solar entity or landowner defaults on any part of the agreement, and the default is not  
 69 resolved within the time specified by the agreement.

70 d. The ownership of the large solar energy system or the ownership of the land changes.  
 71 However, at the sole discretion of the County Commission, an existing development  
 72 agreement may be amended by legislative authority to apply to new owners without  
 73 causing an expiration of the overlay zone;

74 (2) *Development agreement.* The SOZ requires special consideration related to site specific  
 75 circumstances. As such, prior to adopting the SOZ for any particular property, a development  
 76 agreement shall be negotiated by mutual agreement between the County, the solar entity, and,  
 77 if different than the solar entity, the landowner.

78 a. Execution of the development agreement shall be deemed a legislative action.

79 b. The development agreement shall be in a form as approved by the County Attorney, and  
 80 shall be executed simultaneous with the adoption of the SOZ.

81 c. The development agreement may address specific topics as deemed appropriate by the  
 82 negotiating parties, but at a minimum, shall provide the following:

83 1. All applicable provisions of this section.

84 2. A site plan, showing location of all facilities, equipment, infrastructure, and screening  
 85 and vegetation.

86 4. Solar equipment treatment plan that demonstrates mitigation of detrimental effects of  
 87 solar energy system on migratory fowl.

1-2-19 DRAFT

- 88 5. Performance measures necessary to ensure proper site reclamation at the expiration or  
 89 discontinuance of the use.
- 90 6. Procedures for default of agreement, and resolution of the default.
- 91 7. A property legal description, including all acreage necessary to meet the minimum site  
 92 requirement of this chapter. The legal description shall consume all new acreage in the  
 93 SOZ overlay so that all area in a SOZ is regulated by a development agreement.
- 94 d. As a baseline for negotiation, the standards applicable for conditional uses, as found in  
 95 108-4-5(c), shall be addressed by the applicant prior to any action on the overlay zone.  
 96 Actual implementation of a conditional use standard shall be at the discretion of the County  
 97 Commission and shall be executed as part of the development agreement. Use of  
 98 conditional use standard shall not constitute an administrative approval of a conditional  
 99 use.

100 **Sec. 104-30-5. – Site development standards.**

101 The following site development standards apply to the SOZ. For the purpose of this chapter, the term  
 102 "site" shall mean an entire contiguous area described in the applicable development agreement.

103 (1) Site area: The minimum contiguous site area shall be 100 acres.

104 (2) Site setbacks:

105 a. Minimum setback of open-air solar equipment shall be:

106 1. 30 feet from the perimeter of the site.

107 2. 500 feet from adjacent property containing a residential use. This may be reduced to 30  
 108 feet if the entire use is completely obscured from view from the adjacent property  
 109 containing the residential use by berms, vegetation, or opaque fence or wall.

110 3. 1,000 feet from any zone in which the overlay zone is not permitted by this chapter.  
 111 This may be reduced to 200 feet if the entire use is completely obscured from view  
 112 from the properties in the other zone(s) by berms, vegetation, or opaque fence or wall.

113 b. Minimum setback of accessory use shall be 30 feet from any street right-of-way and 10 feet  
 114 from the perimeter of the site.

115 (3) Height:

116 1. Maximum height of open-air main or accessory use shall be 15 feet.

117 2. Maximum height of accessory building shall be 25 feet.

118 (4) Site design requirements. The requirements of this chapter and any site design standard or  
 119 requirement adopted in the development agreement constitute the entire design requirements  
 120 for the site. No other design, architectural, landscaping, or screening requirements found  
 121 elsewhere in this land use code shall apply.

122 ...

123 **Sec. 108-7-27. - Solar energy systems.**

- 124 (a) Small solar energy system. ~~Solar energy systems located on individual parcels/lots, which are used~~  
 125 to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an  
 126 accessory use to a principal use or structure. ~~A small~~ **S**solar energy systems, as defined in 101-1-7,  
 127 are allowed in any zone, and shall meet the setback and height requirements for an accessory  
 128 building in the zone in which the system is located. Setbacks shall be measured to the outermost

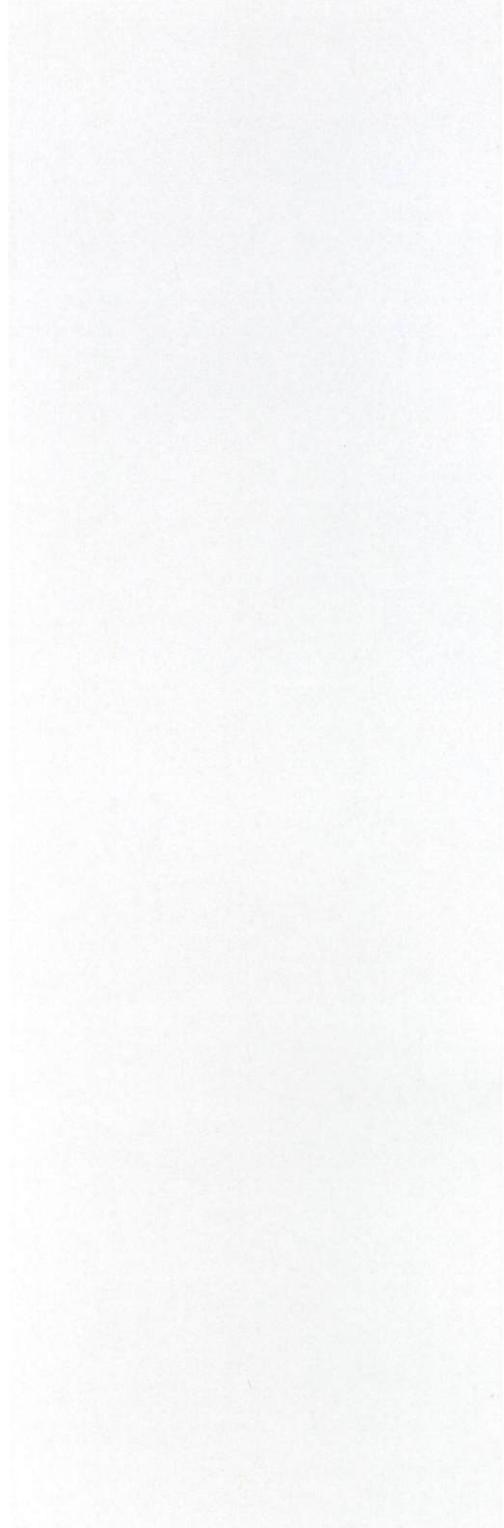
Commented [E6]: New definition covers this.

1-2-19 DRAFT

129 edge of the system nearest the property line. Solar energy systems which are attached to a building  
130 shall meet the same setbacks that are required for the building.

131 (b) Large solar energy system. ~~This section does not address large scale projects which include multiple~~  
132 ~~solar energy systems designed to produce energy for wholesale purposes.~~ A large solar energy  
133 system, as defined in 101-1-7, is regulated by Title 104 Chapter 30 of this Land Use Code.

134



1 **Sec. 101-1-7. - Definitions.**

2 ...

3 *Small wind energy system.* The term "small wind energy system" means a wind energy conversion  
 4 system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will  
 5 be used primarily to reduce on-site consumption of utility power for an individual parcel.

6 *Solar energy system, small.* The term "small solar energy system" means a facility that converts  
 7 sunlight into electricity, clearly being an incidental and accessory use to the main use or structure on the  
 8 lot or parcel and which only supplies power to other uses or structures on the same lot or parcel. Multiple  
 9 lots or parcels developed together under common ownership or management shall be deemed the same  
 10 parcel for the purposes of this definition.

11 *Solar energy system, large.* The term "large solar energy system" means a utility-scale commercial  
 12 facility that converts sunlight into electricity for the primary purpose of wholesale or retail sales of  
 13 generated electricity to be used offsite.

14 *Special occasion, agri-tourism.* The term "agri-tourism special occasion" means an agri-tourism  
 15 use/activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for  
 16 events, including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and/or  
 17 corporate picnics/outings that do not constitute a special event as defined by title 38, special events.

18 ...

19 **CHAPTER 1. - IN GENERAL**

20 **Sec. 104-1-1. - Establishment of zones.**

21 For the purpose of this title, the Territory of Weber County to which this title applies is divided into 34  
 22 classes of zones as follows:

Residential Estates Zone	RE-15
Residential Estates Zone	RE-20
Gravel Zone	G
Agricultural Zone	A-1
Agricultural Zone	A-2
Agricultural Zone	A-3
Agricultural Valley Zone	AV-3
Forestry Zone	F-5
Forestry Zone	F-10

1-2-19 DRAFT

Forestry Zone	F-40
Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
Residential Zone	R-1-12
Residential Zone	R-1-10
Forest Residential Zone	FR-1
Residential Zone	R-2
Residential Zone	R-3
Forest Residential Zone	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6
Commercial Zone (Neighborhood)	C-1
Commercial Zone (Limited)	C-2
Commercial Zone (Business District)	C-3
Commercial, Valley Zone	CV-1
Commercial, Valley Zone	CV-2
Manufacturing Zone	M-1
Manufacturing Zone	M-2
Manufacturing Zone	M-3

1-2-19 DRAFT

Manufacturing Valley	MV-1
Open Space Zone	O-1
Ogden Valley Sensitive Lands Overlay Districts	SLOD
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

23

24 ...

25 **CHAPTER 25. - MANUFACTURING ZONE M-3**26 **Sec. 104-25-1. - Purpose and intent.**

27 ...

28 **Sec. 104-25-3. - Conditional uses.**

29 The following uses shall be permitted only when authorized by a conditional use permit as provided  
30 in title 108, chapter 4 of this Land Use Code:

31 ...

32 (11) Missiles and missile parts.

33 (12) Public utility substations.

34 (13) Private recreation areas.

35 (14) Railroad yards, shop or roundhouse; rock crusher.

36 (15) Site leveling and preparation for future development.

37 (16) Space craft and space craft parts.

38 (17) Storage of petroleum.

39 ...

40 **CHAPTER 30. - Large Solar Energy System Overlay Zone SOZ**41 **Sec. 104-30-1. - Purpose and intent.**

42 The solar overlay zone (SOZ) is intended to allow a legislatively adopted overlay zone that  
43 permits a large solar energy system. This chapter also establishes minimum requirements and  
44 regulations for the placement, construction, and modification of large solar energy systems, as defined in  
45 101-1-7, while promoting the safe, effective and efficient use of these energy systems.

46 **Sec. 104-30-2. - Applicability.**

47 The SOZ is an overlay zone only allowable in the M-3 and A-3 zones and in compliance with this  
48 chapter.

49 **Sec. 104-30-3. - Permitted uses.**

1-2-19 DRAFT

50 In addition to the uses allowed in the specific base-zone, the following uses are permitted in the  
51 SOZ:

52 (1) Accessory building incidental to the use of a main building; main building designed or used to  
53 accommodate the main use to which the premises are devoted; and accessory uses  
54 customarily incidental to a main use.

55 (2) Large solar energy system.

56 (3) Public utility substation, in compliance with standards of Title 108, Chapter 10.

57 **Sec. 104-30-4. – Prohibited uses.**

58 Any solar energy system that uses lenses or mirrors to focus or reflect sunlight is prohibited.

59 **Sec. 104-30-4. – Supplemental SOZ adoption procedures and requirements.**

60 In addition to the rezone procedures found in Title 102, Chapter 5, the following supplemental rezone  
61 and development agreement procedures apply to the SOZ:

62 (1) *Overlay zone expiration.* The SOZ shall expire and be removed from the County zone map, and  
63 the development agreement shall also expire, for any of the following reasons:

64 a. The term of the development agreement expires;

65 b. The large solar energy system use is discontinued or abandoned;

66 c. The solar entity or landowner defaults on any part of the agreement, and the default is not  
67 resolved within the time specified by the agreement.

68 d. The ownership of the large solar energy system or the ownership of the land changes.  
69 However, at the sole discretion of the County Commission, an existing development  
70 agreement may be amended by legislative authority to apply to new owners without  
71 causing an expiration of the overlay zone;

72 (2) *Development agreement.* The SOZ requires special consideration related to site specific  
73 circumstances. As such, prior to adopting the SOZ for any particular property, a development  
74 agreement shall be negotiated by mutual agreement between the County, the solar entity, and,  
75 if different than the solar entity, the landowner.

76 a. Execution of the development agreement shall be deemed a legislative action.

77 b. The development agreement shall be in a form as approved by the County Attorney, and  
78 shall be executed simultaneous with the adoption of the SOZ.

79 c. The development agreement may address specific topics as deemed appropriate by the  
80 negotiating parties, but at a minimum, shall provide the following:

81 1. All applicable provisions of this section.

82 2. A site plan, showing location of all facilities, equipment, infrastructure, and screening  
83 and vegetation.

84 4. Solar equipment treatment plan that demonstrates mitigation of detrimental effects of  
85 solar energy system on migratory fowl.

86 5. Performance measures necessary to ensure proper site reclamation at the expiration or  
87 discontinuance of the use.

88 6. Procedures for default of agreement, and resolution of the default.

1-2-19 DRAFT

89 7. A property legal description, including all acreage necessary to meet the minimum site  
 90 requirement of this chapter. The legal description shall consume all new acreage in the  
 91 SOZ overlay so that all area in a SOZ is regulated by a development agreement.

92 d. As a baseline for negotiation, the standards applicable for conditional uses, as found in  
 93 108-4-5(c), shall be addressed by the applicant prior to any action on the overlay zone.  
 94 Actual implementation of a conditional use standard shall be at the discretion of the County  
 95 Commission and shall be executed as part of the development agreement. Use of  
 96 conditional use standard shall not constitute an administrative approval of a conditional  
 97 use.

98 **Sec. 104-30-5. – Site development standards.**

99 The following site development standards apply to the SOZ. For the purpose of this chapter, the term  
 100 “site” shall mean an entire contiguous area described in the applicable development agreement.

101 (1) *Site area:* The minimum contiguous site area shall be 100 acres.

102 (2) *Site setbacks:*

103 a. Minimum setback of open-air solar equipment shall be:

104 1. 30 feet from the perimeter of the site.

105 2. 500 feet from adjacent property containing a residential use. This may be reduced to 30  
 106 feet if the entire use is completely obscured from view from the adjacent property  
 107 containing the residential use by berms, vegetation, or opaque fence or wall.

108 3. 1,000 feet from any zone in which the overlay zone is not permitted by this chapter.  
 109 This may be reduced to 200 feet if the entire use is completely obscured from view  
 110 from the properties in the other zone(s) by berms, vegetation, or opaque fence or wall.

111 b. Minimum setback of accessory use shall be 30 feet from any street right-of-way and 10 feet  
 112 from the perimeter of the site.

113 (3) *Height:*

114 1. Maximum height of open-air main or accessory use shall be 15 feet.

115 2. Maximum height of accessory building shall be 25 feet.

116 (4) *Site design requirements.* The requirements of this chapter and any site design standard or  
 117 requirement adopted in the development agreement constitute the entire design requirements  
 118 for the site. No other design, architectural, landscaping, or screening requirements found  
 119 elsewhere in this land use code shall apply.

120 ...

121 **Sec. 108-7-27. - Solar energy systems.**

122 (a) *Small solar energy system.* A small solar energy system, as defined in 101-1-7, is allowed in any  
 123 zone, and shall meet the setback and height requirements for an accessory building in the zone in  
 124 which the system is located. Setbacks shall be measured to the outermost edge of the system  
 125 nearest the property line. Solar energy systems which are attached to a building shall meet the same  
 126 setbacks that are required for the building.

127 (b) *Large solar energy system.* A large solar energy system, as defined in 101-1-7, is regulated by Title  
 128 104 Chapter 30 of this Land Use Code.

129

# Weber County Zoning Map | Text Amendment Application

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

Date Submitted: **29 November 2018**

Received By (Office Use)

Added to Map (Office Use)

## Property Owner Contact Information | (TEXT AMENDMENT TO A-3 ZONE – Not parcel specific)

Name of Property Owner(s)

**N/A**

Mailing Address of Property Owner(s)

Phone

Fax

Email Address

Preferred Method of Correspondence

Email  Fax  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

Fax

**801.726.9048 | 435.260.0366**

Email Address

**Welev8@gmail.com | mniesen@gmail.com**

Preferred Method of Correspondence

Email  Fax  Mail

## Property Information

Project Name

**West Weber Solar Farm Text Amendment**

Current Zoning

**A-3**

Proposed Zoning

**A-3: Text amendment to allow solar farms.**

Approximate Address

**N/A**

Land Serial Number(s)

**N/A**

Total Acreage

**100 Acres – Recommended Minimum**

Current Use

**Agricultural**

Proposed Use

**Solar Farms**

## Project Narrative

### Describing the project vision | Text Amendment

The current A-3 Zone in western Weber County does not allow for the development of commercial solar farms. Accordingly, we are requesting a Text Amendment to the Weber County Code of Ordinances, Land Use Code: Title 104-Chapter 8-Agricultural Zone A-3 Section 104-8-5 Conditional Uses to include (add) the following:

#### (35) Utility Scale Commercial Solar Farms.

Utility Scale Commercial Solar Farms for the purpose of this title shall mean: A system of solar photovoltaic panels that generate electrical energy to be sold to a utility, or a private end-user. The system size shall have a minimum peak output of ten mega-watts and the solar farm development shall have a minimum contiguous acreage not less than 100 acres.

Solar farm systems are typically comprised of solar photovoltaic panels (modules) set in an array mounted to the ground on steel or aluminum frames, substations, inverters, monitoring systems and security fencing. Lower voltage clean energy generated from the solar farm system is converted to high voltage energy and will then typically interconnect with a regional power grid (electricity distribution network) via existing or new transmission lines. As well, solar farms may also incorporate storage systems to capture surplus energy.

## **Project Narrative (continued...)**

### **How is the change (text amendment) 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? (Why should the A-3 zone be amended to include this type of use?)**

The development of solar farms protects the integrity of open-space and will inhibit residential sub-division sprawl that is likely to occur over time in Western Weber County on large open areas of vacant land where solar farms may be developed.

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.

In conjunction with, this request falls under the Conditional Use provisions of the Weber County Code of Ordinances wherein “the intent of providing conditional use regulations is to provide allowance for additional uses in each zone and give the land use authority flexibility in applying reasonable conditions to effectively manage unique characteristics or detrimental effects of those uses, on a case-by-case basis”

Therefore, solar farm developments should anticipate incorporating cost effective measures (conditions) within the design and development of the project in a manner that best supports and maintains the priorities of the General Plan and of great importance, the desire of the community to maintain “...a sense of quiet, country living”.

**Project Narrative (continued...)**

**How is the change in the public interest?**

Together with fundamentally preserving open-space in rural western Weber County, 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).

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

## **Project Narrative (continued...)**

### **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 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 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):

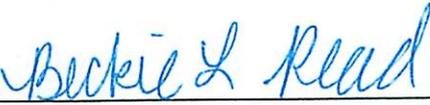
 11.29.2018  
Douglas S. Larsen  
L E V8 Consulting (dba of Apple Eye LC) on behalf of Strata Solar Development LLC

---

State of Utah  
Weber County

This instrument was acknowledged before me on:

Date: Nov 29th 2018 By: Douglas Larsen

  
Notary Signature





**Weber County Corporation**

Weber County  
2380 Washington Blvd  
Ogden UT 84401

Customer Receipt	
Receipt Number	93895

Receipt Date
11/29/18

Received From:  
Doug Larsen

Time: 14:28  
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Zoning Amendment	\$1,052.00

Payment Type	Quantity	Ref	Amount
CREDIT CARD		138016	

AMT TENDERED:	\$1,052.00
AMT APPLIED:	\$1,052.00
CHANGE:	\$0.00



# Staff Report to the Western Weber and Ogden Valley 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, January 08, 2019  
**Staff Report Date:** Thursday, January 03, 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.<sup>1</sup>*

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)

<sup>1</sup> 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. No formal action was taken.

### **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**

**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, mountainous landscape that exists in the Ogden Valley, and also accommodate new growth in  
4 commercial and industrial uses. The design standards include the following specific purposes:

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

**18 Sec. 108-2-2. - Definitions.**

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

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

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

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

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

35 *Marquee* means a permanent ~~awning~~awning, usually made of metal and glass, projecting over an  
36 entrance to a building or extending along and projecting beyond the building's facade and generally  
37 designed and constructed to provide protection against the weather.

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

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Commented [E1]: Already defined in 101-1-7.

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

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

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

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

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

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

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

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

- 56 (1) All commercial, ~~industrial, manufacturing, and~~ public or quasi-public uses;  
57 (2) ~~They shall apply to~~ Multi-family dwellings of three or more units, including townhouses,  
58 condominiums, apartments and bed and breakfast inns; ~~and~~  
59 (3) Industrial and manufacturing uses, except those uses located in an M-1, M-2, or M-3 zone.  
60 (4) Yurts, except the standards of Section 108-2-4(2) if this chapter shall not apply.  
61 ~~Single-family residential use and its approved accessory uses, agricultural uses, including agri-~~  
62 ~~tourism, parking or vehicular uses which are under, on, or within buildings, and parking areas~~  
63 ~~serving single-family and duplex uses shall be exempt.~~

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

- 65 (1) Single-family residential use and its approved accessory uses;  
66 (2) Parking areas serving single-family and duplex uses;  
67 (3) Agricultural uses, including agri-tourism; and  
68 (4) Parking or vehicular uses which are under, on, or within a building.  
69 ~~Yurts are exempt from the requirements of section 108-2-4(2), Minimum standards; architectural;~~  
70 ~~Exposed fronts and street sides of buildings, but shall meet all other requirements of this chapter.~~

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

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

Commented [E2]: Moved here from 108-2-4(7)

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81 Sec. 108-2-4. - Minimum standards; architectural.

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

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

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

Commented [E3]: This is already covered in the outdoor lighting ordinance for Ogden Valley and might not be as applicable/desirable to the Western Weber area.

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

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

Commented [E4]: Moved to 108-2-3(d)

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

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

107 (a) ~~All commercial~~ Sites shall have a minimum of 20 percent of the total lot area landscaped and a  
108 minimum of 80 percent of the landscaping shall be living plant materials.

109 (b) ~~All commercial~~ Sites shall provide a planting area, excluding sidewalk, of at least 15 feet in width  
110 along front and side property lines adjacent to a street rights-of-way ~~unless. This requirement shall be~~  
111 ~~waived for areas occupied by a building with a zero setback from the street right-of-way. provided the~~  
112 ~~street frontage meets the complete street requirements of Section 104-21-4(c), incorporated herein by~~  
113 ~~reference. a zero foot setback and the applicant meeting the requirements of complete streets within~~  
114 ~~the project limits.~~ Side and rear property lines not adjacent to a street rights-of-way shall have a  
115 planting area of not less than eight feet in width except when a zero setback is utilized, if allowed by  
116 the applicable zone.

117 (c) A maximum of 50 percent of the total landscaped area shall be planted in turf grass.

118 (d) ~~A minimum planting area of at least ten feet in width shall be provided between any parking lot or~~  
119 ~~sidewalk and the front of the building. A M~~inimum planting areas of at least five feet in width shall be

- 120 provided along the sides and rear of the building except where service areas, docks and entrance  
121 points are located ~~and except when a zero setback is utilized, if allowed by the applicable zone.~~
- 122 (e) All ~~parkways-parkstrips~~ shall be landscaped with a native grass mixture that is low growing. ~~Manual~~  
123 ~~or a~~ Automatic irrigation of ~~parkway-parkstrip~~ landscaping shall also be required. Irrigation equipment  
124 shall be located outside of the ~~parkway-parkstrip~~. ~~Parkway-Parkstrip~~ landscaping shall not be included  
125 in the total area and turf grass percentage requirements listed in subsections (a) and (c) of this section.
- 126 (f) All areas within the site which are not occupied by the primary and accessory uses, structures or  
127 parking areas, shall also be landscaped. This includes future expansion areas for either building or  
128 parking. ~~except that the living plant material requirement of part (a) of this section shall be waived if~~  
129 ~~replaced with mulch and industrial-grade weed barrier.~~
- 130 (g) All elements of the landscape plan, including planting, irrigation, screening, and paving shall be  
131 installed as approved. If landscaping improvements are not to be completed until after the occupancy  
132 of the primary building, a financial guarantee, not to exceed one year, shall be posted and approved  
133 by the county attorney and the county commissioners.
- 134 (h) Plant material.
- 135 (1) ~~Quality. Initial P~~lantings materials used in conformance with the provisions of this chapter shall  
136 be ~~in good healthy and vigorous and capable of flourishing.~~
- 137 (2) ~~Size.~~ Plant sizes at the time of installation shall be as follows:
- 138 a. ~~Deciduous trees.~~ All deciduous trees shall have a minimum trunk size of two inches caliper.
- 139 b. ~~Evergreen trees.~~ All evergreen trees shall have a minimum height of six feet.
- 140 c. ~~Shrubs. All woody shrubs~~ shall have a minimum height or spread of 18 inches, depending  
141 upon the plant's natural growth habit, ~~unless otherwise specified. As a point of reference,~~  
142 ~~P~~lants in five-gallon containers will ~~generally-usually~~ comply with this standard.
- 143 d. ~~Vines. All vines~~ shall be five-gallon size minimum ~~unless otherwise specified.~~
- 144 e. ~~Groundcovers. Groundcover may be used in place of turf grass provided it is planted densely~~  
145 ~~enough that it will grow into reasonably full and even coverage within two growing seasons~~  
146 ~~after planting. Areas in which groundcovers are specified in lieu of turf grass, in whole or in~~  
147 ~~part, shall be planted densely enough such that the area will develop reasonably full and~~  
148 ~~even coverage within two growing seasons after planting.~~
- 149 f. ~~Turf grass.~~ Turf grass species shall be hardy to the ~~Ogden Valley~~ site and be of the type  
150 normally specified for ~~this the~~ area. Turf may be planted by sodding, plugging, sprigging or  
151 seeding. Application rates for plugs, sprigs and seed shall be high enough to provide even  
152 and uniform coverage of turf within one growing season after planting. Turf areas where  
153 erosion is expected to occur under normal conditions, such as drainage swales and/or slopes  
154 greater than 30 percent, shall be planted exclusively with sod.
- 155 (3) ~~Selection.~~ Plants used in conformance with the provisions of this chapter shall be hardy and  
156 capable of withstanding the extremes of ~~the climate of individual the site, microclimates typical of~~  
157 ~~Ogden Valley.~~ The use of drought tolerant and native plants is ~~preferred~~ ~~required~~ ~~within areas~~  
158 ~~appropriate to where site conditions can support them.~~
- 159 (4) ~~Installation.~~ All plant materials shall be installed in accordance with the current professional  
160 planting procedures.

- 161 (5) *Irrigation.* All landscaped areas containing living plant material shall be provided with ~~either a~~  
162 ~~manual or an~~ automatic irrigation system except as authorized by the land use authority.
- 163 (i) Maintenance.
- 164 (1) *Responsibility.* The owner of the premises shall be responsible for the maintenance, repair, and  
165 replacement of all landscaping materials on the site. Each owner is also responsible for  
166 maintenance of the ~~parkway-parkstrip~~ in front or to the side of the property.
- 167 (2) *Materials.* All plant materials shall be maintained in good condition so as to present a healthy,  
168 neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant  
169 material, refuse and/or debris.
- 170 (3) *Replacement.* All dead or removed plants shall be replaced with the same type and size of plant  
171 material as originally specified on the approved landscape plan. No substitutions shall be allowed  
172 without prior approval of the land use authority. ~~planning commission staff, whose decisions are~~  
173 ~~appealable to the planning commission.~~ Replacement shall be made within 30 days of the plant's  
174 demise or removal. In cases where the 30-day time limit for replacement extends beyond the  
175 normal growing season, replacement shall be made at the beginning of the following growing  
176 season.
- 177 (4) *Fences, walls and hedges.* Fences, walls and hedges shall be maintained in good repair.
- 178 (5) *Irrigation systems.* Irrigation systems shall be maintained in good operating condition to promote  
179 water conservation.
- 180 (j) Design guidelines.
- 181 (1) *Scale.* The scale and nature of landscaping materials shall be appropriate to the size of the  
182 structures to be landscaped. Large buildings should generally be complemented by larger plants  
183 and planting beds.
- 184 (2) *Selection.* Plants shall be selected for form, texture, color, habit and adaptability to local  
185 conditions.
- 186 (3) *Evergreens.* In the Ogden Valley. ~~E~~evergreen plant materials shall be incorporated into the  
187 landscape to provide some year round structure and enhance screening and buffering.
- 188 (4) *Softening.* Plants shall be placed intermittently against ~~long-fifty feet or greater~~ expanses of  
189 building walls, fences and other barriers to create a softening effect and add variety.
- 190 (5) *Mulch.* Planting beds may be mulched with bark chips, decorative stone or similar materials.  
191 Mulch shall not be used as a substitute for plant material unless specifically allowed in this  
192 chapter. Mulched areas shall be underlain with an industrial-grade weed barrier.
- 193 (6) *Water conservation.* All irrigation systems shall be designed for efficient use of water. ~~Use of~~  
194 ~~qualified professional irrigation designers is recommended.~~ Turf grass areas and other planting  
195 areas shall be on separate irrigation valve systems and adjusted to generally support the  
196 minimum watering needs of the plant types being irrigated.
- 197 (7) *Energy conservation.* Placement of plant materials shall be designed to reduce the energy  
198 requirements for heating and cooling of the development. Summer shade and blocking of winter  
199 winds should be considered.
- 200 (8) *Berming.* Earth berms and existing topographic features ~~should~~shall be incorporated into the  
201 proposed landscape, where appropriate, to enhance screening and provide variety in the ground  
202 plane.

203 (9) ~~Trails~~Pedestrian access and area connectivity. Landscape and site design shall ~~encourage~~  
204 provide for the most efficient and direct pedestrian accessibility and connectivity practicable given  
205 typical pedestrian traffic patterns.

206 a. Except for a building with a zero setback from the street right-of-way, at least one pedestrian  
207 connection shall be provided from the street right-of-way to the most prominent public  
208 entrance onsite. Additional pedestrian connections shall be provided for other public  
209 entrances if they are located greater than 200 feet from another entrance with a designated  
210 pedestrian connection. The connections shall offer the most efficient and direct path  
211 practicable.

212 b. Pedestrian connections shall be made to pedestrian facilities stubbed to the property from  
213 an adjacent site. Pedestrian connections to adjacent undeveloped land shall be provided  
214 when the land use authority has a reasonable anticipation of impending development on the  
215 adjacent site. These connections shall align along the most efficient and direct path  
216 practicable given reasonably anticipated alignment of adjacent facilities and site conditions.

217 c. When roughly proportionate and essentially linked to the development of the site, public  
218 street right-of-way dedication or a public easement shall be provided across the front of a lot  
219 or development project adjacent to a street. The dedication or easement shall be of a width  
220 sufficient to support a 10-foot-wide multi-use pathway, including area necessary to operate  
221 and maintain the pathway. A six-foot-wide sidewalk may be substituted based on site  
222 conditions and public facility needs at the discretion of the land use authority after  
223 consultation with the county engineer. The pathway or sidewalk shall be installed as a  
224 condition of site plan approval if any of the following circumstances apply:

225 1. A pedestrian pathway or sidewalk exists along the street right-of-way within 500 feet of  
226 the site's frontage;

227 2. An informal pedestrian trail exists on the street's shoulder as a result of the lack of  
228 sidewalk or pathway along the street right-of-way; or

229 3. The nature or scale of the development merits it, and where applicable, accommodate  
230 condition of public pathways.

231 (k) ~~Manufacturing sites~~Sites with manufacturing uses requiring conditional uses permits.

232 (1) In addition to the general landscape requirements and where a proposed conditional use creates  
233 noise and/or dust emissions through its manufacturing or loading/transportation process greater  
234 than surrounding uses, a landscaped buffer shall be required along the affected area  
235 accommodating such uses. A landscaping buffer shall consist of a four-foot or taller earthen berm  
236 incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a minimum  
237 of three evergreen and three deciduous trees per 50 lineal feet and shall be sized at a minimum  
238 of six feet in height for evergreen trees and three-inch caliper for deciduous trees.

239 (2) A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100 lineal  
240 feet of berm and have a minimum height of 36 inches at the time of installation.

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

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

**Commented [E5]:** This rewritten section will boost area walkability in commercial areas as new commercial uses are constructed.

**Commented [E6]:** This section has a few redundancies. These edits consolidate it.

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

249 ~~(2) In addition to trees, an evergreen or deciduous shrub border or hedge shall be planted along~~  
250 ~~100 percent of the length of the landscaped area. Shrubs used shall not be less than 18 inches~~  
251 ~~and not more than 48 inches in height at maturity. The remainder of the planting area shall be~~  
252 ~~landscaped with turf grass or groundcovers.~~

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

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

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

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

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

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

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

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

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

288 (4) For off-street parking or other vehicular use areas that are greater than 20 feet from a street right-  
289 of-way, an earthen berm shall be constructed along the landscape area to provide screening.

290 Berm height may vary between 18 inches and 36 inches, provided that at least 75 percent of the  
291 entire length of the landscape area shall maintain a berm height of 36 inches.

292 (be) Parking areas within 12 feet of a side or rear lot line shall have a continuous landscape area  
293 consisting of an evergreen and deciduous shrub border or hedge planted along ~~400 percent~~ the entire  
294 ~~of the~~ length of the landscaped area. The minimum width of this landscape area shall be eight feet as  
295 specified in this chapter. Shrubs used shall not be less than three feet in height at maturity.  
296 Combinations of shrubs and permanent fences or screens may also be considered by the ~~planning~~  
297 ~~commission~~ land use authority.

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

302 (de) Unless otherwise required, a All property lying between the right-of-way and the off-street parking  
303 area, including the required landscaped area, shall be landscaped with turf grass, shrubs and/or  
304 groundcovers.

305 (ef) Landscape exceptions.

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

308 (2) Areas where the clear sight distance regulations of this title apply.

309 (fe) Parking areas having more than 15 spaces shall be required to provide interior landscaping within  
310 the boundaries of the parking lot or area that meets the following criteria:

311 (1) A minimum of five percent of the interior area shall be landscaped. Landscaped areas located  
312 along the perimeter of the parking area beyond the curb or edge of pavement shall not be included  
313 as interior landscaping.

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

317 (3) Each separate interior landscaped area shall contain a minimum of 120 square feet and shall  
318 have a minimum dimension of five feet as measured from back of curb to back of curb, or from  
319 edge of pavement to edge of pavement. Landscaped areas shall be dispersed throughout the  
320 parking area to effectively break up the expanse of paving.

321 (4) Landscape treatment shall consist of one tree per each 120 square feet of the minimum required  
322 interior landscape area. A minimum of 50 percent of the ground plane shall be planted with shrubs  
323 or groundcovers at the appropriate density to achieve complete coverage within two years.  
324 Mature shrub or groundcover height shall not exceed four feet as measured from the parking  
325 surface.

326 (5) Interior landscaped areas shall be protected by some type of permanent barriers.

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

328 (a) Screening device materials.

329 (1) A non-plant material screening device may be constructed of textured, non-reflective metal,  
330 concrete, vinyl, wood, brick or stone. ~~Chainlink fencing shall not be allowed.~~ If painted or stained,  
331 the screening devices shall be of a neutral, muted earth tone color and have a nonreflective finish.

332 This color shall be approved along with other colors during the site plan review or conditional use  
333 permit. A chainlink fence shall not be used as a screening device in the Ogden Valley Planning  
334 Area. In the Western Weber Planning Area, a chainlink fence used for screening shall be powder  
335 or vinyl coated, shall have interlocking slats, and shall be a muted earth-toned color observable  
336 in the general area.

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

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

Commented [E7]: 108-2-6 already covers screening between parking and rights of way.

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

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

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

351 (f) Trash dumpsters shall be located in an area shown on the approved site plan, and shall comply with  
352 the following:

Commented [E8]: Rearranged for consistence and readability.

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

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

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

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

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

Commented [E9]: The code already has an umbrella sight triangle requirement. See 108-7-7 below.

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

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

371 (1) ~~The area of property on either side of an access way formed by the intersection of each side of~~  
372 ~~the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in~~

373 ~~length measured from the point of intersection and the third side (hypotenuse) being a line~~  
374 ~~connecting the ends of these two sides.~~

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

379 **Sec. 108-2-9. - Landscape plan submittal.**

380 A landscape plan shall be required whenever landscaping or alteration of landscaping is required by  
381 this chapter. Such landscape plans shall be drawn in conformance with the requirements specified in this  
382 chapter. Landscape plans shall be approved by the planning commission prior to the issuance of a building  
383 permit. All landscape plans submitted for approval shall contain the following information, unless specifically  
384 waived by the ~~planning commission~~ planning director:

- 385 (1) The location and dimensions of all existing and proposed structures, property lines, easements,  
386 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,  
387 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding  
388 electrical equipment, tot lots and playground equipment, all recreational facilities, and other  
389 freestanding structural features deemed necessary to accurately portray existing and proposed  
390 site characteristics.
- 391 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant  
392 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent  
393 of mature size.
- 394 (3) The location, size and common names of all existing plant material (including trees and other  
395 plants in the ~~parkway~~ parkstrip) and whether they are to be retained or removed.
- 396 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the  
397 site. Where adjacent trees are growing in native or natural clumps or groves such that showing  
398 individual tree locations is impractical, canopy outlines are acceptable.
- 399 (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals.  
400 Show any walls or retaining structures proposed, along with their respective elevations. Proposed  
401 earth beaming shall be indicated using one-foot contour intervals.
- 402 (6) Water efficient irrigation system (separate plan required). This system shall indicate the locations  
403 and types of all equipment, including sprinkler heads, control valves, quick-coupling valves,  
404 backflow prevention devices, time clock or controller, lateral lines, and main lines.
- 405 (7) Summary data table indicating the area of the site in the following classifications:  
406 a. Total area of the site.  
407 b. Total area and percentage of the site in landscape area.  
408 c. Total area and percentage of the site in turf grass.

409 ...

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

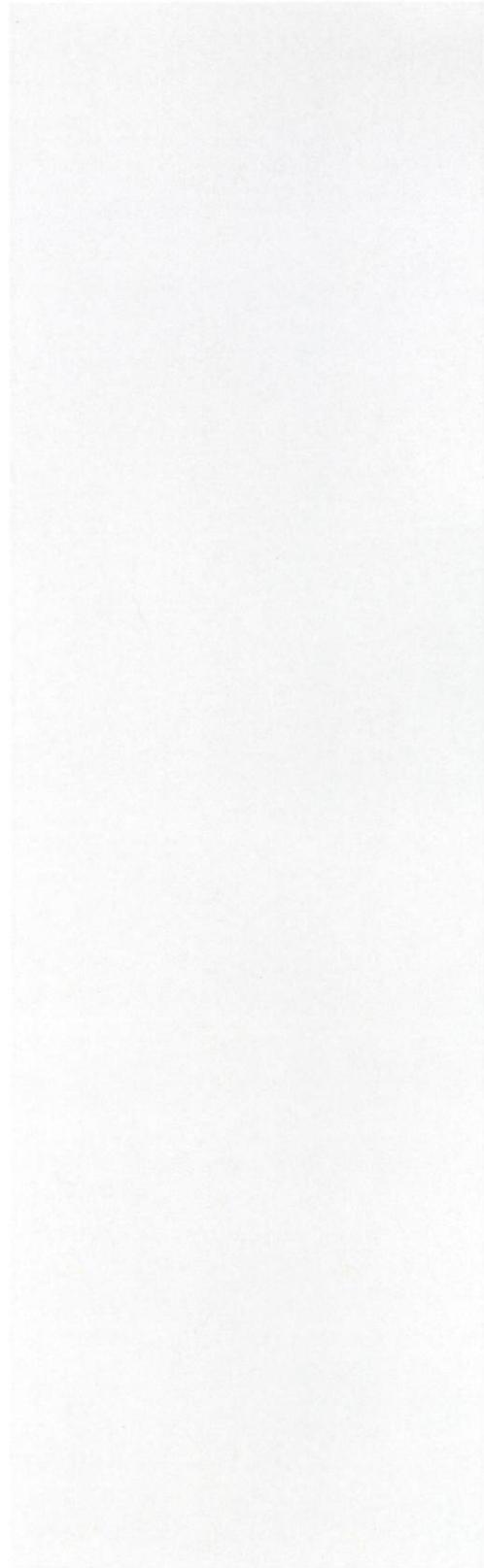
411 ~~In all zones which require a front yard setback, no obstruction to view in excess of three feet in height~~  
412 ~~shall be placed on any corner lot within the area designated as the clear view triangle, except those noted~~  
413 ~~below. The clear view triangle is a triangular area formed by the front and side (street facing) property lines~~  
414 ~~and a line connecting them at points 40 feet from their intersection. When an access way intersects with a~~

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

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

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

430  
431



## 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, mountainous landscape that exists in the Ogden Valley, and also accommodate new growth in  
4 commercial and industrial uses. The design standards include the following specific purposes:

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

### 18 **Sec. 108-2-2. - Definitions.**

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

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

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

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

32 *Marquee* means a permanent awning, usually made of metal and glass, projecting over an entrance  
33 to a building or extending along and projecting beyond the building's facade and generally designed and  
34 constructed to provide protection against the weather.

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

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

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

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

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

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

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

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

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

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

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

- 59 (1) Single-family residential use and its approved accessory uses;
- 60 (2) Parking areas serving single-family and duplex uses;
- 61 (3) Agricultural uses, including agri-tourism; and
- 62 (4) Parking or vehicular uses which are under, on, or within a building.

63  
64 (c) *Specific considerations in the DRR-1 zone.* In the Ogden Valley Destination and Recreation Resort  
65 Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by  
66 the planning commission, the land use authority may modify the applicability of any provision of this  
67 chapter by approving a landscape, buffering, and screening plan created by the developer if the land  
68 use authority determines that the plan is consistent with the approved master plan. For the purposes  
69 of this section, the term "developer" refers to the signatory, successors, or assigns of a development  
70 agreement, or as otherwise defined in an applicable development agreement.

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

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

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

- 77 (1) *Color.* External surfaces shall be predominantly natural, muted earth tones. White may only be  
78 used as an accent color.. The roof of an addition to an existing structure, when matching existing  
79 colors, shall be exempt.
- 80 (2) *Exposed fronts and street sides of buildings.* Exposed fronts and street sides of buildings shall  
81 be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or  
82 natural wood/wood-like materials. Concrete masonry units or block CMUs shall not be considered  
83 acceptable materials unless it is specially colored and textured to give an appearance of natural  
84 rough stone. Vinyl and/or aluminum siding shall not be acceptable.
- 85 (3) *Glass.* Use of glass for displays and to allow visual access to interior spaces shall be allowed.  
86 Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.
- 87 (4) *Exposed metal.* Exposed metal shall be painted, stained, or anodized in permitted colors and  
88 shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to  
89 develop a natural patina.
- 90 (5) *Metal windows.* Metal as a window framing support or mounting material shall be painted,  
91 stained, anodized or vinyl-clad in approved colors.
- 92 (6) *Architectural detail.* Architectural detail shall be provided at focal points on all building facades,  
93 such as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal lines  
94 greater than 50 feet do not occur.

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

- 96 (a) Sites shall have a minimum of 20 percent of the total lot area landscaped and a minimum of 80  
97 percent of the landscaping shall be living plant materials.
- 98 (b) Sites shall provide a planting area, excluding sidewalk, of at least 15 feet in width along front and side  
99 property lines adjacent to a street right-of-way. This requirement shall be waived for areas occupied  
100 by a building with a zero setback from the street right-of-way, provided the street frontage meets the  
101 complete street requirements of Section 104-21-4(c), incorporated herein by reference. Side and rear  
102 property lines not adjacent to a street right-of-way shall have a planting area of not less than eight feet  
103 in width except when a zero setback is utilized, if allowed by the applicable zone.
- 104 (c) A maximum of 50 percent of the total landscaped area shall be planted in turf grass.
- 105 (d) A minimum planting area of at least five feet in width shall be provided along the sides and rear of  
106 the building except where service areas, docks and entrance points are located and except when a  
107 zero setback is utilized, if allowed by the applicable zone.
- 108 (e) All parkstrips shall be landscaped with a native grass mixture that is low growing. Automatic irrigation  
109 of parkstrip landscaping shall also be required. Irrigation equipment shall be located outside of the  
110 parkstrip. Parkstrip landscaping shall not be included in the total area and turf grass percentage  
111 requirements listed in subsections (a) and (c) of this section.
- 112 (f) All areas within the site which are not occupied by the primary and accessory uses, structures or  
113 parking areas, shall also be landscaped. This includes future expansion areas for either building or  
114 parking, except that the living plant material requirement of part (a) of this section shall be waived if  
115 replaced with mulch and industrial-grade weed barrier.
- 116 (g) All elements of the landscape plan, including planting, irrigation, screening, and paving shall be  
117 installed as approved. If landscaping improvements are not to be completed until after the occupancy  
118 of the primary building, a financial guarantee, not to exceed one year, shall be posted and approved  
119 by the county attorney and the county commissioners.

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

- 160 (5) *Irrigation systems.* Irrigation systems shall be maintained in good operating condition to promote  
161 water conservation.
- 162 (j) Design guidelines.
- 163 (1) *Scale.* The scale and nature of landscaping materials shall be appropriate to the size of the  
164 structures to be landscaped. Large buildings should generally be complemented by larger plants  
165 and planting beds.
- 166 (2) *Selection.* Plants shall be selected for form, texture, color, habit and adaptability to local  
167 conditions.
- 168 (3) *Evergreens.* In the Ogden Valley, evergreen plant materials shall be incorporated into the  
169 landscape to provide some year round structure and enhance screening and buffering.
- 170 (4) *Softening.* Plants shall be placed intermittently against fifty feet or greater expanses of building  
171 walls, fences and other barriers to create a softening effect and add variety.
- 172 (5) *Mulch.* Planting beds may be mulched with bark chips, decorative stone or similar materials.  
173 Mulch shall not be used as a substitute for plant material unless specifically allowed in this  
174 chapter. Mulched areas shall be underlain with an industrial-grade weed barrier.
- 175 (6) *Water conservation.* All irrigation systems shall be designed for efficient use of water. Turf grass  
176 areas and other planting areas shall be on separate irrigation valve systems and adjusted to  
177 generally support the minimum watering needs of the plant types being irrigated.
- 178 (7) *Energy conservation.* Placement of plant materials shall be designed to reduce the energy  
179 requirements for heating and cooling of the development. Summer shade and blocking of winter  
180 winds should be considered.
- 181 (8) *Berming.* Earth berms and existing topographic features shall be incorporated into the proposed  
182 landscape, where appropriate, to enhance screening and provide variety in the ground plane.
- 183 (9) *Pedestrian access and area connectivity.* Landscape and site design shall provide for the most  
184 efficient and direct pedestrian accessibility and connectivity practicable given typical pedestrian  
185 traffic patterns.
- 186 a. Except for a building with a zero setback from the street right-of-way, at least one pedestrian  
187 connection shall be provided from the street right-of-way to the most prominent public  
188 entrance onsite. Additional pedestrian connections shall be provided for other public  
189 entrances if they are located greater than 200 feet from another entrance with a designated  
190 pedestrian connection. The connections shall offer the most efficient and direct path  
191 practicable.
- 192 b. Pedestrian connections shall be made to pedestrian facilities stubbed to the property from  
193 an adjacent site. Pedestrian connections to adjacent undeveloped land shall be provided  
194 when the land use authority has a reasonable anticipation of impending development on the  
195 adjacent site. These connections shall align along the most efficient and direct path  
196 practicable given reasonably anticipated alignment of adjacent facilities and site conditions.
- 197 c. When roughly proportionate and essentially linked to the development of the site, public  
198 street right-of-way dedication or a public easement shall be provided across the front of a lot  
199 or development project adjacent to a street. The dedication or easement shall be of a width  
200 sufficient to support a 10-foot-wide multi-use pathway, including area necessary to operate  
201 and maintain the pathway. A six-foot-wide sidewalk may be substituted based on site  
202 conditions and public facility needs at the discretion of the land use authority after

203 consultation with the county engineer. The pathway or sidewalk shall be installed as a  
204 condition of site plan approval if any of the following circumstances apply:

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

210 (k) Sites with manufacturing uses requiring conditional uses permits.

211 (1) In addition to the general landscape requirements and where a proposed conditional use creates  
212 noise and/or dust emissions through its manufacturing or loading/transportation process greater  
213 than surrounding uses, a landscaped buffer shall be required along the affected area  
214 accommodating such uses. A landscaping buffer shall consist of a four-foot or taller earthen berm  
215 incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a minimum  
216 of three evergreen and three deciduous trees per 50 lineal feet and shall be sized at a minimum  
217 of six feet in height for evergreen trees and three-inch caliper for deciduous trees.

218 (2) A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100 lineal  
219 feet of berm and have a minimum height of 36 inches at the time of installation.

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

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

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

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

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

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

241 (b) Parking areas within 12 feet of a side or rear lot line shall have a continuous landscape area consisting  
242 of an evergreen and deciduous shrub border or hedge planted along the entire length of the  
243 landscaped area. The minimum width of this landscape area shall be eight feet as specified in this  
244 chapter. Shrubs used shall not be less than three feet in height at maturity. Combinations of shrubs  
245 and permanent fences or screens may also be considered by the land use authority.

- 246 (c) Necessary access ways from the public right-of-way through the continuous landscape area to the  
247 parking or other vehicular use areas shall be permitted. The width of said access ways, measured  
248 from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is present, may  
249 be subtracted from the overall linear dimension used to determine the number of required trees.
- 250 (d) Unless otherwise required, all property lying between the right-of-way and the off-street parking area,  
251 including the required landscaped area, shall be landscaped with turf grass, shrubs and/or  
252 groundcovers.
- 253 (e) Landscape exceptions.
- 254 (1) Existing hedges may be used to satisfy this landscaping requirement, provided they meet the  
255 specified requirements of this chapter.
- 256 (2) Areas where the clear sight distance regulations of this title apply.
- 257 (f) Parking areas having more than 15 spaces shall be required to provide interior landscaping within the  
258 boundaries of the parking lot or area that meets the following criteria:
- 259 (1) A minimum of five percent of the interior area shall be landscaped. Landscaped areas located  
260 along the perimeter of the parking area beyond the curb or edge of pavement shall not be included  
261 as interior landscaping.
- 262 (2) Interior parking area shall be calculated by adding the total area of all parking stalls and adjacent  
263 driveway aisles. Excluded are access entrances/driveways and drop-off or service zones and  
264 their accompanying driveway aisles.
- 265 (3) Each separate interior landscaped area shall contain a minimum of 120 square feet and shall  
266 have a minimum dimension of five feet as measured from back of curb to back of curb, or from  
267 edge of pavement to edge of pavement. Landscaped areas shall be dispersed throughout the  
268 parking area to effectively break up the expanse of paving.
- 269 (4) Landscape treatment shall consist of one tree per each 120 square feet of the minimum required  
270 interior landscape area. A minimum of 50 percent of the ground plane shall be planted with shrubs  
271 or groundcovers at the appropriate density to achieve complete coverage within two years.  
272 Mature shrub or groundcover height shall not exceed four feet as measured from the parking  
273 surface.
- 274 (5) Interior landscaped areas shall be protected by some type of permanent barriers.

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

- 276 (a) Screening device materials.
- 277 (1) A non-plant material screening device may be constructed of textured, non-reflective metal,  
278 concrete, vinyl, wood, brick or stone. If painted or stained, the screening devices shall be of a  
279 neutral, muted earth tone color and have a nonreflective finish. This color shall be approved along  
280 with other colors during the site plan review or conditional use permit. A chainlink fence shall not  
281 be used as a screening device in the Ogden Valley Planning Area. In the Western Weber Planning  
282 Area, a chainlink fence used for screening shall be powder or vinyl coated, shall have interlocking  
283 slats, and shall be a muted earth-toned color observable in the general area.
- 284 (2) A combination of earth berming or mounds and plant materials may be used as a screening  
285 device, and is recommended, unless otherwise required herein, where practicable.
- 286 (b) Parking areas shall be obscured from view along any property line, which is contiguous to a residential  
287 use or zoning district, or along those separated by an alley, as specified in this chapter.

- 288 (c) The side and rear screens or buffers of parking areas, whether plant material or non-living device  
289 shall be a minimum of size six feet in height as measured from the parking surface. The first 25 feet of  
290 the side lot line screen or buffer, as measured from the street right-of-way, shall not exceed four feet  
291 in height.
- 292 (d) Loading, delivery and service docks or bays shall be located in the rear or side yards of the property  
293 and shall be screened from view from the street right-of-way by a screening device at least six feet in  
294 height.
- 295 (e) Mechanical equipment, whether roof or ground mounted shall be screened from street and residential  
296 district view by a screening device.
- 297 (f) Trash dumpsters shall be located in an area shown on the approved site plan, and shall comply with  
298 the following:
- 299 (1) All trash dumpsters shall be completely screened from street or public view by a six foot  
300 screening device on three sides. The fourth side shall be a gate constructed of opaque materials.
- 301 (2) The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six  
302 inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for  
303 positive drainage.
- 304 (3) All dumpster enclosures or screens shall be illustrated and submitted with the site plan for review  
305 and approval.

306 **Sec. 108-2-8. - Clear sight distance for landscaping and screening.** The requirements of Section  
307 108-7-7 apply for all landscaping and screening.

308 **Sec. 108-2-9. - Landscape plan submittal.**

309 A landscape plan shall be required whenever landscaping or alteration of landscaping is required by  
310 this chapter. Such landscape plans shall be drawn in conformance with the requirements specified in this  
311 chapter. Landscape plans shall be approved by the planning commission prior to the issuance of a building  
312 permit. All landscape plans submitted for approval shall contain the following information, unless specifically  
313 waived by the planning director:

- 314 (1) The location and dimensions of all existing and proposed structures, property lines, easements,  
315 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,  
316 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding  
317 electrical equipment, tot lots and playground equipment, all recreational facilities, and other  
318 freestanding structural features deemed necessary to accurately portray existing and proposed  
319 site characteristics.
- 320 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant  
321 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent  
322 of mature size.
- 323 (3) The location, size and common names of all existing plant material (including trees and other  
324 plants in the parkstrip) and whether they are to be retained or removed.
- 325 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the  
326 site. Where adjacent trees are growing in native or natural clumps or groves such that showing  
327 individual tree locations is impractical, canopy outlines are acceptable.

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

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

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

- 335 a. Total area of the site.
- 336 b. Total area and percentage of the site in landscape area.
- 337 c. Total area and percentage of the site in turf grass.

338 ...

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

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

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

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

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