



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

January 22, 2019

5:00 p.m.

- *Pledge of Allegiance*
 - *Roll Call:*
1. Minutes:
 - 1.1. Approval of the December 04, 2018 meeting minutes
 2. Consent Agenda:
 - 2.1 UVL101816: Consideration and action on a request for preliminary and final approval of the Ella O Fowles Subdivision consisting of 6 lots, located at 148 N 10630 E Huntsville in the F-5 Zone. (Rondell B Hanson, applicant)
 3. Petitions, Applications and Public Hearings
 - 3.1. Administrative Items
 - a. New Business
 1. UVA050318: Consideration and action on a request for final approval of Aspen Ridge at Powder Mountain Subdivision, consisting of 11 lots, located at approximately 6152 N Powder Ridge Rd, Eden in the FR-3 Zone. (Michael Moyal, Applicant)
 2. UVS122418: Consideration and action on the application for preliminary approval of Shepherd Estates Subdivision, consisting of 4 lots, located at 700 N 7800 E, Huntsville in the AV-3 Zone. (Jeff Shepherd, Applicant)
 - 3.2. Legislative Items
 - a. New Business
 1. ZMA 2018-08: A public hearing to consider and take action on a request to amend the Weber County zone map by realigning the O-1 and RE-15 boundary along the western edge of The Highlands at Wolf Creek Phases one and five.
 2. 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.
 3. 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.
 4. 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.
 4. Elections: Chair and Vice Chair for 2019
 5. Meeting Schedule: Approval of the 2019 Meeting Schedule
 6. Approval of the 2019 Planning Commission Rules of Order
 7. Adjourn to a Work Session:

WS1: Defining area boundaries and general locations for gateway identification signs.
 8. Public Comment for Items not on the Agenda
 9. Remarks from Planning Commissioners
 10. Planning Director Report
 11. Remarks from Legal Counsel
 12. Adjourn

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

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

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

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

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

Minutes of the Ogden Valley Planning Commission Regular meeting December 4, 2018 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Jami Taylor, Chair; John Howell, John Lewis, Robert Wood Steve Waldrip,

Absent/Excused: Chris Hogge, Shanna Francis,

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Ronda Kippen; Principal Planner; Steve Burton, Planner III, Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

**Pledge of Allegiance*

**Roll Call*

Chair Taylor asked if anyone had a conflict of interest or ex parte communication. There were none.

1. Minutes: Approval of the October 2, 2018 and October 23, 2018 Meeting Minutes

Chair Taylor declared the meeting minutes approved as presented

MOTION: Commissioner Wood moved to move CUP 2018-11 and UVO050118 to a consent agenda item. Commissioner Lewis seconded. A vote was taken with Commissioners Howell, Lewis, Wood, and Chair Taylor voting aye. (Motion Carried) 4-0

Consent Item:

1. CUP 2018-11: Consideration and action on a conditional use permit application for a public utility substation known as Bloomington Well Pump House in the Destination Recreation Resort -1 (DRR-1) Zone; located at approximately 7750 East Summit Pass, Eden. (SMHG Landco, LLC, Applicant; Rick Everson, Agent)

2. UVO050118: Consideration and action on a request for preliminary subdivision approval of Overlook located at 8465 E Copper Crest at Powder Mountain Subdivision, a multi-phased 56 lot development in the Destination Recreation Resort -1 (DRR-1) Zone, located within the approved Powder Mountain Resort (SMHG LLC, Applicant; Don Guerra, Agent)

Commissioner Waldrip arrived at this time.

MOTION: Commissioner Wood moved to approve consent agenda items CUP 2018-11 and UVO050118 subject to all the conditions as listed in the staff report and the findings listed in the staff report. Commissioner Lewis seconded. A vote was taken with Commissioners Howell, Lewis, Waldrip, Wood, and Chair Taylor voting aye. (Motion Carried) 5-0

3. Public Comment for Items not on the Agenda: None

4. Remarks from Planning Commissioners: Chair Taylor congratulated Commissioner Waldrip. Commissioner Waldrip said I am recently a representative for District 8, which comprises Ogden Valley, parts of Ogden, and Harrisville. I have struggled of whether or not I can continue on as Planning Commissioner. I have consulted with County Staff, County Commissioners, and our chair who has reached out to the other commissioners; and no one had any issues with me staying on as a Planning Commissioner. The only issues that I have going forward; during the legislative session my time will be first down at the legislature and will not be available during that six-week period. The other issue on administrative items; there may be some issues where I will have a constituent that comes to me for help, advice, or anything and that may constitute ex parte communication. I feel my first duty is to respond to that constituent's concern and that may cause me to recuse myself if that occurs. That was my concern but I feel that we will be able to navigate those and see how it goes. Commissioner Wood said any information you get here or there should help you there or here. Commissioner Lewis said I am on the Wayfinding Committee, along with Charlie and others; and it's actually been a really good experience. We've narrowed down five different options for signage; coming all the way from the canyon into all of the exits around the valley; and what to catch and what to update and make it look good. We picked two of the best five, we're putting that out to the public and getting some feedback on which one they would rather see. By the middle of next summer, we'll have them all up.

Director Grover said one thing we may do is if we need to bring this before the Planning Commission before we pick the legislative body for their approval. I have talked to a few of you, but we may have to hold a special meeting. How is your schedule for Thursday, December 20, 2018, between 3:00 p.m. and 4:00 p.m.; if we need to bring this before you. Commissioner Lewis said you can email that for their vote. Director Grover added we are hoping to have that to email that out to you by this Friday. We just have to have all this approved by the end of December. Commissioner Wood said we could give you input, unless you need to have that meeting. Director Grover replied really the committee right now, all we're doing right now is looking at the five different options. The real nice thing about the committee is we have a balanced committee; we have members from the Forest Service, members from the business area, Ogden City, Commission, and UDOT. So we're getting input from all of these entities, so it's a really valuable committee that has been doing inside on that. Commissioner Howell said I wonder if it would be a good idea to make this a community competition and have the business association sponsor it, and maybe have a prize for the best idea. Director Grover replied we're a little bit further down the road on that; we've hired a consultant and its Tangram, and they are proposing the ideas so we're getting it out to everyone for their input. Because we're on such tight window frame; we're trying to make use of social media and the power of news, so that we can get input back in a quick manner. We've already put on feeler out and we've had significant input from the public; which was sheer joy beneficial, and with this next one we'll just go that. It's been amazing to see how that's worked and benefitted and streamlined the process. Commissioner Wood asked if it was going to be paper; in the Standard or the Valley? Director Grover replied it's going to be in both; especially where this is a valley thing. We will be looking at multi-areas of PR, and we're working with individuals that we have on getting staff that is spearheading that.

Chair Taylor said I have a couple of thoughts on future work sessions. One is with this issue with Nordic Valley; have we had any kind of involvement or anything come forward. Director Grover replied no nothing, but we have had staff go to some of those meetings, but we're just kind of being a fly on the wall. We have had public calling to see if there has been anything submitted, but nothing has been submitted. We don't have anything to do a work session on until we have something to review. Commissioner Howell said I have talked to some people and Nordic Valley have had some meetings in North Ogden, to my understanding they haven't come forward with any plans or anything. Director Grover said it's interesting because we've read things in the paper, all these public meetings are happening, but there is nothing for us to act on. Commissioner Lewis said if you end up with a pure work session, where the public would be there, we're open to opening a conference room in the valley. Director Grover replied that would be nice to be able to have it physically up there; because obviously we want to have as many people out and involved as possible. If we had it in St. George we would have a lot of people. Commissioner Lewis if you wanted to invite the public we could use the ballroom or something. Director Grover replied that's kind of a tricky thing, we only do work sessions that is open to the public.

Chair Taylor said like to have future work sessions on villages, transfer development rights, and a lot of what we've been doing has all been connected with that. The ways as in signage, and I was just curious as to where we are at with future work sessions coming up. Director Grover replied very good question, we have that coming up, we also have signage that we'll be working at in the near future. We're going to be looking at our Use Table and combining it all together. With a lot of codes; you end up having it in the AV Zone or the CV Zone in the permitted conditional uses. We're going to have it combined into one table. We're going to be going through and look at which areas where we can take from conditional uses to permitted uses. So that way it freezes your time and go on more long range planning stuff, to look at more ordinances, and things like that. It allows our staff to actually work on long range stuff as opposed to working on stuff that could be done administratively. That's one thing that we're close to having that ready to come before you; maybe sometime in January or February when that would be ready to happen.

5. **Planning Director Report:** None
6. **Remarks from Legal Counsel:** None
7. **Adjournment:** The meeting adjourned at 5:30 p.m.

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



Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary and final approval of the Ella O Fowles Subdivision.

Type of Decision: Administrative

Agenda Date: Tuesday, January 22, 2019

Applicant: Rondell B Hanson

File Number: UVL 101816

Property Information

Approximate Address: 148 N 10630 E Huntsville, Utah

Project Area: 2.03 acres

Zoning: Forest (F-5) Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 21-019-0001, 21-019-0002, 21-019-0003, 21-019-0004, 21-019-0005, 21-019-0006

Township, Range, Section: Township 6N Range 2E Section 14

Adjacent Land Use

North: Forest/Residential	South: Forest
East: Forest/Residential	West: Forest/Residential

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: RK

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 9 (F-5 Zone)
- Title 106 (Subdivisions)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 23 (River and stream corridor setbacks)
- Title 108 (Standards) Chapter 12 (Non-Conforming lots) Section 11 (Subdivision plat requirements for nonconforming lots; exemptions)
- Title 108 (Standards) Chapter 18 (Drinking Water Source Protection) Section 6 (Prohibited uses)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Development History

- Ogden Valley Planning Commission granted preliminary approval to the Ella O Fowles subdivision on January 24, 2017. On August 22nd, 2017, the Ogden Valley Planning Commission granted final approval to the proposal with a positive recommendation to the County Commission.
- Due to the complexity entailed in gathering consensus from all landowners, receiving approval from the Eagles membership board, and obtaining re-build letters from the Planning Division, this application 1-year time limitation period has lapsed. It is for this reason that the applicant has re-submitted a request for a recommendation to the County Commission.

Background and Summary

The applicant is requesting preliminary and final approval of a six-lot subdivision that is located adjacent to the south fork of the Weber River (see Exhibit A). The six lots within this subdivision have the combined acreage of 2.03 acres. Lots 1 through 6 of Ella O Fowles Subdivision have existed in their current configuration prior to 1966, the year zoning was enacted

in the upper valley. The proposed subdivision is to modify the boundary descriptions to reflect the longstanding physical property boundaries. This proposal is in conformance with the provisions regulating "Lots of Records" in that it will not increase the number of lots beyond what was originally plated.

The proposed application has been reviewed against standards in the Uniform Land Use Code of Weber County, Utah (LUC). The section below is the staff's evaluation of the request.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing community areas.

Zoning: The property is located in the F-5 Zone. The purpose of this zone, as described in LUC §104-9-1, is stated below:

"The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas."

Lot Area, Frontage Width and Yard Regulations: The area of the lots within this proposal range from 9,013 to 20,089 sq. ft., and the width of each lot range from 73.32 ft. to 170.95 ft. Due to Lots 1 through 6 existing in their current configuration prior to zoning being enacted in the upper valley, these lots are considered to be "Lots of Record" as defined in the LUC §101-1-7 which states:

"A Lot of record is defined by the following statement:

(3). A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966"

The yard regulations for the F-5 zone are as follows:

Front: 30 feet

Side: 20 feet

Rear: 30 feet

The lot areas and widths do not meet the minimum lot area of 5 acres for the F-5 Zone and the minimum width of 300 ft. Based on LUC §108-12-13, non-conforming lots may be allowed reduced side-yard setbacks. The reduced side-yard setbacks are established using the following equation:

1) A nonconforming lot's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x). (Formula: "v" divided by "w" equals "x".)

(2) The ratio may then be multiplied by the current zone's side-yard setback requirement (y) in order to establish a reduced setback (z). (Formula: "x" multiplied by "y" equals "z".)

(3) The reduced side-yard setback is subject to the conditions listed below.

a. Under no circumstances shall an interior lot be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.

b. Under no circumstances shall a corner lot be allowed to reduce the side-yard requirement below 10 feet when the side yard fronts on a street.

Stream Corridor Setbacks: The required minimum building setbacks are 100 feet on both sides of the south fork of the Weber River measured from the high water mark. Any additional improvements on these lots will need to adhere to the adopted stream corridor set-back requirements and the non-complying structure ordinance Title 108 Chapter 12 Noncomplying Structures.

Culinary Water and Sanitary System: Each lot within this subdivision uses a shared septic system and culinary water well.

Natural Hazards: Being that these lots are in close proximity to the Weber River, and lie within the flood zone AE, it is recommended by FEMA that flood insurance is purchased for federally insured loans.

Review Agencies: All applicable review agencies have approved this proposal.

Tax Clearance: There is no record of past delinquent tax history and no outstanding tax bills on these parcels.

Staff Recommendations

Staff recommends preliminary and final approval of the Ella O Fowles Subdivision, consisting of six lots. This recommendation is subject to all review agency requirements and based on the following conditions:

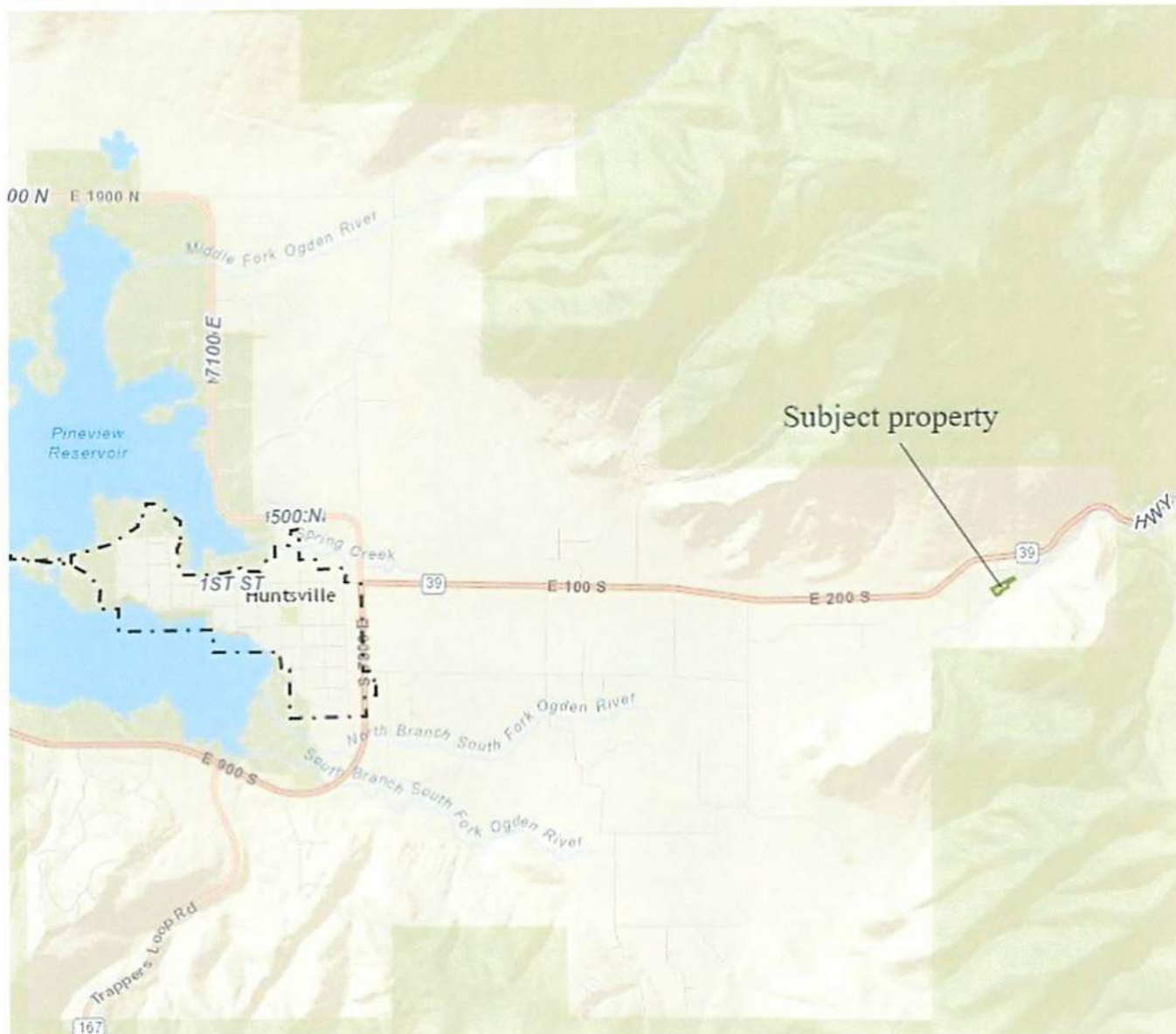
1. The final subdivision plat shall be approved by the County Commission.

The recommendation for approval is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

Exhibits

- A. Ella O Fowles Subdivision Plat
- B. 1966 Recorder's Plat
- C. Subdivision application



ELLA O FOWLES SUBDIVISION
PART OF THE NW 1/4 OF SECTION 14 TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
Unincorporated WEBER COUNTY, UTAH - Survey Dates: 2014-2015

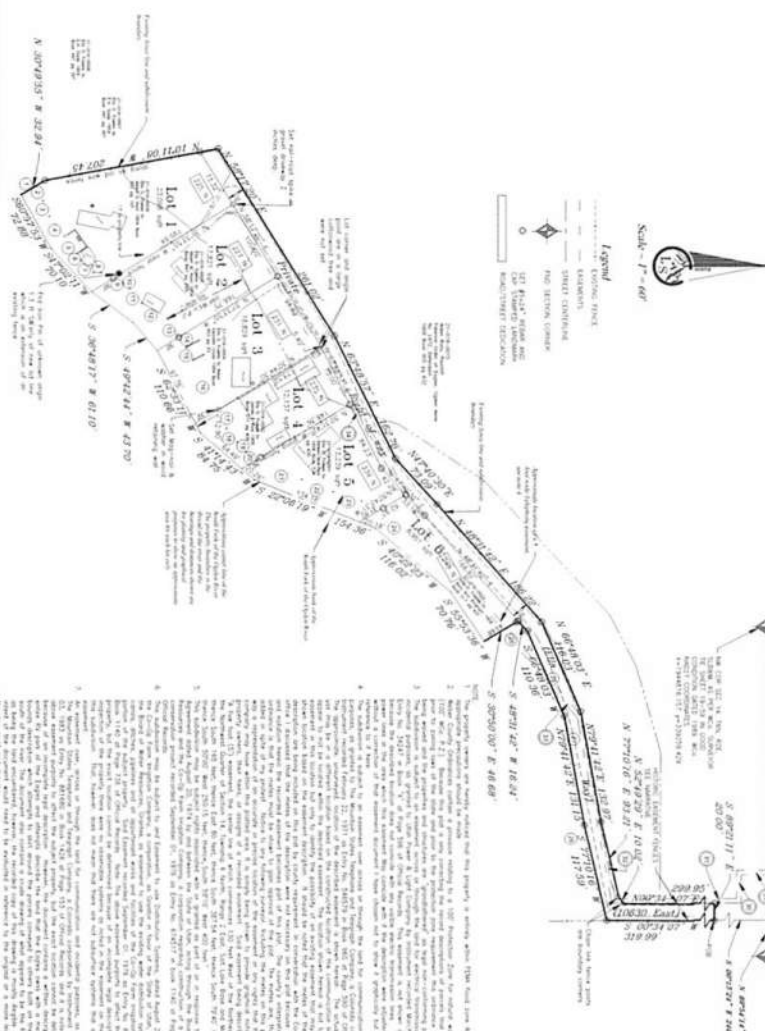


Table with 3 columns: LOT NO., BEARING, DISTANCE. It lists lot numbers 1 through 5 and their corresponding bearings and distances.

LEGAL DESCRIPTION: BEARING & DISTANCE. This section provides the full legal description for each lot, including bearings and distances.

WARRANTY: BEARING & DISTANCE. This section contains warranty clauses regarding the accuracy of the survey and the title of the property.

ADDITIONAL NOTES: BEARING & DISTANCE. This section contains additional notes and conditions related to the subdivision.

Professional stamps and signatures. Includes the Surveyor's seal for 'Professional Surveyor' and the title 'Surveyor'.

ABSTRACT: BEARING & DISTANCE. This section contains an abstract of the survey, summarizing the key findings and measurements.

REMARKS: BEARING & DISTANCE. This section contains remarks and observations from the survey, including details about the field work and any discrepancies.

ADDITIONAL NOTES: BEARING & DISTANCE. This section contains additional notes and conditions related to the subdivision.

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PART OF NW 1/4 OF
SECTION 14, T.6N., R.2E., S.L.B.&M.

18-A

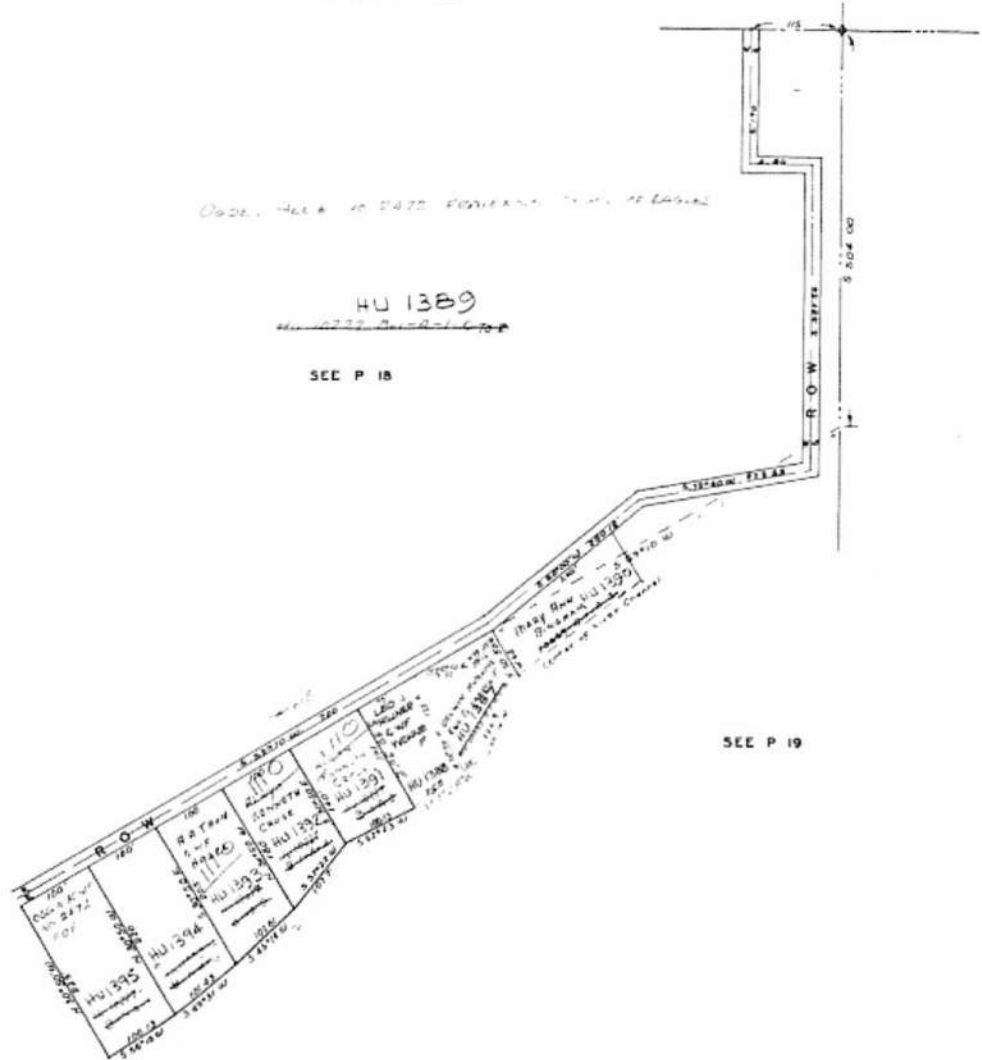
HUNTSVILLE DISTRICT

SCALE 1" = 100'

Doc. 444 to 2475 covering this parcel

HU 1389

SEE P 18



SEE P 19

19

PSS 5-64

Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name ELLA O FOWLES SUBDIVISION			Number of Lots 6
Approximate Address 148 N 10630 F Huntsville UT		Land Serial Number(s) 21-019-0003, 0001, 0002, 0004, 0005, 0006	
Current Zoning	Total Acreage 2.03		
Culinary Water Provider Individual lot wells	Secondary Water Provider N/A	Wastewater Treatment Individual septic	
Property Owner Contact Information			
Name of Property Owner(s) The Hanson Family Revocable Trust		Mailing Address of Property Owner(s) 529 Emerald Bay Laguna Beach, CA 92651	
Phone 949-395-1367	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
EmailAddress randell.hanson@gmail.com			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Randell B. Hanson		Mailing Address of Authorized Person 529 Emerald Bay Laguna Beach CA 92651	
Phone 949-395-1367	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
EmailAddress randell.hanson@gmail.com			
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer Ernest D. Rowley		Mailing Address of Surveyor/Engineer Landmark Surveying Inc 4646 So. 3500 W #A-3 West Haven UT 84401	
Phone 801-731-4075	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
EmailAddress ernest@landmarksurveyutah.com			
Property Owner Affidavit			
I (We), <u>Randell B. Hanson, Trustee Hanson Family Revocable Trust</u> depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.			
<u>Randell B. Hanson</u> (Property Owner)		_____ (Property Owner)	
Subscribed and sworn to me this _____ day of _____, 20____.			
<i>See attached form</i>			
_____ (Notary)			

Authorized Representative Affidavit

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

Randell B. Hanson
(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

see attached form

(Notary)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On Oct 6, 2016 before me, Patricia Nguyen, notary public
Date Here Insert Name and Title of the Officer

personally appeared Rondell B. Hanson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Patricia Nguyen
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for final approval of Aspen Ridge at Powder Mountain Subdivision, consisting of 11 lots, located at approximately 6152 N Powder Ridge Rd, Eden.
Type of Decision:	Administrative
Agenda Date:	Tuesday, January 22, 2019
Applicant:	Michael Moyal
File Number:	UVA050318

Property Information

Approximate Address:	6152 N Powder Ridge Rd, Eden
Project Area:	1.91 Acres
Zoning:	FR-3
Existing Land Use:	Vacant/Residential
Proposed Land Use:	Residential
Parcel ID:	23-012-0082, 0105, 0119
Township, Range, Section:	Township 7 North, Range 2 East, Section 6

Adjacent Land Use

North:	Residential	South:	Vacant DRR-1
East:	Vacant DRR-1	West:	Vacant DRR-1

Staff Information

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

Applicable Ordinances

- Title 104, Zones, Chapter 17, Forest Residential (FR-3) Zone
- Title 106, Subdivisions
- Title 108, Standards, Chapter 7, Supplementary and Qualifying Regulations

Background & Summary

The applicant has submitted a request for final approval of Aspen Ridge at Powder Mountain Subdivision, consisting of 11 lots. The Ogden Valley Planning Commission granted preliminary approval of the proposal on August 28, 2018.

The proposed subdivision, in compliance with the recommended conditions, conforms to both the zoning and final subdivision requirements of the Uniform Land Use Code of Weber County, Utah (LUC). The application has been reviewed against certain standards of the Land Use Code and the following is staff's evaluation of the request.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the density allowed by the existing zoning in the area (2016 Ogden Valley General Plan, Land Use Principal 1.1, pg 15).

Zoning: The subject property is located in the Forest Residential (FR-3) Zone. The purpose of the FR-3 zone is identified in the LUC §104-17-1 as:

The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both

tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.

The proposed development will be using a community wastewater disposal facility (PMWSID), as such, lots for single family dwellings are required to have 6,000 square feet of net developable area. The single family dwelling lots range in size from 6,175 square feet to 8,502 square feet of net developable area.

The LUC §104-17-5(a)(2)e defines net developable area as stated below:

Net developable area or acre. The term "net developable area" or "net developable acre" is defined as a quantity of ground within a parcel or parcels of land with slopes of less than 30 percent and with soils of sufficient depth and suitable types to ensure against development being a detriment to surface water and groundwater quality.

A slope analysis has been submitted showing each lot with an average slope of less than 25 percent.

The lot width requirement for the FR-3 zone is 60 feet. All lots within the proposed subdivision meet the width requirement of 60 ft as measured at the 25 ft front yard setback.

Culinary water and sanitary sewage disposal: A will serve letter regarding the availability of culinary water and sewage disposal has been provided by Powder Mountain Water and Sewer Improvement District. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.

Additional design standards and requirements: The property is located within a geologic hazards area and a geologic hazards assessment has been provided. The reports prepared by GeoStrata are identified as project numbers 1236-003 and 1236-001. The reports recommend that a geotechnical report including a slope stability assessment be compiled prior to any development within the subject site.

On August 28, 2018, GeoStrata submitted a memorandum (Exhibit C), addressing their recommendation for the slope stability assessment and recommendation that a geotechnical report be completed. The memorandum specifies that the slope stability assessment and geotechnical report be completed prior to any development on slopes of 30 percent or greater.

Review Agencies: To date, the proposed subdivision has been reviewed by the Surveyor's Office, Engineering Division, and the Fire District. A condition of approval has been added to ensure that all conditions of the Review Agencies will be addressed prior to the recording of the final mylar.

Tax clearance: There are no outstanding tax payments currently related to these parcels.

Staff Recommendation

Staff recommends final approval of Aspen Ridge at Powder Mountain, consisting of 11 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A financial guarantee for improvements will be required as outlined in LUC § 106-4-1.
2. A geologic hazards note will be required to be added to the final plat, stating name of the company that compiled the report, date, and project number, and that the report is on file with Weber County.
3. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.
4. The applicant must provide documentation identifying who will maintain the proposed private drive. The documentation must be approved by the Weber County Attorney's office prior to recording the final mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

Exhibits

- A. Subdivision Plat
- B. Culinary and Wastewater Will Serve Letters
- C. Geologic Hazards Addendum

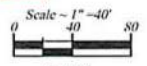
Map 1



ASPEN RIDGE AT POWDER MOUNTAIN

A PART OF SECTION 6 TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
UNINCORPORATED WEBER COUNTY, UTAH - JUNE 2018

Exhibit A



- Legend**
- EXISTING FENCE
 - EASEMENTS
 - STREET CENTERLINE
 - ◆ END SECTION CORNER
 - ▲ END COUNTY LINE MONUMENT
 - END PROPERTY NAIL
 - END REBAR AND CAP
 - SET #1/2" REBAR AND CAP TAMPED UNDER
 - ⊕ ELEVATION BENCHMARK



PLAT NOTES:

- This is the integrity and location of the subdivision of owners will accept responsibility for any storm water runoff from the lots adjacent to this property with curb and gutter is installed.



OWNERS DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets (Private Streets, Private Rights-of-Way) as shown hereon and name said tract

We hereby dedicate and reserve unto ourselves, our heirs, our grantees and/or assigns, an easement(s), and/or right(s)-of-way as shown hereon to be used in common with all others within said subdivision and those adjoining subdivisions that may be subdivided by the undersigned owners, successors, and/or assigns on, over and across of those portions or parts of said tract of land designated on said plat as Private Streets (Private Right(s)-of-Way) as access to the individual lot(s), common area(s), open space(s), agricultural parcel(s), park(s), or other property or uses granted for the ownership or use of said owner(s), heirs, grantees, and/or assigns, to be maintained by (name of HOA) Owners Association whose membership consists of said owners, their grantees, successors, or assigns.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation, maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the governing entity and we may be authorized by the governing entity, with no buildings or structures being erected within such easements.

We hereby grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, a perpetual easement over such land drains for the purpose of maintenance and operation.

Trust Acknowledgement

IN WITNESS WHEREOF, said Michael Moyal Living Trust, dated, July 14, 2016 has caused this instrument to be executed by its trustee(s) hereunto duly authorized, this _____ day of _____, 20_____.

MICHAEL MOYAL
STATE OF UTAH }
COUNTY OF WEBER }
SS

On the date first above written personally appeared before me the above named signers, residing at (address) who, being by me duly sworn and affirmed, did say that [he/she/they is/are] the trustee(s) of said trust and that the within and foregoing instrument was signed in behalf of said trust by authority, and the said signers acknowledged to me that [he/she/they] as trustee(s), executed the same in the name of the trust.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____ Residing in _____
My Commission Expires _____

BOUNDARY DESCRIPTION

A part of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian Beginning at a point located North 47°15'00" West 474.87 feet and South 47°45'00" West 195.20 feet from a Brass Cap Monument marking an angle point in the Weber-Cedar Lake County line; thence South 42°45'00" West 501.79 feet, thence South 77°01'52" West 71.34 feet, thence North 12°04'00" East 24 feet, thence right along the arc of a 74.00 foot radius curve a distance of 127.24 feet, thence North 32°22'25" West 113.63 feet, thence North 5°43'14" West 42.38 feet to the South line of Powder Ridge Condominium Phase 1. Acreage according to the official plat thereof; thence along said South line South 75°00'00" East 38.00 feet, thence South 8°45'14" East 78.77 feet, thence left along the arc of a 42.00 foot radius curve a distance of 94.41 feet, thence bears South 73°29'52" East 76.60 feet, thence North 47°45'00" East 180.89 feet, thence North 12°15'00" West 72.32 feet, thence right along the arc of a 54.00 foot radius curve a distance of 14.21 feet, thence bears North 28°42'31" West 14.17 feet, thence North 10°38'31" West 19.34 feet, thence North 42°45'00" East 128.17 feet, thence North 25°42'00" East 64.16 feet, thence South 47°15'00" East 111.00 feet, thence North 47°15'00" East 45.25 feet, thence South 64°39'31" East 38.17 feet, thence South 47°15'00" East 105.00 feet to the place of beginning.

Contains 98,277 ± sq. ft. or 2.25 ± acres.

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the soils, percolation rates, and site conditions for the subdivision have been investigated by this office and are approved for an on-site wastewater disposal system. Signed this _____ day of _____, 20_____.

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the _____ day of _____, 20_____.

Chairman, Weber County Planning Commission _____

WEBER COUNTY ATTORNEY

I have examined the financial guarantees 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 _____, 20_____.

Signature _____

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. 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 _____, 20_____.

Weber County Surveyor _____

WEBER COUNTY COMMISSION ACCEPTANCE

This is to 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 _____, 20_____.

Chairman, Weber County Commission _____

Attest: _____
Title: Weber County Clerk

SURVEYOR'S CERTIFICATE

I, Tyler D. Knight do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 8008384-2201 in accordance with Title 56, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted herein. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County.

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 _____, 20_____.

Signature _____



NARRATIVE

This survey was requested by Michael Moyal to subdivide his property as shown on this plat.

Documents used to aid in this survey:

- Weber County Tax Plat 23-012-1.
- Deeds of record as found in the Weber County Records Office for parcels 23-012-0082, 23-012-0105, 23-012-0106, 23-012-0119, 23-012-0136.
- Plat of Record: Powder Ridge Condominium Phase 1 and amendments, Summit Open Phase 1A to 1C and amendments.
- Record of Survey No. #2304, #2857, a Survey performed by Ensign Engineering for Deer Creek Property, dated June 3, 2015.

Boundary is a part of parcels created by Warranty Deed Entry's #2918763, #2405608 and #2551203 as found in the Weber County Recorder's office. Boxes of bearing is state plane grid from monument as shown.

 Landmark Surveying, Inc. A Complete Land Surveying Service www.landmarksurveying.com	4848 South 1500 West - 44.1 Deer River, UT 84401 801-211-4078	Weber County Recorder Entry no. _____ Fee paid _____ Plat for record and recorded _____ of _____ 2018. in _____ of official records. on book _____ County Recorder: Loren H. Hill
	DEVELOPER: Michael Moyal Address: 1625 Washington Blvd Ogden, UT 84403	Subdivision A part of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian.



April 30, 2018

Mike Moyal
18255 Washington Blvd.
Ogden, Utah 84401

Ogden Valley Township Planning Commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

Re: **Mike Moyal Parcel # 23-012-0082**

FEASIBILITY LETTER

This feasibility letter is issued by the Powder Mountain Water and Sewer Improvement District (the "District"), in connection to a certain real estate project proposed, 11 ERU's to be developed by Mike Moyal, "The Project".

In responding to Developer's request, the District will adhere to the following developmental procedures for the Project:

1. Developer shall schedule and attend a pre-application meeting with Weber County Planning Division.
2. Developer shall submit a new subdivision application which includes a copy of this feasibility letter, along with a copy of the Utah Division of Drinking Water Project Notification form.
3. Developer shall request water and sewer review from the District and pay any applicable feasibility fees under the Development Agreement and/or the District's Rules and Regulations and shall receive approval or denial for service.
4. Following approval of preliminary plans by Weber County:
 - a. Developer shall schedule a water and sewer improvement design meeting and pay any applicable design review fees.

- b. Developer shall complete water and sewer improvement drawings and submit to the District for review.
 - c. Developer shall receive and address review comments and resubmit for final approval.
 - d. **Before the District will issue a *will-serve letter*, the following District infrastructure upgrades and reviews must be completed:**
 - **The rehabilitation of the Cobabe Well**
 - **The trunk line to the reservoirs**
 - **Approval from Division of Drinking.**
 - **Capacity evaluations**
 - e. The District will then submit a project notification form and approved drawings to the State Division of Drinking Water for approval.
 - f. Upon receipt of a State construction permit, a pre-construction meeting will be scheduled, and Developer will provide a 110% construction guarantee bond.
 - g. The District will then provide to Weber County approval to issue a permit prior to County Commission approval and recording.
5. Upon completion of improvements, the District will conduct the following with regard to inspection and acceptance:
- a. The District will inspect all water and sewer improvements.
 - b. Address substantial completion with a punch list provided by District.
 - c. The District will conduct a final inspection to verify punch list items and accept the improvements.
 - d. Release of construction guarantee bond will be made following acceptance of water and sewer improvements and submitted of as-constructed drawings. 10% the construction bond guarantee will be with-held for the 1-year warrantee period.

In addition to above-mentioned procedures, Developer shall, prior to acceptance of improvements and receiving any final will-serve letter, address the following matters:

- At the time of the issuance of this feasibility letter, specific water sources have not been identified and proven to fulfill the water requirements.
- Capacity evaluation and safe yield verification of additional water source(s) for the District.
- Adherence to all applicable rules and regulations of the District.

This feasibility letter will be modified in the future as the District and Developer continue to address a number of issues, which include, but are not limited to: development costs, mitigation, fees, source capacity and development, storage, access easements, and sewer services. The District retains, in its sole discretion, the ability to modify this feasibility letter as these issues are addressed and more information about the Project becomes available.

The District confirms that it is feasible to provide water and sewer services at the “Project” in connection with 11 ERU’s as requested by Mike Moyal.

POWDER MOUNTAIN WATER AND SEWER IMPROVEMENT DISTRICT

A handwritten signature in blue ink that reads "Roy Watts". The signature is written in a cursive style with a large, stylized initial "R".

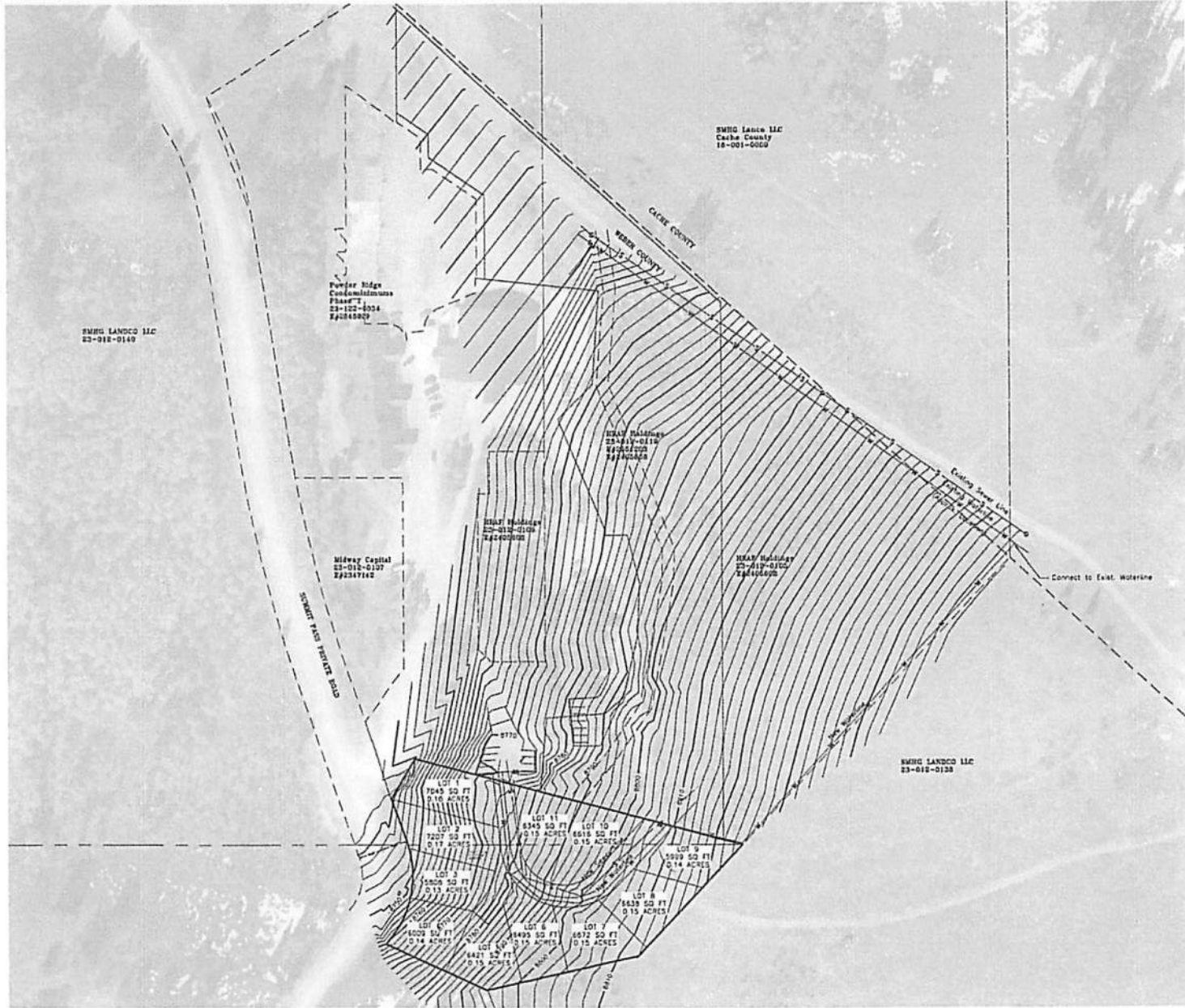
Roy Watts
District Manager



Scale - 1" = 70'

Legend

- EXISTING FENCE
- - - EASEMENTS
- STREET CENTERLINE
- FND SECTION CORNER
- ⊕ FND STREET MONUMENT
- FND CURB NAIL
- FND REBAR AND CAP
- SET #1234 REBAR AND CAP STAMPED LANGUAGE



Concept Plan

Landmark Surveying, Inc.
 A full-service land surveying firm
 www.landmarksurveying.com
 4441 South 1500 Blvd., 44-1
 West Haven, CT 06611
 203-781-4078

CLIENT: Michael Noyl
 Address: Aiken Ridge Property

A part of Section 6,
 Township 7 North, Range 2 East, Salt Lake Base and Meridian

Revision:	DATE:
	2/20/2024
	DATE: 8/21
	DATE: 1/11

Exhibit B



MEMORANDUM

To: Mr. Michael Moyal

From: GeoStrata
Timothy J. Thompson P.G.

Daniel J. Brown P.E.

Date: August 21, 2018

Subject: Geologic Hazards Assessment Parcel #'s 23-012-0119 & 23-012-0105 Eden, Utah
GeoStrata, dated August 20, 2018, Job No. 1236-003 Addendum 1



Mr. Moyal,

GeoStrata has prepared this memorandum in response to a review comment provided by Weber County, pertaining to the above referenced geologic hazards assessment report for parcel #'s 23-012-0019 & 23-012-0105 in Eden, Utah. The purpose of this letter is to provide additional clarification regarding Section 6.6 Landslide, Slump, Creep of our August 20, 2018 geologic hazards assessment report. Three plat maps provided to GeoStrata for review by Mr. Moyal are included as attachments to this letter.

At the time our report was prepared we understood that the proposed development of the subject parcels included development on the steeper slopes located along the western portion of the subject parcels. We also understood that the planned development of the two parcels included high-density multifamily housing. The Attachment 1 shows the site plan we reviewed as a part of our scope of work for this assessment.

Subsequent to the preparation of our report, Mr. Michael Moyal provided us with additional information for consideration. Attachments 2 and 3 were provided to GeoStrata for review. We were also provided with the information that all planned structures within the proposed development will consist of single family residential structures or duplex two-family residential structures. No high-density residential structures are currently planned for the development. Additionally, slopes in the area to be developed under the attached site plan are grades of less than 25%. Considering this additional information GeoStrata has prepared this memorandum to provide an updated Section 6.6 Landslide, Slump, Creep for our August 20, 2018 geologic hazards assessment report. The updated section is as follows:

6.6 LANDSLIDE, SLUMP, CREEP

There are several types of landslides that should be considered when evaluating geologic hazards at a site with moderately to steeply sloping terrain. These include shallow debris slides, deep-seated earth or rock slumps and earth flows. Landslides, slumps, creep and other mass movements can

develop on moderate to steep slopes where the slope has been altered or disturbed. Movement can occur at the top of a slope that has been loaded by fill placement, at the base of a slope that has been undercut, or where local groundwater rises resulting in increased pore pressures within the slope. Slopes that exhibit prior failures and large landslide deposits are particularly susceptible to instability and reactivation.

Based on review of published geologic maps, our stereographic aerial photograph interpretation, our review of hillshades derived from 2016 0.5-meter LiDAR and our field observations, no scarp features, hummocky topography, or other geomorphology features related to landslide deformation were observed. Based on our review of published geologic maps, a colluvial and landslide deposit, undivided (Qmc, Qcs-Qls) is reported within and adjacent to the subject site (Plate 4 Site Vicinity Geologic Map and Plate 5 Site Vicinity 30' X 60' Geologic Map). The area west of the subject site is mapped as a landslide and/or landslide undifferentiated from talus, colluvial, rock fall, glacial and soil creep deposits on the Landslide Maps of Utah Ogden 30' X 60' Quadrangle compiled by Elliot and Harty, 2010 (Plate 7 Landslide Hazard Map). The majority of the subject site is mapped as being underlain by Eocene, Paleocene and Upper Cretaceous(?) Wasatch and Evanston(?) Formations, Undivided (Twe) bedrock. During our field investigation we did observe curved tree trunks which would suggest soil creep or snow loading within the southwest portion of the subject site which is consistent with published geologic maps that include the area of the subject site. Based on our field observations and the location on the steeper hillside within the southwest portion of the subject site, it is the opinion of GeoStrata that the surficial deposits within the subject site are thin colluvial, slopewash or soil creep deposits. These deposits are mapped as overlying Nounan Dolomite which is dipping between 25 and 30 degrees to the west and into the hillside. Based on our office and field investigation, the landslide hazard within the subject site is considered low and it is considered unlikely that landslides will impact the proposed development.

Slope stability of the subject site was not assessed as part of this geological hazard assessment. Slopes in the eastern portion of the subject site were observed to be gently dipping approximately 3 to 10 degrees to the west and moderately to steeply dipping approximately 15 to 25 degrees to the west in the western portion of the subject site. GeoStrata recommends that if the proposed development is planned to be located on slopes that are at a grade of 3 horizontal to 1 vertical (3H:1V) or greater, a site-specific geotechnical investigation be performed to assess slope stability of the site prior to development. The geotechnical engineer should provide engineering recommendations regarding slope stability at the proposed building site. All cut and/or fill slopes and retaining structures should be designed by a geotechnical engineer. Recommendations for proper engineered site grading and drainage design should also be provided. The subject site was observed to be gently sloping to the west toward a nearby drainage (Plate 2 Topographic Map). The possibility that development of the site could negatively affect slope stability within the subject site is increased if development is planned for areas of the site with slopes steeper than approximately 3 horizontal to 1 vertical (3H:1V). It should be noted that grading or development adjacent to the subject site could potentially impact the stability of the area within the subject site and assessment of that hazard is out of the scope of this assessment. Again, given the potential landslide deposits mapped within the vicinity of the subject site, GeoStrata recommends that a geotechnical report including a slope stability assessment be compiled prior to any development within areas where slopes are 3H:1V or greater within the subject site.

Closure

The conclusions and recommendations contained in this memorandum which include professional opinions and judgments, are based on the information available to us at the time of our evaluation, the results of our field observations and our understanding of the proposed site development. This memorandum was prepared in accordance with the generally accepted standard of practice at the time the report was written. No warranty, expressed or implied, is made. Development of property in the immediate vicinity of active faults, steep slopes and landslide deposits involves a certain level of inherent risk.

This memorandum was written for the exclusive use of Michael Moyal and only for the proposed project described herein. It is the Client's responsibility to see that all parties to the project including the Designer, Contractor, Subcontractors, etc. are made aware of this memorandum in its entirety. We are not responsible for the technical interpretations by others of the information described or documented in this memorandum. The use of information contained in this memorandum for bidding purposes should be done at the Contractor's option and risk.

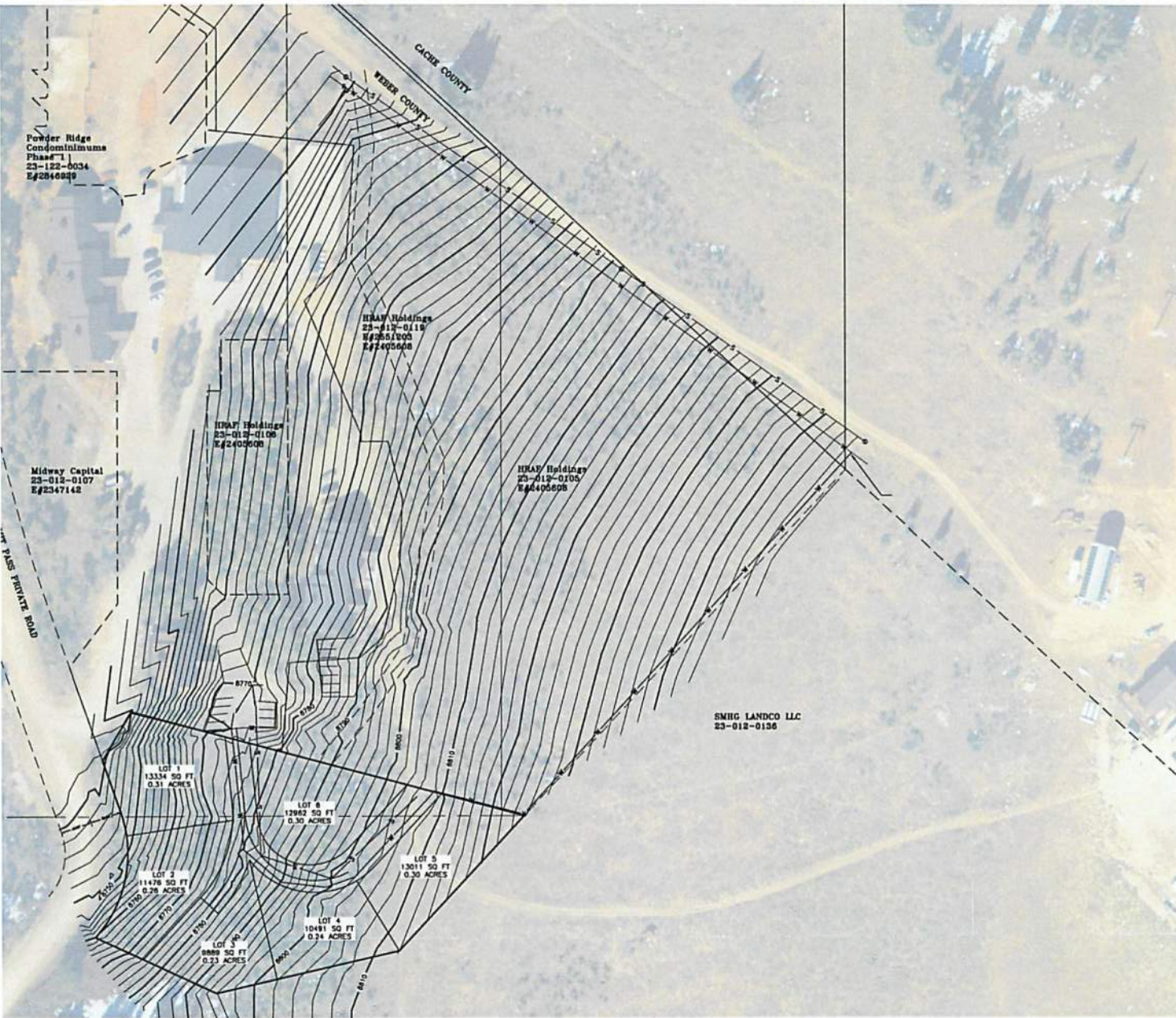
Attachments: Attachment 1 – Concept Plan
 Attachment 2 – Concept Plan (updated)
 Attachment 3 – Site Slope Map

Exhibit C

Scale - 1" = 50'

Legend

- EXISTING FENCE
- - - EASEMENTS
- STREET CENTERLINE
- ◆ FNO SECTION CORNER
- FNO STREET MONUMENT
- FNO CURB NAIL
- FNO REBAR AND CAP
- SET (5-24" REBAR AND CAP STAMPED LANDMARK



Concept Plan

Landmark Surveying, Inc.
 A Complete Land Surveying Service
 www.landmarksurveying.com
 4000 South 7000 West, PM-3
 West Haven, UT 84415
 801-331-4078

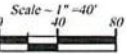
CLIENT: Michael Moyal
 Address: Aspen Ridge Property

A part of Section 6,
 Township 7 North, Range 2 East, Salt Lake Base and Meridian.

Revisions:	DRAWN BY: ATR
	CHECKED BY: BEK
	DATE: 8/28/2017
	LOT: 07103

ASPEN RIDGE AT POWDER MOUNTAIN

A PART OF SECTION 6 TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
UNINCORPORATED WEBER COUNTY, UTAH - JUNE 2018



- Legend**
- EXISTING FENCE
 - EASEMENTS
 - STREET CENTERLINE
 - ◆ END SECTION CORNER
 - ▲ END COUNTY LINE MONUMENT
 - END PROPERTY NAIL
 - END REBAR AND CAP
 - SET #5x24" REBAR AND CAP STAMPED LANE MARK
 - ◆ ELEVATION BENCHMARK

Vicinity Map



PLAT NOTES:

1. That the topography and the location of this subdivision, as shown, will protect responsibility for any storm water runoff from the roads adjacent to this property with curb and gutter is included.



OWNER'S DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets (Private Streets, Private Right-of-Way) as shown hereon and name said tract

We hereby dedicate and reserve unto ourselves, our heirs, our grantees and/or assigns, on assessment(s), and/or right(s)-of-way as shown hereon to be used in common with all others within said subdivision and those adjoining subdivisions that may be subdivided by the undersigned owners, successors, and/or assigns an, over and across all those portions or parts of said tract of land designated on said plat as Private Streets (Private Right-of-Way) as access to the individual lot(s), common area(s), open space(s), agricultural parcel(s), park(s), or other property or uses granted for the ownership or use of said tract(s), heirs, grantees, and/or assigns, to be maintained by [name of HOA] Owners Association whose membership consists of said owners, their grantees, successors, or assigns.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation, maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state wherever it is applicable to the governing entity and we may be authorized by the governing entity, with no buildings or structures being erected within such easements.

We hereby grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, a perpetual easement over such land drains for the purpose of maintenance and operation.

Trust Acknowledgment

IN WITNESS WHEREOF, said Michael Moyal Living Trust, dated, July 14, 2016 has caused this instrument to be executed by its trustee(s) hereunto duly authorized, this ____ day of _____, 20__.

MICHAEL MOYAL
STATE OF UTAH)
COUNTY OF WEBER) SS

On the date first above written personally appeared before me the above named signers, residing at [address], who, being by me duly sworn and affirmed, did say that [he/she/they] is/are the trustee(s) of said trust and that the within and foregoing instrument was signed in behalf of said trust by authority, and the said signers acknowledged to me that [he/she/they] as trustee(s), executed the same in the name of the trust.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____ Residing in _____

My Commission Expires: _____

BOUNDARY DESCRIPTION

A part of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian Beginning at a point located North 47°13'00" West 476.87 feet and South 42°45'00" West 193.20 feet from a Brass Cap Monument marking an angle point on the Weber County line; thence South 42°45'00" West 501.70 feet; thence South 77°01'52" West 71.84 feet; thence North 12°30'00" East 24 feet; thence right along the arc of a 74.00 foot radius curve a distance of 127.20 feet; thence North 82°28'21" West 183.43 feet; thence North 5°43'14" East 92.38 feet to the South line of Powder Ridge Condominiums Phase 1. Annotated according to the official plat thereof; thence along said South line South 75°00'00" East 18.40 feet; thence South 5°43'14" East 78.77 feet; thence left along the arc of a 42.00 foot radius curve a distance of 61.40 feet; thence South 71°29'02" East 76.60 feet; thence North 42°42'00" East 180.89 feet; thence North 12°15'00" West 73.52 feet; thence right along the arc of a 94.00 foot radius curve a distance of 14.21 feet; thence North 24°42'31" West 14.17 feet; thence North 19°38'31" West 19.34 feet; thence North 42°45'00" East 124.31 feet; thence North 27°42'00" East 66.14 feet; thence South 47°13'00" East 111.60 feet; thence North 42°45'00" East 48.75 feet; thence South 66°30'31" East 38.17 feet; thence South 47°13'00" East 105.00 feet to the point of beginning.

Contains 88,277 s.f. or 2.00 acres.

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the site, parcelation rates, and site conditions for this subdivision have been investigated by this office and are approved for an site wastewater disposal system. Signed this ____ day of _____, 20__.

Director, Weber-Morgan Health Department _____

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____, 20__.

Chairman, Weber County Planning Commission _____

WEBER COUNTY ATTORNEY

I have examined the financial guarantees 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 _____, 20__.

Signature _____

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. 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 _____, 20__.

Weber County Surveyor _____

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public uses and financial guarantees of public improvements associated with this subdivision thereon are hereby approved and accepted by the Commissioners of Weber County, Utah on the ____ day of _____, 20__.

Chairman, Weber County Commission _____

Attest:
Title: Weber County Clerk _____

SURVEYOR'S CERTIFICATE

I, Tyler D. Knight do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 8008384-2201 in accordance with Title 54, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted herein. I further certify that, to the best of my knowledge and belief, all lots meet the current regulations of the Land Use Ordinance of Weber County.

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 _____, 20__.

Signature _____



NARRATIVE

This survey was requested by Michael Moyal to subdivide his property as shown on this plat.

Documents used to title in this survey:

1. Weber County Plat 23-012-1.
2. Deeds of record as found in the Weber County Recorder's Office for parcels 23-012-0082, 23-012-0105, 23-012-0106, 23-012-0119, 23-012-0136.
3. Plats of Record Powder Ridge Condominiums Phase 1 and amendments, Survey Egan Thomas 18 to 10 and amendments.
4. Record of Survey # 2254, #3857, a Survey performed by Ensign Engineering for Deer Creek Property, dated June 3, 2015.

Boundary is a part of parcels created by Warranty Deed Entry's #2919763, #2406068 and #2501203 as found in the Weber County Recorder's office.

Books of bearing is state plane grid from monument as shown.

 Landmark Surveying, Inc. A General Land Surveying Firm www.LandmarkSurveying.com 2629 Washington Blvd Ogden UT 84403	Weber County Recorder Entry no. _____ Fee paid _____ Plat for record and recorded _____ of _____, 2018. in book _____ of official records, on page _____ County Recorder Laura H. Hiltz By Deputy _____
	Developer: Michael Moyal Address: 2629 Washington Blvd, Ogden UT 84403



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on the application for preliminary approval of Shepherd Estates Subdivision.
Agenda Date: Tuesday, January 22, 2019
Applicant: Jeff Shepherd
File Number: UVS122418

Property Information

Approximate Address: 700 N 7800E, Huntsville
Project Area: 29 Acres
Zoning: AV-3
Existing Land Use: Agricultural
Proposed Land Use: Residential
Parcel ID: 21-006-0011, -0013, -0030, -0031, -0032
Township, Range, Section: T6N, R2E, Section 7

Adjacent Land Use

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

Staff Information

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

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 6 Agricultural Valley (AV-3) Zone
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Natural Hazards Areas

Background and Summary

The Planning Division recommends preliminary approval of Shepherd Estates Subdivision, consisting of 4 lots. The proposed subdivision will include road improvements, extending a public road (700 N) through to the adjacent property. An alternative access for lots 3 and 4 was approved during an administrative approval meeting on November 21, 2018. The proposed subdivision amendment and lot configuration are in conformance with the current zoning as well as the applicable subdivision requirements as required in the LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

Zoning: The subject property is located in the Agricultural Valley Zone. The purpose and intent of the AV-3 zone is identified in the LUC §104-6-1 as:

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

All lots within the proposed subdivision meet the following AV-3 zoning requirements for area and width:

Minimum lot area: 3 acres

Lot width: 150 feet

Natural Hazards Areas: A corner of the subject property is located in a potential geologic hazards area. A geologic hazards report has not been requested as part of this application due to the majority of the property being located outside of the potential geologic hazards area. A note must be added to the final subdivision plat indicating that a geologic hazards report may be required prior to any development within the potential geologic hazards area.

Culinary water and sanitary sewage disposal: Culinary water will be provided by private wells and sanitary sewage disposal will be provided by individual septic systems. A feasibility letter from the health department has been provided regarding the recommendation for individual septic systems.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District have reviewed the proposal. Prior to the subdivision being released for Mylar, all review agencies comments will need to be addressed.

Additional requirements: The access easement (AAE 2018-10) meets the width requirements as listed in LUC§108-7-29(1). The access easement must comply with all design standards listed in 108-7-29(1) prior to issuance of a certificate of occupancy for a structure on any lot.

A 66 ft public right of way will be dedicated, providing future access to the adjacent property to the west. The applicant will be required to install, or provide a financial guarantee for new road. The applicant will also dedicate some area to widen Stoker Lane, as required by the Engineering Division.

Public Notice: The required noticing for the preliminary subdivision approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendation

Staff recommends preliminary approval of Shepherd Estates Subdivision. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. Lot 3 must be labeled '3N' and a note will be required to be added to the subdivision plat indicating that a portion of Lot 3 is located within a geologic hazards study area and a geologic hazards report may be required for development within the area.

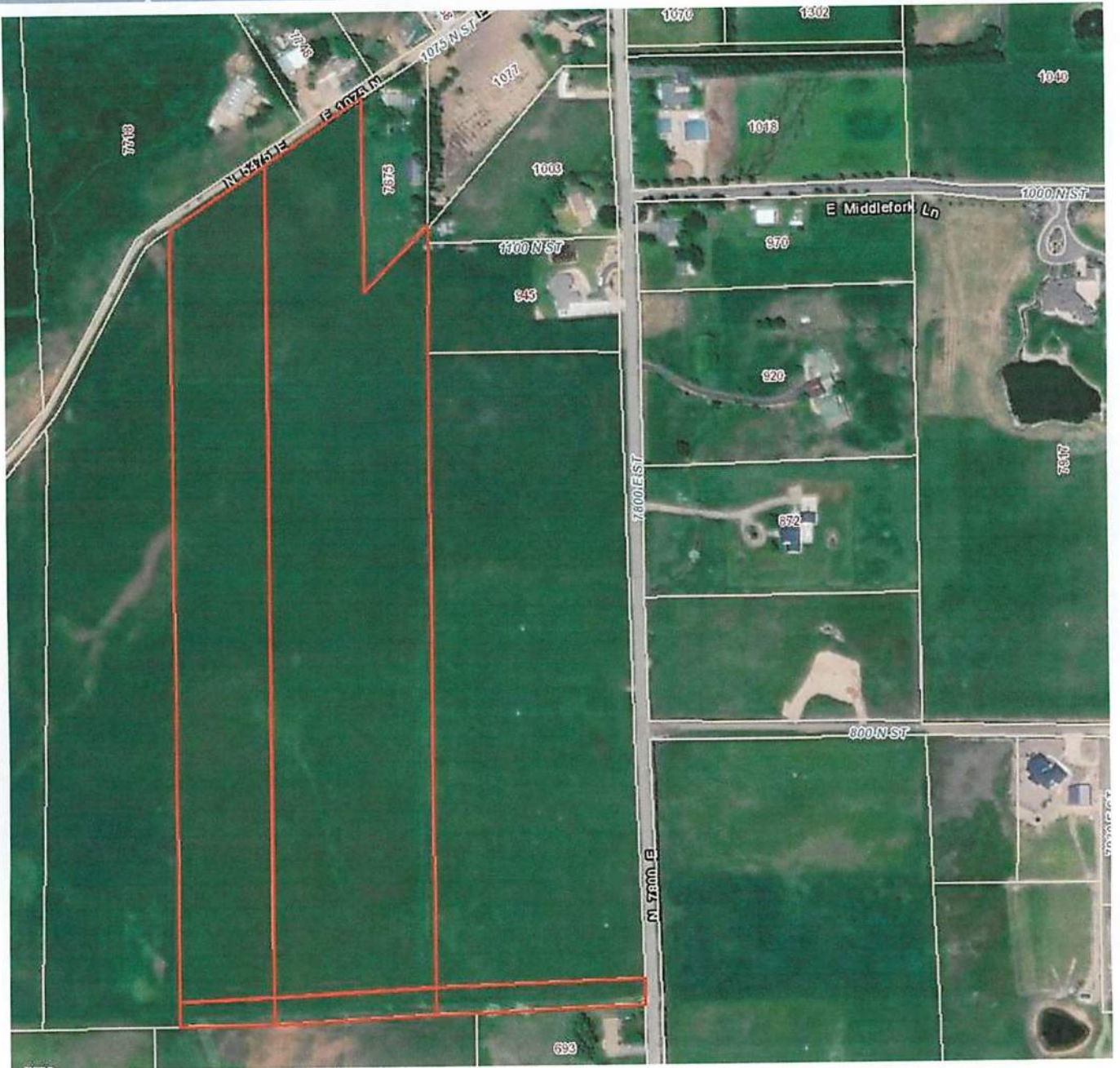
This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Exhibits

- A. Preliminary plat

Location Map 1





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map by realigning the O-1 and RE-15 boundary along the western edge of The Highlands at Wolf Creek Phases one and five.

Agenda Date: Tuesday, January 22, 2019

Initiated by: Weber County Planning Staff

File Number: ZMA 2018-08

Property Information

Approximate Address: 5500 East Aspen Glow Street (Eden, Unincorporated Weber County)

Zoning: Areas currently zoned O-1 and RE-15

Existing Land Use: Residential

Proposed Land Use: Residential Estates (RE-15) and Open Space Zone (O-1)

Township, Range, Section: T7N, R1E, Section 23

Adjacent Land Use

North:	Open Space	South:	Residential
East:	Open Space	West:	Open Space

Staff Information

Report Presenter: Felix Lleverino
fleverino@webercountyutah.gov
801-399-8767

Report Reviewer: CE

Applicable Ordinances

§102-5: Rezoning Procedures

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Summary

This application is a staff-driven request to amend the Weber County zone map by realigning the O-1 and RE-15 boundary along the western edge of The Highlands at Wolf Creek Phases one and five. The RE-15 zone is intended for medium density residential and agricultural uses, with a minimum lot size of 15,000 square feet. The O-1 zone is intended to preserve open space where plants and animals can be studied and where residential dwellings are not allowed.

Weber County Surveying has provided descriptions for the three areas incidental to this zoning map amendment proposal that will be included with the ordinance.

Page 16 of the general plan indicates that open space in the Ogden Valley is for the preservation of areas that may be used for and continued agricultural operations and low intensity uses. This zoning boundary re-alignment would create a defined line between residential uses and open space that follows the subdivision boundary of the Highlands at Wolf Creek Phases one and five.

Staff is offering a positive recommendation for the zoning boundary re-alignment based on its compliance with the general plan.

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. Even though this is a staff-driven application many of the procedures are applicable. The following is a policy analysis of the staff recommended zoning boundary re-alignment based on the Land Use Code and best planning practices.

Zoning. The current zones of the subject areas are RE-15 and O-1. Figures 1-4 display current zoning and the parcels affected by the proposed zoning boundary realignment. The RE-15 zone is intended for medium density residential and agricultural uses, with a minimum lot size of 15,000 square feet.

Weber County Code § 104-3-1 says the purpose of the RE-15 zone is:

“to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.”

Weber County Code § 104-26-1 says the purpose of the O-1 zone is:

“The open space zone is specifically intended to encourage the preservation of a natural environment in an otherwise urban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit erection of unnecessary buildings on a floodplain, on areas of severe slope, areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.”

On March 17, 2005, The Highlands at Wolf Creek was recorded with the zoning lines in place as is shown on the subdivision plat (see Exhibit B).

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. This zoning map re-alignment does not conflict with Ogden Valley General Plan and is part of an overall zoning map maintenance measure that will result in a more accurate and aesthetic map. **Figure 5** shows the Ogden Valley General Plan Current Zoning Map that will not require an amendment due to the minute nature of the boundary re-alignment and the small scale of the Current Zoning Map.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety, and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2018-08, a proposal to consider and take action on a request to amend the Weber County zone map by realigning the O-1 and RE-15 boundary along the western edge of The Highlands at Wolf Creek Phases one and five. This recommendation comes with the following findings:

1. The Ogden Valley General Plan does not conflict with this proposal.
2. The proposed zoning map amendment will promote a more aesthetic and uniform zoning map that will follow the boundary of the respective subdivision boundary.
3. The surrounding land uses do not pose a conflict with the proposed zoning map amendment.

Exhibits

- A: The Highlands at Wolf Creek Phase 1
- B: The Highlands at Wolf Creek Phase 5
- C: The Highlands at Wolf Creek Zoning Boundary Re-Alignment Map

Highlands at Wolf Creek

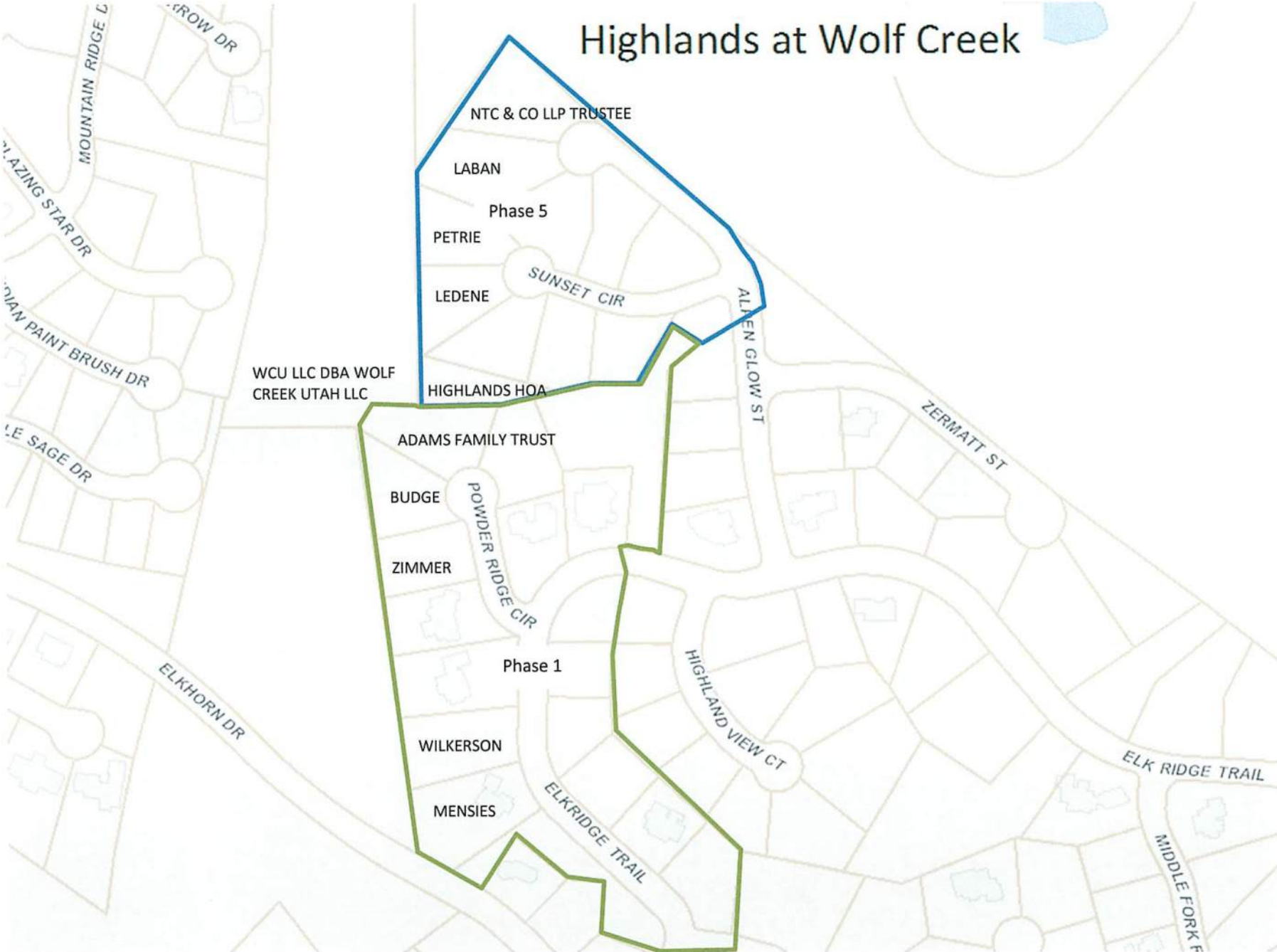


Figure 1: Current Zoning Map and the Subject Parcels

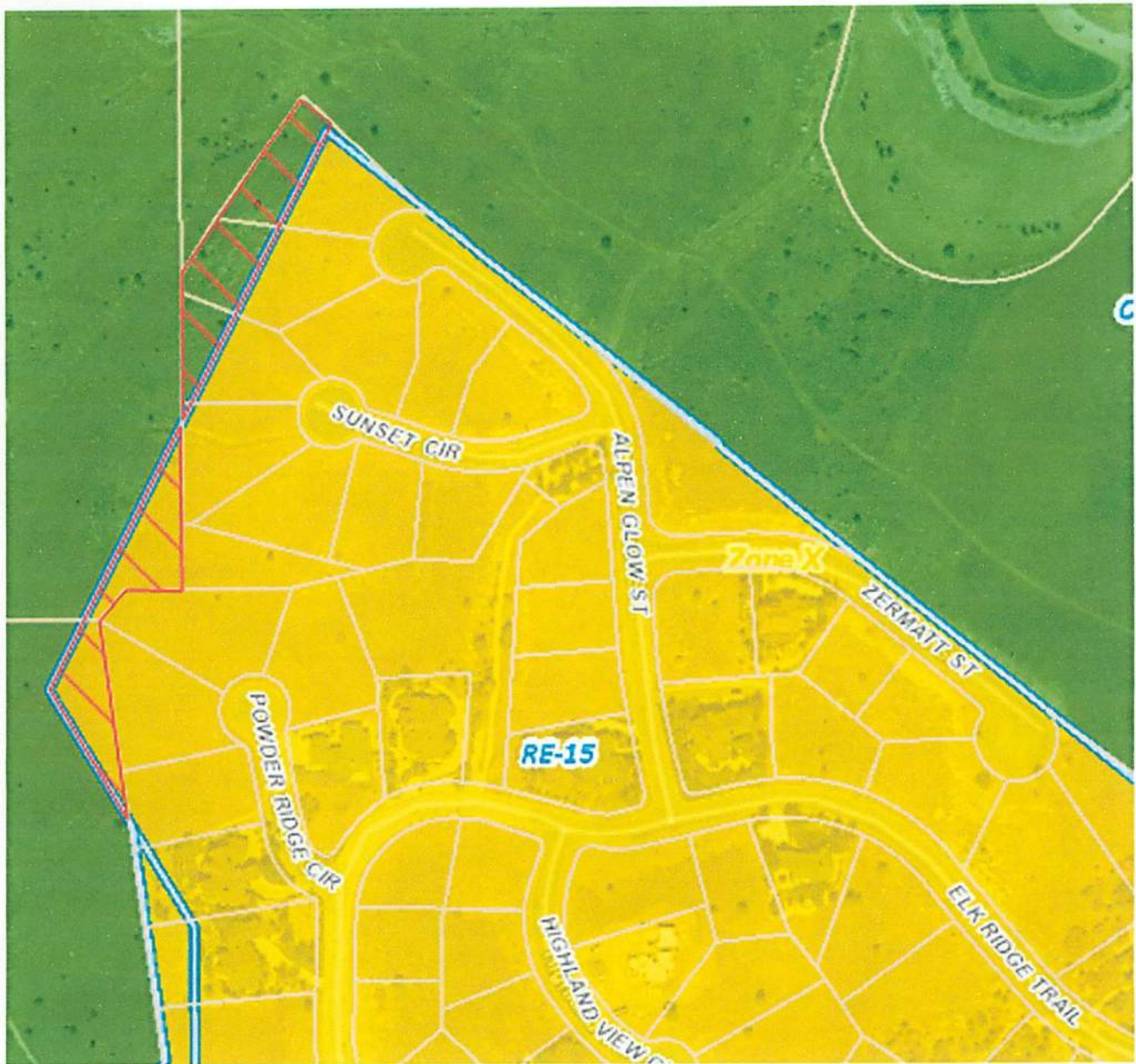


Figure 3: Current Zoning Map and Subject Parcel

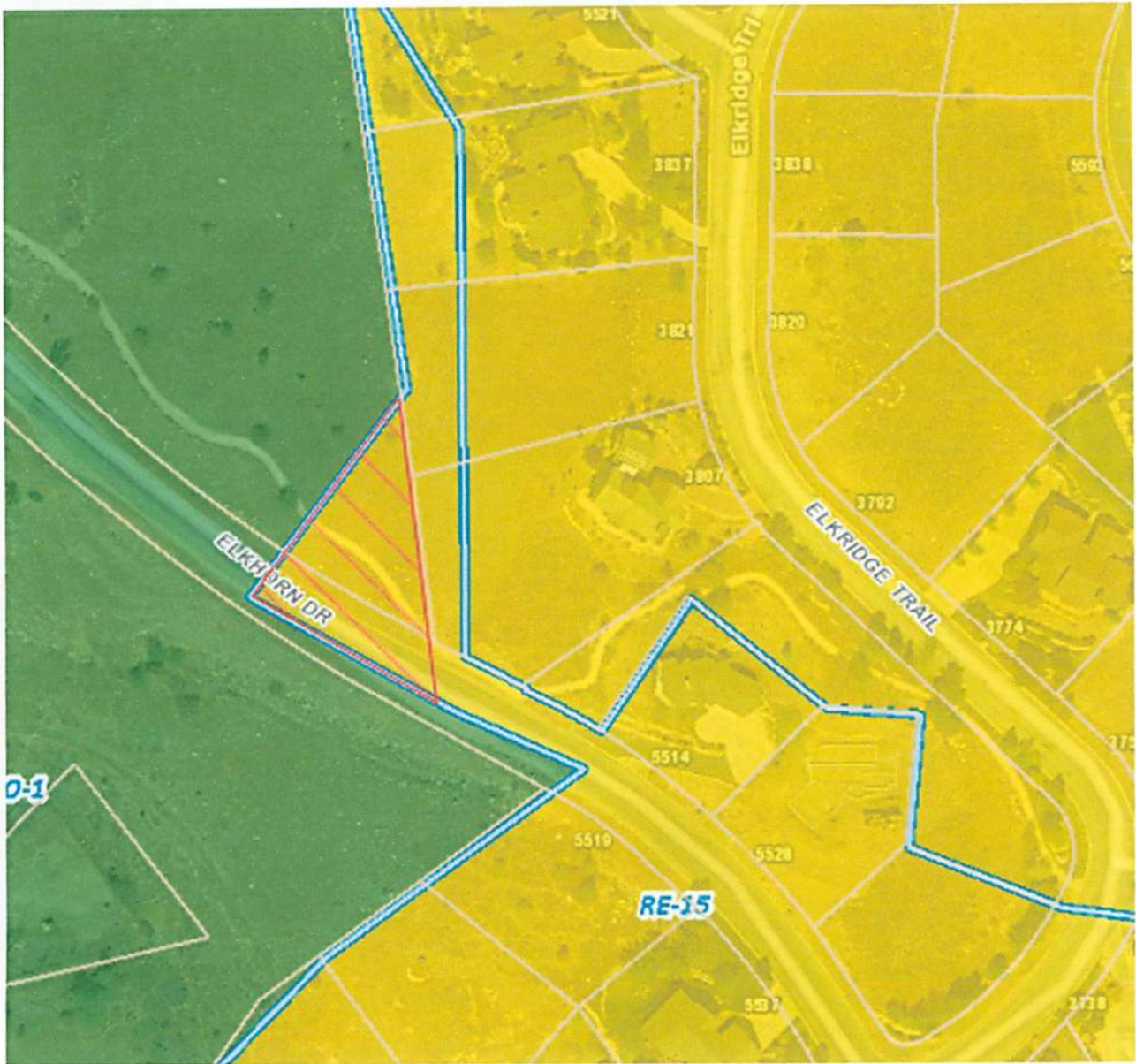


Figure 4: Proposed Zoning Map and the Subject Parcel

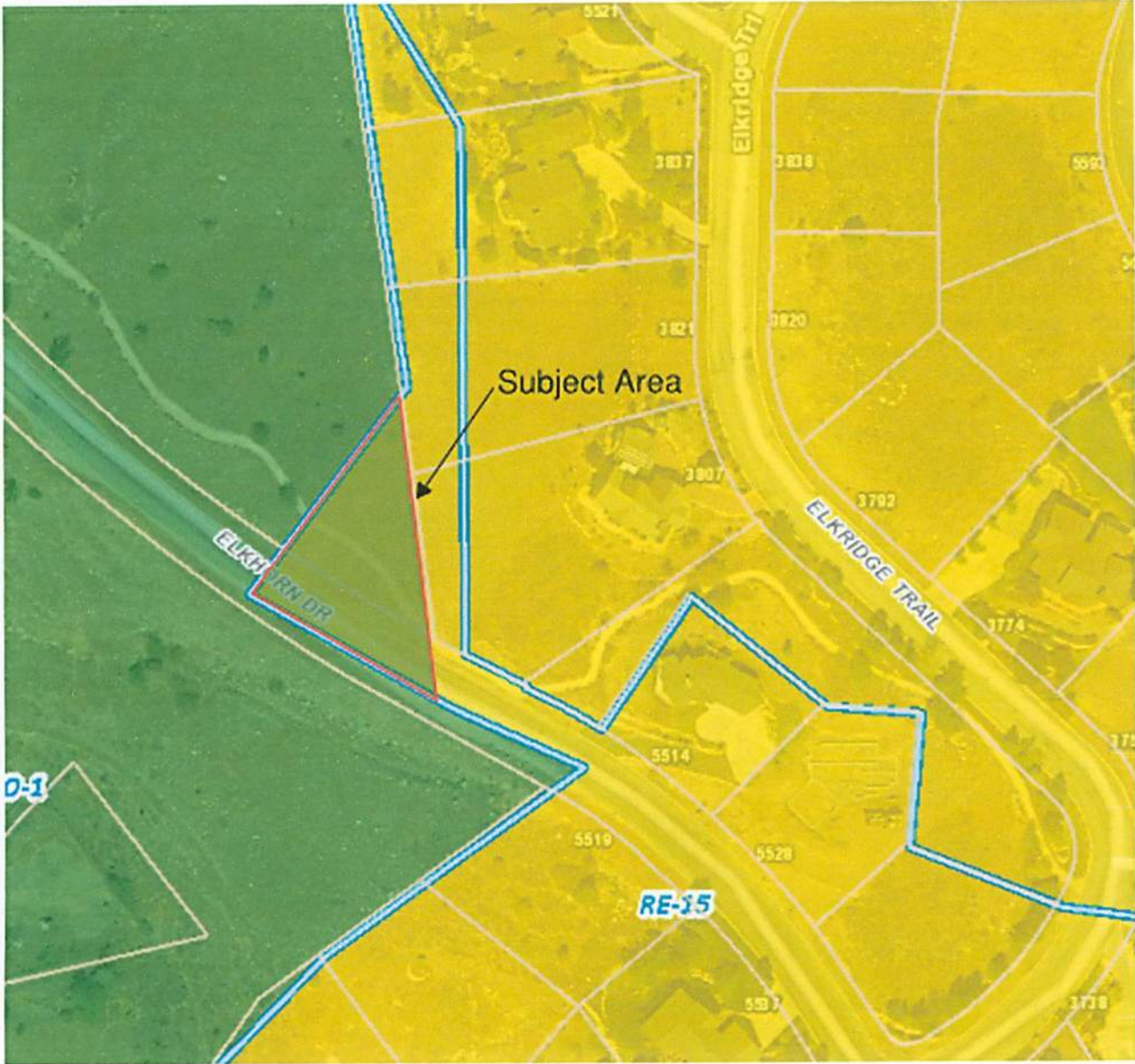
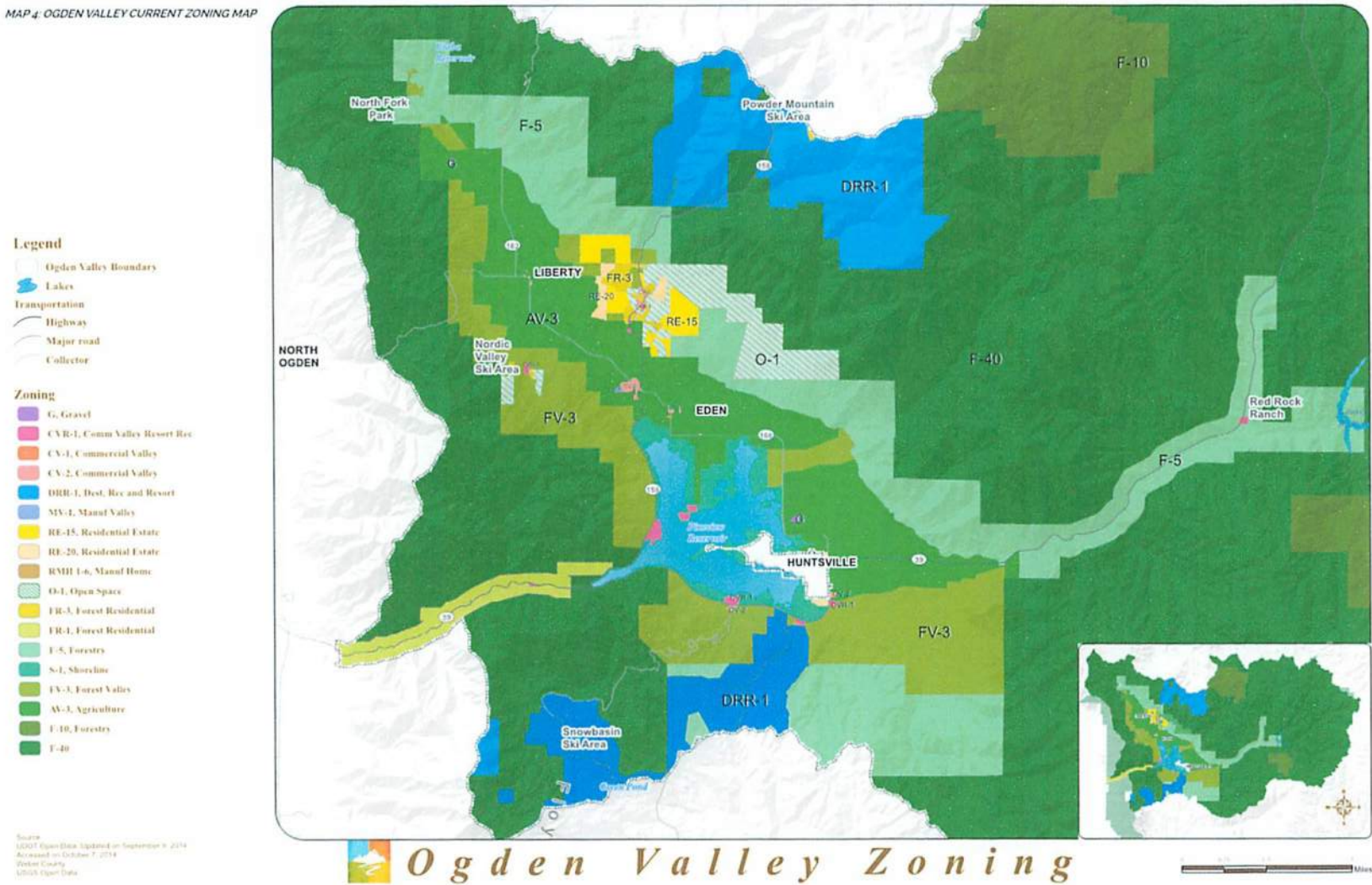
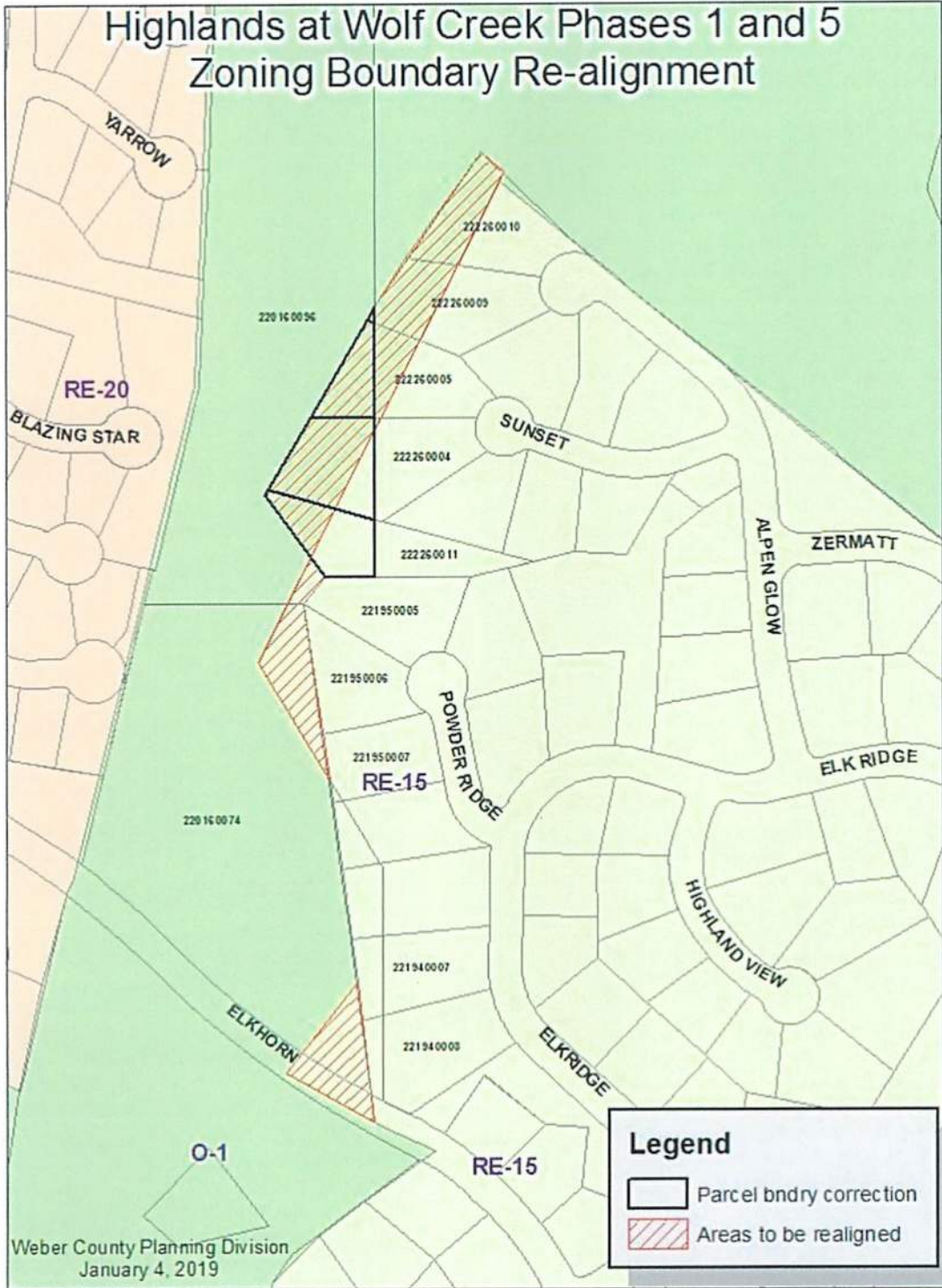


Figure 5: Current Zoning Map of the Ogden Valley's General Plan.

MAP 4: OGDEN VALLEY CURRENT ZONING MAP



Highlands at Wolf Creek Phases 1 and 5 Zoning Boundary Re-alignment





Staff Report to the 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 22, 2019

Staff Report Date: Friday, January 11, 2019

Applicant: Kendell and Cindy Harper

File Number: ZTA 2018-06

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

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

Legislative Decisions

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

Summary and Background

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

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

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

Policy Analysis

Policy Considerations:

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

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

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

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

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

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

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

The preferred use of the A-3 zone is:

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

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

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

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

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

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

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

² Weber County Code § 104-8-1

³ Weber County Code § 104-8-2

Past Action on this Item

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

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

1 Title 106 - SUBDIVISIONS

2 ...

3 CHAPTER 2. – SUBDIVISION STANDARDS

4 ...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 ...

1 **Title 106 - SUBDIVISIONS**

2 ...

3 **CHAPTER 2. – SUBDIVISION STANDARDS**

4 ...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 ...



Staff Report to the Western Weber 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 22, 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. Staff is recommending approval of the proposal.

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 fossil fuels 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.¹

Weber County currently has four hydropower generating plants.² Adding another clean-power generation source such as solar will help bolster the existing grid while also supporting the growing power generation needs in of the Wasatch Front without compromising local air quality or incurring other risks associated with transporting and burning fossil fuels.

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 much information by way of future power generation implementation goals or objectives. The plan's future land use map designates the A-3 area as "one acre and five acre development" with "cluster style development pattern required [and] minimum 30 percent open space."³ However, the Western Weber County Resource Management Plan suggests that solar energy should be pursued but may be unlikely because of the private agricultural lands in the area. Further, it offers a policy that reads:

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.

If the reason that large-scale power is unlikely in the area is due to minimal available lands as a result of agricultural uses, then perhaps the Planning Commission would be comfortable accepting that *if* agricultural land is made available for large-scale power generation then this directive could be extended to large-scale solar thereon.

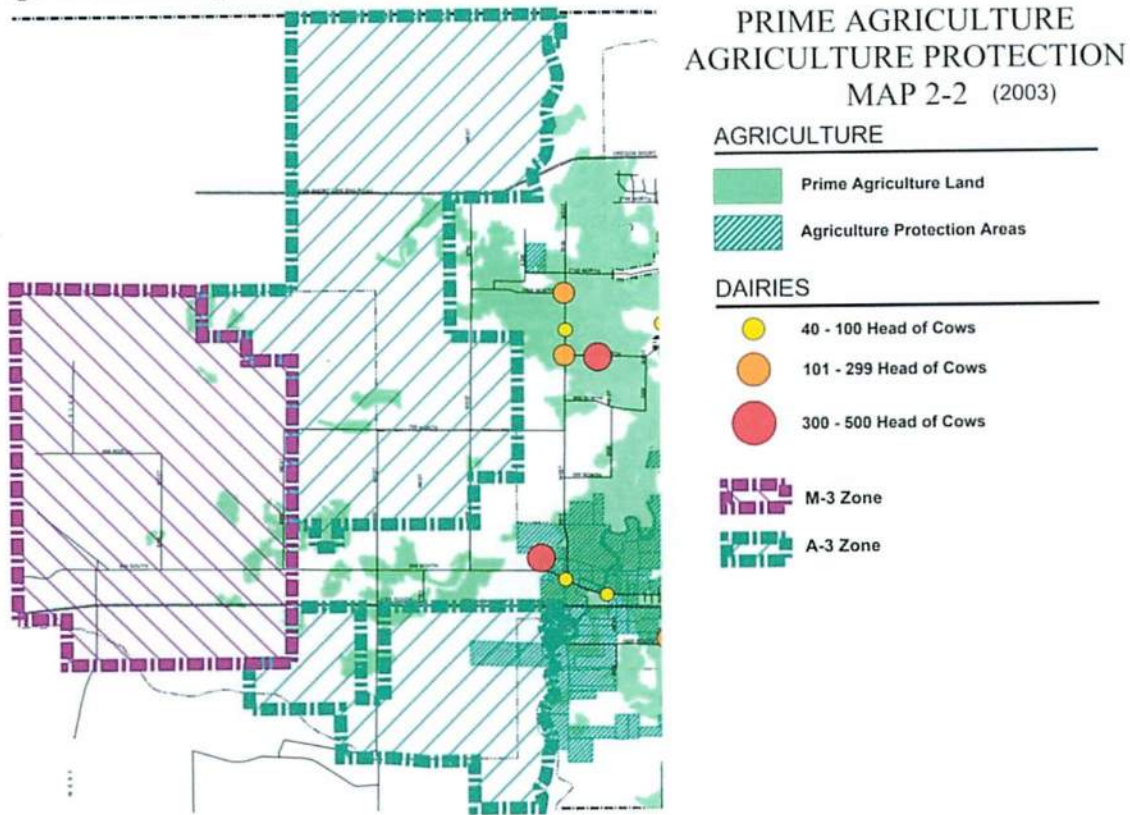
A review of prime agricultural lands and agricultural protection areas (based on the 2003 General Plan maps) show very little prime agricultural lands in the A-3 and M-3 zones (see figure 1). While these lands could be used for grazing and other limited agricultural production, they are more likely to support heavy agricultural-industry uses rather than crop production, as provided in the A-3 zoning regulations. While not a traditional agricultural use, this may lend to support the use of solar farming as a potential agricultural-industry.

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

² Western Weber County Resource Management Plan, p. 18.

³ West Central Weber County General Plan, Map 2-4.

Figure 1: Prime Agricultural Land and Agricultural Protection Lands in the A-3 and M-3 Zones.



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."⁴

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."⁵

The preference for heavy agricultural-industries in the A-3 zone, and possible support for solar energy farming, is reflected in the uses that are only allowed in the A-3 zone but not in the other agricultural zones. The following list offers uses that are unique to the A-3 zone. Please note that not all follow the traditional definition of agriculture.

- Hog farm
- Livestock feed or sales yard
- Manure spreading, drying, and sales
- Soil composting, manufacturing, and sales (also allowed in A-2 but only on ten-acre parcel)
- Airport
- Animal hospital as a permitted use (it is a conditional use in other zones)
- Dog breeding, dog kennels, or dog training school as a permitted use (it is a conditional use in other zones)
- Slaughter house
- Stockyard
- Dog pound
- Hospital
- Sanitarium as a permitted use (also allowed in A-2 but only with conditional use permit)

⁴ Weber County Code § 104-8-1

⁵ Weber County Code § 104-8-2

Please also note that the code has a specific definition for agriculture, which reads:

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.⁶

This definition explicitly excludes agricultural-industries from being defined as agriculture, however, based on the above list of unique uses allowed in the A-3 zone, it can be observed that even though "agriculture" is the preferred use in the A-3 zone, the zone is not exclusive to that use.

The purpose of the M-3 zone is:

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.⁷

While the impact of the use of a solar energy farm is quite different than aerospace product manufacturing and testing, the M-3 zone is currently the only zone in which a solar energy farm is allowed. The Planning Commission might find that the limited impacts of a solar energy farm may enable it to be extended to other zones, such as the heavy-agricultural zone.

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

- Lines 6-13 offer new definitions that distinguish between small solar energy systems and large solar energy systems.
- Lines 21-22 and the table below offers corrected information that is not relevant to this change. It also adds "Large Solar Energy System Overlay Zone" (SOZ) as a new allowable zone.
- Lines 33-40 eliminate large scale photovoltaic solar energy systems as a use in the M-3 zone. This use would still be supported in this zone if using the new SOZ.
- Lines 42-121 add the text for the SOZ.
- Lines 44-47 offer a purpose and intent for the SOZ.
- Lines 48-50 allow the SOZ in the A-3 and M-3 zones only.
- Lines 51-58 offer permitted uses in the new SOZ.
- Lines 59-60 offer prohibited uses in the SOZ. This lists any solar system that uses reflected light or mirrors. These energy systems of documented detrimental effect on fowl and the A-3 and M-3 zones are in the Ogden Bay migratory bird area.
- Lines 61-99 provide additional procedural requirements for rezoning to the SOZ.
- Lines 64-73 explain that the SOZ will automatically expire and be removed from the property under certain circumstances.
- Lines 74-99 require a development agreement to run with the zone, and offer minimum requirements for the development agreement.
- Lines 100-121 offer the minimum site development standards for property in the SOZ. Other more site-specific development standards can be negotiated and implemented into the development agreement.
- Lines 124-133 offer administrative code cleanup in the supplemental standards chapter to support the added definitions and language.

This overlay would not be applied to any property until the County Commission adopts a rezone to it and approves a development agreement. No property owner is currently entitled to it, and the discretion to apply it to any property is up to the County Commission. Site specific concerns can be addressed and negotiated at that time.

Past Action on this Item

⁶ Weber County Code § 101-1-7

⁷ Weber County Code § 104-25-1

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. No formal action has been taken. The original idea was to allow large solar energy systems in the A-3 zone. While the planning commission seems accepting of the use, there was concern that allowing it by-right in the A-3 zone could have unforeseeable consequences. There was a desire to address this type of use on a site-by-site basis. This proposal allowed for that.

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 2018-07, the addition of a solar overlay zone to the County Land Use Code. This is based on the following findings:

1. That there is some support for solar energy provisions in the Western Weber County Resource Management Plan.
2. That the existing A-3 and M-3 zones are suitable for large solar energy systems, provided unique site conditions are better addressed by development agreement.
3. That clean energy generation is in the best interest of the County and the greater Wasatch Front region.
4. That the impact solar energy generation may have on an area is offset by the benefit of it.
5. That the proposal is 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 **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.

Commented [E1]: New 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 onsite.

Commented [E2]: New definition.

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 ~~32~~
22 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

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

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 (123) Public utility substations.

36 (134) Private recreation areas.

37 (145) Railroad yards, shop or roundhouse; rock crusher.

38 (156) Site leveling and preparation for future development.

39 (167) Space craft and space craft parts.

40 (178) 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.**

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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.

- 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.

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

The following site development standards apply to the SOZ. For the purpose of this chapter, the term "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.

...

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 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.

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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.

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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**

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Residential Estates Zone	RE-20
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Agricultural Valley Zone	AV-3
Forestry Zone	F-5
Forestry Zone	F-10

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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
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Forest Residential Zone	FR-1
Residential Zone	R-2
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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
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**

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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.**

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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.

Phone

801.726.9048 | 435.260.0366

Fax

285 South 400 East | Suite 216

Moab, Utah 84532

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).

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

Project Narrative (continued...)

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

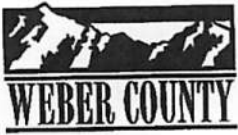
State of Utah
Weber County

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 2018-07, 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 22, 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. Staff is recommending approval of the proposal.

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 fossil fuels 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.¹

Weber County currently has four hydropower generating plants.² Adding another clean-power generation source such as solar will help bolster the existing grid while also supporting the growing power generation needs in of the Wasatch Front without compromising local air quality or incurring other risks associated with transporting and burning fossil fuels.

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 much information by way of future power generation implementation goals or objectives. The plan's future land use map designates the A-3 area as "one acre and five acre development" with "cluster style development pattern required [and] minimum 30 percent open space."³ However, the Western Weber County Resource Management Plan suggests that solar energy should be pursued but may be unlikely because of the private agricultural lands in the area. Further, it offers a policy that reads:

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.

If the reason that large-scale power is unlikely in the area is due to minimal available lands as a result of agricultural uses, then perhaps the Planning Commission would be comfortable accepting that *if* agricultural land is made available for large-scale power generation then this directive could be extended to large-scale solar thereon.

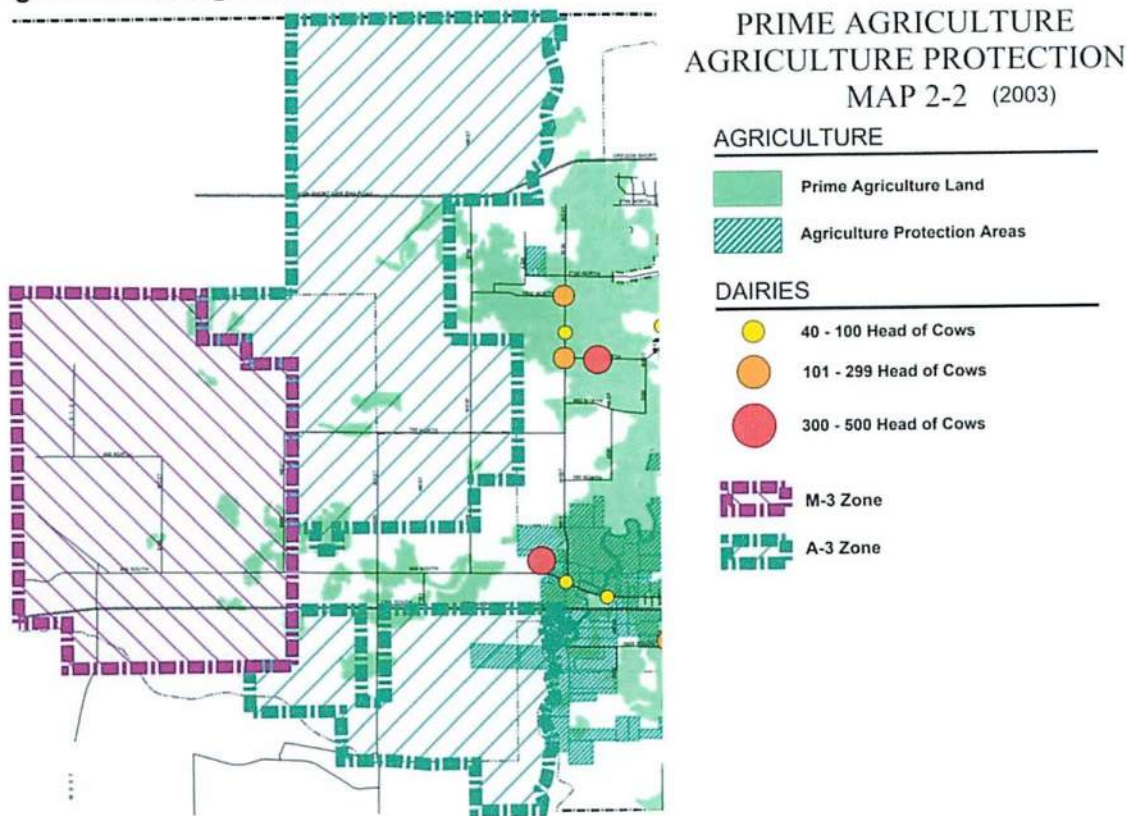
A review of prime agricultural lands and agricultural protection areas (based on the 2003 General Plan maps) show very little prime agricultural lands in the A-3 and M-3 zones (see figure 1). While these lands could be used for grazing and other limited agricultural production, they are more likely to support heavy agricultural-industry uses rather than crop production, as provided in the A-3 zoning regulations. While not a traditional agricultural use, this may lend to support the use of solar farming as a potential agricultural-industry.

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

² Western Weber County Resource Management Plan, p. 18.

³ West Central Weber County General Plan, Map 2-4.

Figure 1: Prime Agricultural Land and Agricultural Protection Lands in the A-3 and M-3 Zones.



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."⁴

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."⁵

The preference for heavy agricultural-industries in the A-3 zone, and possible support for solar energy farming, is reflected in the uses that are only allowed in the A-3 zone but not in the other agricultural zones. The following list offers uses that are unique to the A-3 zone. Please note that not all follow the traditional definition of agriculture.

- Hog farm
- Livestock feed or sales yard
- Manure spreading, drying, and sales
- Soil composting, manufacturing, and sales (also allowed in A-2 but only on ten-acre parcel)
- Airport
- Animal hospital as a permitted use (it is a conditional use in other zones)
- Dog breeding, dog kennels, or dog training school as a permitted use (it is a conditional use in other zones)
- Slaughter house
- Stockyard
- Dog pound
- Hospital
- Sanitarium as a permitted use (also allowed in A-2 but only with conditional use permit)

⁴ Weber County Code § 104-8-1

⁵ Weber County Code § 104-8-2

Please also note that the code has a specific definition for agriculture, which reads:

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.⁶

This definition explicitly excludes agricultural-industries from being defined as agriculture, however, based on the above list of unique uses allowed in the A-3 zone, it can be observed that even though "agriculture" is the preferred use in the A-3 zone, the zone is not exclusive to that use.

The purpose of the M-3 zone is:

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.⁷

While the impact of the use of a solar energy farm is quite different than aerospace product manufacturing and testing, the M-3 zone is currently the only zone in which a solar energy farm is allowed. The Planning Commission might find that the limited impacts of a solar energy farm may enable it to be extended to other zones, such as the heavy-agricultural zone.

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

- Lines 6-13 offer new definitions that distinguish between small solar energy systems and large solar energy systems.
- Lines 21-22 and the table below offers corrected information that is not relevant to this change. It also adds "Large Solar Energy System Overlay Zone" (SOZ) as a new allowable zone.
- Lines 33-40 eliminate large scale photovoltaic solar energy systems as a use in the M-3 zone. This use would still be supported in this zone if using the new SOZ.
- Lines 42-121 add the text for the SOZ.
- Lines 44-47 offer a purpose and intent for the SOZ.
- Lines 48-50 allow the SOZ in the A-3 and M-3 zones only.
- Lines 51-58 offer permitted uses in the new SOZ.
- Lines 59-60 offer prohibited uses in the SOZ. This lists any solar system that uses reflected light or mirrors. These energy systems of documented detrimental effect on fowl and the A-3 and M-3 zones are in the Ogden Bay migratory bird area.
- Lines 61-99 provide additional procedural requirements for rezoning to the SOZ.
- Lines 64-73 explain that the SOZ will automatically expire and be removed from the property under certain circumstances.
- Lines 74-99 require a development agreement to run with the zone, and offer minimum requirements for the development agreement.
- Lines 100-121 offer the minimum site development standards for property in the SOZ. Other more site-specific development standards can be negotiated and implemented into the development agreement.
- Lines 124-133 offer administrative code cleanup in the supplemental standards chapter to support the added definitions and language.

This overlay would not be applied to any property until the County Commission adopts a rezone to it and approves a development agreement. No property owner is currently entitled to it, and the discretion to apply it to any property is up to the County Commission. Site specific concerns can be addressed and negotiated at that time.

Past Action on this Item

⁶ Weber County Code § 101-1-7

⁷ Weber County Code § 104-25-1

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. No formal action has been taken. The original idea was to allow large solar energy systems in the A-3 zone. While the planning commission seems accepting of the use, there was concern that allowing it by-right in the A-3 zone could have unforeseeable consequences. There was a desire to address this type of use on a site-by-site basis. This proposal allowed for that.

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 2018-07, the addition of a solar overlay zone to the County Land Use Code. This is based on the following findings:

1. That there is some support for solar energy provisions in the Western Weber County Resource Management Plan.
2. That the existing A-3 and M-3 zones are suitable for large solar energy systems, provided unique site conditions are better addressed by development agreement.
3. That clean energy generation is in the best interest of the County and the greater Wasatch Front region.
4. That the impact solar energy generation may have on an area is offset by the benefit of it.
5. That the proposal is 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 **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.

Commented [E1]: New 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.

Commented [E2]: New definition.

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 ~~32~~
22 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

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

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.

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CHAPTER 25. - MANUFACTURING ZONE M-3

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

...

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

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

...

- (11) Missiles and missile parts.
- ~~(12) Large scale photovoltaic solar energy systems designed to produce energy for wholesale purposes.~~
- (123) Public utility substations.
- (134) Private recreation areas.
- (145) Railroad yards, shop or roundhouse; rock crusher.
- (156) Site leveling and preparation for future development.
- (167) Space craft and space craft parts.
- (178) Storage of petroleum.

...

CHAPTER 30. - Large Solar Energy System Overlay Zone SOZ

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

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

Sec. 104-30-2. - Applicability.

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

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

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

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

(2) Large solar energy system.

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

Sec. 104-30-4. – Prohibited uses.

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

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

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

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

a. The term of the development agreement expires;

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

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

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

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

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

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

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

1. All applicable provisions of this section.

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

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

- 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.

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

The following site development standards apply to the SOZ. For the purpose of this chapter, the term "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.

...

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 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.

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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.

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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

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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

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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.**

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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.

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)
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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 <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail

Authorized Representative Contact Information | APPLICANT

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

Property Information

Project Name 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).

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

Project Narrative (continued...)

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>

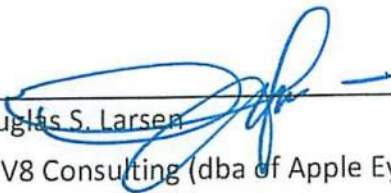
Bloomberg Opinion, Tech Investments are Powering Up Clean Energy at <https://www.bloomberg.com/opinion/articles/2018-09-29/tech-companies-are-big-spenders-on-renewable-energy>

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):

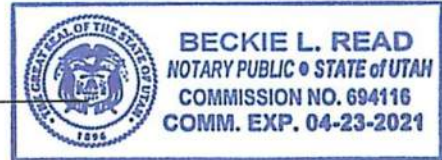
 11.29.2018
Douglas S. Larsen
L E V8 Consulting (dba of Apple Eye LC) on behalf of Strata Solar Development LLC

State of Utah
Weber County

This instrument was acknowledged before me on:

Date: NW 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
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.¹

This proposal is intended to implement this directive.

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

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

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

Past Action on this Item

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. 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-~~natural landscape that exists in the ~~Ogden Valley~~unincorporated areas of Weber
4 County, and also accommodate new growth in commercial and industrial uses. The design standards
5 include the following specific purposes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c)~~ Front and side property lines adjacent to a street. ~~All commercial-s~~ites shall provide a planting area, excluding sidewalk, of at least ~~45-20~~ feet in width along front and side property lines adjacent to a street rights-of-way. If a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building unless This requirement shall be waived for areas occupied by a building with a zero setback from the street right-of-way, provided the street frontage meets the complete street requirements of Section 104-21-4(c).

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

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

Commented [E7]: Moved to here from two below

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

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

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

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

Commented [E9]: Moved up two.

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

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

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

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

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

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

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

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

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

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

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

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

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

163 encouraged. Turf may be planted by sodding, plugging, sprigging or seeding. Application
164 rates for plugs, sprigs and seed shall be high enough to provide even and uniform coverage
165 of turf within one growing season after planting. Turf areas where erosion is expected to
166 occur under normal conditions, such as drainage swales and/or slopes greater than 30
167 percent, shall be planted exclusively with sod.

168 (3) *Selection.* Plants used in conformance with the provisions of this chapter shall be hardy and
169 capable of withstanding the extremes of ~~the climate of individual-the site, microclimates typical of~~
170 ~~Ogden Valley.~~ The use of drought tolerant and native plants is strongly encouraged preferred
171 ~~required within areas appropriate to-where~~ site conditions can support them.

172 (4) *Installation.* All plant materials shall be installed in accordance with the current professional
173 planting procedures.

174 (5) *Irrigation.* All landscaped areas containing living plant material shall be provided with ~~either-a~~
175 ~~manual-or-an~~ automatic irrigation system except as authorized by the land use authority.

176 (ii) *Maintenance.* Plant maintenance shall be as follows:

177 (1) *Responsibility.* The owner of the premises shall be responsible for the maintenance, repair, and
178 replacement of all landscaping materials on the site. Each owner is also responsible for
179 maintenance of the ~~parkway-parkstrip~~ in front or to the side of the property.

180 (2) *Materials.* All plant materials shall be maintained in good condition so as to present a healthy,
181 neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant
182 material, refuse and/or debris.

183 (3) *Replacement.* All dead or removed plants shall be replaced with the same type and size of plant
184 material as originally specified on the approved landscape plan. No substitutions shall be allowed
185 without prior approval of the ~~land use authority, planning commission staff, whose decisions are~~
186 ~~appealable to the planning commission.~~ Replacement shall be made within 30 days of the plant's
187 demise or removal. In cases where the 30-day time limit for replacement extends beyond the
188 normal growing season, replacement shall be made at the beginning of the following growing
189 season.

190 (4) *Fences, walls and hedges.* Fences, walls and hedges shall be maintained in good repair.

191 (5) *Irrigation systems.* Irrigation systems shall be maintained in good operating condition to promote
192 water conservation.

193 (i) *Design guidelines.* Landscaping design shall be as follows:

194 (1) *Scale.* The scale and nature of landscaping materials shall be appropriate to the size of the
195 structures to be landscaped. Large buildings should generally be complemented by larger plants
196 and planting beds.

197 (2) *Selection.* Plants shall be selected for form, texture, color, habit and adaptability to local
198 conditions.

199 (3) *Evergreens.* In the Ogden Valley, ~~E~~vergreen plant materials shall be incorporated into the
200 landscape to provide some year round structure and enhance screening and buffering.

201 (4) *Softening.* Plants shall be placed intermittently against ~~long-fifty feet or greater expanses of~~
202 building walls, fences and other barriers longer than 50 feet to create a softening effect and add
203 variety.

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

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

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

253 ~~(k)~~ **Manufacturing sites**

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

255 ~~uses permits.~~

256 ~~(4)~~—In addition to the general landscape requirements and where a proposed conditional use creates

257 noise and/or dust emissions ~~through its manufacturing or loading/transportation process~~ greater

258 than surrounding uses, a landscaped buffer shall be required along the affected area

259 accommodating such uses.

260 a. **Berming and trees.** A landscaping buffer shall consist of a four-foot or taller earthen berm

261 incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a

262 minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized

263 at a minimum of six feet in height for evergreen trees and three-inch caliper for deciduous

264 trees.

265 b. ~~(2)~~ **Berming and shrubs.** A mixture of shrubs shall also be planted on the berm with a minimum

266 of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time

267 of installation.

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

269 ~~(a) — All off-street parking areas or other vehicular use areas which are 20 feet or closer to any street right-~~

270 ~~of-way shall have a continuous landscape area between the edge of parking and the right-of-way. The~~

271 ~~minimum width of this landscape area shall be 15 feet. The minimum landscaping shall consist of the~~

272 ~~following:~~

273 ~~(1) — Trees shall be planted and spaced at the equivalent of one tree per 50 lineal feet or fraction~~

274 ~~thereof along the length of the landscape area. They may be spaced linearly or grouped in~~

275 ~~clusters. Tree size shall be a minimum of two-inch caliper.~~

276 ~~(2) — In addition to trees, an evergreen or deciduous shrub border or hedge shall be planted along~~

277 ~~100 percent of the length of the landscaped area. Shrubs used shall not be less than 18 inches~~

278 ~~and not more than 48 inches in height at maturity. The remainder of the planting area shall be~~

279 ~~landscaped with turf grass or groundcovers.~~

280 ~~(3) — A fence, permanent screen, or wall may also be installed within the landscaping area; however,~~

281 ~~the non-living screening device shall not exceed four feet in height, and shall not replace the plant~~

282 ~~material requirement. The minimum plantings specified shall be installed on the street side of the~~

283 ~~screen. Additional plant materials may be planted on the parking area side of the screen.~~

284 ~~(b) — Off-street parking or other vehicular use areas which are further than 20 feet from any street right-of-~~

285 ~~way shall also have a continuous landscape area between the edge of parking and the right-of-way.~~

286 ~~The minimum landscaping shall consist of the following:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commented [E15]: Rearranged for consistence and readability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 424 (1) The location and dimensions of all existing and proposed structures, property lines, easements,
425 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,
426 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding
427 electrical equipment, tot lots and playground equipment, all recreational facilities, and other
428 freestanding structural features deemed necessary to accurately portray existing and proposed
429 site characteristics.
- 430 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant
431 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent
432 of mature size.
- 433 (3) The location, size and common names of all existing plant material (including trees and other
434 plants in the ~~parkway~~ parkstrip) and whether they are to be retained or removed.
- 435 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the
436 site. Where adjacent trees are growing in native or natural clumps or groves such that showing
437 individual tree locations is impractical, canopy outlines are acceptable.
- 438 (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals.
439 Show any walls or retaining structures proposed, along with their respective elevations. Proposed
440 earth beaming shall be indicated using one-foot contour intervals.
- 441 (6) Water efficient irrigation system (separate plan required). This system shall indicate the locations
442 and types of all equipment, including sprinkler heads, control valves, quick-coupling valves,
443 backflow prevention devices, time clock or controller, lateral lines, and main lines.
- 444 (7) Summary data table indicating the area of the site in the following classifications:
 - 445 a. Total area of the site.
 - 446 b. Total area and percentage of the site in landscape area.
 - 447 c. Total area and percentage of the site in turf grass.

448 ...

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

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

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

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

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

469

470

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53

54

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

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

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

64 (1) *Color.* External surfaces shall be predominantly natural, muted earth tones. White may only be
65 used as an accent color.. The roof of an addition to an existing structure, when matching existing
66 colors, shall be exempt.

67 (2) *Exposed fronts and street sides of buildings.* Exposed fronts and street sides of buildings shall
68 be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or
69 natural wood/wood-like materials. Concrete masonry units or block CMUs shall not be considered
70 acceptable materials unless it is specially colored and textured to give an appearance of natural
71 rough stone. Vinyl and/or aluminum siding shall not be acceptable.

72 (3) *Glass.* Use of glass for displays and to allow visual access to interior spaces shall be allowed.
73 Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.

74 (4) *Exposed metal.* Exposed metal shall be painted, stained, or anodized in permitted colors and
75 shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to
76 develop a natural patina.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

214

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

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

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

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

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

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

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

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

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

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

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

258 (d) *Landscape exceptions.* The following are exceptions to landscaping requirements:

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

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

262 (e) *Internal parking lot landscape standards.* Parking areas having more than 15 spaces shall be required
263 to provide interior landscaping within the boundaries of the parking lot or area that meets the following
264 criteria:

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

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

271 (3) *Parking lot landscape islands.* Each separate interior landscape island shall contain a minimum
272 of 120 square feet and shall have a minimum dimension of five feet as measured from back of
273 curb to back of curb, or from edge of pavement to edge of pavement. Landscape islands shall be
274 dispersed throughout the parking area to effectively break up the expanse of paving.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

348 a. Total area of the site.

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

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

351 ...

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

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

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

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

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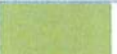
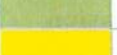








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CALENDAR KEY:

	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
	Paydays

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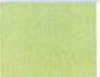









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CALENDAR KEY:

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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