

**Minutes of the Western Weber Planning meeting of February 12, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.**

**Members Present:** Bren Edwards-Chair  
Andrew Favero-Vice Chair  
Jannette Borklund  
John Parke  
Jennifer Willener

**Members Excused:** Greg Bell  
Blake Hancock

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

- Pledge of Allegiance
- Roll Call

**1. Approval of minutes for September 11, 2018, October 9, 2018, and December 11, 2018 minutes.**

There was a correction on October 9, 2018, on page 3. Second to last paragraphs where it says Jennifer it should be specified that it means Jennifer Drive not Commissioner Jennifer Willener. On page 15 there is a motion that does not include findings. On the minutes from December 11, 2018, it says Commissioner Favero was not present. Commissioner Favero was present. The only Commissioner not present for this meeting was Commissioner Edwards. Minutes approved with noted corrections.

Chair Edwards asks if there are any conflicts of interest or ex parte communications to declare. There are none.

**2. Consent Items**

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

**MOTION:** Commissioner Parke moves to approve item DR- 2019-01 A request for design review approval to construct a new greenhouse that will be added to a large scale growing operation named Pineae Greenhouses. Commissioner Willener Seconds Motion carries (5-0)

**Petitions, Applications, and Public Hearings**

**3. Administrative items**  
**a. New Business**

Chair Edwards asks Director Grover to explain the administrative items. Director Grover states that since these are administrative items it is up to him if he wants to take public comment. It is not a public hearing. Typically, they do take public comment on items of this nature.

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

Tammy Aydelotte gives an overview of the proposal as listed in the staff report. She gives an explanation of the map.

Jeremy Jaggi 6690 Willow Creek Rd. would like to thank Weber County Staff and the Planning Commission for all the planning that has gone into the General Plan amendment for the rezone since September. This land was dormant for a long time. He wants to help revitalize the area with patio style homes and bring in younger families.

Tammy Aydelotte states that Staff recommends preliminary approval at this time with the added conditions "subject to all review agency requirements and the following condition that a paved 6 ft. walking path be required where 5950 stubs into the cul de sac. She adds that there are still some items that will need to be addressed to final approval such as secondary water, updated improvement plans with the water district." At this point, Uintah highland will be servicing the wastewater and Weber Basin will be servicing the secondary water. She adds that staff recommends approval it meets requirements for the R-10 zone. It conforms to the South East area of the Masterplan. The geologic hazards have been addressed by a geologist. A letter from the Geologist is included in the staff report.

Commissioner Borklund asks if the pavement would extend the end of the subdivision. Ms. Aydelotte states they are required to have a paved walking path from 5950 to the sidewalk in the cul de sac to the end of the property owner's property. It an easement that would overlay that and would be maintained by the adjacent property owners on either side.

Ms. Aydelotte notes that they do anticipate increased foot traffic in the future, there is an Elementary school just across Eastwood Blvd. This is the reason requiring the walking path.

Commissioner Parke asks how much will remain unpaved. Are they willing to put in an easement to make it stand alone? Ms. Aydelotte states that as far as feet it is 12ft. the easement does not extend to the 5950. The property is owned by the same owner. Mr. Jaggi states that with regards to the easement, the way the ordinance works is it connects. He adds that they brought this to the Commission because there are some concerns because there is no sidewalk or crosswalk on Combe road. There doesn't seem to be any liability there. He adds that they are willing to do what County requires. If the pavement isn't added it is recommended that soft dirt is added to match the property owners that live there.

Commissioner Borklund asks if it going to be gated. Mr. Jaggi states that the pedestrian walkway they have not made that decision yet. Owners and Developer are nervous because there is no crosswalk, they will do what needs to be done.

Chair Edwards opens for public comments

Bart Nielson 2274 E 5950 states that he is not there to protest but he can't embrace it because he doesn't feel decreasing the lot size is good for the long term health of the neighbors. He adds that the representatives should notify each member of the involved neighborhood. If there is going to be a sweeping zoning change that involves their property. If this is the case it appears that special interest groups are getting their way and not involving the remainder of the property owners. This was zoned and no one knew about it.

Rick Buyer 6040 Combe Rd. asks what are the lot sizes. Commissioner Edwards states that since it was just rezoned to the R-1-10 the lot sizes went down to 10, 000 sq. ft.

Chair Edwards closes the public comment.

MOTION: Commissioner Willener moves to recommend preliminary approval of Uintah View Estates Subdivision an 8 lot Subdivision located at approximately 2277 East 5950 South, 84403 this recommendation subject to all review including those of the Uintah Highland District, and that a paved 6ft walking path from the proposed cul de sac to the border of the plat line be included. This recommendation is based on the findings that the proposed subdivision conforms to the South East Area Masterplan, the proposed subdivision complies with the applicable county ordinances. Borklund seconds. Motion carries (5-0).

### **3.2 Consideration and action on final approval of Fenster Farms Phase 2 Subdivision, an 8 lot subdivision.**

Director Grover states that this is an administrative item and it is not required to take public comment, but they can if they choose.

Tammy Aydelotte gives an overview of the proposals. She notes that preliminary approval had already been granted, the minimum lot size in the A-2 zone 40,000 sq. ft. All of the lots range from 40,000 to 45,000 sq. ft. they all meet the minimum lot width.

Allan Karras 5419 S 3275 W states that he is one of the owners. He is standing in for Mr. Palmer who recently had surgery. He notes that regarding the lot sizes they meet all requirements and they have done extensive work with the Board of Health to get the septic systems approved. The utility and drainage have been worked over well. Commissioner Borklund states that the previous time there were some concerns with the last phase and the groundwater. Have these issues been resolved? Mr. Karras states that he is not aware of a groundwater problem. It is his understanding that some of the issues they were having were because a farmer overwatered and another issue not to do with them as developers. He adds that there will be no more flood irrigation. There has been a lot of work done to get the stormwater taken care of.

Tammy Aydelotte notes that they did speak Engineering and building inspections after preliminary approval. There were no deficiencies in the part of the County as far as what was required. Chad Meyerhoffer stated in his review that he would require the same baseline elevations when submitting for a building permit for this phase as was done in phase 1. Staff recommends final approval subject to all review agency and based the following conditions. A letter from the Water District and secondary water provider approving the design of any new infrastructure and escrow established for the improvements to be installed. It does conform to the Western Weber General Plan, it meets the zoning requirements and the subdivision standards.

Chair Edwards asks if there are any questions for staff from the Planning Commission. There is none.

Chair Edwards opens to public comment. There is none.

Chair Edwards closes the public comment.

**MOTION:** Commissioner Parke moves grant final approval of item LVF071318 Fenster Farms Phase 2 Subdivision, and eight-lot subdivision. This recommendation is subject to all review agency requirements and based on the following conditions A letter from the water district and secondary water provider approval design of the new infrastructure. An escrow established for improvement to be installed. The recommendation is based on the following findings. The proposed subdivision conforms to the West Central Weber General Plan. The proposed subdivision complies with applicable county ordinances. Commissioner Borklund seconds. Motion carries (5-0)

#### 4. Legislative items

##### a. New Business

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

Charles Ewert gives an overview of the proposal. This involves 4 different parcels; the parcels are owned by the Wilson Family Trust. The Wilson Family will be leasing the property to the solar entity. They will be leasing between 250 to 300 acres. He notes that they have complied with the new setback standards of the solar overlay zone. There is a hundred-foot buffer all the way along the outside. The fencing is a hundred foot in on the inside of the project. It is security fencing with barbed wire on the top. They are proposing chain link fencing. There has been a request for special treatment on the fencing to get rid of the sheen.

Commissioner Borklund asks if there is going to be landscaping on the outside of the fence. Mr. Ewert states that currently no landscape plan has been submitted. It is one of the recommendations for approval. There was also some discussion regarding pollinators, growing wildflowers out there and also have a weed management plan. They will be working with Weber State University and Utah State University to figure out how to treat the site.

Mr. Ewert notes that if the overlay zone gets adopted it will get adopted with a development agreement. They will memorialize all the rights and entitlements, including the site plan in a development agreement. It is anticipated that the development agreement will be to the benefit of the owner. It is written in such a way that if the project is ever sold there is an option to revoke the rezone, it does not mean that the County will it just means that the County needs to know who the next County owner will be. If it gets recommended for approval, it will be sent to the County Commission for final approval. The County Commission can make some changes if necessary. After that, the applicant may go in and apply for building permits.

Mr. Ewert gives an overview of the conditions of approval as listed in the staff report. He notes that there are some concerns with regard and lake effect, this referring to the effect of the solar panels look like water from the sky. There is a condition of approval that the panels are treated specifically for this issue. Also, they will work with UDWR to mitigate other concerns. One thing that has asked been asked of the applicant is to defer to UDWR. He adds that they are also asking that all power lines be grounded at least at grade level with conduit so that animals don't get electrocuted. There is one overhead power line that is going to have to happen, it is a high voltage transmission line connector. There will be a power line of some sort coming into the transmitter line which runs across the property, and everything else will be at grade. He notes that the Planning Commission can ask for specific types of vegetation requirements. Staff did not ask for it because they are setting the project around 1200 ft. about a quarter of a mile away from the nearest home. It seems like a good enough distance to provide a buffer, but if the Planning Commission disagrees they can make changes like a row of trees or something to offer a buffer. If this is the case, there will need to be access to water. There hasn't been a discussion about this. Commissioner Favero asks if this is the closest potential to the site. Mr. Ewert states that regarding the properties up to the North there are some owners anticipating some kind of development in the area, 2-acre development in the A-3 area. Once this is implemented the expectation is that people that are looking at property there will have full disclosure that they are building next to a solar farm. There is no inherent risk in building next to a solar farm but they want to make sure future owners to be aware. He adds that if this a concern, it is something that can be addressed. Commissioner Favero asks what is recommended for the future. Mr. Ewert states that the distance required for a setback is 30 ft. and the applicant is doing 100 ft. It will be on the site plan and the development agreement. Commissioner Willener asks if there is an option in terms of deferred landscaping since there is no nearby residential or is it recommended that landscaping plan is done at this point. Mr. Ewert state it could be deferred to a later time; it would be a challenge to uphold or administer because when current detrimental effects get mitigated it goes back to what is in effect at this point. If there is reasonable anticipation it could be done, but to require a six-foot hedge would be excessive to anticipate something in the future. Commissioner Borklund asks regarding the fowl and the lake effect. She asks if

this is happening because of the size. Mr. Ewert states that it has more to do with the solar panels reflecting blue skies. He adds that there are other mitigating factors. There has been some research done on this subject. There are some grants and programs in place to implement treatment. The goal is to just make it look like black solar panels. Mr. Ewert states that regarding future residential, the new residents that come in the area will be the impact. They are looking to shield and buffer they will need to do that on their side. If there are proposal like this in the future, it will be easier to anticipate the detrimental effects. It is also important to note that there are still a few review agencies that have not made their final comments yet.

Doug Larsen 285 S 400 notes that this is a land lease, they are asking for the zone change on the entire 370 acres in case there is a need for expansion in the future. The intent is to consume the 300 acres. He notes that they are over 400 yards from the 7500 W and the chain-link fence. He states that at this point they are most interested in concerns and questions.

Chair Edwards opens the public comment.

Dr. Heidi Hoven 231 W 500 S STE E SLC states that she is an assistant manager of the National Audubon Society Gillmor Sanctuary. She is at the meeting representing the National Audubon Society. Audubon 2014 climate report posted online states that 314 species of North American birds are threatened on their breeding and wintering grounds by changes on climate suitability depending on how fast emissions can be reduced. Transforming the energy sector to emissions-free generation is a key strategy to combat the effects of climate change on birds while providing jobs and economic benefits for people it is a priority for Audubon. At the national, state, and local level in Utah and elsewhere there are supporting policies that drive rapid deployment of renewable energy as well as the adoption of site and guidelines and other policies to help mitigate effectively for impact on birds and other wildlife. She notes that the site of this project is north of Ogden Bay which is part of the Great Salt Lake. She adds that her main concern is proximity. It is 4000 acres located on the South shore of Great Salt Lake and encompassed mud flats and other wetlands. Audubon's Gillmor sanctuary is a part of the Great Salt Lake wetland ecosystem it is an internationally recognized site on the Western hemisphere shorebird reserve network. It is a vital pathway for millions of nesting migrating birds. The five major bays are individually recognized as globally significant. She states that they appreciate Strata commitment to address the possible lake effect that the photovoltaic panels may be perceived as water and attract water birds because of the proximity to bird areas and the wetlands around the Great Salt Lake. Strata Solar has made a commitment to implement proven industry standard patterns to eliminate the lake effect from this site. However, currently, there are no industry standard avoidance minimization or compensatory mitigation measures available to eliminate possible lake effect from this site. The possible lake effect is under research by USGS, Utility Scale PV Projects in California to verify if the lake effect exists. It will be completed for a year or so. If the lake effect is shown, then the research will also make recommendations for measures to avoid and minimize that effect. Therefore, Audubon requests that a bird and bat conservation strategy a standard document on solar and wind projects in consultation with fish and wildlife service and UDWR as part of the development agreement. The document cannot line the commitment of Solar Strata take adaptive management measures that commit the project to implement the avoidance and minimization that may be shown to be scientifically shown to be effective. Outline a program to monitor the impact of the projects on the bird. Provide measures to avoid impact from cooling and other problems that may be at risk to birds. Provide avoidance and minimization measure for migratory or nesting birds during construction. She adds that they appreciate their concerns and are happy to provide information on the important natural resources of the lake as they pertain to the project.

Rich Hansen 4786 S 7500 W manager of the Ogden bay waterfowl management area, states that they hope to work with the applicant to monitor and mitigate any issues that may arise from this project. He wants a condition added that the applicant has to work with the UWDR to work through any issues. He wants to work with the applicant to help mitigate the loss of habitat that is going to be used to in the project.

Steve Davis 7500 W states that he is there with an open mind and he fully supports the Wilson's they have been neighbors for a lot of years. He feels that the Wilson's have a right to develop their property and use it to the best use he can. He notes that as he was reading through the staff report it did raise a few questions. The staff report there is no mention of a revised overlay zone has been received. There are a lot of things being pushed forward as a development agreement because it hasn't been available to look at. He asks if they have seen the development agreement. He notes that the staff report also says there will be an increase in property taxes because this would be a benefit to the surrounding school district, Weber County, the Water District. He asks how that will work will it remain in greenbelt under the lease agreement, who's going to pay the increase in property taxes. He states that it has been noted it was mentioned that there was not going to be a need for a lot of water but he read that there will be more need for water to clean the solar panels. He asks what kind of solar panels these are. He states that he sits on the panel for the West Warren Improvement District. He adds that they do not provide secondary water. He asks if there is going to be bare ground underneath the solar panels, they have had a lot of issues with bare ground and dust. This would be a problem particularly keeping the solar panels clean. The substation that is being proposed is almost a mile away, and that is where the fire hydrants would be. A concern that he has is that the staff report states that the impact on neighboring property values has not been studied in depth. He adds that they have a property adjoining to some of the overlay, he adds that he may want to develop that in the future. There is not enough information about the effects of the values in other parts of the state. He feels that a lot of things are being pushed forward without having all the answers. There needs to be some planning done regarding infrastructure in the Western part of the County. This is a critical concern for that area. He reiterates that he is in full support of the Wilson's, but he feels that it is a bit premature in making a recommendation when not all the questions have been answered.

Chair Edwards asks if there are any further comments on the matter. There are none.

Chair Edwards closes the public comment on this item.

Mr. Ewert states that one of the concerns that he is in giving the UDWR discretion to apply whatever condition they want to the applicant is that they don't always deal in land use law. There are some very specific requirements that can't be done in land use. For example, an exaction or taking something from the applicant in order to offset something else, it has to follow a certain process. One thing that is being asked and it is in the recommendations is that UDWR work with the applicant together they can come up with a mitigation strategy. They can then get with staff to make sure that it works and they are legal and can be upheld. He feels that monitoring ongoing impact is really important. This can be seen in the conditions of approval. One thing that can be done with this regard is to do regular inspections of the site and verify how many birds have been lost to get metrics to see how impactful. He notes that with regard to potential property tax increase he does not foresee a lot of differences there, but there hasn't been an extensive property valuations research for this point. Commissioner Borklund asks regarding fire protection. Mr. Ewert states that they are still working with the fire chief has never approved something of this nature. Strat Solar has connected the fire chief with other authorities in other jurisdictions that have. At the very least staff is asking for road base from the access from 7500 all the way back into the site to be able to support a 7500-pound fire apparatus. It is important to understand the impacts are and they should be addressed. If there are outstanding concerns, there are ways to work through those concerns and make sure they get documented through the development agreement. Chair Edwards asks regarding the property tax does it stay in Greenbelt or does it go into another. Doug Larsen states that he is very grateful for all questions and concerns. Regarding property taxes and property values and weed mitigation. Strata solar will pay the taxes on the property that is consumed by the solar project. The county assessor will assess the solar panels as personal property in Utah if you have a business you pay property tax on things like furniture and equipment. I will be assessed by the County Assessor in that way. They will tax the real estate portion that is consumed, the land leased will not be in Greenbelt. There will be a bump in revenue to the taxing entities in the area, and the taxes paid on the personal property this will be a few years down the road. There hasn't been a lot of data gathered on property values surrounding solar farm projects but

there has been a fair amount of research surrounding wind farms. He feels that wind farms are more impactful. The data on wind farms suggest that the impact is very minimal.

Matthew Neeson Moab UT, states that regarding the water, there has been a station out there for a year and it will be out there for another year. What that does is it helps monitor soiling or the amount of debris that gets up on the panels. The type of farm that is being proposed is the tracker. It goes all the way perpendicular to the ground. Snow and a lot of things like this can be mitigated in this fashion. The data is in for the first year and the way they've designed panels there can be a light film on them and they will still produce quite a bit of power. This has been factored in. Even if the panels need to be cleaned offsite water would be used. He notes that no chemicals used to clean the panels. He adds that weed mitigation around the perimeter of the fence. No formal weed control has been done. Looking at the site nothing really grows above 3 feet, the preference is to leave the native vegetation as long as they are not blocking the panels. Regarding the bee pollination, there are no chemicals used to promote the wildflower growth on site. The ground underneath the panels is bare ground. He notes that dust mitigation has been done. There is a process in which brine from the Salt Lake is used as a dust control measure, it has not yet been tested. They are not anticipating a lot of dust on the first year based on the soiling study. If there is a fire on site, there is a fault and the power will be switched off. Firefighters in the area will want to contain the fire versus spreading water on it. With the setbacks, it should be a good containable area to mitigate any fire spread. Commissioner Borklund asks if there is any reason why there is a solid mass of panels. Would it be better for the wildlife if they were spread out? Mr. Neeson states that they will be 20 to 25 ft. apart from each other, this allows it to capture more sunrise and sunset daylight, because of the site at 300 acres they have more than they need, they will be spread out. This will also help mitigate the lake effect. There is going to be more open space in-between panels than actual panels. He notes that he has spoken to Pam with UDWR about the nighttime lake effect and the migratory birds the panels will be in the perpendicular position. There won't be any reflection of the panels. He adds that they still have work to do with Audubon society. Commissioner Borklund notes that this area is between the Weber River and the bird refuge. Mr. Neeson states there are more reports to be done on the site.

Brad Wilson the landowner states that it has been farmed for 58 years. Regarding the dust, he states that up until last fall there was 90 head of cows on that land. A lot of them were sold. The ground in that area has a lot of vegetation. There are a few bare spots where there is salt flat type soil. It has never been barren. Since he has owned with cattle he hasn't seen birds in the area and he is not sure if they nest in the area but he hasn't seen nests. There might be some pheasants or geese in the area.

Commissioner Favero notes that since there are not going to be cows grazing the growth will be a potential fire hazard. He asks what the mitigation for this is. Doug Larsen states that these sorts of mitigation issue will be addressed in the pending weed mitigation plan.

Chair Edwards closes the public comment.

Chair Edwards asks if there is a motion. There is none.

Commissioner Borklund states that perhaps they should make a motion to table the action.

Commissioner Willener states that the motion to table was put into place to get additional details from UDWR. She asks if in terms of timelines are there any time limitation from the applicant. What kind of turn around can be expected to get those details? Mr. Ewert notes that based on his discussions with Pam Cramer it is not immediately clear what UDWR is going to require. What is clear is that they want to do some research, there needs to be monitoring. They would like the ability to make requirements in the future. This seems fair and it could easily be made a condition of approval. He states that it will likely take some time to get all that together and it might push

some deadlines. Commissioner Borklund states that she heard that they aren't putting the panels up until after the initial test is completed, possibly a year. She doesn't feel that putting it off for another month should be a big deal. Mr. Ewert states that they won't be constructing until 2020 but they have other deadlines.

Commissioner Willener asks if they can hold up the process if there is no purview. This would be entirely dependent on the UDWR. Mr. Ewert notes that state code does talk a bit about obligating a developer to outside review agencies. There are some limitations and restrictions on this. He adds that one table should not be a flagrant violation of any sort. He notes that they are not likely to get a comprehensive plan from UDWR anytime soon, the best thing might be to provide a plan that meets UDWRs requirements in the development agreement and let them work through it together. They want to make sure that the impact can be mitigated. Commissioner Borklund states that they are not really asking for a resolution they are simply asking for more information. Commissioner Willener notes that in tabling this the next meeting would be in a month. Is that sufficient time to get more information in that month in order to move forward? Is that the only that there are concerns about. What would be the time frame for gathering that information, without hindering the applicant? What deadlines is the Planning Commission facing? Mr. Ewert states that he doesn't feel that they can put a timeline on UDWR. They were concerned that they didn't get notice of this until a week before the meeting. They were scrambling and they were not able to put a comprehensive plan together. It may be a month it may be longer than a month. Secondly, they mentioned that they are hoping to be able to monitor and implement a monitoring program of some sort. He states that once they identify what needs to be mitigated they want to be able to take some measurables to make sure they are even an impact. At this point, they are not even sure what the impacts are. Commissioner Favero states that as much as they would like to have more information the job at hand is to push the overlay forwarded whether it be with a positive or negative recommendation. Commissioner Parke states that once it is approved it won't come back to the Planning Commission. Chair Edwards states that they are not required to make a recommendation at this point, they can table if needed. He adds that they need to have specific reasons for this. Director Grover asks Mr. Hansen if he has any input on how long it might take. Mr. Hansen states that likely it would take a couple of weeks and it is a high priority. Director Grover asks if it would be possible to get some measurables to get to the Planning Commission by the next meeting. Mr. Hansen states that he is not sure about this he is more of the on the ground guy. Director Grover states that it really just depends on the Planning Commissioners comfort level, but it should include reasonable conditions to avoid putting a hardship on the applicant. Typically, if its ever challenged it usually goes in favor of the developer. He adds that it is in their purview to table it. They do not need to look at the developer's timeline this is more of an economic issue, as Planning Commission does not need to be taken in to account. He states that he does appreciate them bring it up because it is very considerate looking at those things. He states that he wants to make sure they feel comfortable with this approving it, but it should be tabled to a time certain date. He states that they will get with UDWR and get more comfort measures. Condition number seven meets the what that the Planning Commission wants to be done but it is important to note that it is approved The Planning commission won't be able to see what the effects are. It all depends on the comfort level. Mr. Ewert states that when it comes to deferring to outside review agencies there are limitations on what can and cannot be done. He asks if UDWR has a list of things that should be implemented would it make a difference to the Planning Commission one way or other? One thing that Pam did mention was the possibility of having a kind of exchange of habitat loss. Any habitat that is lost should be offset. That is an exaction, in applying that exaction it needs to meet all the test of an exaction. UDWR may not understand how an exaction works or under land use law, Planning Staff does know. If UDWR states that some needs to be done it is important for staff to pull back and touch base with the legal team. He adds that he spoke to Mr. Larsen on this very specific subject and Strata is happy to work with UDWR. The main question that should be asked is whether there will be specific information available that would help the Planning Commission make a more complete decision. If this is the case perhaps tabling the item might be a good option. Chair Edwards states that he will defer to the professionals because he doesn't know anything about birds. He asks if by the way it's written will it cover the conditions. Mr. Ewert states that this is correct and he notes that this would give the Planning Director the ability to negotiate both with UDWR and Strata. He states the Director will work with legal. Commissioner Borklund asks if there are issues besides the UDWR that need to be addressed. She asks if there is concern regarding



the growth of the ground cover. She adds that if they are going to table the item they need to have a specific question to look at for the next meeting. She states that nobody is opposed to it, but there some questions. Mr. Ewert states that if wildfire hazard is a concern. It can be added as a condition of approval and have the fire chief look at this and provide mitigating measures. Chair Edwards states that this is a concern for him also. He states that this property burned two or three years ago burned into the bird refuge. Someone from the audience notes that the burning occurred south of the property in question. Commissioner Willener states that the staff recommendation outlines weed mitigation and specifies irrigation. If vegetation is proposed or required for this site and it is not a requirement yet is it intended to be a part of the weed mitigation or would it be a separate condition. Mr. Ewert states that it would be a separate condition. The weed mitigation plan without looking at specific vegetation is anticipated to be plants like wildflowers, which will hopefully grow in the soil with the need for additional irrigation. Commissioner Borklund asks if this would be for the 100 ft. the barrier around the property. Commissioner Willener asks if this needs to be specified, to keep the natural landscape. Chair Edwards notes that they ought to pay attention to imports and whether or not it will disturb the natural landscape. Mr. Ewert states there are currently no plans to bring imports in, they plan, he notes that avoiding birds on site is not the goal either. He adds that with cows out of the pasture there will likely be more nests. The important thing is that the waterfowl that need water to land don't try to land there. Mr. Ewert notes that in doing some of his own research he found that this sort of environment for birds. Commissioner Willener asks if there is not going to be a landscape plan what is the need for an irrigation plan. Mr. Ewert states it can be stricken. He felt that he should add it as an option, and a discussion could be had.

Chair Edwards asks if there is any further discussion on the item.

**MOTION:** Commissioner Parke moves table item 4.1 A public hearing regarding a proposal to add the solar overlay zone (SOZ) to approximately 370 acres at approximately 1700 South 7500 West for 30 days. This item is tabled to allow the applicant and staff to get more concise information from UDWR and the Fire Marshall regarding the potential impact on wildlife and potential risk for wildfires and mitigation tactics in the area. Commissioner Borklund seconds. Motion carries (5-0)

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

Mr. Ewert states that this item was discussed in the previous meeting and he will touch on the major points. He states the Planning Commission requested that in the A-3 zone the lot sizes be no less than an acre and no less than the standard lot width of 150 ft.

Chair Edwards asks if there are any further questions on the matter. There are none.

**MOTION:** Commissioner Favero moves to approve 4.2 Consideration and action on ZTA 2018-06, a request to allow lot averaging subdivisions to occur in 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. Commissioner Parke seconds. Motion carries (5-0)

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

Mr. Ewert notes that a public hearing for this item was held at the last Western Weber planning meeting. He notes that the biggest change was whether or not it was going to be applied to a park and other public facilities. This was added it in as a specific exemption. There was a couple of minor changes after going to the Ogden Valley Planning

Commission, there some changes to the language to make sure it's not affecting them. There were a couple of changes that the Western Weber Planning Commission liked that the Ogden Valley Planning Commission liked as well.

Chair Edwards asks if there are any questions for staff.

**MOTION:** Commissioner Parke moves to forward a positive recommendation on 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. Commissioner Favero seconds. Motion carries (5-0)

**5. Public Comment for Items not on the Agenda:** there was none.

**6. Remarks from Planning Commissioners:** Commissioner Borklund states that when the people come up to the podium they need to address the Commission, not the audience.

**7. Planning Director Report:** Director Grover states that they handled the solar farm very well. He adds that when they start to feel uneasy about these items they should not hesitate to table the item within reason. On a different note, staff received a request for incorporation of a city. The boundary includes unincorporated West of 1900 and south. There are representatives in this request from West Weber, Taylor, West Warren, Warren, and a few others from the northern section of Warren and a few other sections from the Southern section of Warren. There has been a discussion about redoing the General Plan. When redoing General Plans there is a proclivity to bring the community together. At this point, there is a division in the community. There is some concern with proceeding with the General Plan because it might cause the opposite. He gives them an overview of the process. He states the County Commission is asking that The Planning Commission weigh in with their opinion. Based on experience with the Ogden Valley General Plan, the results could be positive. There has been unity in the community. He adds that he never thought that this could happen. There is a lot of divided interest in the Ogden Valley. They were working for a common purpose and the concern with Western Weber is this request that is going in a different direction. The question if they move forward with the General plan update are they creating a document that is just going to sit on a shelf.

Commissioner Favero asks how soon would the incorporation take place. Director Grover states it would be close to a year before it is put on the ballot. He notes that this is just a guess because they are waiting to hear from the lieutenant governor's office. The feasibility study is going to be critical. One thing the county will be on the hook for is it doesn't pass is the election cost. If it does pass the new municipality will have to reimburse the county for the election cost. He adds that he visited with Ryan Cowley who is over Elections who stated that the cost should not be too significant. Commissioner Willener states that in the process of having all the amendments for the general plan proposed there has been pretty strong public opinion in one direction or the other. The general concise is to stick to the General Plan, and many of them noting that their needs have changed and will continue to change. She states that her concern in doing nothing is that people who are on the fence about incorporation might use inaction on the County for the General Plan as a reason to become an incorporated entity. Possibly thinking the incorporated entity would be more responsive. She states that she is very hesitant to say "move forward with the General Plan". The public has been very clear, they believe the General Plan is the guiding document, and they are uncomfortable not having input. She asks if by not acting they are swaying people who are undecided by not acting. She reiterates that she is not comfortable doing nothing. Director Grover states that the County Commissioners made it clear that if the Lieutenant governor and says there is no feasibility for this, they will go for the General Plan. They feel that this something that they owe to the citizens out in Western Weber, they do have some concern with regards to this petition. He notes that the County Commissioners don't have any issues with incorporation. Their only has to do

with the timing. Commissioner Favero asks what the criteria are for fast-tracking this issue. He states that as far as he knew this process usually takes two to five years. Director Grover states that it could be the signatures that they were able to garner. He notes that it requires 10%. Mr. Wilson states that the lieutenant governor's office needs to verify the signatures. Director Grover states the request that he received, he took straight to the recorder's office. The legal description was certified by the recorder's office to make sure that it meets all the standards. They have reviewed it stated that it does meet those standards. He adds that they weren't expecting this to come in for some time. It's not that it the lieutenant governor's office has speed things up, they just got it in sooner than Expected. He had spoken to the County Commissioner and were ready to proceed with the RFP when the request for incorporation was received. The County Commissioner have some concerns if they end up spending 50,000 dollars and it just sits on the bookshelf or creates more of a division amongst the community. It could be a disservice. Chair Edwards states that he personally wants to see what the lieutenant governor's office has to say. He agrees with Director Grover there is a lot of division and it might not produce the best results for the General Plan. However, the study comes back it possible that they might be more inclined to be more involved with the General Plan. Commissioner Willener states that if they can get a response from the lieutenant's office in a timely fashion she would agree with Chair Edwards, but there has been discussion regarding the General Plan update for a long time. She does not feel good about wasting time, and there will continue to be requested from the petitioner about amending the General Plan. She adds that she feels some of the petitioners have been done a disservice. She feels the message from the Community has been "don't touch the General Plan", they want to have a say. Commissioner Willener feels that any petitioner that had to ask for an amendment to the General Plan is being disserved. She adds that if they don't have the flexibility or the public mandate to make adjustments until incorporation or a General Plan update. Chair Edwards states that he agrees with Commissioner Willener comment but the General Plan is a lived document it can be amended and it is meant to be a guide. He adds that it is the Planning Commissions job to represent the public, to see what is in their best interest. He adds that it might be best to give it some time. Mr. Wilson gives an over of the timelines for incorporation. He states that the incorporation process has quick timelines. He asks if this helps with their concerns or discussions. Commissioner Willener states that it does help her. It gives her more home for more of a six-month timeline. Mr. Ewert notes that there are two diverging dichotomies out West. The 2003 General Plan clearly states the dichotomy big landowners versus small landowners. It still exists. When the Ogden Valley General Plan was being worked on they were able to find a common interest. When it comes to the large versus the small it's going to be hard to find the common interest. He adds that it might be good to stop focusing on density and start focusing on something else. So long as there is an incorporation petition moving forward there are going to be people that are very on board with the incorporation. He adds that with this they may not engage the process meaningfully. If plans of the General Plan update move forward and owners who are looking forward to incorporation might feel that the plan is not theirs or there will be hostility towards it. Having a plan that 50 percent of the people don't support might be worse than having an old plan. He notes that one thing he did notice when first hired on was that Ogden Valley meetings were awful. There has been a lot of improvement in this regard. There has been quite a bit of unification.

**8. Remarks from Legal Counsel:** Mr. Wilson states that he appreciates the Planning Commissions question and concerns and their active involvement.

### **9. Adjourn to Work Session**

**WS1: Ongoing review of the proposed land use table ordinance amendment.** Mr. Ewert gives an overview of the land use table. He states that what might be allowed in one chapter might not be allowed in another chapter. There is not a lot of consistency. If it's not listed as allowed in the zone it's not allowed. He notes that he found few issues with this, where staff Planning Commission and the County Commission have allowed uses in different zones and didn't think how it would affect those uses in other zones. He adds that he wants to get everything on to one table and adopted into the County Code. Modifying the entire zoning titles so that the chapters will only have development standards. Purpose, intent and development standards. The table will be the guiding document for the uses. He notes that he wants to add some criteria to each use. Some zones just have agriculture. Agriculture is a large concept,

so the intent is to add some criteria with each of the uses. Everything on the table is going to need a definition in the definition section. He states that he is adding some definitions. He notes that the intention here is to document what the code says in both the land use table and how it is applied and adopted with minimal differences. After it's been adopted it can easily change some of the permitted and conditional to something different. There will also be some changes in the language to clarify.

Adjournment- 7:32 pm

Respectfully submitted,  
Marta Borchert