

Minutes of the Midway City Planning Commission

Wednesday, 20 February 2013, 7:00 p.m.
Midway Community Center
160 West Main Street, Midway, Utah

Note: Notices/agendas were posted at 7-Eleven, The Store Express, the Midway City Office Building, and the Midway Community Center. The public notice/agenda was published on the Utah State Public Notice Website and a copy sent to The Wasatch Wave.

Attendance:

Kent Kohler – Chairman
Mickey Oksner – Vice Chairman
Chip Maxfield
James Kohler
John Rather
Steven Nichols

Staff:

Michael Henke - Planner
Sandy Norskog – Assistant Planner
Kraig Powell – City Attorney
Jennifer Sweat – Administrative Assistant

Excused

Karl Dodge
Stu Waldrip
Michael Hilliard
Angie Prince

6:45 P.M. Work/Briefing Meeting

Planner Henke presented the City Council Liaison Report to the commission. They discussed the business that was discussed by the City Council in the February 13, 2013. Planner Henke also briefed the planning commission on current department business. Currently working on sign ordinance amendment, building permits, The Settlement, and increased interest for future developments. No action was taken and the public was welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

Chairman Kohler opened the meeting and welcomed the public, commissioners, and staff. David Bellessa offered the invocation. Chairman Kohler led the pledge of allegiance

By way of information Chairman Kohler stated that Commissioner Karl Dodge, Commissioner Stu Waldrip, Commissioner Michael Hilliard and Commissioner Angie Prince are excused this evening, and alternates Commissioner Chip Maxfield, Commissioner James Kohler and Commissioner Steve Nichols will be voting members tonight.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of January 16, 2013.

Motion: Commissioner Mickey Oksner made the motion to approve the Planning Commission Minutes of January 16, 2013.

Seconded: Commissioner Nichols seconded the motion.

Votes: Ayes: Chairman Kohler, Commissioner Rather, Commissioner Maxfield, Commissioner J. Kohler

Nays: None

Motion: Passed

- 2. Proposed Code Text Amendments to Title 16.2: Definitions, Sections 16.7-16.11, Section 16.12: RA-1-43 Residential-Agriculture Zone, and a new section 16.13.45 would be added to Supplementary Requirements in Zones. The proposed amendments would allow commercial greenhouses as a conditional use in the RA-1-43 zone and would allow personal greenhouses as a permitted use in all residential zoning districts. Specific regulations would be adopted that would govern commercial greenhouses. This item was continued from the January 16, 2013 Planning Commission meeting.**

Planner Henke thanked Chairman Kohler, Commissioners, staff, and public.

This item was originally presented to the Planning Commission on November 28, 2012. After much discussion and public comment, the Planning Commission decided to consider commercial greenhouses as a conditional use in the RA-1-43 residential zone. They requested a work meeting to continue the discussion and work out details. That work meeting was held during the regularly scheduled Planning Commission meeting of December 19, 2012. During that meeting the Commission agreed to retain the current definition of agriculture and separate the discussion of agriculture from commercial greenhouses. They also agreed to utilize a tiered approach in making decisions about whether to consider plants in the soil, hydroponics, or aquaculture. No decisions were made. The Commission gave staff direction, requested examples, and asked to have the item back on the January 16, 2013 meeting for further discussion. At the January 16, 2013 meeting, the Commission agreed to move forward with commercial greenhouses as a conditional use for plants in soil and hydroponics. After considering numerous examples of acreage size, open space, size and scale, height, setbacks and screenings, the Commission expressed preferences and asked that the item be brought back for further consideration at the February 20, 2013 meeting.

The proposed code text amendments would basically accomplish three things. First, commercial greenhouses would be allowed as a conditional use in the RA-1-43 (residential agriculture 1-acre zone). Second, the regulations regarding commercial greenhouse would be clearly stated. Lastly, personal greenhouses would be defined and would be a permitted use in all residential zones. If the personal greenhouse is over one thousand (1,000) sq. ft. it would require a conditional use permit.

Planner Henke stated that the staff report was divided into four sections. The first section will list added definitions to the Municipal Code. The second section will consider the RA-1-43 zone which is where commercial greenhouses would be allowed as a conditional use. The third section will analyze the requirements for commercial greenhouses as a conditional use permit. Finally, personal greenhouses will be defined and added to each residential zone as a permitted use. If the personal greenhouse is over one thousand (1,000) sq. ft. it would require a conditional use permit.

Title 16.2: Definitions – added definitions

The following proposed definitions would be added to the Land Use Code. These definitions clarify the Code regarding commercial greenhouses when reviewed as a conditional use permit, and personal greenhouses. These include the following:

- 1. Agricultural product. Any product which is derived from agriculture.*
- 2. Compost. Organic matter that has been decomposed and recycled as a fertilizer and soil amendment.*
- 3. Greenhouse, Commercial. A structure or portion of a structure made primarily of glass or other translucent material, for which the primary purpose is the cultivation or the production of wholesale: nursery stock, annual or perennial flowers, fruits, vegetables or landscaping plants. This includes hydroponics and plants grown in soil.*
- 4. Greenhouse, Personal. An accessory building on residential property in which plants are grown for personal use by the owner and/or residents of the property. No commercial uses or sales are permitted. Personal greenhouses are subject to all of the standards and restrictions for accessory structures in the specific underlying zoning district section of the municipal code and are limited to a maximum area of one thousand (1,000) sq. ft. and a maximum height of twenty-five (25) feet. Requests exceeding one-thousand (1,000) sq. ft. require a conditional use permit.*
- 5. Grow Light or plant light. An artificial light source, generally an electric light, designed to stimulate plant growth by emitting an electromagnetic spectrum appropriate for photosynthesis. Grow lights are used in applications where there is either no naturally occurring light, or where supplemental light is required.*
- 6. Hydroponics. The cultivation of plants in a nutrient-rich solution rather than in soil under controlled conditions of lights, temperature, and humidity.*
- 7. Livestock. Cattle, sheep, goats, horses, mules, poultry, or any other domestic animal or domestic furbearer.*

The General Plan is a guiding light for the City and should always be reviewed when land use decisions are made. As stated in the General Plan the RA-1-43 zone is an agricultural zone. Agriculture is an existing use and a use that will continue in the future. These proposed definitions will help us better govern agricultural uses in this zoning district.

Section 16.12: RA-1-43 Residential-Agriculture Zone

No changes would need to be made to the RA-1-43 zone itself except for adding the following text under conditional uses:

Example: N. Commercial Greenhouses.

Supplementary Requirements in Zones Section 16.13.45

Section 16.13.45 is a new section of code that will be added to the Supplementary Requirements in Zones. The purpose of this addition is to regulate commercial greenhouses whereas all commercial greenhouses will be reviewed using the standards listed in the Code for all Conditional Use Permits (CUP). The proposed text is as follows:

A. Purpose and Intent of Commercial Greenhouses.

The purpose and intent of the City Council to encourage open space, encourage less density, encourage healthy lifestyle by healthy eating, provide job opportunities and economic diversity, support and recognize agriculture as the main economic industry for over 100 years in the City, encourage benefits of a local food system, including the support to small businesses and recirculation of capital within the city.

B. Requirements for Commercial Greenhouses.

A commercial greenhouse project requires a conditional use permit. All new projects must conform to Midway City Municipal Ordinances including Public Health and Safety, Water, Building and Construction, Supplementary Requirements in Zones, and Sensitive Lands. The project must also comply with applicable Department of Agriculture regulations.

Other requirements include:

- 1. A minimum of five (5) acres*
- 2. A maximum of four (4) ten thousand (10,000) sq. ft. greenhouses per five (5) acres (total of forty thousand (40,000) sq. ft.*
- 3. An additional eight thousand (8,000) sq. ft., or fraction thereof, of greenhouse will be allowed for each additional acre over five (5) acres*
- 4. A maximum greenhouse height of twenty-five (25) feet*
- 5. A minimum of one hundred (100) foot setback on all sides*
- 6. Berms with plant and tree screenings as approved through the conditional use process*

The City Council may approve or place reasonable conditions on a proposal based on the general conditional use criteria applicable in the zone and based on potential impacts of the types described below.

1. Project Management Plan.

The applicant shall provide a proposed project management plan that addresses any probable impacts of the type described below and includes any proposed mitigation measures.

The plan shall include, without limitation:

a. site plan prepared to scale on a topographic base by a professional planning team which shows the concept of the major features of the projects, including roads in relation to existing conditions and developments within one-fourth of a mile of the outside boundaries of the development. Handwritten plans will not be accepted. Twenty copies of the plan on 11" x 17" size paper shall be submitted to the Planning Department.

- i. description of how the development will implement Midway City's Vision*
- ii. name of project*

- iii. applicant entity name, primary contact name, civil engineer, etc. with respective contact addresses, phone numbers, fax numbers, and email addresses for each.
- iv. legal description with section tie
- v. zone boundaries and designations
- vi. north point and a scale consistent with a scale that is on a standard engineering scale ruler
- vii. identification, location and description of all sensitive lands and a proposal to protect such lands
- viii. adjacent property owners
- b. title report
- c. landscape plan
- d. drainage plan
- e. lighting plan, interior and exterior
- f. description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- g. disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for
- h. proposed sediment and erosion control plan
- i. noxious weed control plan
- j. location of office, bathroom, warehouse facilities or any other support buildings associated with the commercial greenhouse
- k. Photo simulations of the project from the surrounding area

2. Potential Impacts and Mitigation.

The application shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably-anticipated detrimental effects of the proposed use in accordance with applicable standards. The City Council, in determining whether to approve or place reasonable conditions on the application, shall consider the potential impacts and mitigation as outlined in the following, but not limited to:

- a. *Water Quality and Soils.* Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
- b. *Traffic, Deliveries, and Parking.* Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site. Commercial deliveries and pickups will be included in the daily trip count of any required traffic study.
- c. *Visual Impacts and Screening.* Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, planting areas and any existing or proposed screening including landscaped berms as listed in the site plan.
- d. *Noise and Odor.* Impacts related to the location of any trash, storage areas, additional accessory structures and any other noise-generating or odor-generating equipment and practices. No odors or fumes shall be allowed to escape into the open air in such amounts as to be detrimental to the health of any individuals or the public; or noticeable, discomforting or disagreeable so as to offend the sensibilities of a reasonable individual from the property line. All compost and/or organic matter storage must be contained and enclosed.

- e. *Use of Chemicals.* Impacts related to the use of chemicals, including any fertilizer and pesticide. Develop more
- g. *Setbacks.* One-hundred (100) foot setbacks will be required on all sides.
- i. *If grow lights are used between the hours of 10pm and 6am the greenhouse will be required to shade the light from escaping to the exterior.*
- j. *Drainage.* The site shall be designed and maintained to prevent water from irrigation, fertilizer or other activities from draining onto adjacent property.
- k. *Refuse Storage and Disposal.* Trash areas shall be provided and screened on at least three (3) sides from public view by an opaque impact-resistant fence of sufficient height to screen the dumpster(s).
- l. *City Council may impose conditions to mitigate any potential impacts including but not limited to the aforementioned items.*

All conditional uses are reviewed as administrative items but there is discretion based on the following criteria located in Section 16.26.12:

Section 16.26.12 Conditional Use Approvals and Regulations

The consideration of an application for a conditional use shall be governed by the following standard of Utah Code: (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. The following approval requirements and regulations shall apply to all conditional use applications. These requirements are in addition to any conditions specifically or requirements specifically listed for a given conditional use. In the case of conflicting requirements, the more restrictive shall apply.

A. General Standards for Conditional Use Approval. An applicant for a conditional use approval shall provide within the application information to clearly demonstrate to the City compliance with the following, in addition to any specific requirements of this Section attached to the conditional use applied for:

1. General Welfare Standard. The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

2. Nuisance Standard. Any use found to be objectionable or incompatible with the character of the City and its environs due to noise, light, traffic, dust, odors or other undesirable characteristics may be prohibited.

3. General Plan Consistency Standard. To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the City's land use policies in terms of the general plan and zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare.

B. After receiving the application at its next available regular meeting, the Planning Commission shall recommend the granting or denying of the conditional

use permit based on the standards set forth in this Section. The Planning Commission may also recommend conditions to be imposed on the use if the permit is granted. After the Planning Commission makes its recommendation, the City Council shall advertise and hold a public hearing in the same manner specified above. After the public hearing, the City Council shall make a decision whether to grant or deny the proposed conditional use permit. The Council shall record its decision in writing and shall recite the findings upon which the decision is based. The City Council may approve and/or modify a conditional use or special exception permit application in whole or in part, with conditions, only if all of the following findings are made:

- 1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code.*
- 2. The proposed use is consistent with the General Plan.*
- 3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations.*
- 4. There will be no potential, significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored.*
- 5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City.*
- 6. The subject site is physically suitable for the type and density/intensity of the use being proposed.*
- 7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety.*

Commercial greenhouses will need to comply with the standards found in Section 16.13. 45 and will also need to be reviewed using the CUP regulations found in 16.26.12. Basically the CUP will review the compatibility of the proposed use and reasonable conditions may be placed on the approval that will help the use to harmoniously exist with current and future land uses in the surrounding area. Reasonable conditions related to the aforementioned seven criteria can all be considered.

Definition of Personal Greenhouse as a permitted use

During the discussions about commercial greenhouses, the Planning Commission requested that staff develop a definition for personal greenhouses as a permitted use in each of the residential zones. In the January 16, 2013 meeting, the commission also added conditions related to height and square footage. Those conditions are reflected in the definition below which would be added to section 16.2 of the Land Use Ordinance.

Greenhouse, Personal. An accessory building on residential property in which plants are grown for personal use by the owner and/or residents of the property. No commercial uses or sales are permitted. Personal greenhouses are subject to

all of the standards and restrictions for accessory structures in the specific underlying zoning district section of the municipal code and are limited to a maximum area of one thousand (1,000) sq. ft. and a maximum height of twenty-five (25) feet. Requests exceeding one-thousand (1,000) sq. ft. require a conditional use permit.

Furthermore, below is an example of the proposed language that would be included under “permitted uses” in all residential zones. These zones include the R-1-7, R-1-9, R-1-11, R-1-15, and R-1-22.

Example: Section 16.11.2 Permitted Uses

- A. One-family dwellings and related accessory buildings and uses. Accessory uses and buildings include garages, **personal greenhouses less than one thousand (1,000) sq. ft.** and carports.

Example: Section 16.12.2 Permitted Uses

The RA-1-43 has language distinct from the other residential zones. It is proposed that the current language be removed and the proposed language below be added to the code. The proposed language is the same language that would be added in all other residential zoning districts and is as follows:

- B. One-family dwellings and related accessory buildings and uses. Accessory uses and buildings include garages, **personal greenhouses less than one thousand (1,000) sq. ft.** and carports.

Additionally, below is an example of the proposed language that would be included under “conditional uses” in all residential zones. These zones include the R-1-7, R-1-9, R-1-11, and R-1-15, R-1-22 and R-1-43.

Example: Section 16.11.3 Conditional Uses

- F. Greenhouse, Personal: greater than one thousand (1,000) sq. ft.

Planner Henke stated that the following could be the possible findings of the commissioners:

- Commercial greenhouses will be located in the agricultural zone (RA-1-43) the City has established which is consistent with the General Plan
- Commercial greenhouse regulations are developed and this use will only be allowed through the approval of a Conditional Use Permit.
- Sufficient potential impacts and mitigations for commercial greenhouses have been identified to protect neighboring property owners and the City residents in general.
- Commercial greenhouses will create employment opportunities for residents which is supported in the economic development chapter of the General Plan.

- Personal greenhouses under one thousand (1,000) sq. ft. will be a permitted use in each residential zone. Requests for personal greenhouses exceeding one thousand (1,000) sq. ft. will require a conditional use permit.

Planner Henke stated that at the previous meeting on January 16, 2013, the commissioners requested a map showing all five acre parcels located in the city, as well only five acres in the RA-1-43 zones.

Planner Henke presented a map showing all five acre parcels located in the city, as well as those located in the annexation area which potentially could be annexed into the city. He then presented a map showing only five acre parcels in the city, and then a map showing five acre parcels in the RA-1-43 zones only.

Planner Henke explained that in the RA-1-43 zones there was 31 parcels, however not all of them were developable. If the difficult parcels are removed only 28 parcels are developable. Planner Henke used visual examples of what the properties would look like. Assuming the criteria expressed by the Planning Commission, using five (5) acre, ten (10) acre fifteen (15) acre, and twenty (20) acre visuals. Planner Henke presented those examples for the commissioners.

Commission Oksner inquired about minimum separation of the space between greenhouses

Planner Henke stated that nothing is listed in the code that says there needs to be a setback between structures. If you were to build an accessory structure next to your home for example a detached garage, you could place it within six inches of the home, however you would have to have a fire rated wall to do so. Greenhouses could be a bit different because they are built out of different types of material than a home or garage.

Commissioner Rather stated wouldn't it make more sense for a developer to split the twenty (20) acres into four, five acre lots?

Planner Henke stated that yes, a developer could do that, however you would still have the same amount of greenhouses according to the proposed code.

Commissioner Rather asked could the developer build other buildings on the other empty land?

Planner Henke stated yes. You could have a home, a barn, and the new code allows an office facility, bathroom facility, and warehouse. So yes there could be other structures. Hopefully there would be other types of agriculture on the property as well.

Commissioner Oksner asked about regular setbacks if you were to add homes, would it crowd the property.

Planner Henke stated that he didn't see this as being a problem. They would just need to meet the required setbacks for the structures.

Commissioner Nichols asked that in the research that staff has done and given the requirements being proposed, would a commercial greenhouse be a viable use in Midway, or is it something that wouldn't fit, and wouldn't be feasible?

Planner Henke stated that it was a good question, but he didn't have a definite answer for that. We have a mix of agriculture and residential, and it is a high standard. It might not work. We really won't know right now if it's feasible. However staff does think it's good to have an ordinance in place. If a developer comes in and feels it won't work they do have the right to file an amendment to the code.

Planner Henke stated that in the past meetings one of the main issues has been size, and so he reviewed the previously shown pictures of different buildings throughout Midway, as well as the Wal-Mart in Heber. The Store, which is approximately twenty one thousand (21,000) square feet, is the closest to the size of two ten thousand (10,000) square feet possible greenhouses.

Planner Henke stated that it was important to make sure that staff had understood the recommendations of the Planning Commission and to make sure staff hasn't missed anything.

Commissioners discussed the feasibility of the commercial greenhouses with the guidelines that are proposed, and if they would be able to be profitable. Commissioners discussed the scope and size of the commercial greenhouses, and the possibility of adding more buildings, so it could be more profitable. The Commissioners felt that the proposed ordinance was a stepping stone, a starting point, so that something was in place if a developer comes in there is a guideline.

Planner Henke stated that from research that he has seen, you do have different types of greenhouses, none of the greenhouses that include aquaponics are over an acre in size.

Commissioner Maxfield commended Planner Henke and staff on the work put into the staff report, as well as the map examples shown to the commissioners, which really helped in obtaining a visual understanding.

Commissioner Maxfield stated it was his understanding that the one hundred (100) foot setback around the property is not unusable, it is just unusable for greenhouses, and that other parts of the property could be utilize as well?

Planner Henke stated that was correct, it could be used for other agriculture purposes.

Commissioner Rather asked if you would allow more than one residence on the property?

Planner Henke stated that only one residence is allowed on the property.

Commissioner Maxfield stated that he hadn't had a lot to do with commercial greenhouses, but he has been involved with development for over thirty years. Every developer sees land a little differently; one would look at the property and say yes that would work, and another may say it doesn't work. But because we do not have an application, it's good to have something in place. Developers aren't shy. If they feel it won't work they can come back and ask about it.

Commissioners discussed the zone location of the commercial greenhouses, which currently is proposed as only being allowed for the RA-1-43 zone. Agriculture type uses are allowed in the RA-1-43, such as barns, Christmas tree farms, etc. Personal greenhouses are allowed in any

zone, however they do have guidelines. Commissioners asked staff is there a possibility of also allowing commercial greenhouses in the industrial zone as well?

Planner Henke again showed the zoning map, and pointed out the Business/Manufacturing Park Zone. He stated he doesn't have a problem with adding that zone to the proposed ordinance for commercial greenhouses. It would be a conditional use in that area as well.

Commissioner Oksner asked about the Ken Patey location, which is located in the County just outside city limits. They are talking about adding a greenhouse. Can that property still be annexed into the city if those greenhouses are placed there in sizes of 12,000-20,000 square feet?

Planner Henke stated that yes that property could still be annexed into the city; however the city may not want to take on that type of use. This would be a discussion and decision made by City Council.

Planner Henke stated that he would like to go back to the items at the beginning of the presentation, the main items, which are the requirements for the commercial greenhouses. He would like to know if there are any issues with these types of requirements. He reviewed the requirements presented at the beginning.

1. A minimum of five (5) acres
2. A maximum of four (4) ten thousand (10,000) sq. ft. greenhouses per five (5) acres (total of forty thousand (40,000) sq. ft.
3. An additional eight thousand (8,000) sq. ft., or fraction thereof, of greenhouse will be allowed for each additional acre over five (5) acres
4. A maximum greenhouse height of twenty-five (25) feet
5. A minimum of one hundred (100) foot setback on all sides
6. Berms with plant and tree screenings as approved through the conditional use process

Planner Henke stated that we also removed aquaponics, and agreed to allow only hydroponics and plants grown in soil.

Commissioners had a discussion regarding the removal of aquaponics, they weren't sure they wanted to leave aquaponics out of the requirements. In prior meetings there was a discussion about leaving aquaponics out of the code, and that if a developer wanted to bring in aquaponics, they would need to file for a code text amendment.

Commissioner Rather asked to have an official vote on what each commissioner felt about adding aquaponics back into the code. Commissioner discussed their views on aquaponics. There was discussion on whether geothermal was vital to a commercial greenhouse operation. The size of aquaponics greenhouses are usually small, and not on a large scale.

Chairman Kohler polled each commissioner:

Commissioner Maxfield – leave aquaponics out

Commissioner Oksner - add in aquaponics

Commissioner J. Kohler – leave aquaponics out

Commissioner Rather – add in aquaponics

Commissioner Nichols – add in aquaponics

Chairman Kohler stated there were two nays and three ayes. Chairman Kohler felt that he too had no problem adding it back in, he felt it would save us time in the long run.

Planner Henke stated that we already have the wording for aquaponics, and so it wouldn't be hard too add it back into the code.

Planner Henke stated that he wanted to make sure that we had all the correct information of what the planning commissioners had asked for.

City Attorney Powell stated that in the examples of different structures shown, the structures were actually higher than what is proposed.

Planner Henke stated that was correct, that most of them were around thirty-five (35) feet. And we have a guideline for greenhouses of twenty-five (25) feet. We are not sure exactly how it would look, but yes it is a higher standard to be meet for sure. The greenhouses would require more ridges because of the height limitation.

City Attorney Powell asked the question when you say “screening and berming”, what is the difference?

Planner Henke stated that berming is the actual soil built up, and screening is more landscaping.

City Attorney Powell felt that it may be better to have it state landscaping instead of screening, because future generations may interrupt screening as fences. Planner Henke stated that was something he would have no problem in changing in the proposed code.

Commissioner Nichols had a question on the wording used in Section 16.13.45 under number two, Potential Impacts and Mitigation.

Planner Henke and City Attorney Powell stated that section could not be changed as it was part of Utah State Code for Land Use; however it was also discussed and covered in Section 16.26.12, which the commissioners felt would be adequate.

City Attorney Powell asked if staff had addressed items such as lighting, draining etc. in this version of the proposed code.

Planner Henke stated yes that these items had been addressed, and the code was quite comprehensive, and did meet a high standard.

Motion: Commissioner Chip Maxfield made a motion to approve the Code Text Amendments to Title 16.2: Definitions, Sections 16.7-16.11, Section 16.12: RA-1-43 Residential-Agriculture Zone and a new section 16.13.45 would be added to Supplementary Requirements in Zones. The proposed amendments would allow commercial greenhouses as a conditional use in the RA-1-43 zone and Business & Manufacturing Park zone within the annexation boundary. We would allow personal greenhouses as a permitted use in all residential zoning districts. Specific regulations would be adopted that would govern commercial greenhouses. Approval also would now include aquaponics, and a definition of aquaponics, adding the word “landscaping” along

with berming instead of using the word “screening”, and the inclusion of 16.26.12, item b. The commissioners accept the findings included in the staff report.

Seconded: Commissioner Rather seconded the motion.

Chairman Kohler asked if there was any further discussion on the motion?

No further discussions were needed

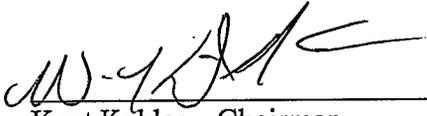
Votes: Ayes Chairman Kohler, Commissioner Maxfield, Commissioner Oksner, Commissioner J. Kohler, Commissioner Nichols.

Nays: None

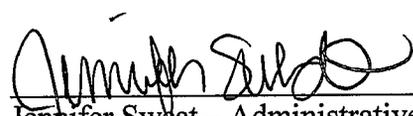
Motion: Passed

Chairman Kohler asked for motion to adjourn.

Commissioner Nichols moved for adjournment at 8:15 p.m.



Kent Kohler – Chairman



Jennifer Sweat – Administrative Assistant