

# LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES

TUESDAY, MAY 26, 2009

**MEMBERS PRESENT:** Sharon Esplin, Tim Pales, Gerald Gilbert, Dave Pratt  
Kristin Elinkowsk, Blake Hazen

**ALTERNATE MEMBERS PRESENT:**

**MEMBERS ABSENT:**

**ALTERNATE MEMBERS ABSENT:** Ryan Stevenson

**OTHERS PRESENT:** Staff Members: Peter Matson, Amanda Jorgensen, Steve Garside, Nannette Larsen, Brandon Rypien

**PUBLIC REVIEW:**

**(1) ICY COLD CREATIONS, LLC – CONDITIONAL USE FOR A MOBILE STORE**

This property is located in a CP-1 (Planned Neighborhood Commercial) zoning district at approximately 1330 East Highway 193 in the Wyndom Square Commercial Subdivision. The property owner is Wright Development Group. The applicant and owner's representative, Julie Wall, is proposing to sell shaved ice to consumers during the summer months.

Amanda Jorgensen, City Planner, presented the applicant's request for the conditional use for a mobile store site and discussed the signage proposed by the applicant. The following are the requirements Ms. Jorgensen listed:

- (1) The structure shall have a maximum outside display area of one hundred square feet located a minimum of ten feet from all property lines, not in landscaped areas and not obstructing access to the property.
- (2) The structure shall be secured to or placed on the ground so as to be stable in a seventy-five mph wind.
- (3) The structure shall have appropriate utility connections, inspected for compliance to City codes.
- (4) When applicable, a mobile store shall have written acceptance of the operation from the Davis County Health Department.
- (5) No mobile store shall be located closer than one hundred (100) feet to any residentially zoned property.
- (6) Signs for all uses shall comply with the regulations in Title 20, except that mobile stores shall have a maximum of two (2) directional signs with a maximum square footage of six (6) square feet each. Signs shall not be in any public rights-of-way or landscaped areas. Additional banners may be attached to tables or stands, but are not allowed in landscaped areas. Maximum sign area for the entire use shall not exceed fifty (50) square feet.

Commissioner Hazen asked if the building could withstand 75 mile an hour winds. Ms. Jorgensen said the Building Division will work with the applicant on this requirement for a mobile store site. Ms. Jorgensen said power would come from a detached sign in the area with an inspection by the Building Department. Commissioner Hazen also asked about restroom facilities and sanitation for the preparation of food. Ms. Jorgensen said the Health Department would oversee this requirement and make sure the mobile store is in compliance. Commissioner Hazen also asked about the store just being used for summer months and Ms. Jorgensen replied that the conditional use would remain with the property year round. Other mobile stores could occupy the site if the conditions are met. Peter Matson, Long Term Planner, indicated that some stores such as for the sale of fireworks would have additional conditions if they applied to occupy the site. The property owner must provide a letter of approval for any mobile store to be on their site.

Mr. Matson clarified that there are two applications involving a mobile store application. The first is the mobile store site application which puts the property on an approved mobile store site list. The second is a business licensing application for a mobile store. Requests for a mobile store on an approved mobile store site are regulated by business licensing.

Ms. Jorgensen stated that the business license would not be issued until all inspections are completed and required approvals received. The following are the conditions recommended by Staff for this mobile store site.

- 1) The applicant is allowed to place the 5' x 8' self-contained building (mobile store) in two parking stalls along Highway 193.
- 2) All signage must comply with the sign ordinance and the applicant must obtain proper permits.
- 3) Any new lighting must be contained on site and not cause a nuisance. Ms. Jorgensen informed the applicant that no forced air signs are allowed on the site.
- 4) The garbage can proposed must be removed after business has closed each evening.
- 5) The business must comply with all Engineering, Fire Department and Building Code requirements.
- 6) The business must obtain a written acceptance from the Davis County Health Department.

There were no further questions from the Commissioners.

- (2) Mr. Matson said that Brandon Rypien, City Planner, and Ms. Jorgensen have been gathering information on wind turbines as a sustainability option for residents. Mr. Matson said Nannette Larsen, Planning Technician, had also been gathering information on chickens as another sustainability option for the community. Mr. Rypien gave a presentation on Wind Turbines which presentation is attached in its entirety to these minutes. There was a discussion on wind easements to prevent a new structure from blocking the wind from an existing wind turbine as well as a discussion on the height of the turbines. Layton residents who were present provided additional information. Mr. Matson reviewed some of the research that had been done and challenges that could occur.

By Julie K. Jewell  
Julie K. Jewell, Secretary to the Planning Commission

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Steve Garside, Nannette Larsen

Planning Commission Chair, Sharon Esplin, called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Kristen Elinkowski.

Chairman Esplin called for a motion to open Public Review. Commissioner Gerald Gilbert moved to open Public Review. The motion was seconded by Commissioner Elinkowski and the voting was unanimous.

Chairman Esplin called for a motion to approve the May 12, 2009 Planning Commission Meeting minutes. Chairman Esplin asked that paragraph one of the Planning Commission Meeting minutes be corrected to read Commissioner Blake Hazen rather than Commission Blake Hazen.

Commissioner Hazen moved to accept the May 12, 2009 Planning Commission Meeting minutes with the stated correction. The motion was seconded by Commissioner Tim Pales and the voting was unanimous.

**PUBLIC REVIEW:**

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City Planner, Amanda Jorgensen, presented the applicant's request for conditional use for a mobile store site. Ms. Jorgensen said, the applicant, Julie Wall, would like to establish a mobile store site at 1330 East Highway 193 for a snowie shack business. The business will be located in the Wyndom Square development, which contains multiple buildings and tenants.

The building is a 5' x 8' self-contained building and will be located on the north side of the development adjacent to Highway 193. The building will be placed on two parking stalls and the remaining stalls will accommodate customers and employees.

The garbage can that is proposed must be removed each night after the business is closed. The area must be kept clean and free of debris at all times.

All signage must comply with the sign ordinance and the applicant must obtain proper permits. Any new lighting on the building must be contained on site and not cause a nuisance to traffic along Highway 193 or Church Street.

Ms. Jorgensen listed the following regulations with which any mobile store must comply:

19.21.040. Mobile store regulations. In addition to the regulations listed in 19.21.020, mobile stores shall also meet the following requirements:

- (1) The structure shall have a maximum outside display area of one hundred square feet located a minimum of ten feet from all property lines, not in landscaped areas and not obstructing access to the property.
- (2) The structure shall be secured to or placed on the ground so as to be stable in a seventy-five mph wind.
- (3) The structure shall have appropriate utility connections, inspected for compliance to City codes.
- (4) When applicable, a mobile store shall have written acceptance of the operation from the Davis County Health Department.
- (5) No mobile store shall be located closer than one hundred (100) feet to any residentially zoned property.
- (6) Signs for all uses shall comply with the regulations in Title 20, except that mobile stores shall have a maximum of two (2) directional signs with a maximum square footage of six (6) square feet each. Signs shall not be in any public rights-of-way or landscaped areas. Additional banners may be attached to tables or stands, but are not allowed in landscaped areas. Maximum sign area for the entire use shall not exceed fifty (50) square feet.

Ms. Jorgensen stated that Staff recommends the Planning Commission approve the conditional use for a mobile store site with the following conditions:

- 1) The applicant is allowed to place the 5' x 8' self-contained building (mobile store) in two parking stalls along Highway 193.
- 2) All signage must comply with the sign ordinance and the applicant must obtain proper permits.
- 3) Any new lighting must be contained on site and not cause a nuisance.
- 4) The garbage can proposed must be removed after business has closed each evening.
- 5) The business must comply with all Engineering, Fire Department and Building Code requirements.
- 6) The business must obtain a written acceptance from the Davis County Health Department.

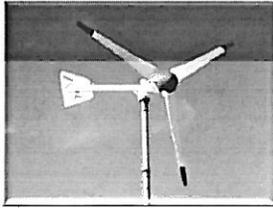
Chairman Esplin called for a motion on the item. Commissioner Elinkowski moved to grant conditional use for the mobile store site at approximately 1330 East Highway 193 subject to the applicant meeting all Staff conditions which are hereby adopted as requirements. Commissioner Hazen seconded the motion and the voting was unanimous.

Chairman Esplin called for a motion to close public review. Commissioner Hazen moved to close public review. The motion was seconded by Commissioner Pales and the voting was unanimous.

Chairman Esplin called for a motion to adjourn the meeting. Commissioner Elinkowski moved to adjourn the Planning Commission Meeting. The motion was seconded by Commissioner Hazen and the voting was unanimous. The meeting adjourned at approximately 7:10 p.m.

By Julie K. Jewell  
Julie K. Jewell, Secretary to the Planning Commission

## Wind Turbine Ordinance



## Introduction

In the past year...

- No Government Rebates
- Few Choices
- No Grid Connection
- Less Reliable
- Less Productive

## Why?

- Less reliance on depleting non-renewable resources
- People want to become more self-reliant
- Produce renewable energy (Sustainability)
- No green house gas emissions
- Some cities that have adopted wind turbine ordinances
  - Riverton City
  - Sandy City
  - South Jordan City
- What are the benefits?
  - Lower electrical costs/ No electrical costs
  - Stability for citizens on a fixed income
  - It can reduce the demand for commercial power
- Negative Impacts
  - View Corridors/ Visual Impacts?
  - Changes integrity of land/ Ridgelines

## What does it look like?

Commercial

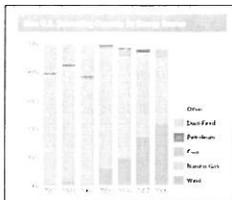


Residential



## Movement

- Trends
  - In 2008, there were over 8,000 megawatts installed to bring the U. S. wind energy to over 25,000 megawatts.
  - Rocky Mountain Power is required to obtain a (5%) percent of their power from renewable sources such as wind power.



## Purpose & Objective

- To protect the use and enjoyment of each property owner while permitting residents to produce wind generated energy.



## Definitions

- As used in this Ordinance, the following terms shall have the meanings indicated.
- Generator/Alternator:** Converts wind energy into electricity through the use of a wind turbine.
- FAA:** shall mean the Federal Aviation Administration.
- MET Tower:** shall mean a meteorological tower used for the measurement of wind speed.
- Net Metering:** Defined as measuring the difference between the electricity supplied by a "commercial power/ utility company" and the electricity generated by an eligible customer-generator and fed back to the electric grid over the applicable power/ utility billing period.
- Noise:** Small wind energy systems shall not exceed 60 dBA, as measured at property lines.
- Small Wind Turbine:** are defined as having rated capacities of 100 kilowatts and less.
- Total Height:** shall mean, when referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.
- Tower Height:** shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
- Wind Turbine:** Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer.



## Minimum Zoning Requirements

**ZONING**

**Agricultural:** Agricultural (A)  
One (1) acre minimum lot size

**Residential:** Residential Suburban (RS), Non-Subdivision Zones  
20,000 sq. ft. minimum lot size

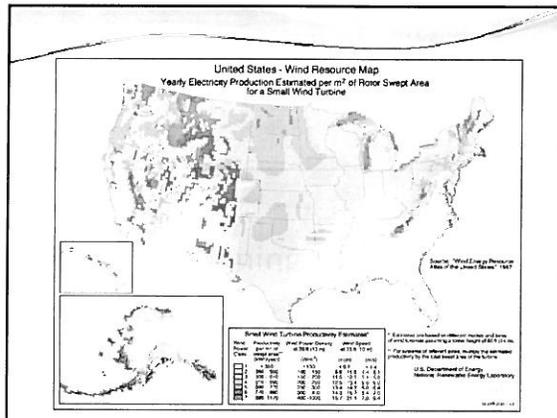
**Institutional:** All Zones  
One (1) acre minimum lot size

**Commercial:** Highway Commercial (C-H), Planned Regional Commercial (CP-3)  
and Business and Research Park (B-RP)  
One (1) acre minimum lot size

**Manufacturing/ Industrial:** Light Industrial and Manufacturing (M-1), Heavy Industrial and Manufacturing  
One (1) acre minimum lot size

## Wind Study

- WIND STUDY REQUIRED**  
The wind study must indicate that the average wind level is a level two(2) based on the National Renewable Energy Laboratory (NREL)



## Permitting

Professional site plan drawn to scale shall include:

- All primary and accessory building footprints structures on the owner's property and on all adjacent property including the setbacks of all structures to the property lines and setbacks of all of the structures of on adjacent property to the wind turbine.
- North arrow & scale
- Name, Address & Phone Number(s) of the contractor
- Boundary and dimensions of project
- Adjacent Land Uses & Zoning
- Topography (Contour Lines)
- Existing & proposed grades, location and descriptions of any appurtenances on or near structure (i.e., satellite dishes, antenna, solar collectors)
- Label all streets bordering the parcel and street intersections on both sides of the street.
- Size, locations, elevations
- Location & size of all important features including streams, ditches, canals, railroads, streets, exceptional topography, easements, etc.
- Property acreage
- Colored architectural drawings of the exterior elevations of proposed structure

- Conditional Use Permit required

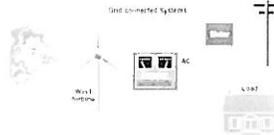
## Installation

- All small wind turbines must be approved by the Small Wind Certification Council (SWCC), which certifies that small wind turbines have been tested meet a performance, safety, and reliability standard.
- Footing, engineering, automatic turn off for power outage, installer must provide professionally engineered plans for the tower, foundation, and system. Installed according to the Uniform Building Code and National Electric Code. The footing will be inspected by a building inspector before the monopole is installed and the building inspector will Inspection by a building inspector.

## Connection to Grid

### CONNECTION TO A PUBLIC UTILITY

- Notify utility company that you are connecting a wind turbine to the power grid.

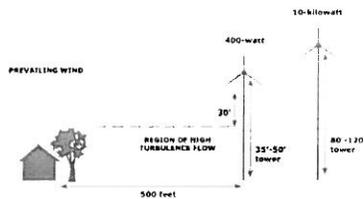


## Height

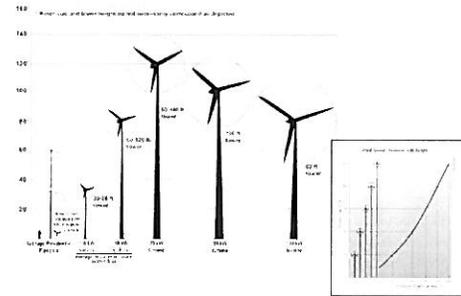
### HEIGHT LIMITS

- Agricultural, Commercial & Manufacturing: Maximum height eighty (80) feet.
- Residential Suburban and Institutional: Maximum height sixty (60) feet.
- Minimum height of moving parts: Twenty (20) feet from average grade.
- The turbine rotor should be thirty (30) feet above the tree canopy and rooftops to avoid wind turbulence.

## 30 ft. Clearance



## Height to Wind Power



## Setbacks

- Must be placed in the rear yard and have a minimum of ten (10) feet from side and rear property lines, as well as, twenty (30) feet away from primary home and from adjacent homes. The wind turbine shall be setback the distance of the total height of the wind turbine from all utility lines and public right-of-ways.

## Multiple Turbines

### MULTIPLE TURBINES ON ONE PROPERTY

- Wind turbines shall be separated the distance of one blade between each wind turbine.

## Noise

**NOISE LEVELS**

- Shall not exceed 60 dBA as measured from the closest neighboring inhabited dwelling.

## Safety

- Ice throws- Wind Turbine device that slows the blade rotation when ice accumulates on the blades.
- Automatic shut off when wind exceeds...
- Stray Voltage- The electrical system shall be equipped with a grounding device similar to that of a "Ground Fault Circuit Interrupter"(GFCI).
- Automatic shut off during a power outage.

## Aesthetics

- Monopole, No guy wire allowed, color beige, white or galvanized steel.
- View Corridors

## Nuisance

- 9.04.020. Public nuisance defined
- (1) A public nuisance is a crime against the order and economy of the City, and consists in unlawfully doing any act, or omitting to perform any duty, which act or omission either:
  - (a) Annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons; or
  - (b) Offends public decency; or
  - (c) Unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
  - (d) Is a nuisance as set forth in Section 9.04.010; or
  - (e) In any way renders three or more persons insecure in life or the use of property.
- (2) The maintenance or commission of a public nuisance shall be a class "B" misdemeanor, and is punishable as such.

## Insurance

- INSURANCE?

## Easements

- WIND EASEMENTS?
- Owners of wind turbines have the right to have their wind pattern unobstructed by any other property owner.

