

## WESTERN WEBER PLANNING COMMISSION

### AMENDED MEETING AGENDA

**January 12, 2021**

**5:00 p.m.**

Join Zoom Meeting

<https://us02web.zoom.us/j/81551769760>

Meeting ID: 815 5176 9760

One tap mobile

+16699006833,,81551769760# US (San Jose)

+12532158782,,81551769760# US (Tacoma)

- **Pledge of Allegiance**
- **Roll Call:**

**1. Minutes: December 8, 2020**

**2. Public Comment for Items not on the Agenda:**

**3. Petitions, Applications, and Public Hearings:  
Administrative items**

**3.1 CUP 2020-18:** Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693 acre open space parcel.

**Applicant: Wade Rumsey, Staff Presenter: Tammy Aydelotte**

**3.3 ZTA 2020-05:** Discussion and action on a recommendation to the Weber County Commission regarding potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals.

**Staff Presenter: Scott Perkes**

**4. Elections: Chair and Vice-Chair for 2021**

**5. Meeting Schedule: Approval of the 2021 Meeting Schedule**

**6. Approval of the 2021 Planning Commission Rules of Order**

**7. Training: Open and Public Meetings Act - Matt Wilson**

**8. Remarks from Planning Commissioners:**

**9. Planning Director Report:**

**10. Remarks from Legal Counsel:**

**Adjourn to work session**

**WS1: Mel Peterson subdivision**

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

*&*

*Via Zoom Video Conferencing at the link listed above.*

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

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

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

## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

**Minutes for Western Planning Commission meeting of December 8, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm & Via Zoom Video Conferencing**

**Members present:** Bren Edwards-Chair  
Wayne Andreotti  
Andrew Favero  
Sarah Wichern  
Jed McCormick

**Members Excused:** Greg Bell  
Bruce Nilson

**Staff Present:** Rick Grover, Planning Director; Steve Burton, Principle Planner; Felix Lleverino, Planner II; Tammy, Aydelotte, Planner II; Scott Perkes, Planner II; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

**1. Minutes: November 10, 2020.** Commissioner Wichern states that during the ex parte conversation concerning the Highland Bluff Estates item she believes Commissioner Nilson stated that he had received a notice. She asks that this be clarified in the minutes. Chair Edwards notes that concerning item 3.1 LVH091820 during the motion the vote is wrong, it states the vote was (4-0) this is incorrect the vote was (7-0). Minutes approved with noted corrections.

Chair Edwards asks if there are any ex parte communication or conflicts of interest to declare. Commissioner Favero states that concerning item 3.3 LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3 he had ex parte communications with the applicant. He notes that their conversation was about irrigation and a drainage facility that is installed on the property. He does not have a direct advantage or disadvantage to it. There is no economic conflict. Matt Wilson states that he has a conversation with Commissioner Favero, he does not own any property that is adjacent to this. There is no apparent conflict of interest. He notes that in his opinion there is no conflict of interest, it is ex parte communications. The rules of order require that if Commissioner Favero's decision-making or if his conversation has impaired his ability to be impartial he would have to abstain. This determination is solely up to Commissioner Favero. Chair Edwards states that he would like to weigh in on this. He states that he trusts Commissioner Favero's judgment and he believes that what he is doing is for the best interest of the Planning Commission. He adds that he would like his support and background on this issue. Commissioner Favero states that he would like to participate in this item. He adds that he does not feel that his judgment has been impaired by the conversation that had with the applicant.

**2.1 CUP 2020-19: Consideration and action on a conditional use permit application for Christensen Fabrication Shop, a fabrication shop making parts for the airline, mining, and construction industries**

Chair Edwards asks if there are any concerns regarding this item. There are none.

**MOTION:** Commissioner Wichern moves to approve item CUP 2020-19: Consideration and action on a conditional use permit application for Christensen Fabrication Shop, a fabrication shop making parts for the airline, mining, and construction industries. Commissioner Andreotti seconds. Motion carries (4-0).

Commissioner McCormick was unable to vote due to technical difficulties.

**3.1 CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel.**

Tammy Aydelotte states that this is located just off of 1800 S and 3500 W. This is a 40-acre parcel. Looking at the staff report a couple of adjustments have been made. The original staff reported stated that they were asking for a 50 percent bonus density. When landscaping plans were resubmitted, it looks like it is closer to 42 percent. This is located in the A-1 zone the applicant is looking for 54 residential units with a couple of open space parcels totaling under 17 acres, not including the roads. Some of the considerations in the PRUD code with regards to granting the bonus density. The applicant has submitted a roadway and landscape design that includes street trees. There has been some discussion concerning lighting. There are sidewalks and trails proposed throughout this development. If the Planning Commission feels that it is warranted they can be granted up to 20 percent based on what has been submitted. The easily accessible amenities are the trails parks and the community gardens that will be open to use for the general public. Up to 15 percent bonus density may be granted for this. These are items that have been brought up with the applicant, they have submitted them in their narrative which can be found in the staff report. These are the proposals that they have. There be walking trails and sidewalks throughout for a parcel containing at least 10 but fewer than 20, up to a 15 percent bonus density may be granted. There are two open space parcels within the development. One of them is just over 15 acres the other one is just over an acre. Concerning the last one the applicant is working with County Engineering, one of the requirements from Engineering is that they annex into Central Weber Sewer. They are working on improvement plans for additional sewer infrastructure including a pump station.

Chair Edwards asks if that code specifically states that it is it has to be a sewage facility. The code states that for the development of excess sewage treatment capacity. Ms. Aydelotte states that they can take it to mean anything above and beyond what is required for the development. Chair Edwards asks if it states treatment and not capacity. Ms. Aydelotte states that this correct it is excess sewage treatment capacity. Chair Edwards states that he just wanted the clarification a pump station does not mean treatment.

Ms. Aydelotte states that looking at the layout Engineering has asked that some temporary turn around be put in place where the roads are stubbed. The Fire District wanted to see secondary access to the development, they did not feel that the one was sufficient given the number of units. The applicant has proposed a fire road and easement. There will be a walking trail adjacent to it or on it in addition to the walking trail. The sidewalk will be installed along 1800 S. There will be two accesses. The fire access and the main access. Looking at the open space parcels the applicant has proposed that the majority be used for agriculture proposes and the possibility of leasing it to locals or residents within the subdivision has been discussed. Park and a community garden have been proposed. They are required to have one street tree per every 8 feet. This would require 227 trees throughout the development.

Chair Edwards asks if they are going to be awarded bonus density for placing a sidewalk which is required in any subdivision, Ms. Aydelotte states that this is what is being requested. They are also looking to implement some walking trails. Chair Edwards states that if they are going to grant bonus density for the sidewalks they need to make the sidewalks into paths. They could make them an extra two feet wide to make it more of a path instead of a sidewalk. He notes that he has a concern with the trees. He asks what the guarantee is that the trees will live. He notes that the soil conditions will be very tough to get anything to grow other than sagebrush. What is the guarantee that they stay there to meet the granted 20 percent? He asks how long they will have to stay alive. Concerning the parks, it should be a public park to get the bonus density. He asks if these are going to be public parks, where are the parking lots. Where can people park to access the parks? If there is a bunch of people showing up to go into the open spaces there is only going to be parking on the street. The neighbors are going to be upset because there are no amenities like parking. The walking path and the secondary access for fire should be a paved hard surface and not just a gravel road, especially if it is going to be a walking path. It needs to be a paved material whether it be asphalt or concrete. He notes that the 5 percent bonus density for a sewage treatment facility, if they are proposing to do a sewer lift station, is not treatment. A sewer lift station does not do treatment.

Commissioner Wichern states that Chair Edwards spoke to one of her concerns, and this was the use of gravel walking paths. She states that she is concerned about the usefulness of gravel for walking or running or a stroller. If they are going to be granting bonus

density it should be asphalt or a more useful surface. She asks if they are community-owned, HOA, or PRUD open spaces. She asks who is going to be responsible for maintaining those areas.

Chair Edwards asks if the applicant is present, so that can address the questions.

Wade Rumsey 7550 S 35 W Idaho Falls, notes that concerning the walking paths they are just following the code under the PRUD. They are working with emergency services, David Reed has gone through with what they require and this is what they put forth, concerning the road and the maximum weight, it serves as a walking path and emergency services road. He notes that the comment on the sidewalks is part of the code, but it could also provide some bonus density through providing that. If there are any enhancements or alterations that need to be made he is happy to look at that. Concerning the question of the trees and keeping them alive. The owner of the lot will assist with keeping the trees alive. There will be secondary water that will be provided through the subdivision. There will be an opportunity to be able to incorporate a plan to keep the trees watered. Concerning the soil, there will be soil brought through construction and things like that. These issues will be addressed. The trees will be planted in good soil. The soil can be brought in. There is going to be a strip between the road and the sidewalk this area allows putting in good soil for the trees to be planted. As Ms. Aydelotte mentioned there are so many trees per certain number of feet, and they are just following the development code to make sure that requirement is satisfied. Concerning the public park, there is a park within the subdivision that is a real advantage to the homeowners to have some extra space for the kids and the pets. It will provide a good safe area for them. Part of the PRUD is having the 50 percent, it will be more of a pasture and could be managed by a local farmer that can utilize that. Within the walking path area, there would be an HOA and some type of organization to maintain those things, and perhaps mowing the lawn. Those items will be organized, as it gets developed. Concerning the sewer lift station, there is a tremendous investment that has to be made by developers. It may not be a treatment, but they are very involved with the neighboring subdivision, spearheading, and working with the County in terms of the approval. He notes that his understanding is that it has gone well. He states that they are a great financial contributor to providing 800 homes with sewage. Whether it is technically within the code, it is mentioned in the PRUD in terms of providing excess sewage, he would like to have further discussion on this. He feels that they are in favor and are contributing financially to the pump station. A lot of the things proposed to go about 50 percent bonus density. He states that they are willing to make this a nice subdivision. Concerning the gravel road, they would not have a gravel road that has jagged rocks. There is an obligation through emergency services to make sure it is clean and in good order. In terms of it being open to the public, the true intention is to provide a walking trail within the subdivision, if there are friends and family that want to go for a walk, this is where it comes in. There is no intention to create a parking lot or that. The intention is to have walking trails that would be accessible for people who live in or are visiting. Chair Edwards states that to get the 15 percent bonus density, the trails parks, and community gardens that are open for use by the general public not just within the subdivision to get the 50 percent bonus density. Ms. Aydelotte states that to be clear the code says trails parks and community gardens. Chair Edwards state that it is for use of the general public. He asks Mr. Rumsey if he has had any discussion with the Parks District. It could be made into more of a public park and they could provide the parking. Mr. Rumsey states that they have not had any discussions with the Parks District. Chair Edwards states that he recommends that he gets in touch with the park's district and he feels that it should be a public park. He notes that it would be maintained by the park district. Director Grover states that the code states for the use of the general public. If they chose to have it be part of the park district, the park district would take over the maintenance. If it is open to the general public as part of the HOA the HOA would maintain it. He states that it can be either or but it has to be open to the general public. As Chair Edwards stated concerning the parking lot the bonus density is up to the Planning Commission to award those and forward it to the County Commission. Commissioner Favero states that he has a question concerning the ordinance. If this becomes part of the park district is it still eligible for the bonus density.

Director Grover states that it would still be eligible for the bonus density but because the code is so vague it would give the Planning Commission discretion to have the applicant with the Parks District and come back with a plan on how it will work. The applicant can donate the land to the Parks District and they would do a certain percentage of the installation and the Park District would take it over and maintain it. The park district may not want it. He notes that it is in the Planning Commission's discretion to decide whether or not that intent has been met. He notes that they have a few options they table the item and ask the applicant to address the items discussed. It can be approved as it is. They can forward a recommendation of denial.

Chair Edwards states that concerning the pump station he wanted some clarification, and a lift station is a part of collections. The code states that it is a treatment facility and there is not part of a treatment facility that comes out of the collection. He notes that he does not see how they can grant an extra 5 percent out of that. To make the subdivision work with the density there has to be a way to get the sewer out. This is possibly why it is in a separate application, than the one that was approved two months ago with more lots on it. He states that he does not feel that it meets the code for the extra 5 percent.

Commissioner Wichern asks how many residents the sewer lift station will service. Mr. Rumsey states that his understanding is that it will have the capacity to service 800 homes. Commissioner Wichern asks if there is an alternative that would serve the 55 to 60 homes going in. Mr. Rumsey states that for this subdivision to work the lift station will have to go in. Chair Edwards asks if a pioneering agreement will be placed on the lift station. Mr. Rumsey states that he is working with Sierra Homes and they have implemented this, but he does not know the details. Chair Edwards states that that will pay for the excess capacity. Mr. Rumsey states that they are burying a lot of it, but they were in participation with this as well.

Ms. Aydelotte states that she would like to clarify. She has spoken to Chad Meyerhoffer one of the County Engineers and asked him about this particular lift station. He has indicated that three developments are going into this lift station that will increase the capacity by over 600 units. The lift station that is going in has the capacity for up to 800 units the three developments total less than 200. Chair Edwards states that the code talks about sewage treatment, not collection capacity. A lift station is a collection tool.

Commissioner Wichern states that a sewage treatment facility is a serious operation and she is not sure that could be done on-site. She asks if this is an oversight in the code. She asks if they are expecting the developer to put in a treatment station. Director Grover states looking at the literal language of the code it does say treatment. He adds that if the Planning Commission feels that it meets the intent of the code with what the developer is proposing they could award that. If they go the more restrictive way on this the applicant has indicated that there may be other areas where they can pick up points. He notes that only five points are awarded for this, it doesn't seem like very much for an actual treatment facility compared to the number of bonus points they could pick up for open space. It is up to the Planning Commission to make the interpretation and make that as part of the findings. Going literally through the code it says treatment, if they feel that he is meeting the intent based on what is being proposed it could be approved that way as well. Commissioner Wichern states that she has another question on whether it is a community open space or PRUD open space. She states that she feels they get more density because they have access to the open space. If the community is paying for the open space. She states that she likes the way the development is laid out, it could be an asset to the community. If the community requires public land there is a lot of land available out there. If the Parks District requires a park they could approve this on the condition that it first be offered to the Parks District and if they don't want the land then it can be reserved for the PRUD and they would then have to maintain the area.

Igor Maksymiw 1510 Federal Point Dr. states that he is a very experienced developer. They have been doing this for 40 years. This is a unique project in a unique area because of the A-1 zoning. When this development was proposed everything that was done was based on the benefit of the community within the 40 acres. He notes that it was never proposed that the public would be invited. He adds that now that it has been explained that it can be shared and the park district can get involved this is another avenue to be explored. This is not what was originally proposed. Originally what was proposed was that the 54 lots would share the lower one-acre lot for open space and doing gardens for the children and be able to share within their community. Concerning the biggest open space area, there was a couple of reasons behind that. One was to provide the benefit of the open space to the people who bought into the community. Concerning the second road, he has been involved in a few of these developments where the road is designed for emergency vehicles. The reason for the second road once there are over 30 lots, they need secondary access just in case the first road gets blocked off. The number of times that would happen is very rare. The second access was done in conjunction with the fire department and the requirement there is to give access to a vehicle of 58 tons. There is nothing in writing or in the rules that govern how the finish of that road. It has been designed to take a fire truck and give it good access through that area. Normally it is not put in asphalt. If the access road has houses on either side it would be a sealed road. This is not the case. He states that they tried to combine the open road, it won't be used quite that often. He notes that they tried to combine a community running park or a track around that road as well so that people could use it and they could use the footpath around it. As Wade said they could get away with putting finely crushed rock on there and it will not be a detriment. It is a rock that is treated in such a way that it is not going to carry. He adds that they wanted to keep a country sort of environment. The asphalt is more money and it is not necessary. There

was nothing in the code that said it had to be finished with a coat of asphalt. He adds that they are listening to what the Planning Commissioners are saying and they are open to making changes, but he also wants the Planning Commissioners to understand their perspective. Concerning the sewage plant, Chair Edwards is right it is not a treatment plant it is better than a treatment plant. It takes the outfall of the sewer and the rid from the property and it funnels into the further sewer which is a lot cleaner. He states that they won't want to be involved with a treatment plant. The cost of the treatment plant is going to be over nine hundred thousand, their contribution is going to be close to two hundred thousand. The numbers discussed before are correct, there are currently permits for about 200 homes. That station was only going to carry the sewer for all those developments. He notes that they believed having that much money spent was going to get them some bonus density. He adds that there is some flexibility there. The biggest problem with the PRUD thing is understanding and trying to fulfill what the Commissioners will require. He states that they are open to this. They want to obtain the 54 lots if they can and are willing to make any amendments that the Commission requires. They want to make a nice development on the edge of suburbia with a country feel.

Chair Edwards states that he recommends this item be tabled until they can meet with the Parks District and see if they can get it to meet the park requirement and he is aware that the Parks District is looking for a parks area. There might be an opportunity here.

Wade Rumsey asks who they can contact for the Parks District. Chair Edwards states that Kathy Vernew and Roger Heslop are the Chair and the Vice-Chair that handle the Parks District. Planning staff can get them in touch with the right people.

Commissioner McCormick asks if they are giving them extra density in the subdivision for parks and the County pays for it, there is no advantage. Chair Edwards states that if they get in touch with the Parks District and the developer does a certain amount of improvements, and they could give the pasture portion to the Parks District. They could let the Parks District develop the rest. Commissioner McCormick states that he would recommend that it be tabled.

Commissioner Wichern states that if the Parks District does not want the land, she believes that it is important that they allow the developer to move forward, and she feels that they have worked very hard to meet the rules and create something nice for the neighborhood. She adds that she is hesitant she wants to table it but she does not want to hold the applicant up. The community requires housing and they put a lot of effort into this. She is hoping this can move quickly. Chair Edwards states that if it gets tabled it puts the ball in the developer's court to reach out to the Parks District and get in touch with them and get that decision made. There is no reason why they can't be back in front of the Planning Commission at next month's meeting.

**MOTION:** Commissioner McCormick moves to table item 3.1 CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel until the applicant can get in contact with the Parks District. Chair Edwards Seconds. (5-0)

**3.2 CUP2020-16: Consideration and action for a conditional use request for a basement accessory apartment within an existing single-family dwelling located at 2259 S. 3750 W., Ogden.**

Scott Perkes states that the applicant is not present. This is a conditional use permit for an accessory apartment to be located in the basement of a single-family home. At approximately 2259 S 3750 S it is part of the newly approved Summerset Farms phase 1. It is a lot if a little over 1 acre. The applicant has already submitted for a land-use permit and a building permit which were recently approved. They have been working on the home as they go through the process they have been exploring the apartment idea and have decided to submit for a conditional use permit before they finish framing out the basement and finishing that area before they have an accessory apartment. There are few things to look at when looking at this type of accessory apartment in relation to the principal use, the idea is that it should be integrated into the home so that it does not look like an afterthought. Generally speaking, a basement is about integrated as it can be. The home looks like any other, it is a single-family home. The apartment is accessed from a door from the rear through a walkout basement. The living floor area cannot exceed 800 sq. ft. the applicant is proposing to be at 797 sq. ft. It is important to keep in mind that the accessory dwelling unit code is moving forward, it was heard by the County Commission and will likely be adopted soon. The accessory dwelling code could allow a lot more area but as of now they are only proposing under 800 sq. ft. the access is through an external door, it is a walk-out basement. Concerning the amenities, it needs to

have separate amenities from the principal house it needs to have its own kitchen and restroom facilities there is a full bathroom and a separate electrical panel and shut off, the code also indicates telephone service. The applicant has stated that they are happy to add a dedicated phone line. Mr. Perkes states that cellphone service might be adequate. Concerning the parking, they have submitted plans, he indicates where the parking has been designated. He points out that what has been outlined is adequate for the use. The applicant submitted a culinary water and sewer provider to have those connections made for that apartment as well. Staff recommends approval of the conditional use permit without any additional conditions unless the Planning Commission has some that they want to add. There are a few conditions that are a part of the code. The applicant will need to submit an addendum with the current building permit to ensure that the Building department is aware. The principal dwelling and/or the accessory dwelling will need to be occupied by the owner at all times. They cannot rent out both dwellings to separate parties. Before the issuance of the certificate of occupancy the code also requires that the zoning enforcement officer inspects the premises. Once everything is finished they would need to have a quick inspection before the permit is issued. There are a couple of conditions concerning affordability, they would need to renew the permit every two years and they will need to submit a sample lease or a recorder indicating what the rental rate is to calculate if it is part of the affordable housing.

Commissioner Favero asks if the applicant is aware of the pending changes to the ADU code. Mr. Perkes states that he was informed of the pending changes and was asked if he wanted to wait. The applicant indicated that for now, they are okay with what has been laid out using the 800 sq. ft. He also indicated that he may add a couple of bedrooms to the apartment in a future amendment to the conditional use permit once the accessory dwelling unit code is adopted but he is not sure if he wants to do that yet. Right now it is a studio apartment and it is fairly small, it has some good storage and the pantry there are no windows so it cannot be used as a bedroom. It does have a full kitchen a good livable space and a full bathroom. He is aware of the code and this is what he would like to stick to for now. He may submit an amendment to use the provisions in the accessory dwelling code in the future.

Commissioner McCormick asks if it meets all the code requirements. Mr. Perkes states that it does with the conditions listed in the staff report. There are a few things that they will need to work on with the Building department and an inspection and get some information submitted. The design and access and parking all meet the code. Commissioner McCormick states that it seems like they are making duplexes out of all the homes. He notes that he does not object to this, but is this the purpose. Mr. Perkes states that the intent is not to create duplexes. It offers quite a bit of flexibility, they could make their home into an accessory apartment, they could have an accessory dwelling in the back yard, and they could have them above the detached garage. There is a couple of flexible options under the code, but not necessarily duplexes.

**MOTION:** Commissioner Favero moves to approve CUP2020-16: Consideration and action for a conditional use request for a basement accessory apartment within an existing single-family dwelling located at 2259 S. 3750 W., Ogden based on the following additional conditions of approval: 1. The applicant will need to submit an addendum to their open building permit for the single-family home and have it approved through the Building Department. 2. The accessory apartment shall have a separate electric panel with a separate disconnect. 3. Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences. 4. Upon receipt of a conditional use permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. 5. An issued conditional use permit shall be reviewed for renewal every two years. 6. Per Sec. 108-19-5 of the Land Use Code, and prior to the issuance of a certificate of occupancy, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit. Rental agreements shall be reviewed every two years with the CUP renewal in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing. This recommendation is based on the following findings: 1. The proposed use as proposed, will not be detrimental to public health, safety, or welfare. 2. The proposed use, as proposed complies with applicable County ordinances. 3. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner McCormick seconds. Motion carries (5-0)

### **3.3 LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3.**

Steve Burton states that this is a request for final approval of Suncrest Meadows phase 3. This is the third phase of a five-phase development, this phase consist of nine lots. They are right between 2550 and 4700. The nine lots meet the requirements of the A-1

zone which is 40,000 sq. ft. there is a 150 ft. of frontage. As part of the primary staff received all the water and sewer letters that were needed. Typically before a plat will record although it is not required they will receive a final approval letter from the water and sewer company. In this case, staff is recommending approval because it meets all of the codes. Concerning the other reviewing agencies, somethings are being worked out with the subdivision plat concerning the surveyor's offices. The County Engineer has stated that this item can move forward for final approval with the Planning Commission. Before it can go to the County Commission, they are going to have to have an improvement guarantee. The improvements will need to be installed before this phase and this is something that will be taken to the County Commission.

Chair Edwards states that he wants to make sure that they are meeting the state requirement for the onsite retention of the stormwater for the 100-year storm. Looking at this plat he cannot see how it ties to the detention basin or the drainage.

Carson Jones 1106 W 4050 N states, that he is the applicant for this project, and there are going on to the 3<sup>rd</sup> phase of a 5 phase project that was previously approved in 2017. There are a lot of drainage issues that were discussed that he would like to address.

Commissioner McCormick states since this is on the 3<sup>rd</sup> phase of the development they would have had to account for all of their water. He notes that it is an unwritten law that once it is on paper the problem needs to get taken care of.

Chair Edwards states that he would like to know if it is going to flow back completely. He doesn't want it to flow down one of the stub roads and tying into the old irrigation ditch that used to be there and not meeting the onsite requirements.

There were some technical issues with Mr. Carson's audio. The Planning Commissioners agreed to put the item on hold until Mr. Carson could reconnect.

**MOTION:** Commissioner Wichern moves to push item 3.3 LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3 to the end of the agenda so that Mr. Carson the applicant can get reconnected. Commissioner Andreotti seconds. Motion carries (5-0)

Mr. Jones was able to reconnect.

Mr. Jones states that concerning the drainage in 2017 they got approval on Suncrest Meadow's five-phase subdivision. They did have a detention basin included which was about 90,000 cubic feet of the capacity of a storm drain retention. He notes that borders Commissioners Faveros families land on about half of the subdivision. All of the detention and storm drain water is directly due West to the basin. The basin is designed to hold all of the water that historically goes in that direction. The stormwater is detained and is controlled according to state statute.

Commissioner Favero states that looking at the south edge there is a pipeline in place that provides a dual purpose. It provides irrigation water and from April until October and drainage year-round. The concern is that water that is owned by other property owners will be going down a pipeline that is within the Suncrest Subdivision but at the very edge on the inside of the fence. That facility where it is dual purpose should be considered two separate entities one for drainage and one for irrigation. If there is a catastrophic storm, and this can happen any time of year or a mass amount of flooding, during irrigation there is going to be a lot of water that is going to be accounted for. The Southern and Western part of that subdivision is going to be vulnerable to that situation. Mr. Jones states that Favero farms and Suncrest Meadows have come to an agreement that it will serve as a dual purpose pipe originally this was just an irrigation line for the Western Properties over the years and since the irrigation season ended there is still a lot of water that goes through that pipe. Favero farms and Suncrest Meadows has agreed to reroute some piping so that the irrigation can still function on the West Side of Suncrest Meadows and they can still collect any water that drains from other properties. This is not necessarily water that is draining from Suncrest Meadows. It is water that is historically draining down that line. There is a preliminary agreement in place that Suncrest Meadows will reroute in conjunction with Favero Farms. The irrigation will happen separately but the drainage down that line will continue its historical course and flow out through the slew to the West. This is all groundwater, it is not stormwater. Stormwater is handled in the basin. Commissioner Favero adds that it does flow year-

round. Several wells might be taped into that and several other field drainages this is why it flows pretty much year-round. It does also capture surface water on other properties.

**MOTION:** Commissioner Wichern moves to approve LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3. This recommendation for approval is subject to all review agency requirements and based on the following conditions: 1. A guarantee of Improvements will be required as outlined in LUC § 106-4-3. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the Western Weber General Plan. 2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances. Commissioner Andreotti seconds. Motion carries (5-0).

**4.1 ZTA2020-05: Discussion and action on a recommendation to the Weber County Commission regarding potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals.**

Scott Perkes states that there was some discussion concerning the potential regulation scenarios in November. There were quite a few respondents that were in favor of short term rentals. He states that there has not been much of a change since the last discussion. He adds that they are keeping track of the comments and they are available as a public record on Frontier. The draft ordinance is also on Frontier. He states that there has been discussion concerning the 5 different regulatory scenarios which are Open, Open and Limited, Business, as Usual, Proof of Concept, and Closed. Currently, they are called nightly rentals and this will change, they will be called short term rentals. The Ogden Valley forwarded a positive recommendation for the Proof of Concept. The language for this unchanged, a 3<sup>rd</sup> party enforcement could be utilized to augment the County Enforcement efforts. They would only be allowed as a permitted or conditional use in a specific zone as part of planned residential unit development. Under this code, there would not be any zones that allow short term rental aside from any PRUD subdivisions if they were to request short term rentals. This is the only way short term rentals would be allowed in Western Weber. The scenario would be subject to the requirements and operational standards.

Commissioner Wichern states that if this is a recommendation and the County Commission approves this there will not be any short term rentals in Western Weber. This could help preserve the ADU's which is good but to completely block it. She notes that this recommendation might not be heeded by the County Commissioners. She likes the proof of concept scenario but thinking about all the different scenarios through, if outside of those approved areas allow nightly rentals for only 7 days, this would be complete with the ADU's and give an option to the County Commissioners, where they are not completely prohibiting them but making the STR's competitive with the ADUs. She notes that without any recommendation the County Commission might go in a different direction and they might not get anything close to what they want.

Chair Edwards asks going forward with the General Plan update in Western Weber could they create zones that would allow the STRs in Western Weber. Mr. Perkes states that this is a discussion that they can have, they can talk about the area where they would like to see them in the future and where they might be appropriate. They could also recommend an amendment to the short-term rental regulation to allow specific areas out West to be included in the allowed areas. It is an open door with the General Plan about what they want to be in that area and what they want to look at moving forward. Chair Edwards asks concerning the zones, could they zones some of the areas in Western Weber to the areas that allow the STRs through the General Plan amendment would it allow them to have STRs in the area. Would they need a conditional use permit? Mr. Perkes states that it wouldn't necessarily be that way. The General Plan is not a rezoning instrument. It identifies areas for potential future rezoning and it can be noted as an area that could be rezoned in the future for these uses. Under the current scenario for regulations, they would not be using conditional use permits. In an area where they are allowed they would have to go through a licensing requirement, which would be review and approved by staff, in the same way, a land-use permit is reviewed. If they had to take it to the Planning Commission for a conditional use permit it would be an overwhelming workload. Under the current scenario, they would not require a conditional use permit. He notes that there is one zone where it is required as a conditional use that is the Forest Valley 3 zone. Everywhere else they would just need to submit for a license.

Commissioner Favero states that he likes the proof of concept but it is not ok with it being so limited for Western Weber. He asks if they could be approved as a zone overlay if they have several applicants in the same zone that want to go forward with something

like this. Mr. Perkes states that there are a lot of communities that have used overlay zoning to indicate where Short Term Rentals could be allowed. He notes that the staff has not gone through this as the desired approach. He notes that they have stuck with the existing zones in the proof of concept scenario. Looking at the open and limited scenario it would be open as an allowed use in the residential zones, but it would be limited, there would have to be a buffer between each permitted short-term rental property. It is first come first serve. If a license is obtained anyone within a buffer of the property would not be able to obtain a license. There was a concern with the congregating near each other. This is one approach.

Commissioner Wichern states she does not like the open and limited scenario where people are picking and choosing. She states that she does not feel that it is fair if one resident gets a license and their neighbor can't. Concerning the clustering, it is different in Western Weber County than in the Ogden Valley because they have different recreational areas to cluster around. In Western Weber County it would be more random. She states that she would propose to keep it competitive so they have a choice they can have an ADU or an STR. She notes that they can require the STRs to be 7 days outside of the zones, to meet the requirement of limiting how many people would do this and making it competitive with the ADUs. The open and limited is very complicated and is going to be hard to enforce. The people who buy the homes will be confused about where they can have them and where they can't. Mr. Perkes states that the open and limited is the most complex as far as the code is concerned. It would be hard to track with the buffering and the first come first serve and making sure it complies. It sounds like Commissioner Wichern might be more open to an open scenario with some limitations. It would be allowed out West in residential areas but there would be a 7-day minimum. Those who are currently operating have not found Western Weber to be a hot market. If they want the opportunity an open scenario fit with some specific limitations. Commissioner McCormick states that the open scenario fits Western Weber more.

Mr. Perkes states that staff is not opposed to having one scenario in the Ogden Valley and another in Western Weber.

Commissioner Wichern states that there have been some concerns with the short term rentals, but the concerns for her more about the lack of regulation. If they are banned completely it will be harder to regulate. Regulation is the biggest key. She notes that her other big concern is making it competitive with the ADU's. if they do have both options they won't want to make the short-term rentals so lucrative that it doesn't allow for ADUs. She states that if they add the seven-day regulation might make it less lucrative.

Commissioner Favero states that he had a neighbor that was doing the STR without any permits they had it rented out to capacity all the time. There is interest to stay in Western Weber.

Commissioner Andreotti states that he has used STRs and he likes them better than hotels. He doesn't know how big of competition with the ADUs. If they have short term rental and they have to clean it out every three to four days they are going to look for someone to rent it full time. The bigger use is the ADUs and the only thing is that affordable housing may be hanging on that. There are still people that want to buy that want to live in a nice subdivision. ADUs are just one leg of the stool for affordable housing. He likes the ADUs as one part of the affordable housing. STRs are needed but he is not sure about the seven days or the 30 days.

Commissioner Favero states that what is driving the need for the ADUs is that in Western Weber County is that they are looking at lots that are pushing 180,000 and another 500,000 to 600,000 dollar houses on top of that. The economics of that are going to drive the ADUs just for affordability. The STRs are good income subsidies as well. They are probably more lucrative than the ADUs. The question is how do STRs fit into the zones.

Commissioner Favero states that if this is the direction they want to go concerning this issue he would recommend that they have at least one more meeting to nail down what to do for Western Weber. He would like to see it as a scenario layout with fresh eyes. He is open to having a different set of regulations as the Ogden Valley.

Commissioner Wichern states that she feels that it has been delineated enough, she would feel comfortable with having the open scenario with the five to seven-day limitation.

Director Grover states that he would like to review another concept. Often short-term rentals require the owner to have lived there for two years more. This way short-term rental companies cannot come to buy homes and rent them out. This can help maintain a

sense of neighborhood. Commissioner Wichern states that she likes this idea. She states that they are doing this for the residents and they would likely be doing it because they need to financially. Commissioner Andreotti states that he agrees with this it is all about the citizens. Director Grover states that he agrees this is not meant to be a lucrative venture that will destroy neighborhoods.

**MOTION:** Commissioner Wichern moves to table ZTA2020-05: Discussion and action on a recommendation to the Weber County Commission regarding potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals to allow for more discussion. Commissioner Favero seconds. Motion carries (5-0)

**5. Public Comment for Items not on the Agenda:**

Carson Jones states that concerning the Short Term Rentals. He is working a lot with Nordic Valley. Nordic Valley is something that everyone should be touting for what they want as a state and county. He states that he hopes that the County Commission and Planning Commission understand the desire for Weber County. This is a very desirable area right now. He would like the County to embrace what the state calls "Work where you play". This is a fantastic opportunity to grasp what is happening as people realize what Weber County has.

Tom Favero 1295 N 4700 W states there is an irrigation easement that goes through a couple of lots. In lot 23 and lot 24, the pipe comes from the South corner and is out about 75 feet from the West fence and goes all through 2300. He states that he and Mr. Carson are working out a deal, but he wants to make sure it gets done. Mr. Jones states that there is a structure where the water can flow due West from the Southwest corner of lot 23. When the deal goes through that is where it will flow. It will get rid of anything flowing North. Mr. Jones states that this is not a County issue.

**6. Remarks from Planning Commissioners:** there was none.

**7. Planning Director Report:** Director Grover states that concerning the first conditional use permit discussed there may have been some comments that were indicated that they are antigrowth. He notes that he does not want the County to come across antigrowth. The Planning Commission represents Weber County, the code and meeting the intent of the ordinance. He states that they need to be cautious of what is being said that could give the impression of otherwise. He adds that the need to be respectful of the development process. Concerning the Parks District, they were spot on with their comments. It was good to have them go back and look at park options. He adds that they handled the meeting very well. Concerning the short-term rental item, it was handled very well and Staff will come back with some information on this. He thanks the Planning Commission.

**8. Remarks from Legal Counsel:** there was none.

**Adjournment: 7:08 PM**

**Respectfully Submitted,**

**Marta Borchert**



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels, totaling approximately 16.320 acres, not including roads.	
<b>Type of Decision:</b>	Administrative	
<b>Applicant:</b>	Wade Rumsey	
<b>Agenda Date:</b>	January 12, 2021	
<b>Approximate Address:</b>	3701 West 1800 South	
<b>Project Area:</b>	40.259 Acres	
<b>Zoning:</b>	A-1	
<b>Existing Land Use:</b>	Residential/Agricultural	
<b>Proposed Land Use:</b>	Residential-	
<b>Parcel ID:</b>	15-078-0002	
<b>Township, Range, Section:</b>	T6N, R2W, Section 28 NE	

### Adjacent Land Use

<b>North:</b>	1800 South St.	<b>South:</b>	Agricultural
<b>East:</b>	Agricultural	<b>West:</b>	Agricultural/Residential

### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte <a href="mailto:taydelotte@co.weber.ut.us">taydelotte@co.weber.ut.us</a> 801-399-8794
<b>Report Reviewer:</b>	SB

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 5 Agricultural A-1 Zone
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

## Summary and Background

This application is a conditional use permit request for a Planned Residential Unit Development. Receiving a recommendation for approval from the Planning Commission is the first step in the PRUD process. If the conditional use permit is approved by the Commission then the applicant will be allowed to begin the subdivision process. Winston Park PRUD includes 54 lots, ranging in size from 12,000-13,000 square foot lots. The open space will consist of two parcels totaling approximately 17 acres.

**This is not a cluster subdivision application, therefore the requirements for a cluster subdivision do not apply to this request for approval. There are no requirements regarding the suitability of soil conditions for open space dedication.**

Under the PRUD ordinance, a development is able to receive additional lots than what the zone normally allows. The extra density is called Bonus Density. **The applicant is eligible to receive a 30 percent bonus density based on the preservation of 30% of the adjusted gross acreage as open space, as defined in 101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent.** Applicant is proposing to dedicate 40% of gross adjusted acreage as open space, and is therefore requesting 40% bonus density. Under the PRUD ordinance the applicant has chosen to do the following to warrant the requested additional density:

“The county may award bonus densities based on an accumulation of any combination of the following:

2. (a) If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, **up to 20 percent bonus density may be granted.**

.....

2. (d) If a PRUD provides a common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, **up to a 15 percent bonus density may be granted.**

There will be walking paths/sidewalks throughout the PRUD that will connect to sidewalk along 1800 South Street.

2. (g) 1. For a parcel containing at least ten acres but fewer than 20 acres, **up to a 15 percent bonus density may be granted.** The larger open space parcel contains over 15 acres, thus satisfying this requirement.
2. (i) If a PRUD provides for the development of excess sewage treatment capacity, up to a **five percent bonus density may be granted.**

With the combination of the above bonus density options, the applicant is able to receive up to **40 percent bonus density.**

**\*\*This item was presented in the December 8, 2020 meeting and a decision was tabled pending the applicant approaching the local parks district to investigate the possibility of donating the proposed open space. The applicant and the park district were unable to reach an agreement that benefitted both sides, so the applicant is continuing his request for open space.**

## Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by supporting agriculture and encouraging residential cluster style development with a minimum 30% open space.

Zoning: The subject property is located in the Agricultural A-1 Zone.

The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

*“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”*

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to *“allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.”* The proposed PRUD utilizes the allowed flexibility to create neighborhoods with lots ranging in size from 0.23 acre lots to .99 acre lots and sized to accommodate single family homes.

The proposal includes the following minimum single family development standards:

- Yard development standards:
  - Front Yard: 20 feet
  - Side Yard: 6 feet
  - Rear Yard: 20 feet
- Maximum Building Height:
  - Single Family: 35' (average building height)

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards at intersecting streets throughout the development, staff recommends adding to the minimum setback standards on the preliminary and final subdivision plats a setback for “Side, facing street corner lot”. This setback should be a minimum of 15 feet. A condition of approval has been added to staff’s recommendation to ensure the additional “Side, facing street corner lot: 15 feet” setback standard is added to the preliminary and final subdivision plats for review and approval as required per LUC §104-5-7.

During each individual phase, the County review agencies will be able to more thoroughly vet the preliminary and final development details to ensure that all conditions of approval and the applicable subdivision standards are met. Applicant is planning one phase for this development.

Conditional Use Review: The proposed PRUD is conditionally allowed in the A-1 zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The standards for consideration for conditional use permits include:

- Standards relating to safety for persons and property
- Standards relating to infrastructure, amenities, and services
- Standards relating to the environment
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan
- Standards relating to performance
- Standards generally
- Voluntary contributions providing satisfactory compliance with applicable standards

These standards have been combined with the design review standards in this report. As a requirement of the conditional use permit, the applicant has provided a "Will-Serve Letter" from Taylor West Weber Water Improvement District and is working with Weber County Engineering regarding additional infrastructure for Central Weber Sewer District for culinary and waste water services. If the applicant has not already annexed into the Central Weber Sewer District, it must be completed prior to final approval of the subdivision within this proposed PRUD. The applicant, during the subdivision phase, will be required to provide proof of secondary water availability. The applicant has provided the required material to facilitate a thorough review of the proposed project including the project narrative, vicinity map, conceptual layout, and proposed landscaping for the development.

The general requirements for consideration by the County Commission for the proposed planned residential unit development include items such as the architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal; which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking; the landscaping and screening as related to the proposed uses within the development and as a means of its integration into its surroundings; lighting and the size, location, design, and quality of signs if any; the residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.

Bonus Density Request: The County may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage per LUC §108-5-5(c)(2). The proposal meets this bonus density requirement. If the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent; however, overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The proposal dedicates 16.320 acres of open space which is **46%** of the adjusted gross acreage (40.259 total area-4.873 acres of roads = 35.386 acres developable area); therefore qualifying for up to the 46 percent bonus density.

With the requested **42** percent bonus density, the applicant will be able to add an additional **16** units to the **38** base units for an overall density of **54** residential units.

Design Review: The proposed conditional use mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. As part of this review, the County Commission shall consider the relevant standards for the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The standards for consideration are as follows:

- 1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes access from the existing County road identified as 1800 South. Along with the creation of 5 additional county roads, a sidewalk or pathway will be installed, and curb and gutter will either be installed or deferred along 1800 South St, per County Engineering. Within the PRUD, sidewalk and park strips will be located on both sides of the roadway within the subdivision.
- 2) *Considerations relating to landscaping, screening and buffering.* The applicant has, on a conceptual level, addressed the areas in the development that will be landscaped. Staff feels that the landscaping, screening and buffering requirements of the Design Review as outlined in LUC §108-1-4(3) are met with the submitted landscape plan. Additional landscaping plans will be included in the preliminary and final subdivision design for the open space area and will be guaranteed with a financial guarantee upon recordation of the final subdivision plat. Sidewalk along 1800 South Street shall be required, with a possible deferral for curb and gutter (Engineering requirements).

3) *Considerations relating to buildings and site layout.* The applicant has provided a concept plan showing the buildings and site layout (See Exhibit B). In reviewing the proposed layout, additional conditions, aside from those proposed in this staff report, are not required at this time.

Common Area/Open Space: The general requirements for a PRUD identify the need to preserve common open space. The applicant is proposing to preserve approximately 17 acres of agricultural property. The applicant has indicated, through a submitted narrative that the open space will be dedicated to wither grazing or farming, involving agreements with local residents who wish to utilize the open space for these purposes. The proposed layout identifies the agricultural parcel, and is labeled as such.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* During the preliminary and final subdivision process, the applicant will be required to provide civil engineered drawings that identify the existing and proposed topography, contour lines, utilities, easements and drainages. The conceptual plans appear to provide adequate setbacks for the yard; however further evaluation will take place during the preliminary plan review. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: Due to the conceptual nature of the proposal, the Weber County Surveyor's Office has not reviewed the proposal. The Weber Fire District has reviewed this project, requesting additional information. The Engineering Division has not yet reviewed the proposal. A condition of approval has been made part of the Planning Staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Public Notice: Public notice is not required for conditional use applications.

## Summary of County Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- In considering the proposed planned residential unit development, the County Commission shall review and consider the following, as applicable:
  - *The architectural concept of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
  - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
  - *The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.*
  - *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*

## Staff Recommendation

Staff recommends approval of the request for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels (1.275 acres and 15.046 acres) used for agricultural purposes.

1. The following setback standard shall be added to the final subdivision plats for review and approval: Front – 20', side – 6', rear – 20', corner lot with a side facing a street – 15'.
2. Street light design shall be approved by Planning Department prior to issuance of a conditional use permit.
3. Sidewalk, curb and gutter will be installed along the applicant's frontage of 1800 South as well as along the roads within the subdivision.

This recommendation is based on the following findings:

1. The proposed PRUD conforms to the West Central Weber County General Plan.
2. The PRUD is intended to allow for more flexibility of residential building sites.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conceptual drawings.

4. Up to a 50 percent bonus density may be granted based on the following:
  - a. If the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent; however, overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The proposal dedicates approximately 17 acres of open space (two parcels) which is 50% of the adjusted gross acreage; therefore qualifying for up to the 50 percent bonus density.
5. The proposal will not be detrimental to the public health, safety, or welfare.
6. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Project Narrative and Bonus Density Calculations
- B. Winston Park PRUD Conceptual Plan
- C. Proposed Lot Layout
- D. Culinary Water Preliminary Approval Letter

## Location Map



Winston Park Subdivision  
3701 W 1800 S  
Ogden, UT. 84401

Ogden 3, LLC  
Owners and managers:  
Igor Maksymiw  
Wade Rumsey

Overall Development Plan for Winston Park

The location of this 40 acre parcel is located at 3701 W 1800 S. The location of the property also lends itself too more a country, rural, and suburbia feel. The parcel of land is under the A-1 zoning and we are seeking a 'Planned Residential Unit Development' [PRUD] for this parcel. We envision individuals and families having some open spaces to get out and have outdoor things to do yet be able to take advantage of all of the convenient services of planned subdivision. The subdivision will offer 1/3 acre lots ranging from 12,000-13,000 square foot lots. Within the subdivision itself we will create a small park where owners will commonly share (on the back sides of their properties) for extra space for kids to run and play. We will also feature a walking trail for exercise and fresh air out in the common open space area.

Common Open Space

A 20 ft wide gravel road, built to hold 75,000 lbs will be constructed for the use of Weber County Fire Department, as an alternative road, in case of fire and emergency uses. An easement between lots 26 and 27 will be established for the fire emergency access and to aid those living in the southern most part of the subdivision providing access to the gravel walking trail. Trees and grass will be planted in the park and walking trail areas for subdivision beautification.

Common Open Space for Agricultural Use

Approximately 17 acres within the development will be dedicated pasture or farming land East and North East of the planned subdivision (as shown in our conceptual plan). This open space will be dedicated to either horse grazing or agricultural farming purposes. If used for horses or cow grazing, a fence will be constructed and maintained by the leasee. This will provide a more rural, open feeling for those that purchase land within Winston Park.

Roads and Foot Paths within the Subdivision

60 ft wide road will be built throughout the subdivision providing ample room for regular traffic and emergency vehicles throughout Winston Park. Sidewalks will be found on both sides of the roads. Green space will be also be found between the curb of the road and the sidewalks for grass and trees to enhance the look and feel of the subdivision.

### Housing types

No basements will be allowed. Slab on grade houses or split level type homes that are built out of the ground will only be the house types allowed within Winston Park. A minimum of 1,800 square foot homes will be the requirement for the beginning home size.

### Building & Construction

A mixed approach will take place for individual lot development & Construction. Ogden 3, LLC will engage builders to purchase lots. Lots will also be sold to independent individuals for owners to engage builders of their preference.

### **Bonus Density Regulations Satisfied**

In Section 108-5-5:

2 (a) If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.

In our landscape plan we will be providing sidewalks on both sides of the roads throughout the subdivision. Between the sidewalk and the curb we will have a green strip where we will be planting two-inch caliper trees as described in the paragraph above.

2 (d) If a PRUD provides a common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.

As shown on our plat, we will have a small park within the subdivision. This will serve as a great area where all the homes on the block will have extra green space to allow kids to play safely. We will also build in a walking trail on the outside part of the subdivision.

2 (g) 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.

As shown in our plan, we will designate 15 + acres to agriculture or grazing ground. This area will provide additional open space for residents within Winston Park and create a country, or out of town feel to the area.

2 (i) If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.

Ogden 3, LLC have been involved in working with Sierra Homes and Weber County Engineer, Chad Meyerhoffer to support and help provide additional sewer capacity for the area. We believe there is excess capacity with the new pump station built near our development, Winston Park.

Thank you,

Ogden 3, LLC  
Wade Rumsey 208 313 9113  
Igor Maksymiw 801 209 6759

### Base and Bonus Density Calculation under (PRUD):

Base:

40.259 Acres Total Parcel  
4.873 Acres Roads  
35.386 Acres  
/ 2 (half or 50% for open space)  
17.693 Acres (50% open space goal)

35.386 acres  
x 43,560  
1,541,414.16 Total Square Feet  
/ 40,000 per lot zoning  
38.535 Base Lot Density per zoning

Bonus: (based on comprehensive plan)

- 1) 2" caliper trees planted throughout development
- 2) Provide dedicated 50% Open Space, preserved
- 3) Additional Sewer, participating in the new pump station

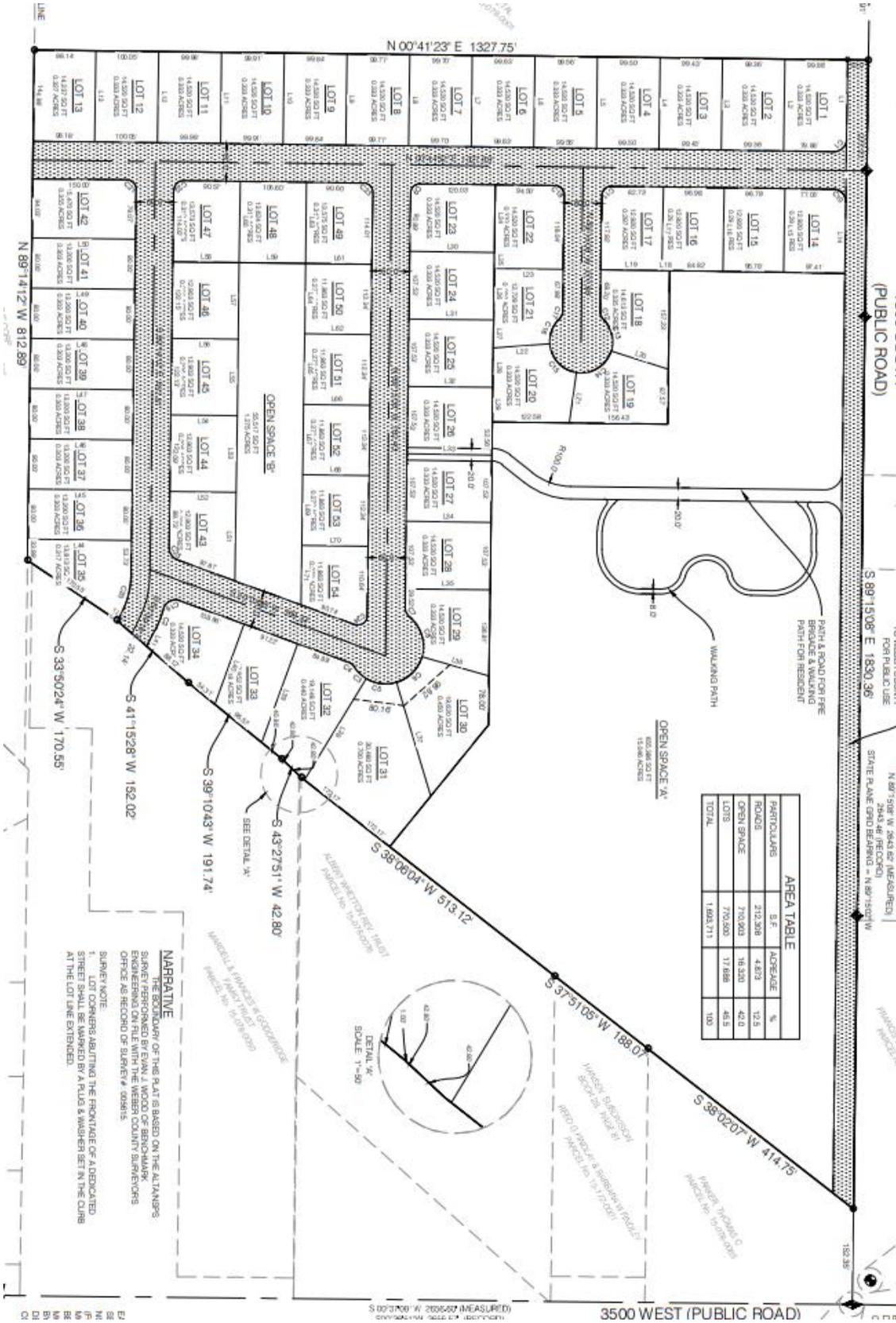
38.535  
x 50%  
19.267 Bonus lots

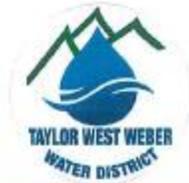
38.535 Base Lots  
19.267 Bonus Lots  
57.802 Total Lots





# Exhibit C-Proposed Lot Layout





2815 WEST 3300 SOUTH  
WEST HAVEN, UTAH 84401  
801-731-1668  
11/17/2020

Weber County Planning Commission  
2380 Washington Boulevard  
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given and the District has the capacity to provide culinary water only for 54 lots for the Winston Park Subdivision at the approximate address 3600 W. 1800 S. Taylor, Utah.

Requirements:

- Plan review fee= \$100 per lot = \$5400
- Water rights fee = Must be paid before subdivision approval is given. \$4363.00 per lot (Total \$235,602.00 54 lots) or current cost when paid.
- It is expected that the developer will upgrade the water line along the entire frontage of 1800 South. The existing water line is now a 6" line which will not accommodate the new subdivision. A new line needs to be installed. An 8" line is required for the subdivision. The District would like to participate in the upgrade and install a 12" line for future growth. The District will pay the offset from an 8" line to a 12" line.
- Secondary Water = Must connect to Hooper Irrigation pressurized secondary water.
- Impact Fees (\$5,228 per lot or current cost when paid).
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

**SUBDIVISION APPROVAL SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.** Final

approval is subject to meeting all of the requirements of the District and all fees being paid and received. This letter expires six months from the date it is issued.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Rogers".

Expires 5/17/2021

Ryan Rogers – Manager  
Taylor West Weber Water Improvement District



## Weber County Planning Division

Date: 01/12/2021  
To: Western Weber Planning Commission  
From: Scott Perkes, AICP – Planner III | Weber County Planning Division  
Subject: Short-term rental regulation scenarios

Commissioners,

During the Western Weber Planning Commission's 12/08/2020 public meeting, the Commission tabled the discussion regarding short-term rental regulation scenarios and an associated recommendation to the County Commission. This was done in order to allow staff to further explore a short-term rental regulation scenario that could help to protect the affordable intent of the recently adopted Accessory Dwelling Unit Ordinance.

Per the Commission's request, staff has conducted additional research on potential strategies to allow short-term rentals to occur in Western Weber County while encouraging the separate appeal of accessory dwelling units. A few examples of strategies from other communities and planning best practices have included:

- 1) **Caps on the number of STR licenses.** These caps could be set as a ratio of STR licenses to the total number of dwelling units in geographic areas, or a ratio of STR licenses to the total number of licensed ADUs. This scenario has already been drafted and presented as the "Open/Limited" scenario. Under this scenario the County could monitor the ratio of STR licenses as compared to the demand for affordable housing, or the number of issued ADU licenses and adjust the ratio caps as needed to ensure a healthy balance of STR vs. ADU licenses.
- 2) **Owner-occupied STRs.** An owner-occupied scenario has also been used by other communities as a tool to protect housing affordability while still allowing owners to benefit from STR revenue. This type of scenario would allow the County to limit STR licensure to only those who have owned property in the area for longer periods of time. Owner-occupancy ensures that a housing unit is not being left vacant in order to be rented out short-term as a full-time resident would continue to reside within the unit. It would also prevent commercial enterprises from buying up housing stock to quickly convert them into rentals. Lastly, owner-occupied STRs have been proven to increase the mitigation of potential impacts to surrounding neighbors such as noise, trash, parking, etc. as the owner is able to keep a close eye on their tenant's activities.

Staff has drafted an owner-occupied scenario to be considered by the Planning Commission. This scenario has been drafted as follows:

**Applicability:** *Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the following requirements:*

- 1) *The primary dwelling shall be occupied by the owner as a primary residence. A Primary Residence shall be defined by the Weber County Assessor's Office.*
- 2) *In order to qualify for a short-term rental license, a property owner must hold title to the property for a period of not less than two years prior to applying for a license.*
- 3) *The owner must occupy the primary dwelling at all times that the licensed short-term rental unit is occupied.*
- 4) *The owner must act as the Responsible Agent for the rental.*
- 5) *Shorty-term rental licenses shall be revoked if a property transfers ownership from the originally licensed owner.*

*In this scenario, the following would be applied:*

- *3<sup>rd</sup> Party Enforcement is utilized to augment county enforcement efforts*
- *This scenario would be subject to the requirements and operational standards of the short-term rental ordinance.*



## Weber County Planning Division

In addition to the above listed scenarios, the draft STR ordinance currently includes a provision that no accessory buildings may be used for STR rentals. As such, an STR would have to be contained within the primary dwelling. In comparison, ADUs may be permitted as attached OR detached dwellings. This creates a natural separation of those who do not want unrelated guests occupying a portion of their primary residence over a long-term. Another item for consideration includes the idea that STR licenses can be converted to an ADU license. As such, a family who would like to provide affordable housing for family (ex. Newlywed children, aging parents, grandchildren, etc.). However, a detached ADU would not be allowed to convert into an STR.

While researching STR impacts on affordable housing, staff also found that many communities have enacted policies to reinvest STR revenues into community development programs that develop low-to-moderate income housing. This allows the impacts of STRS to create a direct benefit to the community. Short-term rentals will always present a natural competition for affordable housing. The reinvestment of associated fees and tax revenues would allow for their impacts to be directly countered with the development of deed-restricted affordable housing.

In order to move forward with this topic to the County Commission, the Planning Division will need the Western Weber Planning Commission to make a formal recommendation on this topic. As such, I look forward to continuing, and potentially wrapping-up our discussion on this topic during the upcoming 1/12/2021 Western Weber Planning Commission meeting. Please feel free to reach out should you have any questions.

Scott Perkes, AICP  
Planner III – Weber County Planning Division  
[sperkes@webercountyutah.gov](mailto:sperkes@webercountyutah.gov)  
801-399-8772

**Attachments:**

Attachment A – Draft STR Ordinance Including 6 Potential Regulation Scenarios

1 **Sec 108-23 Short-Term Rentals**

2 The six regulation scenarios listed below represent a few options for potential short-term rental regulation.  
3 These scenarios have been created to facilitate discussion. Any future adopted regulation may or may not follow  
4 one or none of these scenarios.

5 **Open Scenario:**

6 Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent  
7 a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days.

- 8 • 3<sup>rd</sup> Party Enforcement **is utilized** to augment county enforcement efforts
- 9 • This scenario would be subject to the requirements and operational standards of this chapter.

10 **Open/Limited Scenario:**

11 With exception to properties in the FR-1 zone, any residential property within the unincorporated Weber County  
12 may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time  
13 period of less than 30 days subject to the requirements and standards of this chapter.

- 14 • This scenario also employs a geographic separation requirement that would prevent STR properties  
15 from being located adjacent to, or within a specified distance of another STR property.
- 16 • 3<sup>rd</sup> Party Enforcement **is utilized** to augment county enforcement efforts
- 17 • This scenario would be subject to the requirements and operational standards of this chapter.

18 **Open/Owner Occupied Scenario:**

19 Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent  
20 a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the  
21 following limitations:

- 22 1) The primary dwelling shall be occupied as a primary residence. Primary Residence shall be defined  
23 by the Weber County Assessor's Office.
- 24 2) In order to qualify for a short-term rental license, a property owner must have held title to the  
25 property for at least two years prior to applying for a license.
- 26 3) The owner must occupy the primary dwelling at all times that the licensed short-term rental is  
27 occupied.
- 28 4) The owner must act as the Responsible Agent for the rental.
- 29 5) Short-term rental licenses shall be revoked if a property transfers ownership from the originally  
30 licensed owner.

- 31 • 3<sup>rd</sup> Party Enforcement **is utilized** to augment county enforcement efforts
- 32 • This scenario would be subject to the requirements and operational standards of this chapter.

33 **Business as Usual Scenario:**

34 The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is  
35 considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or  
36 conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

- 37 • This language is unchanged from existing regulation found in Sec. 108-7-25 "Nightly Rentals"
- 38 • 3<sup>rd</sup> Party Enforcement **is NOT utilized** to augment county enforcement efforts
- 39 • This scenario would **NOT be Subject** to the requirements and standards of this chapter.

40  
41  
42  
43  
**Commented [PS1]:** This language is unchanged from the existing Sec. 108-7-25 "Nightly Rentals"

44 **Proof of Concept Scenario:**

45 The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is  
46 considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or  
47 conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

- 48 • This language is unchanged from existing regulation found in Sec. 108-7-25 "Nightly Rentals"
- 49 • 3<sup>rd</sup> Party Enforcement is utilized to augment county enforcement efforts
- 50 • This scenario would be subject to the requirements and operational standards of this chapter.

51  
52 **Closed Scenario:**

53 The county will continue to allow STR licenses to be issued in the DRR-1 zone going forward. Except for existing  
54 owners with a valid conditional use permit and business license, STRs will no longer be allowed as a conditional  
55 use in the FR-3 zone. Owners within existing PRUD developments (with approved STR use) will be allowed to  
56 obtain an STR license, or continue renting if already licensed. New PRUD developments will no longer be  
57 approved with the STR use.

- 58 • 3<sup>rd</sup> Party Enforcement is NOT utilized to augment county enforcement efforts
- 59 • This scenario would NOT be Subject to the requirements and standards of this chapter.

60  
61 **Sec 108-23-X Purpose And Intent**

62 There are benefits to allowing owners of residential units within the County to rent their dwelling units for short  
63 periods of time. Short-term rental of dwelling units also brings capacity and diversification to the visitor-  
64 accommodation market. However due to the potential for adverse impacts, short-term rentals must be  
65 regulated by the County to protect the health, safety, and welfare of owners, neighbors, and visitors.

66 The intent of this Chapter is to establish procedures and standards by which residential short-term rentals can  
67 be provided to visitors and tourists in a manner that protects both the quality of their experience, and the  
68 communities in which they are located.

69 **Sec 108-23-X Applicability**

70 Six applicability scenarios for consideration: "Open", "Open/Limited", "Open/Owner Occupied Scenario",  
71 "Business as Usual", "Proof of Concept", and "Closed".

72 **Sec 108-23-X Prohibitions**

73 A short-term rental license will not be issued for any of the following:

- 74 (a) *Accessory Buildings and Accessory Dwelling Units.* Short-term rentals are not allowed in any accessory  
75 building, including licensed accessory dwelling units (ADUs), unless specifically provided for in other  
76 areas of this land use code. A property that contains a licensed ADU is not eligible to obtain a short-term  
77 rental license for the primary residence.
- 78 (b) *Deed Restricted Housing.* Short-term rentals are not allowed in properties that have been deed  
79 restricted for affordable or workforce housing.
- 80 (c) *Private Covenants.* A short-term rental license will not be issued for any property that is subject to any  
81 recorded private covenants that restrict the property's use for short-term rentals, regardless of how the  
82 private covenants are labeled, and regardless of whether or not such private covenants are enforced by

**Commented [PS2]:** This language is unchanged from the existing Sec. 108-7-25 "Nightly Rentals"

83 a homeowners association or committee. Private covenants might not be clearly labeled, or they might  
84 be identified as covenants, conditions and restrictions (CC&Rs), protective covenants, restrictive  
85 covenants or neighborhood covenants.

86 **Sec. 108-23-X Owner-Occupancy**

87 The primary dwelling shall be occupied by the property owner as a primary residence. A Primary Residence shall  
88 be defined by the Weber County Assessor's Office.

89 (a) In order to qualify for a short-term rental license, a property owner must hold title to the property for a  
90 period of not less than two years prior to applying for a license.

91 (b) The owner must occupy the primary dwelling at all times that the licensed short-term rental is occupied  
92 by a tenant.

93 (c) Short-term rental licenses shall be revoked if a property transfers ownership from the originally licensed  
94 owner.

95

96 **Sec 108-23-X Short-Term Rental License Required**

97 (a) *Licensing.* It is unlawful for an owner to rent any property for a time period of less than 30 days within  
98 the unincorporated area of Weber County without a valid short-term rental license pursuant to this  
99 Chapter. An issued short-term rental license shall also be considered a land use permit for the purpose  
100 of operating a short-term rental unit.

101 (b) *Geographic Separation of Licenses.* With exception to the DRR-1 zone, PRUD developments with short-  
102 term rental approvals, and properties in the FR-3 zone with valid short-term rental licenses at the time  
103 of the adoption of this chapter (XX/XX/20XX), all licensed short-term rental units shall be located a  
104 minimum of 500 feet from other licensed short-term rental units.

105 (c) *Initial Licensing Period.* Following the adoption of this chapter, County staff will process short-term  
106 rental license applications by the order in which they are received. License applications that are found to  
107 have a proposed short-term rental unit within an existing 500-foot separation buffer will be denied until  
108 such a time in which a nearby license/s creating the encumbrance become expired or revoked.

109 (d) *Licensing Procedure*

110 (1) The owner or authorized representative shall submit a notarized short-term rental license  
111 application on a form provided by the Planning Division, and shall pay the application fee set by  
112 County Commission resolution.

113 (2) Applications shall be accompanied by the following materials:  
114 a. Detailed floor plan and site plan of rental property indicating all areas allowed to be  
115 occupied by short-term occupants  
116 b. Parking plan demonstrating compliance with the parking standards established in Sec  
117 XXX-XX-X  
118 c. Trash disposal and collection plan demonstrating compliance with the trash disposal and  
119 collection standards established in Sec XXX-XX-X  
120 d. Proof of homeowners' and liability insurance  
121 e. Preliminary title report dated within 30 calendar days prior to the submittal of an  
122 application.  
123  
124

**Commented [PS3]:** This section is only applicable to the "Open/Owner Occupied" applicability scenario.

**Commented [PS4]:** This section is only applicable to the "Open/Limited" applicability scenario.

**Commented [PS5]:** This section is only applicable to the "Open/Limited" applicability scenario.

- f. For properties that are subject to any recorded private covenants, applicants must submit a letter from the community's homeowners association or committee, or submit a copy of the private covenants including any amendments to such private covenants, to verify the short-term rental of dwellings is not restricted.
- g. Outdoor lighting plan showing compliance with Section 108-16.
- h. Submission of the name and contact information associated with the individual or management company being designated as the Responsible Agent.
- i. Signed acknowledgement by the owner and responsible agent that they have read this short-term rentals ordinance and understand the licensing, operational standards, and violation structure.

(e) *Application Review Procedure.* Upon submission of a complete application for a short-term rental license, staff shall circulate the application to the Planning Division, Building Department, Fire District, Health Department, and any other reviewing agency deemed appropriate for adequate review and approval of the license. Reviewing agencies shall have 30 days to review the submitted plans and return any requests for additional information or conditions of approval to the applicant. Applicants shall have 60 days to comply with review agency requests or the application will be removed from consideration.

(f) *Issuance of License.* All licenses shall be issued to property owners. Licenses are tied to the owner for a specific property and are non-transferable to other properties or other owners, except to individuals who are next of kin. Licenses shall be issued for a period of one year and shall expire at the end of each calendar year.

(g) *License Renewal.* Existing licenses must submit for renewal and pay the required fee by no later than December 1<sup>st</sup> of each year to remain valid through the next calendar year. Licenses issued anytime mid-year will be required to renew their license by December 1<sup>st</sup> of the same year in order to become concurrent with the sequential annual licensing cycle. Owners wishing to renew a license must provide:

- (1) License renewal application
- (2) Inspection report (if required by Sec. XXX-XX-X)

#### **Sec 108-23-X Property Inspection**

(a) *Initial property inspection.* Properties applying for their first short-term rental license shall be inspected for compliance with the provisions of this chapter and other applicable sections of this Land Use Code. The Planning Division shall have the option of designating a county inspector or a 3rd party building inspector. Any deficiencies found during this initial inspection shall be resolved to the satisfaction of the inspector prior to the release of a short-term rental license. Should the deficiencies not be resolved within 90 days from the time of initial inspection, the application shall be removed from consideration and a short-term rental license will not be issued.

(b) *License renewal property inspection.* The County, at its discretion, may require that a property be inspected prior to the renewal of an existing license. The Planning Division shall have the option of designating a county inspector or a 3rd party building inspector. Should the property fail the inspection, the owner shall have 90 days to bring their property into compliance or the license will be suspended. A license may be immediately suspended should life/safety concerns arise during the inspection. If a

**Commented [PS6]:** This highlighted language is only applicable to the "Open/Limited" applicability scenario.

169 license is suspended due to life/safety concerns, the property owner must rectify the concerns prior to  
170 the license suspension being lifted.

171 **Sec 108-23-X Applicable Taxes And Remittance**

172 Owners of short-term rentals are responsible to collect and remit all applicable state and local taxes. Owners  
173 who fail to collect and remit applicable taxes during the license period shall have their short-term rental license  
174 suspended and shall not be eligible to renew their license for the next year. To have their license reinstated and  
175 renewed, owners may submit payment for all unpaid back taxes in addition to payment of an administrative  
176 penalty as established in Sec XXX-XX-X for a major violation.

177 **Sec 108-23-X Responsible Agent**

178 The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This appointed agent  
179 may be the owner, independent property manager, or a professional property management company. The  
180 appointed responsible agent shall be on-call to manage the property during any period within which the  
181 property is occupied. This agent must be able to respond, in person if needed, within 60 minutes to address any  
182 complaints, to the best of their ability, which may arise from the operation of the short-term rental. A  
183 responsible agent is not required to, and should not, place themselves in a situation that could cause them  
184 physical harm in order to attempt to address a complaint. The owner shall notify the Planning Division within  
185 three days of a modification to the appointed responsible agent and shall provide name, address, and telephone  
186 number of any newly appointed agent. It is the owner's responsibility to update this information throughout the  
187 term of the license.

188 **Sec 108-23-X Operational Standards**

189 (a) *Information Dissemination Requirements.* The owner shall post the following information in a prominent  
190 and visible location:

- 191 (1) *Internal posting.* Each licensed short-term rental property shall have the following information  
192 posted in a conspicuous location where it can be easily viewed by tenants:
- 193 a. Short-Term Rental License number;
  - 194 b. Contact information for the owner and responsible agent, including a phone number for  
195 24-hour response to emergencies;
  - 196 c. The property's maximum occupancy;
  - 197 d. The property-specific parking plan including the maximum number of vehicles allowed  
198 to be parked on the property and applicable parking rules;
  - 199 e. Description of the location/s of fire extinguishers and emergency egress routes;
  - 200 f. Good neighbor requirements regarding noise, parking, trash pickup, and fire  
201 restrictions;
  - 202 g. Current fire restriction information as disseminated through the Weber County Fire  
203 District website; and
  - 204 h. Any other information deemed necessary by the reviewing agencies to ensure the  
205 public's health and safety.
- 206 (2) *Street Addressing.* Each licensed short-term rental property shall have its assigned street  
207 address posted externally in a conspicuous location where it can be easily viewed day or night  
208 from the adjacent access way.
- 209

- 210 (b) *Advertising Requirements.* As provided in UCA 17-50-338, the following advertising requirements are not  
211 intended to prohibit an individual from listing a property for short-term rental on any short-term rental  
212 website. All advertising for a short-term rental property shall include:
- 213 (1) The property's short-term rental license number
  - 214 (2) The property's maximum permitted occupancy
  - 215 (3) Maximum parking capacity
  - 216 (4) A digital link to the County's short-term rental regulations
  - 217 (5) The following language shall be included verbatim in a prominent location of the advertisement:  
218 "Any advertisement for a short-term rental property in unincorporated Weber County, Utah,  
219 that does not provide a unique license number is unlikely to be a lawfully licensed short-term  
220 rental."
- 221
- 222 (c) *Occupancy*
- 223 (1) *Occupancy Limits.* The maximum occupancy for a short-term rental property shall be no more  
224 than **two** people per bedroom, plus **four** people up to a maximum of **10** people.
    - 225 a. A property's maximum occupancy may be reduced due to a property's unique  
226 characteristics, including but not limited to, limited parking, septic/sewer system  
227 capacity, culinary water rights, etc.
    - 228 b. A greater maximum occupancy may be approved following additional review and  
229 approval of applicable reviewing agencies and the provision of additional components  
230 that would otherwise limit capacity including, but not limited to, fire suppression  
231 systems, parking, septic/sewer capacity, culinary water rights, sleeping rooms, etc.
  - 232 (2) *Single Contract.* [With exception to condominiums with approved lock-off units in the DRR-1  
233 zone or PRUD developments with approved short-term rental use](#), owners shall not concurrently  
234 rent individual rooms or areas to unrelated parties for the same night or nights.
  - 235 (3) *External sleeping accommodations prohibited.* All sleeping accommodations must be maintained  
236 internal to the licensed dwelling unit as indicated by the floorplan that was submitted and  
237 approved during the licensing process. External accommodations such as yurts, teepees, tents,  
238 or other temporary structures may not be used for sleeping accommodations or as a means to  
239 increase the maximum permitted occupancy.
  - 240 (4) *Duration.* , No licensed short-term rental unit may be rented for less than **three** consecutive  
241 days, with exception to the following areas:
    - 242 a. Licensed properties within the DRR-1 zone
    - 243 b. Properties located within PRUD developments with short-term rental approval.
    - 244 c. Properties located within the FR-3 zone that have obtained a valid conditional use  
245 permit and short-term rental license prior to **XX-XX-XXXX**.
- 246 (d) *Parking.* In addition to the parking requirements for dwellings, as outlined by Sec. 108-8-2 of this Land  
247 Use Code, the following parking regulations are also required for all licensed short-term rental  
248 properties.
- 249 (1) All vehicles of occupants and visitors of a short-term rental property shall be parked only within  
250 the property's boundary lines. Additionally, no more than **25%** of the property's front or side  
251 yard setbacks shall be dedicated to parking.
  - 252 (2) No parking is allowed within the property's adjacent rights-of-way.
  - 253 (3) No more than one parking space per sleeping room may be provided.

- 254 (4) No vehicles shall be parked on the lawn or landscaped areas of the property.  
255 (5) No person shall be permitted to stay overnight in any vehicle which is parked at the property.  
256 (6) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the  
257 property.

258  
259 (e) *Noise.* At no time shall the noise emanating from the property exceed 65 dB as measured from the  
260 property line. Between the hours of 10:00 pm and 8:00 am, no sound exceeding 55 dB, and no amplified  
261 or reproduced sound, shall be allowed as measured from the property line.  
262

263 (f) *Trash disposal and collection.* All short-term rental properties shall provide a trash disposal and  
264 collection plan at the time of license application to ensure that trash containers are not left outdoors  
265 where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With  
266 exception to the property's assigned trash pick-up day, trash containers must be stored behind the  
267 property's front setback line and must be shielded from the view of adjacent public rights-of-way. The  
268 designated responsible agent shall ensure that any trash generated that exceeds the typical pick-up  
269 schedule is collected and removed from the property as needed on a case by case basis. Properties with  
270 larger maximum permitted occupancies may require the procurement of additional trash cans to  
271 accommodate the volume of anticipated trash being generated.  
272

273 (g) *Outdoor lighting.* Incorporated herein for all properties located in unincorporated Weber County  
274 desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all  
275 times comply with the exterior lighting requirements set forth in Sec 108-16 of the Land Use Code.  
276

277 (h) *Signage.* On-site signage intended to advertise the property as a short-term rental is not permitted  
278 anywhere on the property or adjacent right-of-way.  
279

280 (i) *Fire safety.*

- 281 (1) The property must have primary access along a public right-of-way or access easement that  
282 meets the fire marshal's requirements for a fire access road.  
283 (2) The property must have a fire prevention system as approved by the fire marshal.  
284 (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.  
285 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building  
286 and fire codes.  
287 (5) Fire extinguishers must be placed in an approved location on each level of the property and  
288 adjacent to outdoor fire pits.  
289 (6) An emergency egress plan must be posted in a conspicuous location on each level of the  
290 property.  
291 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current  
292 Wildland-Urban Interface code requirements.

293 **Sec 108-23-X Complaints And Violations**

294 (a) *Complaints.* The Planning Division requires all complaints regarding the operation of any short-term  
295 rental unit to be made through the County's short-term rental hotline or website.

- 296 (1) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made  
297 to the County through the County's short-term rental hotline or website. The subject of the  
298 complaint may include, without limitation, such things as parking, trash, noise, or other  
299 concerns related to the short-term rental unit. The complaining party will then be provided with  
300 a reference number associated with their complaint; however, anonymous complaints made  
301 through the website or call center will not be processed.
- 302 (2) When a complaint concerning a short-term rental unit has been received, contact to the  
303 responsible agent for the unit will be attempted by a County designee using the telephone  
304 number on file with the County. If the responsible agent can be reached by phone, the agent will  
305 be notified of the details of the complaint as filed by the complaining party. The time that the  
306 responsible agent was notified shall be recorded.
- 307 (3) The responsible agent is required to make an attempt to resolve the issue that was subject to  
308 the complaint as outlined in **Sec 108-23-XX**. The responsible agent shall promptly notify the  
309 County's hotline if the agent believes a complaint has been successfully resolved. If the County's  
310 hotline does not receive notification from the responsible agent that a complaint has been  
311 successfully resolved within the timeframes outlined in **Sec 108-23-XX**, it shall be presumed that  
312 the complaint has not been successfully resolved, and the complaining party may follow up with  
313 the County's hotline or website with the reference number issued for the original complaint.
- 314 (4) If a complaint involves the immediate health and safety of any person or property, or if, despite  
315 good faith efforts, the problem that was the subject of a complaint cannot be resolved, the  
316 responsible agent shall immediately contact the police, and follow any direction(s) given by the  
317 police.
- 318 a. If a complaint is not resolved to the satisfaction of the complaining party, a formal  
319 complaint may be filed with the Planning Division. The formal complaint shall describe in  
320 detail the violation(s) of this chapter alleged to have occurred on the short-term rental  
321 property. Within three (3) days of receipt of such a complaint, the County shall provide a  
322 copy of the formal complaint to the owner and responsible agent if applicable. Formal  
323 complaints shall be signed by an individual and are subject to public inspection; no  
324 anonymous formal complaints shall be accepted.
- 325 b. The County shall investigate any formal complaint received, in order to determine if it is  
326 a substantiated complaint that represents a documented violation of any provision(s) of  
327 this Chapter.
- 328 (b) *Violations*. For the purposes of this chapter violations for licensed short-term rental properties shall be  
329 classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental properties  
330 shall be classified as an Unlicensed Violation.
- 331 (1) *Minor violations*. A minor violation shall be any violation of the short-term rental standards as  
332 provided in **Sec XXX-XX-X** and **XXX-XX-X**.
- 333 a. Owners will be given one warning following their first minor violation within each  
334 calendar year. If this warning is subject to a static and prevailing concern, owners shall  
335 be given three calendar days to correct the issue or the warning will become a  
336 documented minor violation.
- 337 b. After three minor violations within 12 consecutive months, the owner shall be issued a  
338 major violation on the fourth and subsequent occurrences.

- 339 c. Each minor violation shall be subject to an administrative penalty as provided in **Sec**  
340 **108-23-XX**.
- 341 (2) *Major violation.* A major violation shall consist of the failure of the responsible agent to perform  
342 their responsibilities as provided in Sec. **XXX-XX-X**, or the fourth and subsequent minor violations  
343 within a 12 month consecutive time frame as provided in Sec. **XXX-XX-X**.
- 344 a. Owners will be given one warning in the event of a responsible agent failing to perform  
345 their responsibilities within each calendar year.
- 346 b. Each major violation shall be subject to administrative penalties as provided in **Sec XXX-**  
347 **XX-X**.
- 348 (3) *Unlicensed violation.* An unlicensed violation is committed upon the rental of an unlicensed  
349 property on a short-term basis.
- 350 a. Owners will be given one warning within each calendar year. Each violation thereafter  
351 shall be subject to administrative penalties as provided in **Sec XXX-XX-X**.

352 **Sec 108-23-X Administrative Penalty**

353 Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in the  
354 form of a monetary fine based on the property's average nightly rate. The average rental rate of the property  
355 shall be determined through advertised nightly rental rate. Each day a violation remains unresolved shall carry a  
356 daily administrative penalty and monetary fine as follows:

- 357 (a) *Minor violations.* Monetary fines shall be **50%** of the advertised nightly rental rate on the date/s of the  
358 violation.
- 359 (b) *Major violations.* Monetary fines shall be **100%** of the advertised nightly rental rate on the date/s of the  
360 violation.
- 361 (c) *Unlicensed violations.* Monetary fines shall be **200%** of the advertised nightly rental rate on the date/s of  
362 the violation. If the unlicensed property does not have advertised rental rates, then the administrative  
363 penalty shall be the average nightly rental rate for all rental properties located in unincorporated Weber  
364 County for the dates associated with the violation.

365 **Sec 108-23-X License Revocation**

- 366 (a) *Revocation due to minor violations.* If a short-term rental unit has **four** minor violations within **three**  
367 consecutive months, or **six** minor violations within **twelve** consecutive months, the short-term rental  
368 license shall be revoked in accordance with the provisions of Sec. 102-4-3.
- 369 (1) If a short-term rental license is revoked due to an accumulation of minor violations, for a  
370 minimum of **one** year following the revocation, the County shall not accept an application for a  
371 new license for the same short-term vacation rental property; with the exception that a new  
372 application by a new property owner, proven to be unaffiliated with the property owner whose  
373 license was revoked, may be considered.
- 374 (b) *Revocation due to major violations.* If a short-term rental unit has **two** major violations within **three**  
375 consecutive months, or **four** major violations within **twelve** consecutive months, the short-term rental  
376 license shall be revoked in accordance with the provisions of Sec. 102-4-3.
- 377 (1) If a short-term rental license is revoked due to major violations, for a minimum of **two** years  
378 following the revocation, the County shall not accept an application for a new license for the  
379 same short-term vacation rental property; with the exception that a new application by a new  
380

381 property owner, proven to be unaffiliated with the property owner whose license was revoked,  
382 may be considered.

383 **Sec 108-23-X License Revocation Appeal Procedure**

384 Any owner who has been issued a notice of impending license revocation may file an appeal with the Planning  
385 Division as directed by Sec 102-4-3.

386 Amendment to Sec 102-4-3: (Required to accommodate this new ordinance and permit type.)

387  
388 A land use permit or conditional use permit may be revoked for violation of any part of this Land Use Code  
389 related to the specific use or permit in accordance with the following:

390 (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.

391 ~~(b) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable~~  
392 ~~opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing~~  
393 ~~an amendment or modification to the permit, as may be allowed by this Land Use Code.~~

394 ~~(c)~~(b) In the event compliance cannot be attained, the land-owner and, if different, permittee shall be  
395 given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the  
396 impending permit revocation shall specify the violation, and inform the land-owner and, if different,  
397 permittee of the right to request a hearing.

398 ~~(d)~~(c) The land owner and, if different, permittee shall have a right to a hearing with the land use  
399 authority to show cause for why the permit should not be revoked, if a written request for such is  
400 submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the  
401 permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the  
402 land use authority.

403 ~~(e)~~(d) Revocation of a permit is final upon the issuance of a final written decision. The final written  
404 decision may be appealed pursuant to title 102, chapter 3.

405 ~~(f)~~(e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account  
406 of the violation, as provided in this Land Use Code or any other applicable law  
407

**Commented [P57]:** These amendments will need to consider "License" vs. "Permit" nomenclature in order to be consistent.





**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
April 2020

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

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

2. Chair - Duties

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

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

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

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

3. Duties of the Vice Chair

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

4. Temporary Chair

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

5. Secretary - Duties

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

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

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

1. Addressing Members

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

2. Preparation

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

3. Members Shall Attend Meetings

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

Planning Commission members shall attend required training.

4. Conflict of Interest

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

(a) Disqualification

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

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

(b) Disclosure of Potential Conflict of Interest

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

(c) Ex Parte Contacts

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

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

(d) Planning Commission Members Wishing to Give Comment

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

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

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

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

## C. MEETINGS

### 1. Place

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

### 2. Regular Meetings

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

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

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

### 3. Special Meetings

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

4. Meetings - Matters Considered  
Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.
5. Quorum  
Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.
6. Work Sessions  
A regular work session of the Western Weber Planning Commission shall be held after a regular meeting has concluded, which regular meeting is scheduled on the second Tuesday of each month at the hour of 5:00 p.m.  
  
A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.  
  
A joint work session of the Ogden Valley Planning Commission and the Western Weber Planning Commission may be held on the first Tuesday of each month at the hour of 5:00 p.m.  
  
Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.
7. Open Meetings Law  
All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.
8. Length of Meetings  
At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.
9. Electronic Meetings  
The Utah Open and Public Meetings Act allows public bodies to hold electronic meetings, subject to certain requirements. The Planning Commission hereby adopts the following rules to allow electronic meetings and govern their use. If future changes in state law conflict with these rules, the conflicting provisions of the new state law shall be automatically incorporated into these rules by reference, superseding the conflicting provisions of these rules, until the rules can be amended to conform to the new state law.
  - (a) The Planning Commission will only hold an electronic meeting in the following circumstances:
    1. A matter coming before the Commission requires prompt attention;
    2. The Planning Director or designee determines that there will not be a quorum present for the next meeting unless the Commission allows one or more members to attend electronically; and

3. The Chair, or the Vice Chair in the absence of the Chair, determines that all items on the proposed agenda are appropriate for discussion and action in an electronic meeting.
- (b) Electronic meetings will originate from an “anchor location,” as required by state law. The anchor location will be the regular meeting location in the Weber Center, 2380 Washington Blvd., Ogden, Utah. As with regular meetings, interested persons and members of the public may attend and monitor the open portions of the meetings at that location.
- (c) In accordance with state law, public notice shall be given as required for a regular meeting, including posting written notice in the Weber Center. This public notice shall be given no less than 24 hours before the meeting. Notice of the electronic meeting shall also be given to members of the Commission at least 24 hours before the meeting and shall include a description of how the members will be connected to the electronic meeting.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business

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

- (b) Chair opens the meeting and welcomes those in attendance
- (c) Pledge of Allegiance
- (d) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (e) Approval of minutes of prior meetings
- (f) Planning Director reads opening meeting statement
- (g) Chair asks commissioners if there are any exparte communications or conflicts of interest to disclose
- (h) Consent Agenda
- (i) Petitions, Applications and Public Hearings
  1. Administrative Items
    - a. Old Business
    - b. New Business
  2. Legislative Items
    - a. Old Business
    - b. New Business
- (j) Public Comment for Items not on the Agenda
- (k) Planning Commission Remarks
- (l) Planning Director Report
- (m) Legal Counsel Remarks
- (n) Chair Adjourns Meeting

2. Agenda for Meetings

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

3. Approval of Minutes from Prior Meetings

The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and

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

As an alternative procedure, the Commission may approve minutes through email communication, when requested by staff or by any member of the Commission. When such a request is made, the secretary shall send the draft minutes to all Commission members. After all members who were present at the meeting have responded, or have had at least seven (7) days to respond, and after a majority of those members have given their approval, the Chair may declare the minutes approved. Otherwise, the minutes shall be placed on the next meeting agenda for approval. If minutes get approved through email communication, the approval shall be stated on the record at the next meeting.

4. Deadline for Agenda

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

5. Special Order of Business

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

**E. ORDER AND DECORUM**

1. Order of Consideration of Items

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

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

2. Consideration of Items

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

The Chair of the Planning Commission shall have authority to:

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

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

3. Time Limits

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

4. Conduct of Persons before the Commission

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

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

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

**F. PROCEDURE - MOTIONS**

1. Making of Motions

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

2. Withdrawing or Modifying a Motion

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

3. Motions in Order During Debate

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

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

4. Motion must be Germane

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

5. Motions to Deny

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

6. Substitute Motions

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

7. Amendments

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

8. Friendly Amendments

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

**G. PROCEDURE - RECONSIDERATION**

1. Motion to Reconsider

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

**H. PROCEDURE - DEBATE**

1. Interruptions and Questions

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

**I. PROCEDURE - VOTING**

1. Roll Call on Final Passage

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

2. Minute Approval

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

3. Voting or Changing Vote Before Decision Announced

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

4. Voting or Changing Vote After Decision Announced

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

5. Commission Members Required to Vote - Late Voting

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

6. Tie Votes

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

7. Explaining Vote

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

8. Not to Vote Unless Present

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

**J. DOCUMENTS OF THE COMMISSION**

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

**K. AMENDMENT**

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

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

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

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

Effective Date:

Effective Date:

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John Lewis, Chair  
Ogden Valley Planning Commission

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Bren Edwards, Chair  
Western Weber Planning Commission