

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

December 13, 2016 5:00 p.m.

- Pledge of Allegiance
- Roll Call:
- 1. Minutes
 - 1.1. Approval of the November 15, 2016 meeting minutes
- 2. Consent Agenda
 - 2.1. LVV041116 Consideration and action on a request for final approval of Vaquero Village Cluster Subdivision for 13 lots located at approximately 7100 West 900 South, West Warren Dean Barrow Applicant
 - 2.2. Approval Consideration and action for approval of the Amended Planning Commission Rules of Order dated November 21, 2016
- 3. Administrative Items
 - 3.1. CUP #2016-18 Consideration and action for a conditional use permit for a Stealth Verizon Wireless Cell Tower, located at approximately 1770 East 6200 South in the South Ogden area Verizon Wireless, Applicant; Nefi Garcia, Agent
 - 3.2. AE #2016-09 Consideration and action on an alternative access request to use a private right-of-way as the primary access and frontage for three-lot subdivision located at approximately 6260 South 2125 East Somerset Lands, LLC, Applicant; Sharon Clark, Representative
 - 3.3. Sketch Plan Discussion and action on a conceptual sketch plan endorsement request for the Giovanni's Legacy Cluster Subdivision located at approximately 2267 South 3500 West in the Taylor area of Western Weber County Bob Favero, Applicant
- 4. Public Comment for Items not on the Agenda
- 5. Remarks from Planning Commissioners
- 6. Planning Director Report
- 7. Remarks from Legal Counsel
- 8. Adjourn

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

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

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

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

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

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.

Testifying at Public Meetings and Public Hearings

Address the Decision Makers:

- When testifying 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 testimony 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 testimony is 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 testimony that has already been given. If you agree with previous testimony then state that you agree with that testimony.
- 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 hand written 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 of the Western Weber Planning Commission meeting of November 15, 2016, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present:

Mark Whaley, Chair Jannette Borklund Roger Heslop Wayne Andreotti Blake Hancock

Member Excused:

John Parke

Jennifer Willener

Staff Present:

Rick Grover, Planning Director; Ronda Kippen, Principal Planner, Chris Crockett, Legal Counsel;

Sherri Sillitoe, Secretary

- · Pledge of Allegiance
 - Roll Call
- 1. Administrative Items
 - 1.1. Approval of the August 09, 2016, September 13, 2016 and October 11, 2016 meeting minutes Chair Whaley declared the minutes approved as presented.
- 2. Consent Agenda Items
 - 2.1. DR2016-10 Consideration and action for a design review for Grant Trucking Maintenance Shop at approximately 910 West 24 South Dave Grant, Applicant; Steven Peterson, Agent

MOTION: Commissioner Heslop moved to recommend approval of DR2016-10 Design Review of the Grant Trucking Maintenance Shop subject to all review agency requirements and based on the following conditions: Proof of culinary water and waste-water services will be provided for the new building by Ogden City prior to receiving a building permit from Weber County. This recommendation is based on the following findings: The proposed use conforms to the Western Weber General Plan; the proposed use will not be detrimental to the public health, safety, or welfare; the proposed use complies with applicable County ordinances; and the proposed design and use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Hancock seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioners Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

2.2. DR2016-12 Consideration and action for a design review amendment of original file #MSP2004-02 requested by WinCo Foods, located at 2423 Rulon White Blvd. - Brandon John, Agent

MOTION: Commissioner Andreotti moved to approve DR2016-12 for the design review amendment for the WinCo Foods Warehouse located at 2423 Rulon White Blvd Ogden, UT. It was previously approved as file# MSP2004-02. This motion is subject to all review agency requirements and based on the following conditions: Proof of culinary water and waste-water services will be provided prior to receiving a building permit from Weber County, and proof of approval from the Weber Industrial Park representative for the proposed improvements. The recommendation is based on the following: The proposed use conforms to the Western Weber General Plan; the proposed use will not be detrimental to the public health, safety, or welfare; the proposed use complies with applicable County ordinances; and the proposed design and use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Heslop seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioners Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

2.3. LVG082416 Consideration and action on a request for final approval of Gallop Bend Subdivision, consisting of 20 lots, and located at approximately 3662 West 2550 South. There will be two accesses to this Subdivision, one from 2550 South and the other from 2475 South – Dwight Pincock, Applicant

MOTION: Commissioner Hancock moved to recommend final approval. Recommendation is conditional upon meeting the requirements for the county reviewing agencies as follows: the subdivision improvement agreement must be included; that the monument escrow is paid to the County Surveyor's Office; a cost estimate submitted to the County Engineer for approval; subdivision improvement agreement with financial guarantee; a state construct permit must be submitted prior to this project going before the County Commission. The recommendations are based on the following: That the proposed subdivision conforms to the West Weber General Plan; the proposed subdivision complies with the applicable ordinance; the proposed subdivision will not be detrimental to the public health, safety and welfare; and that the proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties or uses. Commissioner Andreotti seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioners Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

In answer to a question by Chair Whaley, Planning Director Grover indicated that if the Commissioners desire to consider input, it is within the Planning Commission's purview to hear that.

Linda Byram, 3755 W 2475 S, asked when the street will go through on 2475 S. and when the construction would begin. Rick Grover indicated that typically the public street improvements are required to be escrowed for and then when they go to develop the public streets, the escrow is released back to them.

Brock Loomis, Jack Fisher Capitol, the developer on the project, stated that they hope to begin construction in January. The project is proposed to be a 16 week construction project and forecasted to end in April or May and the road finished.

2.4. LVS082616 Consideration and action on a request for preliminary approval of the Saddlebred Acres Subdivision, consisting of 24 lots, and located at approximately 4000 West 2200 South – Ivory Homes, Applicant; Chase Freebairn, Agent

MOTION: Commissioner Borklund moved to recommend Preliminary Approval of Saddlebred Acres Subdivision consisting of 24 lots, located approximately at 4000 West 2200 South based on the findings that it conforms to West Weber General Plan; with the recommendations that the proposed subdivision complies with the applicable ordinances; that the proposed subdivision will not be detrimental to the public health, safety and welfare; and that the proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties or uses. The conditions of approval are that they comply with all reviewing agencies; prior to receiving preliminary approval from the County Commission, the applicant shall submit a subdivision improvement agreement approved by the County Engineer; all easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided are to be shown on the plat; a capacity assessment from Taylor West Weber Water Improvement District and a State Construct Permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision being forwarded for final approval from the Planning and County Commission. The recommendation is based on the following findings: The proposed subdivision conforms to the Western Weber General Plan; with the recommended conditions, the proposed subdivision complies with applicable ordinances; the proposed subdivision will not be detrimental to the public health, safety, or welfare; and the proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Andreotti seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioner Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

CUP 2016-19 Consideration and action on a request for a conditional use permit for Terakee Farm PRUD, a 232
unit Planned Residential Unit Development located at approximately 700 N. 3600 W. in West
Weber

Rick Grover stated that the Planning Commission members will not be reviewing the subdivision portion at this time, only the Conditional Use Permit for the PRUD; how it is designed, the architecture, landscaping, etc.

Brad Blanch, 1060 East 3400 North – North Ogden, applicant, stated that they have been before the Planning Commission a few times. The project has 160 acres. They initially looked at the cluster ordinance and felt it became unusable and they were successful in amending the PRUD ordinance to have the same bonus density as the cluster ordinance.

Their proposed development was patterned after the Agri-topia development in Arizona. In looking at the 160 acres, they will still have over 70 acres of open space that they would like to use as farming acreage as well as equestrian services. The Planning staff has been very helpful in their review. He knows that the community is having meetings to talk about what they want their community to look like. You can have a community that looks like the community to the south or north which has hardly any open space and a lot of property that is cut up. He urges the property owners with large parcels to come together to come up with ways that they can utilize open space in a better way. They have been able to do that with these 160 acres, but he believes most developers do not have the patience to do what they are trying to do. They are trying to do something that is beneficial to the community.

With this project, they want to have two access points through this development. As you head west to 4700 West, all that property is open acreage with a little bit of farming that happens there; they are trying to be effective with the use of water in this proposed development. All of the water used on this project including the farming area will be pressurized systems so that they are hoping to have excess capacity water to benefit the property owners to the west so that they could have a better development design in the future. Regarding 3600 West, which is the street leading into this development; they have met with the Planning, Engineering, and Surveying office staff, to make sure that they are doing the right thing for that road. Brad Blanch handed out a larger aerial image of the proposed subdivision area showing 3600 West. Mr. Blanch referred the members to Page 17 of the staff report which referred to the following points listed in the staff report: 1. The Weber County Surveyor, Attorney, and Engineer Office have taken the position that 3600 West is a public right of use, a public right of way, 2. The right of way is centered on the existing travelled roadway, 3. The Weber County Surveyor's Office put together a detailed map showing dedicated right of way, presumed right of use right of way and where they would like to see the proposed right of way width and location. Mr. Blanch stated that the comment that they made back to him in writing is that Weber County will defend the legitimacy of this right of way. The 5th point was that Weber County Parcel 15-044-0008 is 2 rods (33 feet) wide and has senior rights to all property parcels in the area. It has not been dedicated as part of the road. It lays part into the road and part out of the road and again, Weber County will defend the legitimacy of this parcel. For 1,000 ft. they have about 60 ft. right of way and for the other 1,000 ft. which goes from the section line to the south, that has partially been dedicated. The right of way that exists (60 ft.) to the north, from that area there is a minimum 33 ft. already owned by Weber Count and as you head further to the south there is about 50 ft., which means there is more available to the south. This means the road is wide, gets narrow, and then gets wider again.

They have spent time with the Engineering Department, Utah Power and Questar Gas and given the property that is here right now, there is enough right of way to put the road in as well as utilities that would be needed such as water, sewer, and needed pavement and more than likely the power poles will stay on the west side or the road and the natural gas would stay on the east side of the road. The question now becomes how much does the county want to

have for safety purposes for full access and for full right of way purposes. By his count there are 13 residential accesses on this road and so substandard that he believes the County would be interested in improving the road even if it was only for 13 residential lots. He also calls out that there are 6 subdivisions that have been approved along this road showing its indicated use as a public road. In 2007 there was a commercial conditional use approved for a daycare and comments were made by the Planning Commission that for us to give you approval of the daycare, the County was saying it was a public road. He believes the bridges have already been crossed and the question comes again as to how much right of way width is needed for safety purposes.

Commissioner Borklund asked Brad Blanch if he is asking the County to pay for road improvements or the right of way, the developer will pay for that. They are not asking the County for any financial assistance for this process. The width the county would like is either a 60 of 66 ft. right of way. In this particular case, they believe that there is already over 1,000 ft. to the north of 60 ft. plus feet road dedicated headed to the south through property the county owns plus the right of use right of way they believe there is a minimum 33 ft. and as you get to the end of the road, there is probably over 50 ft. so they think that a road that they will put through, they willfully fund for all of the improvements included. If the county decides for safety purposes they desire additional right of way, they would provide the funds for that. Within the subdivision they will have curb, gutter and sidewalk. The access road will be like many of the Weber County roads where it will have 24 ft. of pavement, with 4 ft. on each side for shoulder and run off and then above ground utility power.

Chair Whaley noted that the Weber Fire District made a preliminary plan review regarding roads and the weight restrictions; the requirements they need for their equipment. Central Weber has provided a feasibility letter for this project, Taylor West Weber Water has provided a feasibility letter for this project, and the Fire District has said that as long as they meet weight capacity, etc., they would be allowed one access is going to be okay. He knows Commissioner Heslop knows this that within Agri-topia, they were not required to have sprinkler system within the houses, but they went ahead and offered that amenity anyway as a marketing too; however, they will be required to put sprinklers in the homes with one access until they can get the second access.

Ronda Kippen stated that conditional uses for Planned Residential Unit Developments are required to be recommended by the Planning Commission and by the County Commission for final approval. The PRUD is located at approximately 700 North 3600 West in West Weber. The proposal is a master planned project consisting of 232 units. The PRUD will be a two-phased development consisting of 206 single family lots ranging in size from 5,454 square feet to 74,847 square feet and 26 Accessory Dwelling Units. The proposed PRUD will offer a variety of housing options (and includes approximately 69.5 acres of dedicated open space. The property is located in the A-2 Zone, which required 40,000 sq. ft. for a single-family residence. The PRUD offers some flexibility; where with this PRUD there will be a neighborhood park (located in the center of the development). Surrounding the park will be the smaller residential units, and the medium lots will surround the smaller lots creating a buffer. Then they will have the open space which will encompass the smaller lots to act as a screening buffering tool so it is not such an adjustment between the larger lots and outside the subdivision. Located to the northwest of the subdivision is the larger lots and the equestrian area and that is where you will see lot sizes ranging from 27,000 sq. ft. up to 74,847 sq. ft. The applicant is requesting a 50% bonus density based on preserving 50 acres or more as an agricultural parcel. With the 50% bonus, the applicant will be able to add an additional 77 units to the 155 base units for an overall density of 232 units.

The proposed development is considered an "agro-community." The residential lots will be surrounded by a park, river trails, an equestrian barn and two "in use" agricultural parcels that will provide fresh seasonal produce for the community. This will be a mixed use community; where some homes will not just be residential; on the main level it will be designated as commercial and then there will be residential on the upper level. The commercial uses will not be manufacturing and industrial uses with higher noise levels so as to impact the neighbors. Agro communities have

been gaining popularity across the country and if approved, Terakee Farm will be the first agro-community in Weber County. The idea of the agro-community is to enable residents of Weber County the opportunity to be a part of a sustainable and health centered community. There will be the lots surrounding the park and there will be an extensive pathway, the lots surrounding the park, an equestrian barn and two in use agricultural parcels that will be able to provide fresh seasonal produce to community members as well as any commercial businesses that may be in that location. There will also be a Farmer's market located by the Community Center.

Ronda Kippen continued by stating that the A-2 Zone requires 40,000 sq. ft. so they are looking at lots that range from .12 acres to 1.71 acres. There will be 26 accessory dwelling units that will be put on the medium size lots. They will be identified during the preliminary and final subdivision process. With the variation in lot area, they will also be looking at a variation in lot setbacks. In the A-2 Zone it is a 30 ft. front, 30 ft. rear and a combination in side yard setback of 14 ft. on one side and 10 ft. on the other or 12ft. and 12 ft. The applicant is asking for 20 ft. front setback, a 5 ft. side and a 5 ft. rear on the small lots. A typical lot will be a 20 ft. front, 10 ft. side and a 5 ft. rear and the medium lots will also have the same. They are not asking for a variation on the height of single family homes. The equestrian barn will be at the community center, and will ask for a taller height. The equestrian center will provide housing for horses of residents that live within Terakee Farms.

As part of the conditional use permit, a design review will be required. As part of the design review they will be looking at certain areas related to safety for persons and property (evaluating the road stubs, traffic and traffic congestion), the infrastructure, amenities, and the environment. The Fire Marshal has said where they don't have ingress and egress in a development with 30 lots or more, the homes will be required to be sprinklered. As far as parking, the Terakee Farm Park is surrounded by homes and this is a unique design where some of the homes will be accessed from an alleyway; some of the homes will be accessed from the rear of their lot instead of the front of their lot. Currently, they do not have any parking proposed for the park. The Planning Commission has the ability to waive parking requirements. Staff doesn't necessarily feel that there will need to be parking for the park; however, over by the community center and farmers market, there will need to be adequate parking. The Planning Commission can add additional parking requirement as they see fit. Each of the mixed use developments will be required to have their own design review and chances are the Planning Commission will not see those reviews because those under one acre and 10,000 sq. ft. lots will be administratively approved. As part of that analysis, they will ensure that there is adequate parking for the residential and the infrastructure that is being proposed in the commercial use. The applicant has not proposed any outdoor advertising other than the ground monument sign and as far as protection of the environment, the applicant is proposing to become certified in the International Dark Sky organization. They have one certified dark sky park in Weber County and that is North Fork Park in the Ogden Valley. The applicant is proposing to do something similar in Terakee Farms which will protect the habitat surrounding the development.

Chris Crocket read Section LUC 108 Section 4-4. Titled Decision requirements, which is the law regarding the items the Planning Commission shall consider under a Conditional Use: "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code." If there are anticipated detrimental effects such as issues with parking, or traffic, etc., those are things that the Planning Commission can consider; and if the Planning can come up with a condition that will mitigate that, the Planning Commission has to approve. The question is with the conditions that have been proposed and staff recommendations and additional conditions that the Planning Commission may want to impose, does that mitigate those anticipated detrimental effects; if yes, the Conditional Use Permit needs to be approved.

Chair Whaley referred the members to Finding #7 included in staff's list of recommendations as follows: "The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses." In speaking to the Planning Commissioners, he does not believe that this standard has been met because the road is a big issue. If he will build 3600 West, 60 ft. wide, and install improvements all the way to 12th Street, that may be a different matter, but to just start at the center of the road and build a reasonable access and reasonable ability for all the traffic that this will generate to fit into this neighborhood, that would be a different matter.

Ronda Kippen indicated that Finding #7 is based on condition #3 as follows, "The applicant will need to work with the Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development." When we say adequate access that means we are making a substandard road and having it meet County standards. This means improving the entire road, 3600 West, to meet County standards in order to facilitate development a development of this magnitude. Brad Blanch stated that the commitment becomes that it is safe to access this property. He does not know the County standards going all the way out to 12th Street. Clearly that is something that will need to be mitigated. He believes that Mr. Hansen's concerns are legitimate. As a condition that the Planning Commission has provided, from his perspective, that is fair. Commissioner Borklund stated that the County Commission will make the determination of the Road.

The whole road 3600 West will need to be improved. In order to facilitate a development of this magnitude Chair Whaley asked Brad Blanch if he understands the requirement of having to develop the entire road. Brad Blanch stated that the commitment becomes that it is safe to access this property; he does not know what the County standards are going all the way out to 12th Street; clearly that is something that will have to be mitigated and met. He believes that Mr. Hansen's concerns are legitimate and so as a condition that the Planning Commission has provided from his perspective, that is fair. Commissioner Borklund indicated that the road determination would be made by the County Commissioners, not by the Planning Commission.

Chris Crockett stated that with the concerns that have been raised with traffic and the conditions of the road; the question to ask themselves is, does the condition that the applicant work with the County Commission and Engineering in the future to have a road that would meet the County standards; does that adequately mitigate that detrimental effect? If it is yes, then they approve. If not, they can add additional conditions.

Commissioner Borklund indicated that maybe they want to pin the language down to reflect that they want a 60 ft. right of way and to work with Engineering to make sure the road standards are met. Chair Whaley expressed that he does not believe they need to give the dimensions at this point. Planning Director Grover stated that the Engineering Department looks at the traffic safety and they should probably leave it in Engineering's hands because they are qualified to review those standards. Chair Whaley agreed with Planning Director Grover.

The members discussed the conditions that they need to include in the motion and the findings that need to be made.

Brad Blanch stated that the multiple dwelling unit option or young families with senior parents has turned out to be a large advantage to Agri-topia. The Daybreak development also chose to use include this advantage in their development. He made this comment because they have 206 units and he would love to have a 50% bonus density, but he doesn't need 206 lots. Say there were 180 lots and he increased the multiple dwelling opportunities, which is why it is included in the calculation.

Ronda Kippen indicated that they will not need to look at parking at the park because it is a private park. If the trail is a private trail, they will not need to look at parking. The key areas where they should be evaluating parking for is farmer's market and the community center. Guest parking will be evaluated during each design review. Commissioner Borklund questioned whether they should be evaluating parking at each single-family home, and Mrs. Kippen stated that the homes would have a garage and then there would be a driveway, just like a typical residential area. Commissioner Borklund stated that the alley way might be overloaded during a large event or holiday

and so forth. Chair Whaley stated that the concern seems to be for those instances or holidays that may occur, they would need to address where additional parking could be located during those times. Commissioner Borklund stated that the additional parking areas need to be convenient to the homes. Ronda Kippen indicated that they need to follow the single-family dwelling parking standards in the Land Use Code, which is 1 ¾ stalls per dwelling unit. Commissioner Borklund also stated that if they see it is creating a detrimental impact to the neighbors, they could require more than that. Mrs. Kippen stated that to go up and beyond the standards, they would have to have actual evidence that something is a detriment. The applicant is not asking for a reduction in parking. As a clarification, they would be looking at additional parking for the area at the farmer's market, the community center, and then on a case-by-case basis at design review for each mixed use as they are applied for. Brad Blanch stated that he agrees that parking needs should be reviewed. In Agri-topia, he had the same questions and was told parking was not an issue in that development where they had the driveways and roadways, etc. Planning Director Grover stated that in most subdivisions, guest parking is provided for in the driveways.

Wayne Stevenson stated that Highway 39 is owned by the State and is not part of the road system. He questions how they are going to handle that as you come from the State owned 12th Street to 3600 West. Planning Director Grover stated that if the Planning Commissioners include #3 in the staff report, this issue will be addressed.

MOTION: Commissioner Heslop moved to recommend approval of CUP2016-19 Consideration for a conditional use request for Terakee Farm, a 232 unit Planned Residential Unit Development, located at approximately 700 North 3600 West - 158.1 Acre Proposal. The recommendation includes the following recommendations for approval: A "Side, facing street corner lot" setback standard shall be added to the final subdivision plats for review and approval; a note is added to the preliminary subdivision plan stating the single family homes within the development have been approved in whole or in part for nightly rentals or monthly rentals including the ability to utilize lockout sleeping rooms for nightly rentals; the applicant will need to work with the Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development. The lots that have been identified as mixed-use lots will be restricted from such uses as manufacturing and industrial auto repair due to the close proximity to adjacent property owners; the additional landscaping plans will be included in the preliminary and final subdivision design for the Terakee parking area and will be further evaluated at the point in the process. They also include that they would like the developer to provide proof of financial feasibility for the development as a condition of approval. They impose conditions that there are additional parking areas to ensure that street parking does not create hazardous traffic conditions and congestion as a condition of the approval process. These recommendations are based on the following findings: That the proposed subdivision conforms to the West Central Weber General Plan; with the recommended conditions, the proposal complies with the applicable County ordinances; the building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the preliminary subdivision; the proposed master planned development is in conformance with the approved Zoning Development Master Planned; the proposal to preserve a parcel containing at least 50 acres or more may receive up to a 50% bonus density; the proposal will not be detrimental to the public health, safety, or welfare; and the proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Hancock seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioner Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

4. Discussion Item Request to discuss options for a proposed subdivision, Taylor, Vista, that would be approximately located at the corner of 2550 S. 4700 W. in Taylor – Carson Jones

Chair Whaley asked if Mr. Jones could submit a conceptual subdivision plan. Ronda Kippen indicated that Carson Jones paid a \$50 fee to get some input and feedback from the Planning Commissioners before he would submit an official subdivision application. The standard subdivision process does not require a conceptual process, only a cluster subdivision.

Jim Flint, Representative for Carson Jones, stated that the property at the corner of 2550 South and 4700 West in Taylor is a 55 acre piece of property. They are not looking to do a cluster subdivision and asking for any bonus density. The subdivision would consist of one acre lots. There is an 8" water line going down 2550 South and there is a sewer line at 5100 West, which is downstream to the north of the property. There is no proposed access onto the highway and the subdivision would have two entrances once they reach the 30th lot, which is required by the Fire Marshal. The project will be phased.

Commissioner Borklund indicated that it looks like there will be back facing lots onto 4700 West. Jim Flint stated that there would be a no-access strip placed on the lots that face onto the highway. Commissioner Borklund stated the homes would still have their backyards facing a busy street and she believes there should be some type of berm or fencing for those lots. Mr. Flint agreed that they should look at some type of fencing or berm.

Commissioner Andreotti indicated that there are other lots in the Western Weber County area that have the same situation and most of them have a 6 ft. plastic or other fence to help buffer the homes from the traffic. Commissioner Andreotti asked if any thought was put in regarding submitting a cluster subdivision of this property instead of a standard subdivision.

Carson Jones replied that they had looked at about ten different subdivision options for this property. They are developing this property for the owners of the Wight Turkey Farm. They are going to continue to farm and they will start this subdivision and when they are done turkey farming, they will start phases 3 and 4. Mr. Jones stated that he would prefer the lots to be half-acre lots because he believes when the new freeway comes in; people will be looking for smaller lots. They have been looking at designing this subdivision for over one year and are anxious to move forward. In answer to a comment by Commissioner Whaley, Carson Jones stated that they are hoping for some barrow capacity in the ditch. Part of the parcel that is left out that has buildings on it; they may move the detention basin to retain as an easement on the neighboring property to hold all the storm drainage water. Jim Flint stated that working with the 150 ft. frontage requirement was a challenge for this property. Commissioner Borklund indicated that if the proposal was ready, she believes it would meet the ordinance.

Scott Mendoza indicated that the proposed road design may not meet the County's subdivision minimum block length standard on 2550 South; so if the distance between the two subdivisions are not greater than 500 ft., it would not meet the County's subdivision minimum block length standard. If it can't be met, they may need to stub to 4700 West or elsewhere. Jim Flint stated that centerline to centerline they would meet that standard but they will look at this information.

Carson Jones stated that he does not know if it would be possible on the cul-de-sac to get a variance to be able to be 160 ft. wide at the 30 ft. setback; right now the ordinance states that you have to be 150 ft. wide at the 30 ft. setback.

Chris Crockett, Legal Counsel, stated that he would have to look at the Land Use Code to see if there are any authority granted to the Planning Commission to give exceptions, but the general rule is that the exceptions in the Code is presented to the Board of Adjustment as a variance.

Commissioner Borklund asked if there will be curb, gutter and sidewalk in the entire subdivision, or will they ask for a deferral agreement? Jim Flint stated that the standard is curb, gutter and sidewalk but they are looking at a 24 ft. wide road with the standard shoulders with a 66 ft. wide right of way and maybe the Planning Commission would entertain having a 4 ft. wide paved bike lane for pedestrian traffic.

Director Grover stated that the Planning Commission would not be making any action this evening.

Ronda Kippen asked the Planning Commission if they would like to entertain pedestrian traffic lay out through this development such as either a bike lane or a sidewalk with crosswalk. The members indicated that they would leave it up to the subdivision developer.

Commissioner Borklund asked that if they have animals on the back of the lots, does it matter if the animals are located at the back of the lots which back onto 4700 West, and Mrs. Kippen stated that in the A-2 Zone, you would have to have two acres of more to have large animals.

5. Public Comment for Items not on the Agenda

Betty Tedford asked a question regarding the Saddlebred Acres because she did not know how the process works. She asked if everything has been already decided with the action taken tonight by the Planning Commission or when can property owners that live near there discuss the proposal. Her property would abut the subdivision and she just received notice of tonight's meeting in the mail. She wonders if there was a prior meeting where the layout was discussed and whether animals would be allowed in the subdivision because she would like to see more horse property. She also desires to know if the subdivision would have secondary water.

Her concern regarding whether there would be a detrimental impact to neighboring property owners. Regarding secondary water, their water has been through the drought season for the past several years; however, sometimes it has been shut off earlier or started later and this is a big concern to her. How will these new subdivisions impact their secondary water? Scott Mendoza gave Ms. Tedford a copy of the staff report and stated that she could contact staff to have her questions further answered.

Commissioner Heslop indicated that she will not lose their secondary water rights. Betty Tedford asked if the Commission is considering the availability of water when they approve new subdivisions. Commissioner Borklund stated that as part of their approval, they get reports from the water company telling them that they can provide the service.

Ms. Tedford further asked if they have to have projections as to the availability of their water, and Chair Whaley replied yes. Commissioner Borklund indicated that the Planning Commission decision is a recommendation to the County Commission.

6. Remarks from Planning Commissioners

Commissioner Andreotti indicated that he will not be at the next meeting because he has to have a knee replacement.

- 7. Planning Director Report
- Remarks from Legal Counsel
- 9. Adjourn

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary Weber County Planning Commission



Staff Report for the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of Vaquero Village Cluster

Subdivision.

Type of Decision: Administrative

Agenda Date: Tuesday, December 13, 2016

Applicant: Dean Barrow File Number: LVV 041116

Property Information

Approximate Address: 7100 West 900 South, West Warren UT

Project Area: 12.424 acres

Zoning: Agricultural (A-1) and (A-2) Zones

Existing Land Use: Agricultural Proposed Land Use: Residential Parcel ID: 10-036-0063

Township, Range, Section: T6N, R3W, Section 14

Adjacent Land Use

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

Staff Information

Report Presenter: Ronda Kippen

rkippen@co.weber.ut.us

801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 Agricultural (A-1 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 Agricultural (A-2 Zone)
- Weber County Land Use Code Title 106 (Subdivision)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 Cluster Subdivisions

Background and Summary

The Planning Division is recommending final approval of the 13 lot subdivision known as Vaquero Village Cluster Subdivision (see Exhibit A). The proposed cluster subdivision was reviewed by the Western Weber Planning Commission for conceptual sketch plan endorsement on March 8, 2016. The preliminary plan approval for the Vaquero Village Cluster Subdivision was granted on August 9, 2016 by the area planning commission. The proposed subdivision is located on a 12.424 acre parcel in the A-1 and A-2 Zones. Based on the current acreage, the base density is 11 lots. As part of the preliminary approval, the planning commission granted a 7% bonus density for the proposed public access to development open space and a 10% bonus density for meeting the purpose and intent of the cluster subdivision requirements. The 17% bonus density allows the applicant to move forward with the design and approval process for the 13 lot subdivision located at approximately 7100 West 900 South.

The Uniform Land Use Code of Weber County (LUC) §106-1-8(f) identifies the approval process for final cluster subdivision. The proposed cluster subdivision requires a recommendation from the applicable planning area's planning commission; therefore, the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission.

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the Cluster Subdivision ordinance in LUC §108-3, and the applicable standards in the A-1 and A-2 zones (LUC §104-5 & §104-7) to ensure that the regulations and standards have been adhered to. The proposed subdivision, with the

recommended conditions listed in this staff report, is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

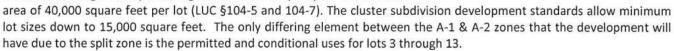
Analysis

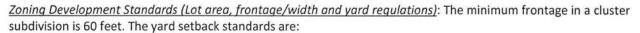
<u>General Plan:</u> The proposal conforms to the Western Central Weber County General Plan by providing a cluster type development and preserving a minimum of 30% open space.

Zoning: The subject property lies in an area with a split zoning boundary. The zoning boundary is split along the front of the development between the A-1 and A-2 zones. Lots 1 & 2 will be located in the A-1 Zone; Lots 3-13 will be located in the A-2 Zone. It doesn't appear that a lot will be split by the zoning line but if Lot 2 or 3 is impacted by a zone line, LUC §104-1-4 explains that when a proposed lot is split by a zoning boundary the standards for area requirements depends on which of the zones has the more restrictive (or larger) area requirement. This is based upon a two-thirds rule.

- If two-thirds of the lot's area is contained in less restrictive zone, the lot may develop based upon the minimum standards of that zone. However the home must be built in that less restrictive zone.
- If this is not the case then the home can be built in the larger zone, but the lot must meet the lot standards of that zone.
 The area within the less restrictive zone may be applied to lot to meet the larger standard.

The area standards between the A-1 and A-2 Zone do differ for most uses, however for single family dwellings both zones only require a minimum





Front yard: 20 feetRear yard: 20 feetSide yard: 8 feet

Dwellings are allowed to be an average height of 40 feet. The proposed lots range in size from 20,000 square feet to 22,375 square feet. The proposed development will include approximately 3.739 acres (162,910 square feet) of open space that will be dedicated for public access. Based on the cluster subdivision standards, the proposed layout, lot configurations and lot sizes are acceptable.

<u>Cluster Subdivision</u>: The proposed subdivision is a "Cluster Subdivision"; therefore the subdivision title needs to be modified to include the word "Cluster" per LUC §106-1-8(c)(1)(b). A condition of approval has been added to staff's recommendation to ensure the subdivision title includes the word "Cluster" prior to moving the application forward to the County Commission.

The proposed project will occupy 12.424 acres and consist of 13 lots, with 3.739 acres (30%) of common area which will be dedicated as public open space. The proposal meets the requirement of 30 percent open space. The lots are centered in the subdivision design and surrounded by 50 feet of common area. This area will be maintained by a Home Owners Association. A Home Owners Association will be created with specific Community Covenants and Restrictions (CC&R's) to include the maintenance and upkeep of the common area and landscaping. The final CC&R's must be provided to the County for review and acceptance prior to the application being forwarded to the County Commission for final approval. A condition of approval has been added to staff's recommendation to ensure that a Home Owner's Association is established and that the CC&R's are submitted and reviewed prior to moving the application forward to the County Commission.



<u>Subdivision</u>: The proposed subdivision is located in the Agricultural Zone (A-1 & A-2) in Western Weber County. To ensure that property owners within the subdivision are aware that this area of the County is an active agricultural area a note must be added to the subdivision plat per LUC §106-1-8(c)(5) which states:

"Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

The improvement plans for the proposed subdivision show the main corridor to be a 66 foot wide right of way, with a short 66 foot wide cul de sac that will provide access and frontage for lots 4-7. The new roadway will extend north from 900 South completing an intersection at 7100 West and will stub to the property located to the north. The improvements plans include curb, gutter, and sidewalk on both sides of the street with 13 street trees and grass park strip. Six lamp posts have been proposed to be placed along the main roadway. The landscaping plan also includes a trail in the common area along with many other trees surrounding the subdivision. The improvements associated with the trails, landscaping and irrigation of the open space areas must be included in the subdivision improvement agreement; therefore, the engineered cost estimate must include these items. All improvements need to be either installed or escrowed for prior to recording of the final subdivision Mylar.

A condition of approval has been added to staff's recommendation to ensure that the required agricultural note is added to the final plat prior to printing the Mylar and a condition to ensure that the engineered cost estimate include the trail, landscaping and irrigation improvements that will be part of the subdivision improvement agreement entered into with Weber County for all subdivision improvements that have not been installed prior to moving the application forward to the County Commission.

<u>Culinary water:</u> A capacity assessment letter has been submitted by West Warren-Warren Water District. The capacity assessment letter submitted to the County is directly from the district due to the district receiving culinary water from Weber Basin Water Conservancy District. The State of Utah Division of Drinking water monitors Weber Basin Water Conservancy District to ensure adequate water capacity is available for the water districts operating under Weber Basin. Prior to the application being forwarded to the County Commission for final approval, a "construct permit" from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required to be submitted to the Planning Division per (LUC §106-4-2(a)(1)(b)). A condition of approval has been added to staff's recommendation to ensure that a "construct permit" from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is submitted to the Planning Division prior to moving the application forward to the County Commission.

<u>Secondary Water:</u> The applicant has provided a stock certificate with Warren Irrigation Company. The improvement plans provided for final subdivision review include the secondary water layout, design and construction. The applicant will need to continue to work with the County Engineering Division to ensure that the system meets all of the necessary regulations and requirements.

<u>Sanitary sewage disposal</u>: The proposed subdivision will be serviced by individual septic systems for each lot. The final plat identifies the soil data taken as required by the Weber Morgan Health Department. A condition of approval has been added to staff's recommendation that a letter to the Planning Division from the Weber Morgan Health Department stating the feasibility of the waste water design will be required prior to moving the application forward to the County Commission.

<u>Review Agencies:</u> The Weber Morgan Health Department, the Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed the proposal. The applicant will need to address each agency review comments prior to forwarding the application to the County Commission for approval.

<u>Tax clearance</u>: The 2015 property taxes have been paid. The 2016 property taxes are due in full. Prior to recording the subdivision Mylar, the County Commission may with hold approval until the 2016 taxes are paid in full per LUC §106-1-8(h).

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

Staff Recommendation

Staff recommends final plat approval of Vaquero Village Cluster Subdivision, consisting of 13 lots, located at 7100 West 900 South. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

- The word "Cluster" needs to be added to the subdivision title prior to moving the application forward to the County Commission.
- 2. A Home Owners Association will be created with specific Community Covenants and Restrictions (CC&R's) to include the maintenance and upkeep of the common area and landscaping. The CC&R's will need to be provided to the County for review prior to the application being forwarded to the County Commission for final approval.
- 3. The required agricultural note must be added to the final plat prior to the application being forwarded to the County Commission.
- 4. A cost estimate must be provided to the County Engineer for review and approval prior to the application being forwarded to the County Commission.
- 5. The applicant will enter into a subdivision improvement agreement with Weber County for all subdivision improvements that have not been installed prior to moving the application forward to the County Commission.
- 6. A "construct permit" from the Utah State Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision is submitted to the Planning Division prior to moving the application forward to the County Commission.
- 7. A letter to the Planning Division from the Weber Morgan Health Department stating they have approved the waste water design that will be required prior to moving the application forward to the County Commission.

This recommendation is based on the following findings:

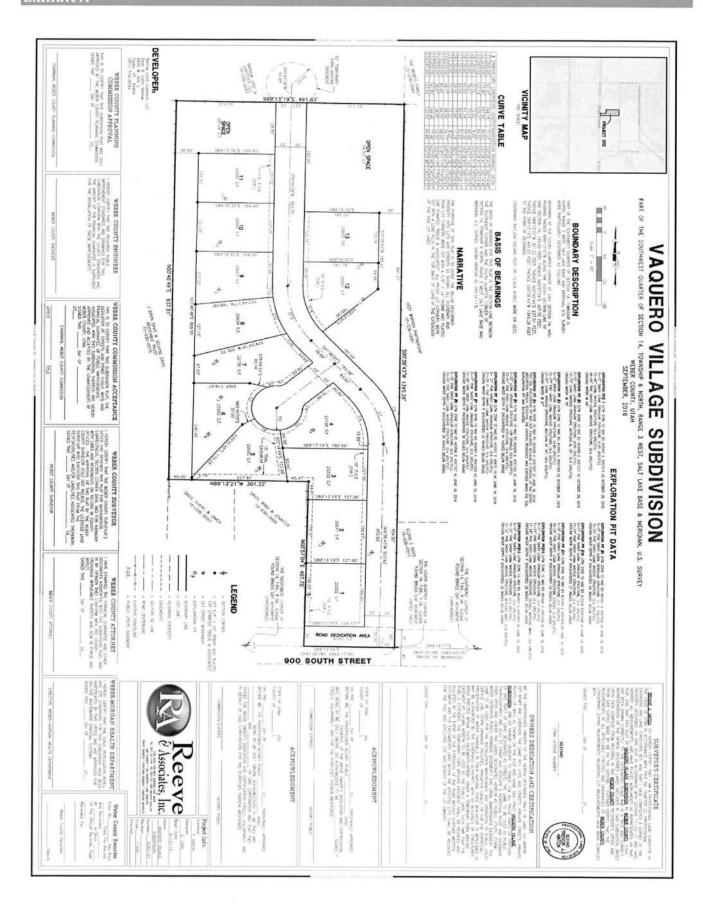
- 1. The proposed subdivision conforms to the West Central Weber County General Plan.
- 2. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
- 3. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
- 4. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
- 5. The proposed cluster subdivision meets the purpose and intent of the cluster subdivision standards (10%), and that adequate open space with public access has been made part of the design (7%) to approve a bonus density of 17% to the development.

Exhibits

A. Subdivision Plat

Location Map





1 **RULES OF ORDER** 2 WEBER COUNTY PLANNING COMMISSIONS 3 September 28 November 21, 2016 4 A. ORGANIZATION 5 1. Appointment and Removal of Planning Commissioners The Weber County Code describes how Planning Commission members are appointed and 6 7 removed. Planning Commissioners are appointed by a majority vote of the County Commission. 8 Planning Commissioners may be removed for cause, also by a majority vote of the County 9 Commission. 10 2. Appointment of Chair and Vice Chair The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice 11 12 Chair, who may be elected to succeed themselves for one additional term only. If a vacancy arises in one of these offices during the year, the Commission shall elect a new Chair or Vice 13 14 Chair at its next meeting. That person shall serve in that position for the rest of the year and may then be elected for one additional year. 15 3. Chair - Duties 16 17 (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. 18 19 Such duties shall include: i. 20 Announcing the business before the Commission in the order in which it is to be 21 acted upon; 22 ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission; 23 24 iii. Putting to a vote all questions, which are properly moved, or necessarily arise in 25 the course of proceedings and to announce the result thereof; 26 iv. Informing the Commission, when necessary, or when referred to for that 27 purpose, on any point of order or practice. In the course of discharge of this 28 duty, the Chair shall have the right to call upon Legal Counsel for advice; 29 ٧. Maintaining order at the meetings of the Commission; Moving the agenda along, holding down redundancy, referencing handouts and 30 vi. 31 procedures in a respectful way during meetings; 32 vii. Recognizing speakers and Commissioners prior to receiving comments and 33 presentations of physical evidence, i.e., plans and pictures; and 34 Receiving documents or other physical evidence as part of the record. viii. 35 (b) It shall be the duty of the Chair to authenticate by signature when necessary, or when 36 directed by the Commission, all of the acts, orders and proceedings of the Commission. 37 (c) The Chair may rule out of order any comment which is irrelevant, personal, or not 38 pertinent to the matter being heard. 39 4. Duties of the Vice Chair 40 The Vice Chair, during the absence of the Chair, shall have and perform all the duties and

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

Weber County Planning Commissions Rules of Order

5.

functions of the Chair.

Temporary Chair

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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.

6. Secretary - Duties

The Planning Director or his/her 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 file of all records pertaining to the work of the Commission, in accordance with state and county record retention laws and policies; and
- (d) Perform such other duties as may be required by these rules.

B. CONDUCT OF MEMBERS OF THE COMMISSION

Addressing Members

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

2. <u>Preparation</u>

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

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.

Planning Commission members shall attend all training that is required by state or county law.

4. Conflict of Interest

Near the beginning of each meeting, the Chair shall ask whether any member of the Planning Commission has any conflicts of interest to disclose. A member who knows that he/she has a conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of interest exists. A member who feels that he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the agenda shall explain the possible conflict to the Commission, and the Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of interest shall not participate in the discussion and voting on that matter, but shall leave the meeting during the time in which the matter in question is being discussed and voted upon, and shall not attempt to influence other Commissioners regarding that matter before, during, or after the meeting, except as allowed in paragraph 4(d) (below).

(a) <u>Disqualification</u>

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, or 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) <u>Disclosure of Potential Conflict of Interest</u>

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law, including Chapter 17-16a of the Utah Code.

(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. Administrative matters, generally speaking, are applications that are to be reviewed for compliance with existing ordinances, and the Planning Commission is typically the decision maker (although county ordinances may require county commission approval in some cases). Examples include subdivision reviews, conditional use permit applications, and design reviews.

On the other hand, communications regarding legislative matters are permitted. Legislative matters, generally speaking, are policy decisions to be made by the county commissioners, following consideration of the Planning Commission's recommendations. Examples include adoption or amendment of the General Plan, adoption or amendment of land use ordinances, and zoning and rezoning decisions.

Communication with planning staff members is not an ex parte contact and is allowed.

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 on a matter in which the member has a conflict of interestat a meeting may do so only after declaring the conflict, declaring an intent to comment as an interested member of the public and not in his/her capacity as a member of the Commission, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before When commenting, the Commission—member shall again make full disclosure of his/her status and position and state that he/she is commenting in an individual capacity, 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

 C.

the Commission; uAfterpon 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 17-16a-4. 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.

(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.

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.

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 purpose of a pre-meeting is to help Commissioners be better prepared for the meeting. The Commission reviews and discusses the agenda, and staff is available to answer clarifying questions. The pre-meeting is a public meeting, complying with the notice and recording requirements for public meetings. No decisions are made during the pre-meeting.

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

3. Special Meetings

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

4. Meetings - Matters Considered

 Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular or special meeting of the Commission.

Four members of the Commission shall constitute a quorum thereof for the transaction of all

5. Quorum

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

transact any business before the Commission. If a quorum is not present, th meeting to order, announce the lack of a quorum, and adjourn the meeting.

6.

Work sessions are meetings in which the Commission may discuss matters at greater length or obtain additional background information on issues that will be coming before it. The Commission shall take no vote during work sessions, except to give directions to Staff regarding the presentation of options for future consideration. Regular work sessions are as follows:

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month, at the end of the regular meeting.

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.

No pre-meeting is held before a work session. If necessary, a special meeting may be called and held together with the regular work session, to allow consideration of an application or other matter requiring Commission action. Additional work sessions may be held as part of regular or special Commission meetings or may be called separately in the same manner as a special

7. Open Meetings Law

meeting.

Work Sessions

220 All meetings of the Planning Commission, including pre-meetings and work sessions, shall be 221 open to the public and shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah. 222 223 224 225 8. Length of Meetings 226 At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items 227 remaining to be heard will be forwarded to the next agenda for consideration. 228 D. PROCEDURE - ORDER OF BUSINESS 229 1. Order of Business 230 The order of business in the Commission shall be as follows: 231 (a) Chair opens the meeting and welcomes those in attendance (b) 232 Pledge of Allegiance 233 (c) Chair notes absences, and the names of those present and those absent shall be 234 entered on the record 235 (d) Chair reads opening meeting statement, as needed 236 (e) Chair asks commissioners if there have been any ex parte communications or if there 237 are any conflicts of interest to disclose 238 (f) Approval of minutes of prior meetings Consent Agenda 239 (g) (h) Petitions, Applications and Public Hearings 240 241 Administrative Items 242 (1) Old Business 243 (2)**New Business** 244 ii. Legislative Items 245 Old Business (1)246 (2)**New Business** (i) 247 Public Comment for Items not on the Agenda 248 (i) Planning Commission Remarks 249 (k) Planning Director Report (1) Legal Counsel Remarks 250 251 (m) Chair Adjourns Meeting 252 2. Agenda for Meetings 253 The secretary shall prepare a written agenda for each meeting as far in advance thereof as 254 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 255 256 a regular meeting. 257 3. Approval of Minutes from Prior Meetings The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and 258 259 if there are any additions or corrections. Upon hearing from the Commission, the Chair shall 260 declare the minutes approved either as presented or amended. If the Commission has not had 261 an opportunity to review the minutes, approval shall be postponed to the next meeting. 262 4. Consent Agenda

A consent agenda consists of items that do not require discussion or debate, typically because they are routine procedural items or because it is believed that they will be non-controversial and will be unanimously supported. Consent agenda items are approved together, through a single vote, without discussion. The following procedure shall be used for consent agendas:

- (a) The Planning Director shall determine which items shall be on the consent agenda, list those items on the consent agenda, and include all supporting reports and documents with the packet that is delivered to Commissioners before the meeting.
- (b) Commissioners, as part of their duties in preparing for the meeting, shall become familiar with all consent agenda items and shall decide whether or not they support approval of those items, as well as whether or not, in their opinion, each item will require discussion during the meeting.
- (c) When the consent agenda comes up during the meeting, the Chair shall read the items on the consent agenda and ask whether any Commissioner wants any item removed, to allow that item to be discussed and voted on separately during the meeting.
- (d) If any Commissioner opposes an item on the consent agenda or believes that the item requires discussion, the Commissioner shall request that the item be removed from the consent agenda.
- (e) If any Commissioner requests that an item be removed from the consent agenda, it must be removed. The Chair shall decide when the item shall be discussed during the meeting.
- (f) When there are no more items to be removed, the Chair shall note, for the record, which items have been removed and shall call for a vote on approval of the remaining items on the consent agenda. There shall be no discussion. Approval requires a unanimous vote.
- (g) If any person other than a Commissioner asks for a consent agenda item to be discussed, the Chair shall decide whether or not the item should be removed from the consent agenda.

Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed 45 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 Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

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

Order of Consideration of Items

The following procedure will normally be observed; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Staff orients the project (type of use and decision, criteria and standards to be applied, location, zoning, etc.);

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307		(c) Applicant or applicant's agent explains the proposal and presents supporting evidence;
308		(d) Staff reports on staff recommendations;
309		(e) If it is a public hearing, then other interested people may comment;
310		(f) Planning Commission members may question staff, applicant, or others on all the above;
311		(g) Applicant's rebuttal if requested;
312		(h) Closing of the public hearing, if applicable;
313		(") crossing of the passic rearring, it applicable,
314		(i) Concluding comments of Staff or Staff summary and recommendations;
315		
	•	, and proceed accompany to the contract of the
316	2.	Consideration of Items
317		All parties shall have an opportunity to be heard, to present and rebut evidence before an
318		impartial tribunal, to have the proceedings recorded, and to have a decision rendered in
319		accordance with the facts on record and the law.
320		The Chair of the Planning Commission shall have authority to:
321		(a) Regulate the course and decorum of the meeting.
322		(b) Address procedural requests and similar matters.
323		(c) Set reasonable time limits for individual public input, oral presentations, questions,
324		rebuttal information, and discussion.
325		(d) Question any person appearing, and allow other members to question any such person.
326		(e) Waive, at his/her discretion, the application of any rule herein where the circumstances
327		of the meeting indicate that it would be expedient and proper to do so, provided that
328		such waiver does not act to prejudice or deny any party his/her substantial rights as
329		provided herein or otherwise by law.
330		(f) Take such other action as authorized by the Planning Commission to appropriately
331		conduct the meeting.
332		A ruling of the Chair may be challenged by any member of the Planning Commission present at
333		the meeting. The challenge must be seconded. A ruling may be reversed by a majority of the
334		members present and voting. A tie vote upholds the Chair's decision.
335	3.	Conduct of Persons before the Commission
336		Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or
337		exclude from the meeting anyone who:
338		(a) Is disorderly, abusive, or disruptive.
339		(b) Takes part in or encourages audience demonstrations such as applause, cheering,
340		display of signs, or other conduct disruptive to the meeting.
341		(c) Comments without first receiving recognition from the Chair and stating his/her full
342		name and residence.
343		(d) Presents irrelevant, immaterial, or repetitious evidence.
344		Persons making presentations or providing comments to the Planning Commission shall address
345		the Commission from the podium or microphone and not from the audience; shall address all
346		comments to the Planning Commission; and may not directly question or interrogate other
347		persons in the audience.
348	4.	Questions and Comments by Commissioners
349		During all meetings, the Chair shall maintain order when Commissioners are discussing items,
350		both with each other and with other people. A Commissioner who wants to make a comment or
351		ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair
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352 consents, then the Commissioner may make the comment or ask the question. The Chair may 353 choose to allow a continuing line of discussion without the need for Commissioners to seek recognition before each question or comment, but the Chair must ensure that discussions 354 remain appropriate and relevant to the matter at hand, and may at any time require 355 Commissioners to obtain recognition from the Chair before further questions or comments. 356 357 **PROCEDURE - MOTIONS** 358 F. 359 Motions—Typical Process Planning Commission decisions are made through the process of making and voting on motions. 360 The following is a summary of the typical process and some of the key foundational rules for 361 motions: 362 (a) After the Planning Commissioners have reviewed the full public record and heard any 363 presentations or comments regarding a request, the Chair invites Commissioners to 364 make a motion. The Chair may choose to outline possible actions, such as approval, 365 denial, tabling, or approval with conditions. 366 367 (b) Any Planning Commissioner, except for the Chair, may make a motion to propose what decision the Commission should make on the request. The motion shall include not only 368 the proposed decision, but also a recitation of specific findings of fact supporting the 369 proposed decision. 370 (c) Any Commissioner, including the Chair, may second the motion, which will allow for 371 discussion and voting on the motion. 372 A motion dies in the absence of a second. 373 (d) (e) Once the motion has been seconded, the Chair "states the motion" and opens it up for 374 discussion by saying something like, "We have a motion and a second. Is there any 375 discussion?" 376 (f) Members discuss the motion. Discussion of the motion should not take place until after 377 it has been seconded and the Chair has stated the motion and called for discussion. 378 379 During this time, members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary (but generally, 380 questions should be asked during the time for presentations and comments). 381 After the discussion, the Chair calls for a vote on the motion. Voting procedures are as 382 (g) follows: 383 i. 384 Voting 385 Voting occurs by voice vote. The Chair shall announce the votes and the result, and the secretary shall record each member's vote and shall also note those 386 who are absent or otherwise not voting. 387 388 ii. How a Motion Passes A motion only passes if a majority of Planning Commissioners in attendance 389 390 vote in favor of the motion, unless otherwise specified in these rules. 391 iii. Tie Votes 392 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. If this 393

> happens, a Commissioner may make a different motion on the same subject, and this may continue until a majority vote is obtained. The option of continuing

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396 397				an item with the possibility that an odd number of members of the Commission will be at a subsequent meeting may be considered.
398			iv.	Voting or Changing a Vote After Decision Announced
399				No member shall be permitted to change his/her vote after the decision is
400				announced by the Chair.
401			٧.	Commission Members Required to Vote - Late Arrival
402				No member may abstain from voting unless there is a conflict of interest, except
403				as noted below. A member entering the meeting late, but any time before the
404				final vote is taken, may vote. A member who has not been present during the
405				discussion of any matter and feels that he/she has insufficient information on
406				which to act may abstain.
407			vi.	Explaining Vote
408				After the vote is taken, any member of the Commission desiring to explain
409				his/her vote shall be allowed an opportunity to do so.
410			vii.	Not to Vote Unless Present
411				No member of the Commission shall vote on any question unless the member is
412				present when the vote is taken. Voting by proxy shall not be allowed.
413	2.	Additio	nal Option	ons After a Motion Is Made
414		(a)	Withdra	aw or Modify a Motion Before the Motion Is Stated
415			i.	When a motion has been made but not yet stated by the Chair, whether or not
416				it has been seconded, it can be withdrawn by the mover by simply notifying the
417				Chair that he/she withdraws the motion.
418			ii.	When a motion has been made but not yet stated by the Chair, whether or not
419				it has been seconded, the mover can modify his/her motion. To do so, the
420				mover notifies the Chair that he/she modifies the motion and what the
421			98	modification is.
422			iii.	Modifying a motion after it has been seconded cancels the second. A new
423				second is required for the modified motion to proceed to discussion and a vote.
424			iv.	Before a motion is stated by the Chair, any member may suggest that the mover
425				withdraw or modify his/her motion, but only the mover may do so. If the
426				motion is seconded and not modified or withdrawn, the Chair must state the
427				motion and call for discussion.
428			٧.	After the Chair states a motion, it is the property of the Commission. It can be
429				withdrawn or amended only by an additional motion, as described below.
430		(b)		s in Order During Debate
431				motion has been stated and is open for discussion, no additional motion shall be
432				d except the following:
433				To fix the time to adjourn (requires a second but is not debatable)
434			ii.	To adjourn (requires a second but is not debatable)
435				To postpone to a specified time (requires a second and is debatable)
436				To withdraw the original motion
437				(1) Only the member who made the original motion can make this request.

438 (2) 439 440 441 442 (3) 443 444 445 446 447 without debate. 448 449 (4)450 451 452 ٧. To amend 453 (1)454 (2) 455 456 457 458 459 460 461 462 (3)463 464 465 466 467 468 necessary discussion. 469 470 (4)471 472 473 474 475 476 made. 477 vi. To call the question (i.e., immediately close debate and vote on the motion that 478 vii. 479 is before the Commission) (requires a second but is not debatable) 480 viii. To limit or extend limits of debate (requires a second but is not debatable) To take a recess (requires a second but is not debatable) 481 ix. 482 To call for orders of the day (i.e., insist that the schedule and agenda be Х. 483 followed) (does not require a second and is not debatable) Weber County Planning Commissions

The first step is for the mover to notify the Chair of his/her request to withdraw the motion. The Chair shall announce that the mover has made this request and shall ask for unanimous consent. If no member objects, then the Chair shall declare the original motion withdrawn. If a member objects, then the request to withdraw is considered denied; however, at that time, the mover may make a formal motion to withdraw the original motion, in which case the Chair shall call for a second. If there is no second, then the motion to withdraw dies, and the discussion of the original motion continues. If there is a second, then the Chair shall state the motion to withdraw and put it to a vote, If a request or motion to withdraw is granted, then it is as if the motion had not been made in the first place, so the mover (or any other Commissioner) can make that same motion again at the same meeting. All amendments must relate to the same subject as the original motion. A "friendly amendment" is an amendment that makes no substantive changes, but is a minor technical amendment appropriate for clarification or correction. A Commissioner may offer a friendly amendment without a formal motion, and if the Chair determines that no member objects, then the Chair shall declare the original motion so amended. If any member objects to the friendly amendment, then the request dies, although any member may then make the request again through a formal motion, following the procedure described below. Any amendment other than a friendly amendment must be offered by motion. If the motion to amend is seconded, then the Chair shall state the motion and call for discussion and then a vote on whether or not to amend the original motion. If the motion to amend fails, then the original motion is back under consideration. If the motion to amend passes, then the original motion is superseded, and the amended motion is under consideration and shall be put to a vote after any A motion to amend may be withdrawn or tabled without prejudice to the original motion. Likewise, if a motion to amend passes, but the amended motion then fails to pass, then any Commissioner may make the original motion again. In other words, if an attempt is made to amend an original motion, and the Commission does not end up voting in favor of the amended motion, then the original motion may be re-To refer to committee (requires a second and is debatable)

484				xi.	To suspend the rules (requires a second but is not debatable)				
485				xii.	To appeal rulings by the Chair (requires a second and is debatable except when				
486					the ruling addresses indecorum, priority of business, or an undebatable				
487					underlying question)				
488				xiii.	To reconsider an undebatable motion (requires a second but is not debatable)				
489		2							
490		3.	270	tional Rules Regarding Motions					
491			(a)	3	ns to Deny				
492					a motion to deny a request has been defeated, a member of the Commission				
493					nake another motion to dispose of the issue.				
494			(b)		n to Reconsider				
495					ion to reconsider a previous decision must be made in the same meeting as the				
496					n that was voted on. It can only be made by a member who voted on the				
497 498					ling side and must be seconded. Any Commission member, regardless of vote on ain motion, may second the motion. It is a debatable motion, as long as the main				
499					n was debatable. It can be made to a vote that was either affirmative or negative.				
500					ion to reconsider proposes no specific change in a decision but simply proposes				
501					he original question be reopened. It requires a majority vote and cannot be				
502				recons	sidered.				
503	G.	DOCU	MENTS	TS OF THE COMMISSION					
504		1.	Any a	and all materials submitted to the Planning Commission regarding a request					
505			enter	ed into t	he public record by the Chair by indicating that the material is "accepted for the				
506					Staff Report submitted to the Planning Commission as part of the agenda shall				
507					become part of the public record.				
508		2.			endas, requests, agency or consultant letters or reports, Staff Reports, minutes of				
509					resolutions of record shall constitute the documents of the Planning Commission				
510				and shall be indexed as public record.					
511	н.		AMENDMENT						
512		Any person may propose an amendment to these Rules of Order. The person shall present the propose							
513 514		to the Planning Commission, either orally or in writing, in any meeting or work session. The Commission may then amend the Rules of Order at any regular or special meeting that is held							
515		days after the meeting in which the initial proposal was made. The regular rules for quorums, motion and voting apply.							
516									
517	ı.		RECORDING OF RULES - COPIES TO BE FURNISHED						
518		These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in t							
519			kept for the recording of such business and shall be furnished to each member of the Commission.						
520									
521		Effecti	ve Date		Effective Date:				
522				3					
523		-							
524		Laura \	Warburt	on, Chai	Mark Whaley, Chair				
525		Ogden	Valley I	Planning	Commission Western Weber Planning Commission				

1 **RULES OF ORDER** 2 WEBER COUNTY PLANNING COMMISSIONS 3 November 21, 2016 4 A. **ORGANIZATION** Appointment and Removal of Planning Commissioners 5 1. 6 The Weber County Code describes how Planning Commission members are appointed and 7 removed. Planning Commissioners are appointed by a majority vote of the County Commission. 8 Planning Commissioners may be removed for cause, also by a majority vote of the County 9 Commission. 10 2. Appointment of Chair and Vice Chair The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice 11 Chair, who may be elected to succeed themselves for one additional term only. If a vacancy 12 13 arises in one of these offices during the year, the Commission shall elect a new Chair or Vice Chair at its next meeting. That person shall serve in that position for the rest of the year and 14 15 may then be elected for one additional year. Chair - Duties 3. 16 (a) 17 The Chair shall preside at all meetings of the Commission providing general direction for 18 the meetings, assuring proper order of the Commission and public in all proceedings. 19 Such duties shall include: Announcing the business before the Commission in the order in which it is to be 20 i. 21 acted upon; ii. 22 Receiving and submitting in the proper manner all motions and propositions 23 presented by the members of the Commission; iii. 24 Putting to a vote all questions, which are properly moved, or necessarily arise in 25 the course of proceedings and to announce the result thereof; Informing the Commission, when necessary, or when referred to for that 26 iv. 27 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; 28 29 Maintaining order at the meetings of the Commission; V. 30 vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a respectful way during meetings; 31 Recognizing speakers and Commissioners prior to receiving comments and 32 vii. 33 presentations of physical evidence, i.e., plans and pictures; and 34 viii. Receiving documents or other physical evidence as part of the record. 35 (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. 36 37 (c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard. 38 39 4. Duties of the Vice Chair The Vice Chair, during the absence of the Chair, shall have and perform all the duties and 40 functions of the Chair. 41 Temporary Chair 42 5. 43 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.

6. Secretary - Duties

The Planning Director or his/her 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 file of all records pertaining to the work of the Commission, in accordance with state and county record retention laws and policies; and
- (d) Perform such other duties as may be required by these rules.

B. CONDUCT OF MEMBERS OF THE COMMISSION

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 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.

Planning Commission members shall attend all training that is required by state or county law.

Conflict of Interest

Near the beginning of each meeting, the Chair shall ask whether any member of the Planning Commission has any conflicts of interest to disclose. A member who knows that he/she has a conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of interest exists. A member who feels that he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the agenda shall explain the possible conflict to the Commission, and the Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of interest shall not participate in the discussion and voting on that matter, but shall leave the meeting during the time in which the matter in question is being discussed and voted upon, and shall not attempt to influence other Commissioners regarding that matter before, during, or after the meeting, except as allowed in paragraph 4(d) (below).

(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, or 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.
- For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

(b) <u>Disclosure of Potential Conflict of Interest</u>

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law, including Chapter 17-16a of the Utah Code.

(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. Administrative matters, generally speaking, are applications that are to be reviewed for compliance with existing ordinances, and the Planning Commission is typically the decision maker (although county ordinances may require county commission approval in some cases). Examples include subdivision reviews, conditional use permit applications, and design reviews.

On the other hand, communications regarding legislative matters are permitted. Legislative matters, generally speaking, are policy decisions to be made by the county commissioners, following consideration of the Planning Commission's recommendations. Examples include adoption or amendment of the General Plan, adoption or amendment of land use ordinances, and zoning and rezoning decisions.

Communication with planning staff members is not an exparte contact and is allowed.

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 comment on a matter in which the member has a conflict of interest may do so only after declaring the conflict, declaring an intent to comment as an interested member of the public and not in his/her capacity as a member of the Commission, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. When commenting, the member shall again make full disclosure of his/her position and state that he/she is commenting in an individual capacity. After 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 17-16a-4. 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.

(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 purpose of a pre-meeting is to help Commissioners be better prepared for the meeting. The Commission reviews and discusses the agenda, and staff is available to answer clarifying questions. The pre-meeting is a public meeting, complying with the notice and recording requirements for public meetings. No decisions are made during the pre-meeting.

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

3. Special Meetings

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

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular or special 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

Work sessions are meetings in which the Commission may discuss matters at greater length or obtain additional background information on issues that will be coming before it. The Commission shall take no vote during work sessions, except to give directions to Staff regarding the presentation of options for future consideration. Regular work sessions are as follows:

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month, at the end of the regular meeting.

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.

No pre-meeting is held before a work session. If necessary, a special meeting may be called and held together with the regular work session, to allow consideration of an application or other matter requiring Commission action. Additional work sessions may be held as part of regular or special Commission meetings or may be called separately in the same manner as a special meeting.

7. Open Meetings Law

All meetings of the Planning Commission, including pre-meetings and work sessions, shall be open to the public and shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

Weber County Planning Commissions Rules of Order Revised November 21, 2016 Page 5

222 8. Length of Meetings 223 At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items 224 remaining to be heard will be forwarded to the next agenda for consideration. 225 D. **PROCEDURE - ORDER OF BUSINESS** 1. 226 Order of Business The order of business in the Commission shall be as follows: 227 228 Chair opens the meeting and welcomes those in attendance (a) 229 (b) Pledge of Allegiance (c) Chair notes absences, and the names of those present and those absent shall be 230 entered on the record 231 232 (d) Chair reads opening meeting statement, as needed Chair asks commissioners if there have been any ex parte communications or if there 233 (e) 234 are any conflicts of interest to disclose Approval of minutes of prior meetings 235 (f) 236 Consent Agenda (g) 237 (h) Petitions, Applications and Public Hearings Administrative Items 238 239 (1) Old Business (2) 240 **New Business** 241 ii. Legislative Items 242 (1) **Old Business** 243 (2) **New Business** 244 (i) Public Comment for Items not on the Agenda (j) Planning Commission Remarks 245 246 (k) Planning Director Report 247 (1) Legal Counsel Remarks Chair Adjourns Meeting 248 (m) 249 2. Agenda for Meetings 250 The secretary shall prepare a written agenda for each meeting as far in advance thereof as 251 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 252 253 a regular meeting. 3. Approval of Minutes from Prior Meetings 254 The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and 255 256 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 257 258 an opportunity to review the minutes, approval shall be postponed to the next meeting. 4. Consent Agenda 259 260 A consent agenda consists of items that do not require discussion or debate, typically because 261 they are routine procedural items or because it is believed that they will be non-controversial and will be unanimously supported. Consent agenda items are approved together, through a 262 263 single vote, without discussion. The following procedure shall be used for consent agendas: 264 The Planning Director shall determine which items shall be on the consent agenda, list (a) 265 those items on the consent agenda, and include all supporting reports and documents with the packet that is delivered to Commissioners before the meeting.

(b) Commissioners, as part of their duties in preparing for the meeting, shall become 267 familiar with all consent agenda items and shall decide whether or not they support 268 approval of those items, as well as whether or not, in their opinion, each item will 269 require discussion during the meeting. 270 When the consent agenda comes up during the meeting, the Chair shall read the items 271 (c) on the consent agenda and ask whether any Commissioner wants any item removed, to 272 allow that item to be discussed and voted on separately during the meeting. 273 (d) If any Commissioner opposes an item on the consent agenda or believes that the item 274 requires discussion, the Commissioner shall request that the item be removed from the 275 consent agenda. 276 If any Commissioner requests that an item be removed from the consent agenda, it 277 (e) must be removed. The Chair shall decide when the item shall be discussed during the 278 279 meeting. (f) When there are no more items to be removed, the Chair shall note, for the record, 280 which items have been removed and shall call for a vote on approval of the remaining 281 282 items on the consent agenda. There shall be no discussion. Approval requires a 283 unanimous vote. If any person other than a Commissioner asks for a consent agenda item to be 284 (g) discussed, the Chair shall decide whether or not the item should be removed from the 285 consent agenda. 286 5. Deadline for Agenda 287 Requests to be on a Planning Commission agenda shall be filed 45 days prior to consideration by 288 the Planning Commission. The Planning Staff shall certify completeness of requests. Certified 289 requests which have been filed in a timely manner shall be placed on the agenda. The deadline 290 may be waived by the Planning Director if he/she determines that good cause exists for waiving 291 the deadline, the application is complete, and Staff has sufficient time to analyze the request, 292 adequately prepare a Staff Report and give proper notice. 293 294 6. Special Order of Business The Commission may suspend the rules as to the order of business, or return to an order already 295 passed, on a motion supported by a majority of the members present. 296 ORDER AND DECORUM 297 E. Order of Consideration of Items 298 1. The following procedure will normally be observed; however, it may be rearranged by the Chair 299 for individual items, if necessary, for the expeditious conduct of business: 300 301 (a) Chair introduces item; 302 (b) Staff orients the project (type of use and decision, criteria and standards to be applied, location, zoning, etc.); 303 Applicant or applicant's agent explains the proposal and presents supporting evidence; 304 (c) 305 (d) Staff reports on staff recommendations; If it is a public hearing, then other interested people may comment; 306 (e) Planning Commission members may question staff, applicant, or others on all the above; 307 (f)

Applicant's rebuttal if requested;

Closing of the public hearing, if applicable;

(g)

(h)

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- (i) Concluding comments of Staff or Staff summary and recommendations;
- (j) The Planning Commission makes its decision, following the processes described below.

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) Address procedural requests and similar matters.
- (c) Set reasonable time limits for individual public input, oral presentations, questions, rebuttal information, and discussion.
- (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 meeting 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 meeting.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the meeting. 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. 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 meeting 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 meeting.
- (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.

Questions and Comments by Commissioners

During all meetings, the Chair shall maintain order when Commissioners are discussing items, both with each other and with other people. A Commissioner who wants to make a comment or ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair consents, then the Commissioner may make the comment or ask the question. The Chair may choose to allow a continuing line of discussion without the need for Commissioners to seek recognition before each question or comment, but the Chair must ensure that discussions remain appropriate and relevant to the matter at hand, and may at any time require Commissioners to obtain recognition from the Chair before further questions or comments.

F. PROCEDURE - MOTIONS

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1. Motions—Typical Process

Planning Commission decisions are made through the process of making and voting on motions. The following is a summary of the typical process and some of the key foundational rules for motions:

- (a) After the Planning Commissioners have reviewed the full public record and heard any presentations or comments regarding a request, the Chair invites Commissioners to make a motion. The Chair may choose to outline possible actions, such as approval, denial, tabling, or approval with conditions.
- (b) Any Planning Commissioner, except for the Chair, may make a motion to propose what decision the Commission should make on the request. The motion shall include not only the proposed decision, but also a recitation of specific findings of fact supporting the proposed decision.
- (c) Any Commissioner, including the Chair, may second the motion, which will allow for discussion and voting on the motion.
- (d) A motion dies in the absence of a second.
- (e) Once the motion has been seconded, the Chair "states the motion" and opens it up for discussion by saying something like, "We have a motion and a second. Is there any discussion?"
- (f) Members discuss the motion. Discussion of the motion should not take place until after it has been seconded and the Chair has stated the motion and called for discussion. During this time, 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 during the time for presentations and comments).
- (g) After the discussion, the Chair calls for a vote on the motion. Voting procedures are as follows:

i. Voting

Voting occurs by voice vote. The Chair shall announce the votes and the result, and the secretary shall record each member's vote and shall also note those who are absent or otherwise not voting.

ii. How a Motion Passes

A motion only passes if a majority of Planning Commissioners in attendance vote in favor of the motion, unless otherwise specified in these rules.

iii. <u>Tie Votes</u>

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. If this happens, a Commissioner may make a different motion on the same subject, and this may continue until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission will be at a subsequent meeting may be considered.

iv. Voting or Changing a Vote After Decision Announced

No member shall be permitted to change his/her vote after the decision is announced by the Chair.

398			v.	Commission Members Required to Vote - Late Arrival
399				No member may abstain from voting unless there is a conflict of interest, except
400				as noted below. A member entering the meeting late, but any time before the
401				final vote is taken, may vote. A member who has not been present during the
402				discussion of any matter and feels that he/she has insufficient information on
403				which to act may abstain.
404			vi.	Explaining Vote
405				After the vote is taken, any member of the Commission desiring to explain
406				his/her vote shall be allowed an opportunity to do so.
407			vii.	Not to Vote Unless Present
408 409				No member of the Commission shall vote on any question unless the member is present when the vote is taken. Voting by proxy shall not be allowed.
410	2.	Additi	onal Opt	tions After a Motion Is Made
411		(a)	TO THE WORLD BY	raw or Modify a Motion Before the Motion Is Stated
412		(4)	i.	When a motion has been made but not yet stated by the Chair, whether or not
413			1.	it has been seconded, it can be withdrawn by the mover by simply notifying the
414				Chair that he/she withdraws the motion.
415			ii.	When a motion has been made but not yet stated by the Chair, whether or not
416				it has been seconded, the mover can modify his/her motion. To do so, the
417				mover notifies the Chair that he/she modifies the motion and what the
418				modification is.
419			iii.	Modifying a motion after it has been seconded cancels the second. A new
420				second is required for the modified motion to proceed to discussion and a vote.
421			iv.	Before a motion is stated by the Chair, any member may suggest that the mover
422				withdraw or modify his/her motion, but only the mover may do so. If the
423				motion is seconded and not modified or withdrawn, the Chair must state the
424				motion and call for discussion.
425			V.	After the Chair states a motion, it is the property of the Commission. It can be
426				withdrawn or amended only by an additional motion, as described below.
427		(b)	Motion	ns in Order During Debate
428			After a	motion has been stated and is open for discussion, no additional motion shall be
429			receive	ed except the following:
430			i.	To fix the time to adjourn (requires a second but is not debatable)
431			ii.	To adjourn (requires a second but is not debatable)
432			iii.	To postpone to a specified time (requires a second and is debatable)
433			iv.	To withdraw the original motion
434				(1) Only the member who made the original motion can make this request.
435				(2) The first step is for the mover to notify the Chair of his/her request to
436				withdraw the motion. The Chair shall announce that the mover has
437				made this request and shall ask for unanimous consent. If no member
438				objects, then the Chair shall declare the original motion withdrawn.
439				(3) If a member objects, then the request to withdraw is considered denied;
440				however, at that time, the mover may make a formal motion to

withdraw the original motion, in which case the Chair shall call for a second. If there is no second, then the motion to withdraw dies, and the discussion of the original motion continues. If there is a second, then the Chair shall state the motion to withdraw and put it to a vote, without debate.

(4) If a request or motion to withdraw is granted, then it is as if the motion had not been made in the first place, so the mover (or any other Commissioner) can make that same motion again at the same meeting.

v. To amend

- (1) All amendments must relate to the same subject as the original motion.
- (2) A "friendly amendment" is an amendment that makes no substantive changes, but is a minor technical amendment appropriate for clarification or correction. A Commissioner may offer a friendly amendment without a formal motion, and if the Chair determines that no member objects, then the Chair shall declare the original motion so amended. If any member objects to the friendly amendment, then the request dies, although any member may then make the request again through a formal motion, following the procedure described below.
- (3) Any amendment other than a friendly amendment must be offered by motion. If the motion to amend is seconded, then the Chair shall state the motion and call for discussion and then a vote on whether or not to amend the original motion. If the motion to amend fails, then the original motion is back under consideration. If the motion to amend passes, then the original motion is superseded, and the amended motion is under consideration and shall be put to a vote after any necessary discussion.
- (4) A motion to amend may be withdrawn or tabled without prejudice to the original motion. Likewise, if a motion to amend passes, but the amended motion then fails to pass, then any Commissioner may make the original motion again. In other words, if an attempt is made to amend an original motion, and the Commission does not end up voting in favor of the amended motion, then the original motion may be remade.
- vi. To refer to committee (requires a second and is debatable)
- vii. To call the question (i.e., immediately close debate and vote on the motion that is before the Commission) (requires a second but is not debatable)
- viii. To limit or extend limits of debate (requires a second but is not debatable)
- ix. To take a recess (requires a second but is not debatable)
- x. To call for orders of the day (i.e., insist that the schedule and agenda be followed) (does not require a second and is not debatable)
- xi. To suspend the rules (requires a second but is not debatable)
- xii. To appeal rulings by the Chair (requires a second and is debatable except when the ruling addresses indecorum, priority of business, or an undebatable underlying question)
- xiii. To reconsider an undebatable motion (requires a second but is not debatable)

487		3.	Additio	onal Rules Regarding Motion	<u>ns</u>		
488			(a)	Motions to Deny			
489 490				Where a motion to deny shall make another motio	a request has been defeated, a member of the Commission to dispose of the issue.		
491			(b)	Motion to Reconsider			
492 493 494 495 496 497 498				motion that was voted prevailing side and must the main motion, may see motion was debatable. It A motion to reconsider p	on. It can only be made by a member who voted on the be seconded. Any Commission member, regardless of vote or cond the motion. It is a debatable motion, as long as the mair can be made to a vote that was either affirmative or negative proposes no specific change in a decision but simply proposes on be reopened. It requires a majority vote and cannot be		
499				reconsidered.	and the respondent it requires a majority vote and cannot be		
500	G.	DOCU	MENTS (MENTS OF THE COMMISSION			
501 502 503 504		1.	entere record	d into the public record by	to the Planning Commission regarding a request shall be the Chair by indicating that the material is "accepted for the ted to the Planning Commission as part of the agenda shall public record.		
505 506 507		2.	All not meetin	ices, agendas, requests, age	ency or consultant letters or reports, Staff Reports, minutes or reports of the Planning Commission		
508	н.	AMEN	IDMENT				
509 510 511 512 513		to the Comm days a	Planning	g Commission, either orally ay then amend the Rules of meeting in which the initia	to these Rules of Order. The person shall present the proposa y or in writing, in any meeting or work session. The Planning f Order at any regular or special meeting that is held at least 14 Il proposal was made. The regular rules for quorums, motions		
514	ı.	RECOR	RECORDING OF RULES - COPIES TO BE FURNISHED				
515 516			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.				
517							
518 519 520		Effecti	ve Date:	(Effective Date:		

Mark Whaley, Chair

Western Weber Planning Commission

Laura Warburton, Chair

Ogden Valley Planning Commission

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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:

Consideration and action for a conditional use permit for a Stealth Verizon Wireless Cell

Tower, located on the Uintah Ridge.

Agenda Date:

Tuesday, December 13, 2016

Type of Decision: Applicant:

Administrative Verizon Wireless

Authorized Agent:

Nefi Garcia

File Number:

CUP# 2016-18

Property Information

Approximate Address:

1770 E 6200 S, Ogden

Project Area:

Approx. 2000 sq. ft.

Zoning:

Residential Estates Zones (RE-15)

Existing Land Use: Proposed Land Use: Residential/Commercial **Public Utility Substation**

Parcel ID:

07-083-0077

Township, Range, Section: Township 5 North, Range 1 West, Section 22

Adjacent Land Use

North:

Commercial/Residential

South:

Residential

East:

Commercial/Residential

West:

Commercial/Residential

Staff Information

Report Presenter:

Felix Lleverino

flleverino@co.weber.ut.us

801-399-8767

Report Reviewer:

RK

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 3 Residential Estates Zones (RE-15)
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Section 12 Towers
- Title 110, Chapter 1, Western Weber Signs

Summary and Background

Verizon Wireless has submitted a proposal that includes plans to establish a telecommunications tower located on the south-east corner of a lot owned by Washington Heights Baptist church in the Uintah Highlands area of Weber County. The project will occupy approximately 2,000-sq. ft. of the 43.16-acre parcel. The site is located in the RE-15 zone and is permitted as a conditional use as a "Public Utility Substation".

The proposed cell tower has been designed in a way that will be non-obtrusive and the materials and design will be in harmony will the existing church building. It has been designed in a way that will conceal the antennae that are affixed to the top of the tower (see Exhibit B). There will be an on-site diesel generator which will provide back-up power. The generator features a double belly fuel tank which will ensure that fuel will not be exposed to the soil or storm water runoff.

A cell tower in this location will be beneficial to the owner as well as users of the Verizon Wireless cellular network.

There is a trail access to the south of the project area that was created as a continuation of the Bonneville Shoreline Trail. This project will not impede access, and the applicant has expressed that the construction activity will not disturb the natural landscape outside of the project area.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

<u>General Plan:</u> As the community grows the need for public utility service demand increases. It is adjacent to a commercial area of South Ogden and this use will be in harmony with the surroundings.

<u>Zoning:</u> The subject property is located within the RE-15 Zone which is categorized as a residential estates zone. The purpose and intent of this zone is as follows:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

Site Development Standards: The following site development standards apply to the RE-15 Zones:

Minimum lot area:

- 15,000 Sq ft, with the specific uses
- 40,000 Sq ft. with specific uses
- 5 acres, with specific uses

Minimum lot width:

100 feet

Minimum front yard setback

30 feet

Minimum side yard setbacks (Accessory Building)

10 feet except 1 foot if located at least 6 feet in the rear of the main building

Minimum rear yard setback

30 feet

This proposal meets all of the site development standards stated in §104-3 (Residential Estates Zone) and §108-10-3 (Public Utility Substation). The drawings show a side setback of 12 feet from the property line to the east of the project area, all other area setbacks are well within standards.

<u>Site Development Standards for a Public Utility Substation</u>: A public utility substation that is located in a residential zone may have reduced rear setbacks to the following:

· Residential zone: five feet.

<u>Conditional Use Review</u>: The proposed cell tower is allowed as a conditional use within the RE-15 zone. The proposed use is termed as a "public utility substation" found in LUC § 104-3-5 (5). 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 proposed conditional use, mandate a design review as outlined in LUC §108-4-31(e), (16) to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- <u>Considerations relating to traffic safety and traffic congestion</u>: Access to the site will be gained from the private parking lot to avoid causing traffic safety and congestion.
- <u>Considerations relating to landscaping</u>: Each corner of the site will feature DeWitt Pro-5 weed cloth under a layer
 of 3" cobble rock. Three five gallon Julia Jane boxwood evergreen shrubs on each corner of the site will be irrigated
 by a drip line irrigation system (see page C102).

- <u>Considerations relating to buildings and site layout</u>: The vinyl fence enclosure will feature a 12' double swinging
 gate that will be used to service the cell site equipment within. A 60'tall three-legged tower will be erected within
 this enclosure. The antennae and boxes will be concealed behind a panel on all three sides.
- <u>Considerations relating to utility easements, drainage, and other engineering questions</u>: The Engineering division has stated no concerns with the project.
- <u>Considerations associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval</u>: There are no concerns with regard to this consideration.

<u>West Weber Signs</u>: Being that this stealth cell tower can double as a sign, the project shall meet the applicable criteria stated in the Title 110-1 (Western Weber Signs). The applicant has shown that the project meets side setback regulations of three feet.

<u>Public Notice</u>: A courtesy notice to the public has been sent out to all property owners within a 500 radius of the construction site.

Tax Clearance: There is no outstanding tax history related to this property.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2016-18, a conditional use permit for a Stealth Design Cell Tower located at 1770 E 6200 S Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

- 1. The project site is to feature a vinyl fence enclosure that is tan or beige as to blend better with the surroundings.
- 2. Revised plans shall be submitted prior to the issuance of the conditional use permit showing a maximum fence height of six feet.
- 3. The applicant shall maintain the site with a good visual appearance and structural integrity.

This recommendation is based on the following findings:

- 1. The proposed use conforms to the West Central Weber County.
- 2. The proposed use will not cause harm to the natural surroundings.
- 3. The proposed use will not be detrimental to the public health, safety, or welfare.
- 4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
- 5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Construction Plans
- C. Site Photo



Exhibit A

Wel	ber County Cond	itional Use Permit Ap	plication		
Application submittal	s will be accepted by appointmen	nt only. (801) 399-8791. 2380 Washington	Blvd. Suite 240, Ogden, UT 84401		
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)		
Property Owner Contact I	nformation				
Name of Property Owner(s)		Mailing Address of Property Own			
WASHINGTON H	EIGHTS BAPTISTC		1770 E. 6700 S.		
Phone 801. 479 · 7030	> Fax	SOUTH DADEHI	SOUTH DADEN, UT E4405		
Email Address Sam @ barber b			Preferred Method of Written Correspondence		
Authorized Representativ					
Name of Person Authorized to Repr	SENGMENT SERVICE OF THE CA	Mailing Address of Authorized Pe	rson		
NEFI GARL	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT		5710 S. GREEN ST.		
762-429.0410	Fax	MURRAY, U	84123		
Email Address	rcia e taec.n	Preferred Method of Written Corr	Preferred Method of Written Correspondence		
Property Information					
Project Name). O	Total Acreage	Current Zoning RE-15		
SAL UINTA	+ KID66	43.16	KE-12		
Approximate Address	w. C	Land Serial Number(s)			
1770 E. 620		177-183	07-083-0077		
Sount UG	PSN, UT	01 435	0011		
Proposed Use	EU SITE FOR	VERIZON WIRELESS			
Project Narrative		######################################			
Steulth V	erizan Wireles	is cell site. Disg	juised as a		
"tri-lea cr	uss." The aute	innas will be hi	dden behind 3 pa		
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rile. In	+	will be located o	marude w/ c		
back-up di.	escl generator.	All the equipme	ent will be		
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		land suppring on t	HE POINTE (OKNES		
of the comp	ou ra.				

THE RESERVE OF THE PROPERTY.	면서 있으니 바람이는 싫어하면 다꾸		
Danie for		Conditiona	D 4
Basis for	issuance of	Longitiona	i Use Permii

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

Ostoners, And assist in emergency responding situations A number of public sufety divisions are VZW astomers.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

As a rest of it being a stenth design, it will blend in with the church property.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:
Cell sites are always handled as a CO.P. + UZW
will compy with all ordinary conditions of approval
will couply with all
9
That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:
That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County: 1+ will add a benefit to the worser County area.

a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole: It does not add or take away from the confront or ecology. Does not emit pollutals. **Property Owner Affidavit** I (We), Washin Gton Leights Curp Aepose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. (Property Owner) 1082K 2016 NIKOLE DAVIS **Notary Public** State of Utah Comm. No. 681742 (Notary) m. Expires Feb 27, 2019 **Authorized Representative Affidavit** I (We), WAShing TON HEIGHT Church be owner(s) of the real property described in the attached application, do authorized as my (our) representative(s). NET GARLY to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application. (Property Owner) Octoby 20 16 personally appeared before me_ Dated this _ signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same. NIKOLE DAVIS Notary Public State of Utah Comm. No. 681742 m. Expires Feb 27, 2019

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such



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COMPACT: ACPT GARGIA
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CONTACT INFORMATION

POWER COMPANY 1-888-221-7070



UNDERGROUND SERVICE ALERT, CALL 'BLUE STAKES OF UTAH' @ 811 OR 1-800-662-4111 THREE WORKING DAYS BEFORE YOU DIG





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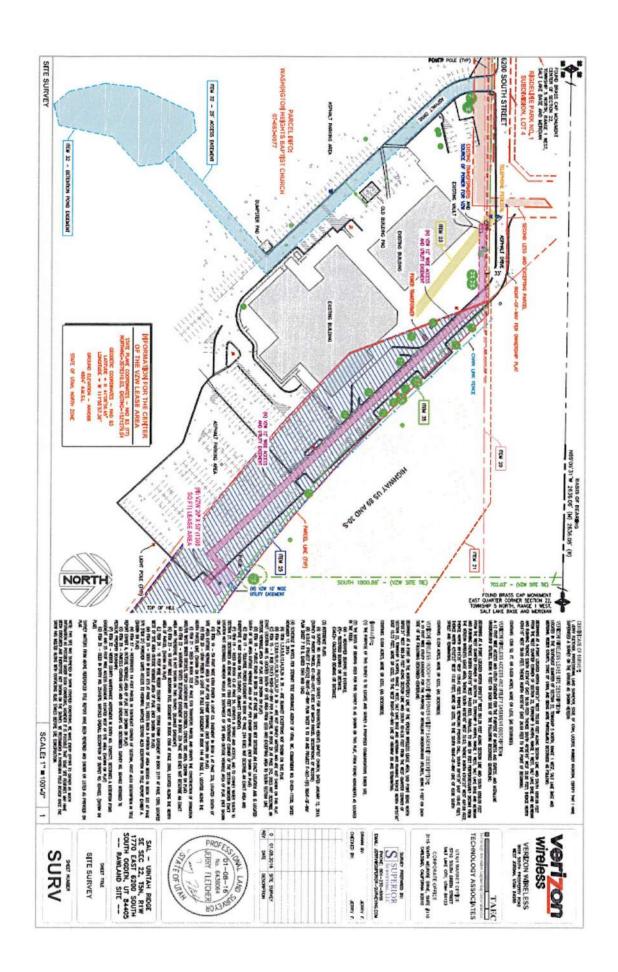
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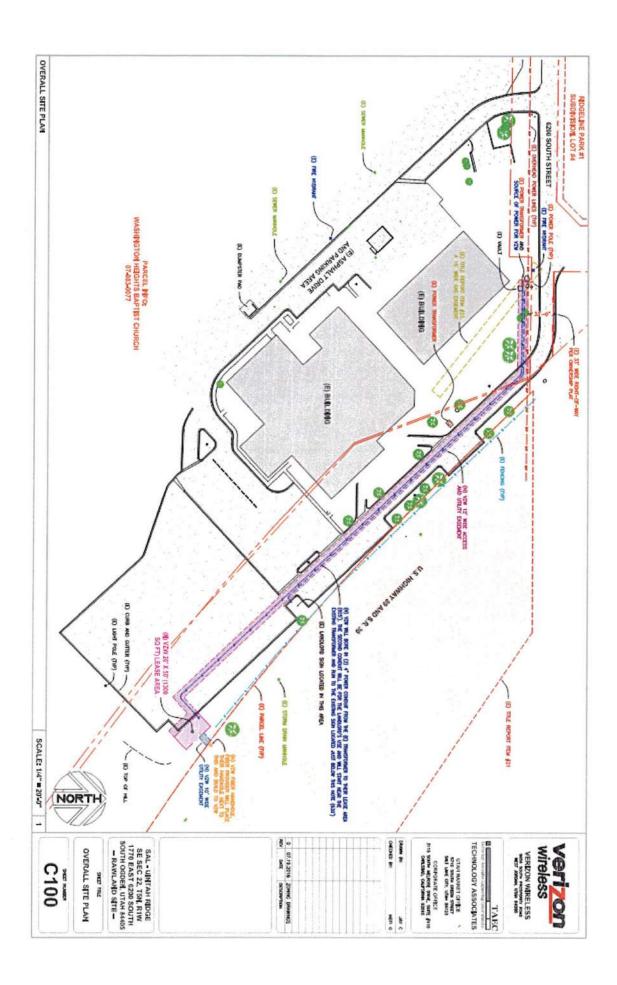
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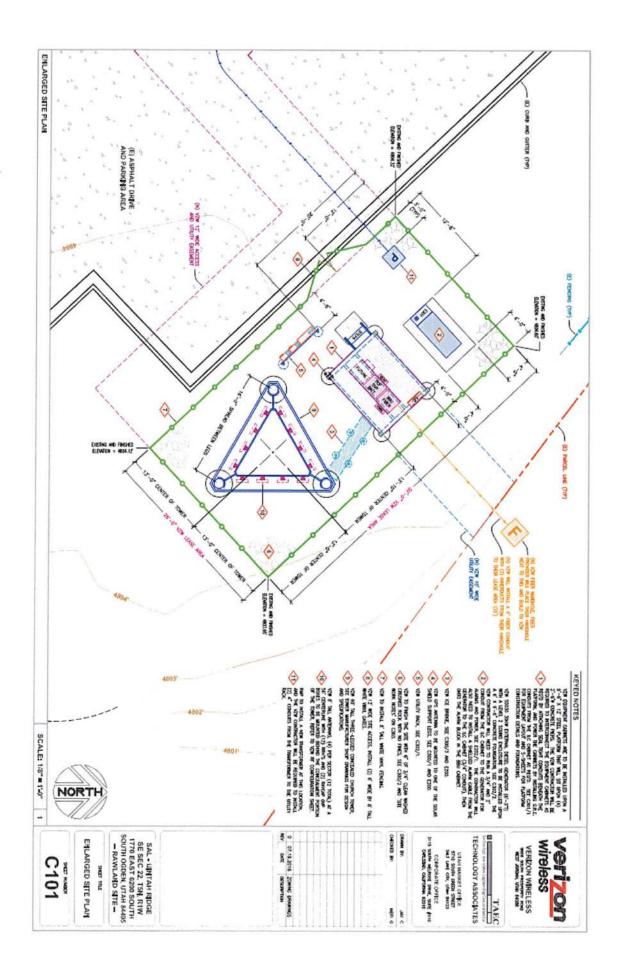
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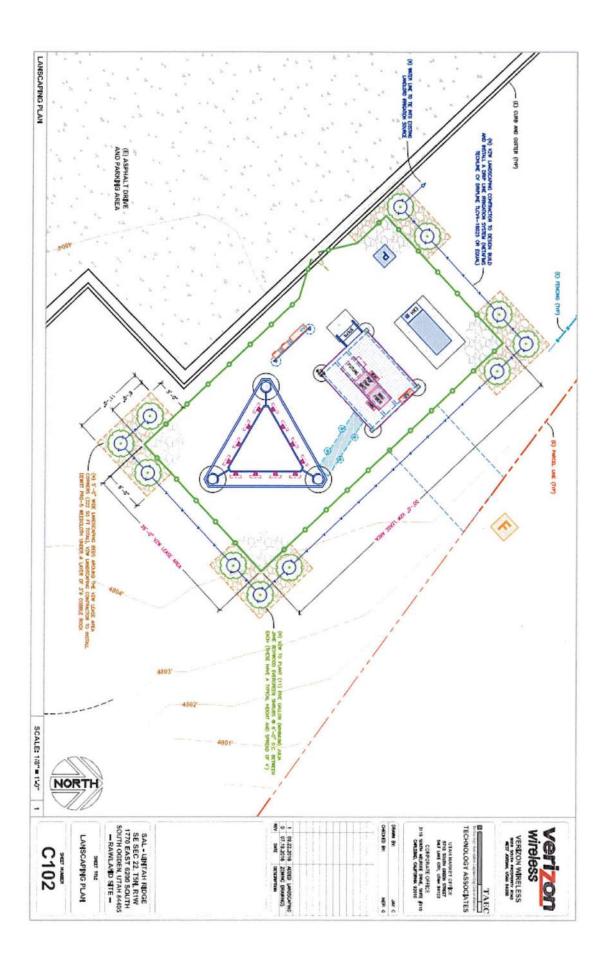
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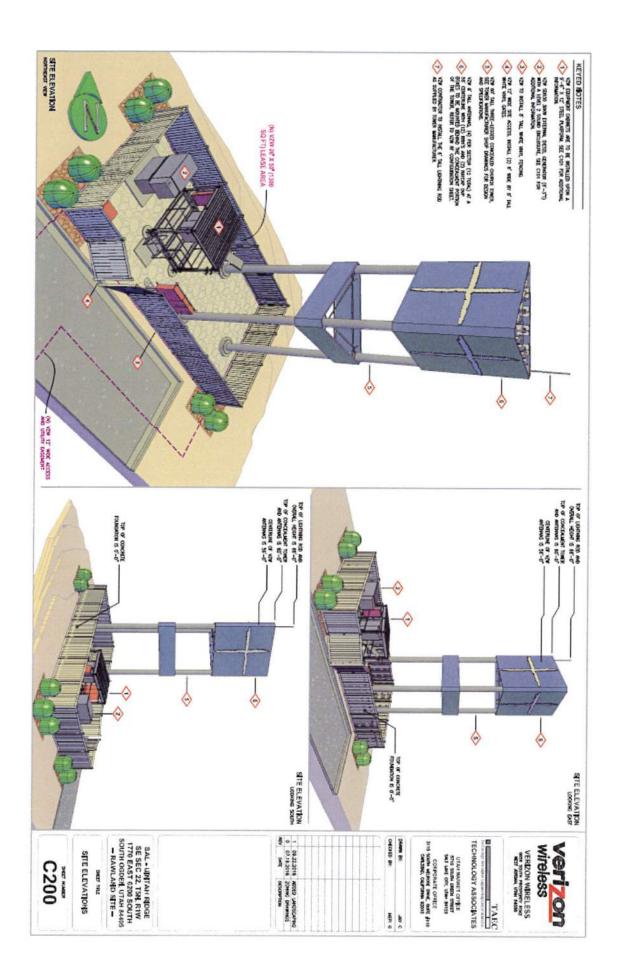
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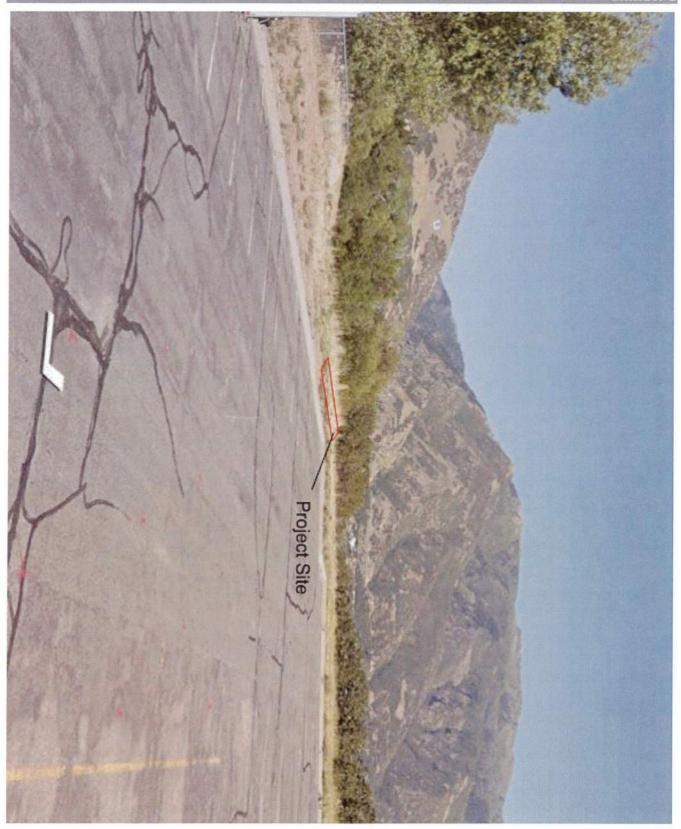














Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Application Information

Consideration and action on an alternative access request to use a private right-of-way as Application Request:

the primary access and frontage for a three lot subdivision.

Agenda Date:

Tuesday, December 13, 2016

Applicant:

Somerset Lands, LLC

Authorized Representative: Sharon Clark

File Number:

AE 2016-09

Property Information

Approximate Address:

6260 South 2125 East (Jared Circle)

Project Area:

3.28 Acres

Zoning:

Residential Estates Zone (RE-15)

Existing Land Use:

Vacant

Proposed Land Use:

Residential

Parcel ID:

07-665-0001

Township, Range, Section: T5N, R1W, Sections 23

Adjacent Land Use

North:

Residential

South:

Residential

East:

Residential

West:

Residential

Staff Information

Report Presenter:

Ronda Kippen

rkippen@co.weber.ut.us

801-399-8768

Report Reviewer:

RG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 3 (Residential Estates RE-15 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 Access to a lot/parcel using a private right-of-way or access easement

Development History

- BOA 2003-01: Access other than frontage from Hwy 89-Approved (one lot)
- BOA 2004-09: Private access without frontage for two lots-Approved (two lots)
- LVH010616: Hidden Oak Cove Subdivision-Approved (one lot)
- AE 2016-01: Private access without frontage for six lots-Approved (one lot)

Background

The Planning Division is recommending approval of the request for an alternative access for a future three lot subdivision. The proposal is to use a 29 foot private right-of-way as the primary access for the future three lot subdivision. The future subdivision would further divide the existing Lot 1R in the Hidden Oak Cove Subdivision that was approved and recorded in June 2005. The property is in the Residential Estates RE-15 Zone located at approximately 6260 South 2125 East (Jared Circle) and is 3.28 acres. The access stub is located between the existing Lots 26 and 27 in the Highlands Bluff Phase 3 Subdivision. The applicant has provided a narrative (see Exhibit A) and conceptual layout of the project (see Exhibit B) of the proposed project.

The existing Lot 1R in the Hidden Oak Cove Subdivision is an approved flag lot that is accessed from Jared Way (see Exhibit C). The subdivision access was approved based on a variance that was granted by the Board of Adjustments (BOA) in 2004 (BOA 2004-09) for a private right-of-way access. The BOA approval was for a two lot subdivision and was based on the

unique boundary conditions of the property which is surrounded by development and an existing state highway with the only access to and from the property being a 29 foot private right of way between two existing lots.

The property abuts Highway 89 to the South and the applicant has been unsuccessful in receiving an access permit to the property from the Utah Department of Transportation (UDOT) due to traffic safety concerns. The 2004 variance approval was conditioned upon the 29 foot private right-of-way meeting the design standards at the time of subdivision.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. However, since this request was previously heard by the Western Weber Planning Commission for consideration of up to six lots, the Planning Director has deferred the decision for the most recent request to the Western Weber Planning Commission for reconsideration based on a substantial change being made to the proposal. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required in LUC §108-7-31. Alternative access applications have specific standards and criteria that must be met at the time of subdivision.

Alternative access applications should be approved as long as the design standards can be implemented during the subdivision process. The application meets the criteria in LUC §108-7-31(1)(b) which states:

Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

Analysis

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application and after a thorough review of the applicant's proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such lot/parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Prior to any further development considerations on this site, the applicant will have to provide a complete application that adheres to all Federal, State and County ordinances. If the alternative access request for three lots is approved, the applicant will be required to provide Weber County with the following documents and reports:

- Geologic Report
- Geotechnical Report
- Engineered subdivision plans
- Engineered improvement drawings for the infrastructure including the private right of way

The subdivision review process will include the County Engineer, the County Surveyor, the Weber County Fire District and the Weber County Planning Division. It is essential to note that at any time, the County Engineer has the right to request a third party review of all geotechnical and geologic reports provided to the County for review and acceptance.

Summary of Planning Commission Considerations

Based on substantial evidence, has it been shown that it is unfeasible or impractical to extend a street to serve such lot/parcel? Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions

Staff Recommendation

Staff recommends approval of the request for an alternative access for a 29 foot private right-of-way as the primary access for the future three lot subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the

Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

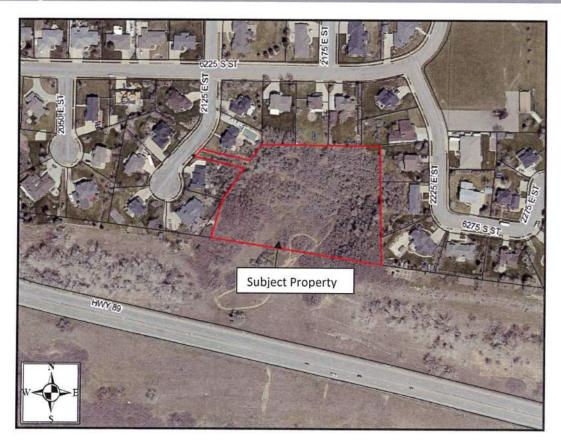
This recommendation is based on the following findings:

- Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel based on topographic, and property boundary conditions which limits typical access requirements in a unique way
- 2. Access from Highway 89 was denied by UDOT.

Exhibits

- A. Application with narrative
- B. Proposed site plans
- C. Hidden Oak Cove Subdivision plat

Location map



	Weber County Alter	native Access Applica	tion	
Application submittals w	ill be accepted by appointment onl	y. (801) 399-8791, 2380 Washington B	vd. Suite 240, Ogden, UT 84401	
Date Submitted (Completed	Application Fee: \$225.00	Receipt Number (Office Use)	File Number (Office Use)	
Application Type				
Flag lot access strip Access by Private F Access at a location		lot line		
Property Owner Contact	Information			
Name of Property Owner(s) SomerSet L Phone 385-242-42	ands, LLC	Mailing Address of Property Owner(s) P.O. Box 65999 SLC, UT 84165		
Email Address (required)	(0) 00 1 00	Preferred Method of Written Cor		
bluemohomes				
Authorized Representati		Mark Address (A. North A.		
Sharon Clark Phone 801-580-8931		Mailing Address of Authorized Person 2508 Lambourne Ave. Salt Lake City, UT 84109		
Email Address (required) bluemhomes@gx	nail.com	Preferred Method of Written Correspondence Email Fax Mail		
Property Information				
Project Name Hidden Oak	Cove	Total Acreage 3.38 acres	Current Zoning RE - 15	
Approximate Address 6260 S. 2125 E Proposed Use Residential	E., So. Ogden, UT &	403 Land Serial Number(s) 4408 Tax Serial No		
No current to build fu		king to obtain	n entitlements uple of homes.	
or 3 home	25.			

Lot is bounded on all sides. UDOT denied access from Hwy. 89 There is an approved 2-lot Subdivision the was approved in 2005.

Basis for Issuance of Flag lot access strip

The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a parcel(s) or lot(s) at the current time, rather than approving a flag lot.

Sec. 108-7-30. - Flag lots

- (a) Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.
- (b) The lot area exclusive of the access strip shall be a minimum of three acres.
- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

Please provide information to support your request for a flag lot access strip outlining how the request meets the criteria listed above.

Basis for Issuance of Access by Private Right of Way

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement:

Criteria.

- a. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
- c. Based on substantial evidence, it shall be shown that it is unfeasible of impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

Conditions.

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
- b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

<u>Please provide the following information to support your request for access to a lot/parcel using a private right-of-way or access easement:</u>

- Attach proof to this application that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.
- The landowner of record or authorized representative agrees to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Basis for Issuance of Access to a lot/parcel at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

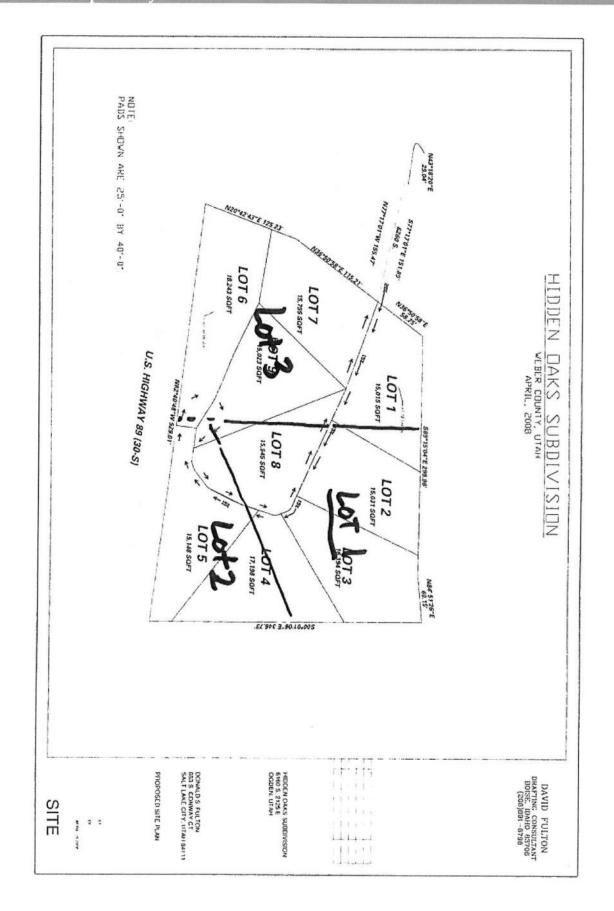
- (1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot
- (2) It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

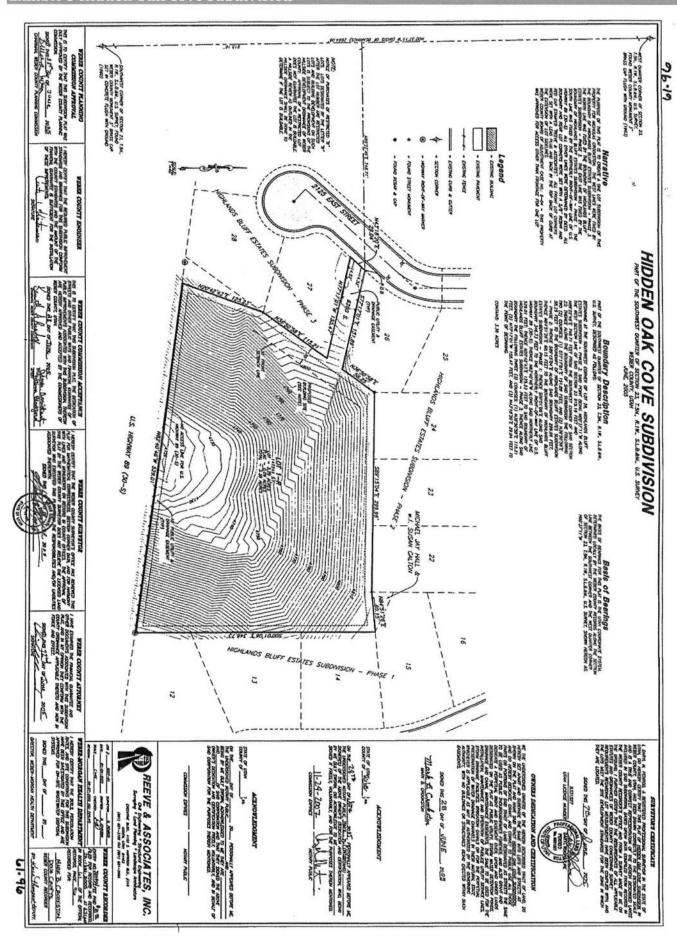
Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

Attach proof that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

The landowner of record or authorized representative agrees to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Property Owner Affidavit	
I (We), Sharn Clark , depose and identified in this application and that the statements herein contained, the exhibits are in all respects true and correct to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property that I (we have a compared to the best of my (our) knowled access application does not grant a legal right to access property of the compared to the best of my (our) knowled access property of the compared to the compared t	dge. I (We) understand that an approval of an alternative
Subscribed and sworn to me this 310 day of November , 20 16 Hary Ournand Notary	KARY C. SERRANO NOTARY PUBLIC • STATE of UTAH COMMISSION NO. 680641 COMM. EXP. 11-19-2018
Authorized Representative Affidavit	
I (We),, the owner application, do authorized as my (our) representative(s), attached application and to appear on my (our) behalf before any administ application and to act in all respects as our agent in matters pertaining to to	trative or legislative body in the County considering this
Property Owner	Property Owner
Dated this day of, 20, personally appeared signer(s) of the Representative Authorization Affidavit who duly acknowled	
Notary	







Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:

Discussion and action on a conceptual sketch plan endorsement request for the Giovanni's

Legacy Cluster Subdivision.

Type of Decision:

Administrative

Agenda Date:

Tuesday, December 13, 2016

Applicant:

Bob Favero

File Number:

SPE2016-04

Property Information

Approximate Address:

3500 West 2267 South

Project Area:

16.8 Acres

Zoning:

A-1

Existing Land Use:

Agricultural

Proposed Land Use:

Residential Development with Agricultural Open Space 15-078-0145, 15-078-0046, 15-078-0014, 15-078-0013

Parcel ID:

Township, Range, Section: Township 6 North, Range 2 West, Section 28

Adjacent Land Use

North: Resider

Residential/Agricultural

South:

Residential/Agricultural

East:

Residential/Agricultural

West:

Agricultural

Staff Information

Report Presenter:

Felix Lleverino

flleverino@co.weber.ut.us

801-399-8767

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 5 Agricultural Zone (A-1)
- Title 108, Chapter 3 Cluster Subdivision

Summary

The applicant has submitted a conceptual sketch plan for a 22 lot Cluster Subdivision for review and endorsement by the Planning Commission as required in the Uniform Land Use Code of Weber County (LUC). The subject property is zoned A-1 and is will combine 4 parcels to create the proposed Giovanni's Legacy Cluster Subdivision. In total, the area of the project will amount to 16.8 acres. The applicant has expressed interest in utilizing the maximum 50% benefits stated in the cluster code by providing amenities and improvements including a public trail that will provide connectivity to the development to the south called Gallop Bend Subdivision.

The applicant had the original intent to develop a PRUD, but after looking closer into the PRUD code decided it would be best to develop Giovanni's Legacy under the cluster subdivision requirements.

Giovanni's Lagacy

