

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

February 11, 2020

5:00 p.m

- *Pledge of Allegiance*
- *Roll Call:*
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1. Training: Frontier Development Application Processing Portal

2. Minutes for June 11, 2019 meeting.

Petitions, Applications, and Public Hearings

3. Administrative items

3.1 SPE 0123-20: Discussion and action on a conceptual sketch plan endorsement request for Sunset Meadows Cluster Subdivision

Applicant: *Jessica Prestwich*; **Staff Presenter:** *Steve Burton*

3.2 AAE 2019-04: Consideration and action on an alternative access request to use a private access easement as the primary access for the rear lot of a future two lot subdivision.

Applicant: *William and Jana Colvell*; **Staff Presenter:** *Tammy Aydelotte*

3.3 CUP 2020-01: Consideration and action for a conditional use request for Halcyon, a Planned Residential Unit Development consisting of 39 residential units, and a 10.0 acre open space parcel.

Applicant: *Keith Ward*; **Staff Presenter:** *Tammy Aydelotte*

4. Elections: Chair and Vice Chair for 2020

5. Meeting Schedule: Approval of the 2020 Meeting Schedule

6. Approval of the 2020 Planning Commission Rules of Order

7. Update on the incorporation in West Weber - *Matt Wilson*

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

9. Public Comment for Items not on the Agenda

10. Remarks from Planning Commissioners

11. Planning Director Report

12. Remarks from Legal Counsel

13. 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.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

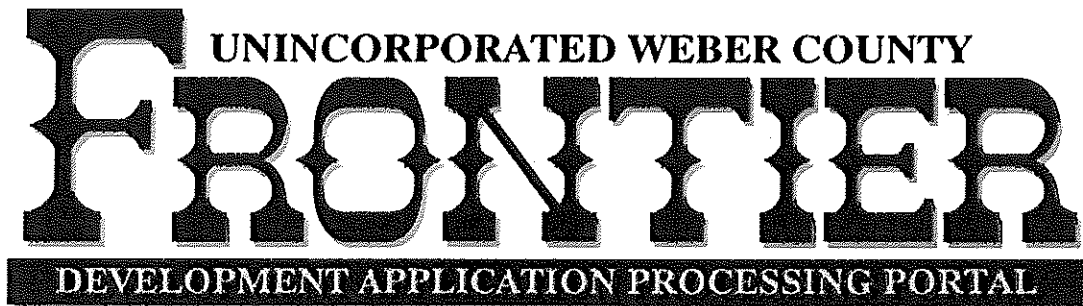
- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information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

Handouts:

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

Remember Your Objective:

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



FRONTIER is the land use development and building permit application portal and project tracking interface for Unincorporated Weber County.

Frontier – frontier.co.weber.ut.us

Account

How do I create an account?

- From the home page frontier.co.weber.ut.us click, create an account.
- Enter your email, password, first and last name, and your phone number.
- You will be sent an email to confirm your email.
- Click the link in the email and you should now be able to login.

How do I update my contact or notification settings?

- After logging in click your email in the right hand corner.
- Click on **Account Settings**.
- Change or update contact information and notification settings.
- Click **Update** when you are done.

How do I reset my password?

- After logging in click your email in the right hand corner.
- Click on **Account Settings**.
- Click on the **Password Reset** button.

Projects

How do I start a new Project? (For Reviewers, Managers, and Administrators)

- From the dashboard/ home page, Start a New Project button,
- Or from anywhere Dashboard > Start a New Project.
- For a Building Permit, Building Permit > Start a Building Permit.

Building Permit Online Application (For the Public)

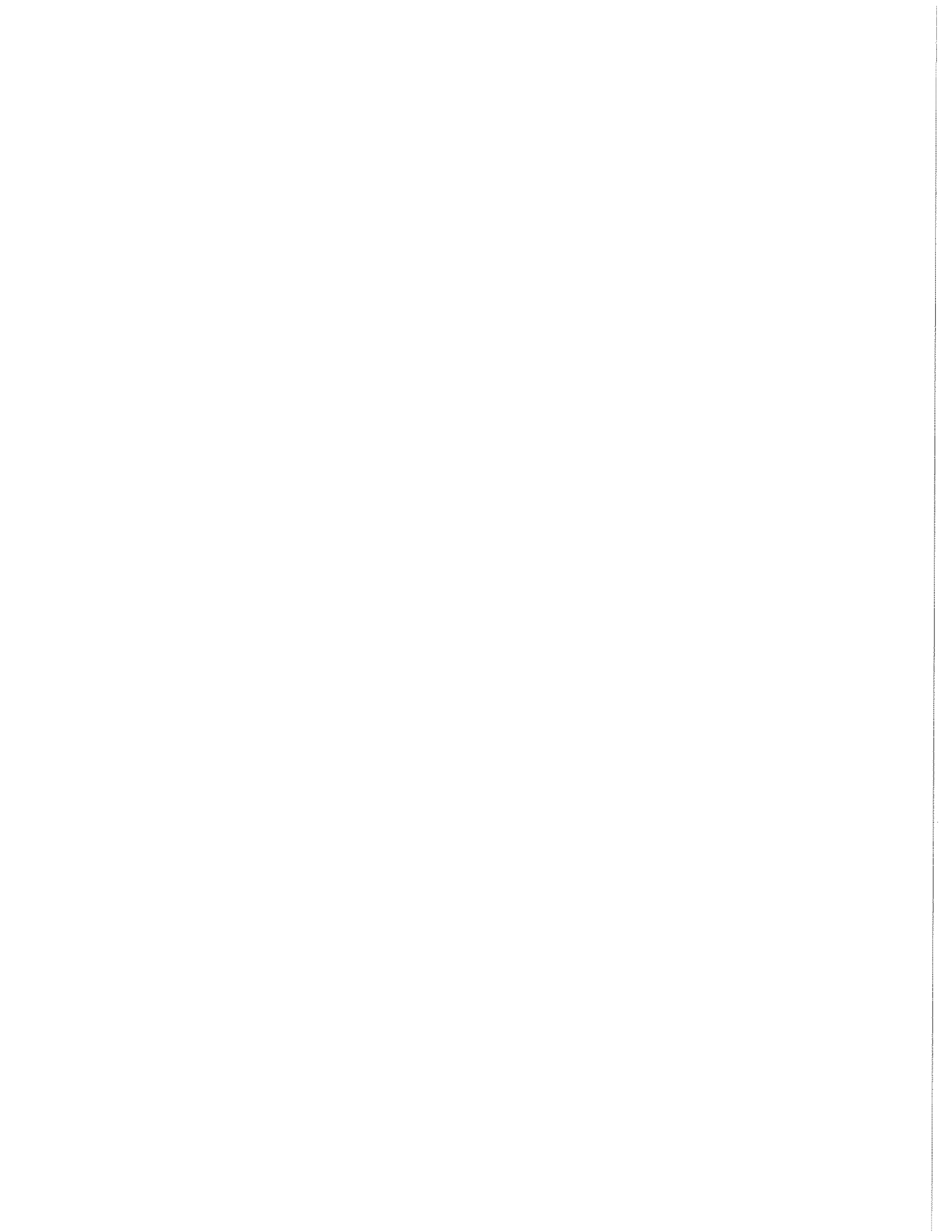
- Log in and go to Building Permit dropdown and click **Start a Building Permit**.
- Step 1: Permit Type, choose a permit type.
- Step 2: Application, fill out application information.
- Step 3: Application Continued, add parcel number, building size, and contractor information.
- Step 4: Add Documents, upload your plans and other required documents.

- Step 5: Confirmation, review your application for correctness and then Submit.

Project Tabs

- Application – Edit Application, Add Building, Add Parcel, Add Contractor.
- Documents – Add Document, View a Document, Download a Document.
- Comments – Add a Comment
- Reviews – Add Review, Edit Review
- Followers – Followers will get updates on changes.
- Status – Overall Status
- Notifications – Clear notifications

Frontier - User Role Matrix					
	Public	User	Reviwer	Manager	Admin
Project Functions					
Add followers to a project				X	X
Change Project Status				X	X
Edit Projects details				X	X
Add a Building		new or incomplete	X	X	X
Remove a Building		new or incomplete	X	X	X
Add a Parcel Number		new or incomplete	X	X	X
Remove a Parcel Number		new or incomplete	X	X	X
Add a contractor		new or incomplete	X	X	X
Remove a contractor		new or incomplete	X	X	X
Edit applications details		new or incomplete	X	X	X
Add a comment		X	X	X	X
Remove a comment					X
Add a document		X	X	X	X
Remove a document		new			X
Add a Review			X	X	X
Edit a Review			X	X	X
Remove a Review					X
Add a document to Review			X	X	X
Remove a review document			X	X	X
System Administration					
Add ProjectType					X
Add ProjectSubType					X
Add DocumentType					X
Culinary Water					X
Secondary Water					X
Waste Water					X
Zoning					X
Account Administration					
View User List					X
View User Roles					X
Edit Role, Title, Groups					X
Add User to Groups					X
Remove User from Groups					X
Add Groups					X
Remove Groups					X



Minutes of the Western Weber Planning Commission meeting of June 11, 2019, held in the Weber County Commission Chamber, 2380**Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.**

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

Members Excused: **Blake Hancock**

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

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

Chair Edwards asks if there are any ex parte communication or conflicts of interest to declare. Commissioner Bell states that he would like to note that there was some discussion Regarding item LVH 040419 between him and the applicant after the meeting before the work session. He notes that the applicant asked for clarification and more of a direction moving forward after the item was tabled. Director Grover states that he asked Commissioner Bell to disclose this information. He notes that he does not feel that there was anything inappropriate and he does not believe it would sway his decision one way or the other.

1.1 LVH 040419: Consideration and action on a request for preliminary approval of Halcyon Lake Estates Subdivision, consisting of 28 lots located at approximately 4100 W 1800 S, Ogden.

Applicant: Tyler Brenchley; Staff Presenter: Steve Burton

Steve Burton states that this item was before the Planning Commission last month and it was tabled to allow the applicant and staff to get more information. Staff recommends approval based on the findings and conditions listed in the staff report.

Tyler Brenchley 1064 Spyglass Ave.

Keith Ward 1978 S Cameron Dr.: ask if there are any questions for them. Commissioner Bell asks regarding the treatment of the lake. Mr. Ward notes that the lake will use Hooper Irrigation water which is already treated. If there is additional treatment required, it would be treated in a similar fashion. A blue dye might be added, to prevent the light from penetrating the surface. This dye has no effect on the fish. In the event that it has to be released there should not be any harmful effects. He states that a study is being done and is currently looking at different ways to provide water to the lake. If they decide to go with a pressurized line it will require 26% of the allotment used over the irrigation ditch. The loss would be greater with the ditch, because of the conditions of the ditch and running through the private ground.

Regarding the water shares, there is a contract in place with the sellers to have a full share provided with each acre. Commissioner Borklund asks if it is governed by the Army Corp of Engineer or by the Health Department. Mr. Ward states that its not, due to the design. The water is below grade, there is no water being held above the natural water level. Because it is not above water level it is not required but they plan on submitting and getting it signed off anyway. Commissioner Parke asks how they will handle the irrigation water concerning surrounding properties. Mr. Ward states that there is a number of ways to handle it, in terms of piping the ditch or rerouting the ditch. The engineers have done the elevation study, with a survey to support either approach. Currently,

the proposal is to reroute around the subdivision. He states that currently, the flow is 3 CFS. He adds that there have been comments about the ditch being in need of repairs. Redoing the ditch would help maintain the flow. As developers, they are required to ensure that all the shareholders retain their share of water.

Mr. Ward states that regarding the noise ordinance it will be no obnoxious noise or and the time limit will be set on that requirement. The boats will be operated under California emission, the noise is significantly less.

Mr. Ward states that they would like to fence the lake for the benefit of the owners. They have not decided on a specific fencing material.

Commissioner Parke asks how they plan to mitigate dust and contamination.

Mr. Ward states that it could be a serious issue if the water was low enough. There are a lot of lakes that exist in farm country and there doesn't seem to be any notable impact. He notes that he can't account for people's future concerns.

Commissioner Willener asks what are the impacts in off-season regarding secondary water availability. What happens to the lake when it can't be filled.

Mr. Ward states that evaporation goes nonexistent in mid-October. This is when the water season ends. He adds that he has not seen a problem regarding this as long as there is irrigation. The other option is to apply for a change in water rights to use groundwater to do so with the state. He notes that they are currently working with Hooper Irrigation.

Commissioner Willener asks if there is any implication for freeze-thaw impact as far as the structural engineering. Mr. Ward states there is no significant impact regarding freezing and thawing. The water is at ground level it is not sitting above, so it is not retaining water. Freezing and thawing is not a major concern. Commissioner Willener asks if it would impact the integrity of the lake. Would it affect seepage in the future? Mr. Ward states that it would not have a significant impact on this type of design. He notes that he can contact engineering on this issue.

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

Chair Edwards opens public comment.

Rosalie Howard 4024 W 1800 S: states If people want to live near a lake or have the access they can move near a lake. She is very concerned about the raised groundwater. She notes that during the spring the sump pump goes all the time. She adds that there were many comments from the developers regarding the water turns, the mosquito abatement, and noise. She asks who is going to hold them responsible.

Dean Martini 4392 W 1400 S: states that he has concerns about the seepage. He is concerned about being able to maintain the good farm ground. He adds that if there is going to be water there it doesn't matter at what level it is, it will hurt the farm ground. It is his understanding each will be 300,000 and up. What is going to happen if some lots are sold and some are not? How will this affect the maintenance of the lake? It is his understanding that part of the farmland has been sold to the school and he believes this is a danger to the children even with a fence. Regarding the mosquitos, they are going to need to spray constantly.

Randy Ropelato 3954 W 1400 S: states he has two concerns. They stated that there were two ways to get the water in the lake. One way was through the ditch. He asks how are they going to set up the proper people to help maintain the ditch all the way. The second option they mentioned was a pressurized line. He notes that there is no pressurized system out there that he is aware of. He asks what pressurized system are they talking about.

Dennis Martini 1326 S 4700 W: states that they mentioned they are going to reroute the ditch. He asks how they would reroute that part of the ditch that goes through their property. Even if the ditch is rerouted it's going to start affecting other farmers. If they are going to do something about the ditch they need to do something from the head of the canal down. They can't just fix portions of it. He notes that they have farm fields on both sides of where that lake is supposed to be.

Josh Martini 1326 S 4700 W: States that they have their cows on one side and the field on the other side. He asks if they will be reimbursed for any damage to their property caused by seepage. He adds that they haul manure and it stinks. If people spending 300,000 dollar home they aren't going to want to leave near those smells. There are going to be complaints regarding the smell. Early fall when it is time to harvest corn, they spray for spiders. What happens if there contamination in the lake.

Carolyn Jones 1741 S 3950: states that it is terrible to take good farmland for something like this. There is so much land farther west. She adds that she is very concerned regarding 1800 S. It is a 2 lane highway there are no shoulders on. There is a lot of traffic on that road. There are a lot of homes being built in this area. Because it is a State highway there will not likely be a light put in. There is farm machinery going in through there. There is a lot of people riding horses and bikes in that area.

Brad Blanch 736 S 4700 W: states that these kinds of developments are the type of developments that Weber County needs. The plan is thoughtfully planned out. It would be an asset to Weber County. He states that all that said there are some concerned that need to be addressed. He adds that Carolyn Jones is spot on regarding the roads. Weber County has so many roads that are below their own standards and they refuse to bring them up to standards. He asks that the Planning Commissioners to think about what precautions need to be taken and to make sure all precautions are adhered to.

Dennis Lund 1447 S 4700: states that this is exactly what West Weber doesn't need. This is how Plain City started. He adds that if they drive over to Plain City that is the future of West Weber. He asks how the sewer is going to work.

Mike Martini 4288 W 1800 S: asks where the lake will drain. Right now it's an open ditch. If there is another wet winter, the pipes won't be able to hold that much water, especially for a lake. He adds that it will also affect the homes that are downstream.

Chair Edwards asks if there is any further public comment. There is none.

Chair Edwards closes public comment.

Chair Edward asks Mr. Burton if he would like to address some of the concerns that have been raised.

Mr. Burton states he would like to remind everyone that the proposal is before the Planning Commission for preliminary subdivision approval. This addresses the way the lots are laid out. He states a lot of the concern would not be brought up if there wasn't a lake in the middle. One thing that is important to note is that the applicant is required to provide engineered drawings and plans to make sure that the water gets to where it needs to at the same capacity that it always does. The County has engineers that review and approve those issues, based on engineering best practices and standards. Someone mentioned that there was concern regarding the lake not being available to the public, this is something that the developer has a right to do, just as they have the right to plat the lots the way that they have plated them. He adds that some of the other things that were brought up he can't really speak to. The pesticide could affect anybody. Whether they are in that subdivision or not. He states that it will be connected to the Central Weber Sewer. Regarding the roads this is a common concern with subdivisions, the County Engineers are responsible for how many people are using the roads and widening them as they see fit. Many of the concerns are valid, but they will be addressed moving forward as the developers provide engineered plans. Regarding the secondary water system, it is going to be piped, and pressurized.

Commissioner Willener asks regarding the County's responsibility should the engineering design fail. If issues with seepage arise. Mr. Burton states that he can't speak to that. He adds that it is not a concern for the Planning Commission. It could be if there is life safety involved, but this is the standard subdivision process. The application meets all of the subdivision requirements.

Director Grover states that the Planning Commissioners can look at what issues would be a concern for life safety. He notes that they need to be very cautious that they do not request anything and beyond what is required. Looking at issues such as groundwater and the type of issues that might have could be made into conditions. The can be addressed prior to final approval.

Commissioner Borklund asks if the lake is part of the first phase or the second phase. Mr. Burton states that the lake is part of the second phase. The first phase is to the east.

Commissioner Parke asks what happens with the water shares if all the lots aren't sold. Mr. Ward states that pressurized irrigation is being extended up 4300 W to the frontage of the property. They have the water rights, they are part of the contract. He notes that because they are providing pressurized water to all the lots being put in, they will not be selling lots and water shares. Hooper irrigation water will be treated at the canal head for the algae growth.

Commissioner Borklund asks there will there be and HOA. Mr. Ward states that there is an HOA with all the covenant's restrictions and requirements for maintenance. He adds that they will be in a position to hold water back that is why they are applying through the Dam Safety Commission. He is currently working with engineering to upsize the drainage ditch.

Commissioner Bell states that there is a lot of concern regarding lake seepage. He adds that the staff report has significant detail regarding seepage. He asks that Mr. Ward explain it to the public. Mr. Ward states that they have done a geotechnical study to understand the feasibility, and the construction requirements to mitigate any safety concerns. They recommend that the bottom of the lake be lined with a clay liner to minimize or stop seepage or a synthetic liner. Following engineering practices and standards, they can mitigate any concerns with seepage from the lake. The engineering on this issue has been completed; they are just waiting for preliminary approval to submit that. Commissioner Bell states that there was some concern regarding contamination of the lake from the farming around it. Mr. Ward states that he doesn't understand this concern. If it were airborne, everyone would have a significant problem just from the current farming operations, the same thing with mosquito control. Regarding the groundwater level according to the state of Utah groundwater expert, if the lake was to fail and all the water was to drain instantly into the ground level table the elevations would be immeasurable. He adds that this is beyond his understanding, but that his why they retained the expert. He asks if there are any further questions for Mr. Ward. There are none.

Commissioner Bell asks Mr. Burton when HOA's are involved there is a condition that they need to be registered. Is that just during final approval? Mr. Burton states that it is required for cluster subdivisions to maintain open space. It is not required for a standard subdivision. Commissioner Borklund states that covenants are not enforced by the County, they are enforced by the homeowners. Chair Edwards states that he would like to echo Mr. Burton's comments there are a lot of concerns, but the plans will be reviewed by all reviewing agencies. Preliminary approval is concerning the lot layouts, it will be back for final approval. At that point, all concerns should be addressed.

Commissioner Borklund states that she would legal to go over the abilities they have as a Planning Commission and what they are charged with. Mr. Wilson states that if there life safety concern, or regarding the general welfare Planning Commission is charged with making sure it complied with the subdivision code. Because it is different doesn't mean that it doesn't apply to the subdivision code. If they are going to rely on the safety and general welfare, there needs to be sufficient findings.

Commissioner Bell states that it is a lands right issue. The applicant owns the land, it meets the code. It is not within the Planning Commission to deny the proposal.

MOTION: Commissioner Bell moves to recommend preliminary approval of Halcyon Lake Estates Subdivisions consisting of 28 lots. This recommendation is based on is subject to all review agency requirements and the following conditions: That the property is annexed into the Central Weber Sewer Improvement District prior to the recording of the final subdivision plat. The boundary and area of the remainder parcel must be shown on the final subdivision plat as required by LUC 106-1-8 (c) (3). A note shall be placed on the plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceeds the minimum area and average width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code" this recommendation is based on the following findings: The proposal of the subdivision conforms to the West Central Weber General Plan. The proposal subdivision complies with applicable county ordinances. Commissioner Parke wishes to abstain from voting because there is a flaw in the current code. Mr. Wilson states that that is not a legitimate reason to abstain from voting. Motion carries (5-1) Commissioner Parke votes Nay

1.2 LVF101718: Consideration and action on final approval of Fenster Farms Phase 3 Subdivision, a nine lot subdivision.

Applicant: Kenny Palmer; Staff Presenter: Tammy Aydelotte

Tammy Aydelotte notes that Mr. Palmer is not present at the meeting. It is a 9 lot subdivision located in the A-2 Zone. The width and area of each lot meet the subdivision requirements. The subdivision phase includes a continuation of a County dedicated road. Previously there has been some concern regarding the irrigation ditch that runs to the East and along the South of the subdivision. This phase of the subdivision meets all applicable County ordinances and they have received approval from Mountain View irrigation, as well as West Warren and Warren Water improvement district. They have met all those conditions. Engineering and Planning are requiring fencing on any open ditches within 600 ft. of a residence given the proximity to the subdivision it being required as one of the conditions. She asks if there are any questions for her.

Chair Edwards asks if there is any discussion on this issue. There is none.

Chair Edwards asks if there is any public comment. There is none.

MOTION: Commissioner Parke moves to grant final approval of Fenster Farms Subdivision Phase 3, a nine-lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements, and the following conditions: 1. An escrow established for improvements to be installed, prior to recording the subdivision. 2. A fence must be installed along the irrigation ditch to the east and south of the proposed subdivision. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the West Central Weber General Plan 2. The proposed subdivision complies with applicable county ordinances. Commissioner Bell seconds. Motion carries (6-0).

2.1 ZTA 2019-04: Public hearing to consider and take action on a proposal to amend Titles 101, 106, and 108 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same.

Applicant: Hooper Irrigation Company. Agent: Greg Seegmiller. Staff presenter: Charlie Ewert.

Charlie Ewert states that they have an application from Hooper Irrigation to modify the ordinance as it relates to secondary water. When an application is received, the Planning Office has an obligation to address them in a timely manner. All of the changes have been review by the Ogden Valley Planning Commission. They rejected the amendment. The challenge that Hooper Irrigation is trying to address is, is it possible to create your own secondary water system. You can bypass or avoid existing systems in the area. Infrastructure in the ground costs money. One of the challenges with secondary water systems being built by the developers is they are not regulated. Because the County doesn't have governing regulations on how to build a secondary water system. There is no way to hold developers accountable. When the culinary water company defers its responsibility for assuring there are adequate water provisions to each lot the County, the County has no regulation or standard. At this point, secondary water is only required when the culinary water company requires it. There is no obligation in the land-use code to tie into an existing secondary system. The question is whether or not it should be within the Counties purview to mandate for people to look into the systems that are currently in place and functioning and willing to serve. The proposal states that if they are within 300ft per lot multiplied by the number of lots to a utility system you need to tie into that system if they are can and is willing to serve.

In Western Weber, this is no as big of an issue because the basin is catching the aquifer. It is generally more constant throughout the area. In Ogden Valley, it is a big issue because of the hydrogeology changes throughout the valley. An engineer or a geologist would be required to study wells within the vicinity to determine if each of the proposed wells have a reasonable likelihood of getting water through the well. There is no guarantee until the well is physically tested and verified for adequate water flow. There are some people in the County who like to make sure that the wells be drilled before the subdivision plat is approved.

Commissioner Borklund asks if this will create a monopoly. Mr. Ewert states that this was his primary concern fortunately culinary and secondary water are regulated by the state. State code says they can't charge more than what can be proved it cost to run the company. It has to be nonprofit.

Chair Edwards states that a lot of the secondary water providers are not irrigation companies any longer they are secondary districts. They are secondary special services districts. Would they look at these type of reviews differently if they become a special services district? They are still required to perform those reviews. Mr. Ewert states that they have the ability to ask for it but it is not necessarily required. He adds that the way the code is written there is an ability to ask for it, and would possibly hold up approval.

The proposal before the Planning Commission whether it be a district or a private company is required to accept the improvements before the County Engineers will accept the improvements. The County likes to check to make sure things hooked up and connected, but there is no responsibility, accountability, or liability if they are not. The proposal states that the secondary water companies have to inform the County in writing. Commissioner Edwards states that some of the Cluster Subdivision that has 100+ lots if they choose to put in their own system and not connect to one of the others because they have their own and provided their water and they are going to have their own governing body. Who is going to stop them? Mr. Ewert states that there is no way to verify that the administrative capacities of the new system have the ability to keep the system functioning. He adds that this is one thing that the culinary water companies have brought to staff attention. Chair Edwards states that one of his concern is that regarding the 300 ft. that is the impact fee are for the system. Mr. Ewert states that the Ogden Valley Planning Commission had is that they have wells and options to build their own systems. Why would they want to remove the options? Mr. Ewert states that water is an essential life source. It is a commodity. The consolidation of resources into administration and infrastructure and rights might be in the best interest of the whole. For water systems, it might be appropriate.

Commissioner Parke asks how they are dividing the waterline systems for secondary water. He asks if it would be an irrigation ditch. Mr. Ewert states that it would be both, right now the code talks about secondary water and irrigation water. He references part 2. A. If multiple systems are available, a connection to the system that will yield the best organization of culinary water infrastructure in the area is required.

Chair Edwards opens the public comments.

Brad Blanch 736 S 4700 W: states that he has a real-life example in his development. He adds that he does not want anything that he says to be misconstrued. His development would require him to search for water secondary or culinary four and half miles wide. The cost to pull it from where it exists is around 1 million dollars based on the 300 ft. requirement. It is an undue burden and an impossible task. Hooper Irrigations has been great to work with. He states that he needs to have the option to have a secondary water pond on site for the development. The cost he is looking at is 150,000 to 200,000 dollars. On a pioneering agreement, there is no guarantee when anybody is going to tap into the line. There is a disparity in the number of shares versus the water provider and what they want to mandate. There needs to be options for the developer. Mr. Ewert stated that there is no requirement for a secondary water system via Weber County. This is completely opposite from the mandate given to him, almost dictating that they have to hook up to Hooper Irrigation. There is a disconnect because he was under the impression that the mandate is to connect to Hooper Irrigation, and it turns out there is no system there is no mandate. He adds that he fully supports Hooper Irrigation moving into the area but the cost is a problem.

Jill Hipwell 585 S: asks if you have to tie in or is there and an option to opt-out. In some cities, there is an option. She asks if someone has a 20-acre lot they have existing irrigation on one side of their property, but the other side is closer to the side they are putting in. Do they have to tie in? In septic, it has been an issue.

Randy Giodano 7852 W 900 S: states that he sits on the board for the West Warren Water District. There are several of the HOAs go in and none of them have worked. Everyone is using their culinary water. Their property out there that there is no water available for and people want to build on it. He asks if the Water District can deny them water if they don't have a secondary source.

Craig Jackson 3170 N 700 W: asks if there is a company or a developer that has an established record of accomplishment and the systems work well his current lines are farther does he have to tie into the competitor's lines? If he can build his own system that is just as good? He adds that he does not believe that this is right. It impedes the entrepreneurial spirit and setting up one's own system. He asks regarding the discussion about monopoly. Competition can heighten the standards of quality.

Scott Jenkins County Commission: states that for the County Commission they would really appreciate some direction. He served in the legislature for years on several water boards and committees that studied water. All water in Utah about 99.9% is allocated and filed on, it has a place to go. Surface wells and drilling that secondary water, they are illegal. When this is done, they are taking someone else's water. He adds that he would support some xeriscaping and let people develop without secondary water if they put the right kind of landscaping in. He states that there is also a downside to this. Traditionally in the past, the primary municipal water

provider has driven these requirements. He adds that you can see why development drives a city. There needs to be a city in that area. These types of decisions are municipal in nature. The people out there should decide their own future. He hopes the Planning Commission takes the time to study the plan and sends the County Commission something they can work on.

Greg Seegmiller 5902 S 4150 W: states that he is the engineer for Hooper Irrigation and The District Engineer for Bona Vista Water. The changes came up because they were discussing what to do with the systems that pop up with the Planning Staff. Hooper Irrigation has some unique issues and they have secured a loan to build a system. In order to pay for that system, people need to hook on until the loan is paid off. There is a possibility of paying off the system. The system is built to a standard, other systems are likely built to a lower standard, they are less expensive. Another issue is when blue stakes are called if there is one system in the ground and it is big enough with the resources they can address a blue stake in their own pipe. Smaller systems don't have that ability. They don't know when someone is going to dig in their road and possibly hit their system. There are meter requirements coming down from the state legislature these days. Some of the smaller systems may not have the ability to meter, plus the other requirements that the state is requiring. Larger systems have the ability to manage a leak and systems have the equipment to deal with these issues. Hooper Irrigation has worked with surrounding systems, Roy water Conservancy, Pineview and Weber Basin Water. There is an agreement as to where the boundaries are. Special Services District has to define where the boundaries are with the State of Utah. Hooper Irrigation is a private water company, and they don't have to. Depending on the system, it depends on where they need to go. Hooper Irrigation has changed its policies in the past and they now have an oversized agreement. Competition is good as long as the playing field is consistent.

Chair Edwards asks if you can tie in Bona Vista without proof of secondary. Mr. Seegmiller states that it is in their policy, they can't get culinary water without secondary and the reason is for water conservation. If you run a lateral to your and the owner doesn't have secondary they are wasting a lot of the resource that people need to drink in the event of a drought. Chair Edwards asks if there is a standard on the secondary that it has to meet. Mr. Seegmiller states that there is not.

Blake Carlin Bona Vista Water: The cities are the ones that enforce a lot of that. Each city has it's own ordinance.

Chair Edwards closes the public comment.

Mr. Ewert states that he would like to address some of the questions. For a developer, if he puts in a 100-lot subdivision he needs to build around six miles of pipe. Pioneering agreements can be challenging. To require a developer to install an improvement is an exaction. There are limitations on what the County or another governing organization can exact from a developer. Regarding oversize agreements, a governmental agency cannot state that all the pipes need to be one size and have everyone dig up their pipes and replace them it also does not make a lot of sense to have 2 different size lines next to each other. This is where the pioneering agreement makes sense, the government agency agrees to add the 2-inch line in and they balance out with the difference. The developer pays what he would otherwise put in for his lot and the gets the rest back. The developer can share the burden for anything above and beyond regarding impact. When irrigation companies and secondary water companies ask for more water than what is proposed to be irrigated.

Regarding Commissioner Jenkin's comment about the xeriscaping if a developer agrees to xeriscape how do you make sure the xeriscape stays there through the chain of title as it changes from one person to the next. How are the new owners to know about the agreement and how would the county know that they tied in? What happens if they don't do xeriscaping the right way? He states that with the Ogden Valley one of the water managers has suggested requiring a minimum. In the Ogden Valley, there is a minimum requirement for a 3-acre lot zoning and a third of an acre-foot is intended to cover the acres. He adds that they could require 3-acre ft. of right for every single 1-acre lot that comes in and they can choose to xeriscape and use their water. The challenge will be how to balance it out, and the County would have a really hard time tracking it.

Regarding whether there is an option to opt-in or out. The proposal does not have an option to opt-in or out. This is something that needs to be addressed. If the site already has a delivery system, but they happen to be closer to the line that is out on the street.

Regarding Mr. Giordano's question about whether or not a culinary water company can deny a will serve letter based on whether or not they have secondary water. Mr. Ewert states that this is a legal question, he is not sure he should answer this question completely. This is a question that the District should ask their advisors. A non-legal response to this is yes. There is a provision in the State code, it is the provision that compels the Planning Commission and County to approve the proposal if it checks all the boxes that have been adopted. The water company has a lot of authority to say no. If they say no for a legal reason the County cannot say yes to the subdivision. The water companies have more control over whether subdivision gets approved than County does. The County's authority is bridled. He is not aware of a section of code that bridles the culinary company.

Regarding the developers wanting to build their own systems that the competition is important and necessary. When it comes to water it is different and he is not sure what the right answer is.

Commissioner Bell states that he is not sure if they are ready for a public hearing on this issue yet.

Mr. Ewert states that he wants to clarify that the biggest change was the 300 ft rule and the mandate to connect. The rest of it is standards, it is written in the code to help the developers understand and the culinary water company understands. It outlines what kind of bases they can be denied access to the culinary water. Mr. Wilson answers that regarding § 17-27a-603(2)(a) it states that if certain items are presented the County's hands are tied, it does not, however, state that if those items are absent the County cannot approve.

Commissioner Favero asks how expeditiously they want to pursue this item. How long can Planning work on this without them feeling like they are being strung out? This is a big proposal to put into a condition. Mr. Ewert states that this is a good question for the applicant. Mr. Seegmiller states that if Planning took the time to look further into the proposal it would not string them along that much. It is a problem that they face every time a larger development takes place. Commissioner Parke states that this is an important issue and getting it right is critical and he believes that no action should be taken on this. Mr. Seegmiller states that he is not sure that Hooper Irrigation would make the proposal a second time. Commissioner Bell states that he is not sure that it would be necessary as long as it is placed on the priority list, they can get some input from those involved.

Chair Edwards states that this proposal came quickly, normally there are work sessions. This is a very needed item that needs to be looked at and discussed.

MOTION: Commissioner Parke moves to recommend denial of this item, and for it to be moved to the high priority in the work sessions, that as many people as possible are involved such as culinary and secondary water districts. This recommendation is based on the findings that there has not been enough time to discuss it. Planning Commission should be more familiar with this proposal to be able to vote on it. Anytime a proposal involves making changes to the ordinance the Planning Commission needs to be certain of what they are doing. Where this proposal involves water it is very critical. Commissioner Bell seconds. Motion carries (5-1)

Commissioner Favero votes nay. He notes that the opposition is because he does not want this proposal to get lost in the cracks.

Mr. Ewert states that he would like to point out that work session item number 1 on the agenda is a review of the subdivision code this item was already programmed to be a part of that discussion. Because of the inability to get together for this item Planning Commission is a bit behind on those discussions. They could not give them a guarantee on what that schedule would be. Knowing that it is in the process the file will remain open and the discussion will continue on this item.

Chair Edwards states that he appreciates this being brought to the Planning Commission's attention. He adds that he hopes it will be addressed in a timely manner.

2.2 ZTA 2019-05: Public hearing to consider and take action on a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master-planned developments.**Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe. Staff presenter: Charlie Ewert.**

Director Grover states that this item is like the previous one. There will be a public hearing on this.

Mr. Ewert states that this item has to go through the Ogden Valley Planning Commission and it is a change to the subdivision code which both Western Weber and Ogden Valley share. The proposal from the applicant was to delete section 106.2.8. In the Uintah Highlands, this might be a challenge, everywhere else. When you are removing slopes of 40% or 30% depending on what zone you are in from the calculation of a cluster subdivision you are removing the developing potential of the acreage of the area depending on what zone you are in. If a developer were to do a standard subdivision, slopes don't matter they don't have any barring on how many dwelling units they can get out of it. What this does is it gives a really disproportionate advantage to developers that want to do a traditional subdivision as opposed to using the new cluster. The proposal here is to delete that advantage. The Ogden Valley made the point that this could potentially create more density, more dwelling units. The complaint with cluster code is that doing the open space calculations and the density calculations are complicated and have nowhere near the same kind of outcome as a standard subdivision. Ogden Valley's request was to propose something different that made the calculation in a cluster subdivision and PRUD into something more equitable with a standard subdivision. Mr. Ewert explains that this proposal would be giving more density in a cluster subdivision but it is not, it is allowing the developer the benefit of clustering the lots. A lot or 2 is a big deal it can offset some of the expenses and a lot of different reasons to go towards a standard subdivision. If the goal is to enhance the cluster subdivision ordinance it should be included.

Commissioner Parke states that he does not understand the rationale for slope, why would that be taken out. Mr. Ewert states that these are multiple issues that are interrelated. The 30% is the area unsuitable for development another definition that was not included was acreage unsuitable for development. This is anywhere in the code that says you can't develop on or anywhere else where development is not reasonably likely to occur. Roads are acreage unsuitable for development. When you have a sloped area you can not use any of that area towards the calculation for density. If you were to propose a standard subdivision the formula does not apply to the standard subdivision. Commissioner Parke asks if there is a slope and hill ordinance. Mr. Ewert responds that there is one but it does not change the number of units that can be acquired. Commissioner Bell asks if it would change the calculations. Mr. Ewert states that it would if you are in the ½ acre or less zone RE-20 and RE-15. It would change the calculation a little bit but it would not be significant. He notes that the slope and hill ordinance would still be in effect for the standard subdivisions, and there would be nothing in effect for cluster subdivisions. The goal for the cluster code is to avoid the areas that are hard to build on, it is in the best interest of the developer not just the County. Commissioner Parke states that the ordinance was put in there was concern regarding sliding, and now it is being suggested that it is not important in a cluster. Mr. Ewert states that in the last two year a new code has been developed that was intended to replace the purpose of that ordinance, it is the geologic hazards ordinance. In the Uintah Highlands and most places in the Ogden Valley, it's all study area. Rather than saying this is a hillside review, if you are within a hillside area a geologist needs to be hired.

Chair Edwards opens the public hearing. There are no comments.

Chair Edwards closes the public hearing.

MOTION: Commissioner Bell moves to offer a favorable recommendation to the County Commission. This recommendation is based on the following findings: 1. The changes are more reflective of the purpose of adopting the cluster subdivision ordinance amendments on May 8, 2018. 2. The changes reduce conflict in the ordinance. 3. The changes will strengthen the administration of the ordinance. 4. The changes are not detrimental to the health, safety, and general welfare of the public. Commissioner Favero seconds. Motion carries (6-0)

2.3 ZMA 2019-03: A public hearing and consideration regarding a proposal to rezone approximately 87 acres located at approximately 2650 W 1200 S from the A-2 zone to the C-2 zone; and to amend the West Central Weber County General Plan to provide for commercial uses in that area.**Applicant: Bay Entertainment Group. Agent: Matthew Bartlett. Staff Presenter: Charlie Ewert**

Director Grover states that this is another public hearing, the Planning Commission is forwarding a recommendation to the County Commission. Mr. Ewert will introduce it, and Mr. Bartlett will explain the project because the County is not representing the

proposal. Commissioner Bell asks if the proposal is only addressing the rezone, and not necessarily the use of the property. Director Grover states that the use will be addressed during the development agreement, it will come through when an application for the use is submitted. He adds that the Planning Commission will want to look at the use with regards to the rezone and specifically the condition to make sure they cover what the Planning Commission feels is appropriate.

Mr. Ewert states that this is looking at a potential rezone for 87 acres. In order for this proposal to work the General Plan will need to be updated. The General Plan does not anticipate development in this particular area. The uses include a movie studio and school, a rodeo area, shopping center along with open spaces area are being proposed.

Matthew Bartlett 5615 N 6500 W Morgan: states that he is an attorney with an office in Riverdale and he does a lot of business in Weber County. He asks if the Planning Commission has any questions. Commissioner Bell notes that looking at the staff report the proposal has changed a bit. He asks if it is all preliminary. Mr. Bartlett states that it is very preliminary in the concept plan. He adds this is the reason for the bubble diagram and the staff report states that there are not specific engineering designs yet. They need to get past the General Plan amendment and the rezone to warrant the cost of engineering 87 acres and bring the plan back to the Planning Commission. He states that they anticipate that in the mixed-use zone the bubble pushes around the 12th Street area there could be another hotel in that area. There is one specific site that is designated, and that is by the river. Commissioner Bell states that at the work session there was some discussion regarding the building height and Mr. Bartlett was not sure of the height of the second hotel. Does that mean that the height of the second hotel would be larger will still maintain 60ft building height? Mr. Bartlett answers that at the back end of the property there inside the zone there are no height restrictions. He adds that for the development agreement up by the road it would be 45 ft. and the remainder would be 65 ft. Mr. Bartlett states that all of this is voluntary they want to be good neighbors they understand that this will change the nature of the property significantly. It seems that the Planning Commission has recognized that under certain circumstances, you have to approve subdivision and there is some pain in that. Under the same circumstance, someone else can submit a proposal for a subdivision with 80 homes with lot averaging. The plan is to leave 26.5 and 48.5 acres open space through both agricultural uses and parks. The main intent for the area is a film studio and school that is viewed in an agricultural environment around a ranch type of atmosphere. The intent is not to wedge a bunch of buildings in the area. There will be 6 ft. berms around 2800 W and the existing residential properties will be surrounded by berms, a trail and trees. There will not be any buildings within 200 ft of those residents, and they will comply with the dark sky requirements of the Ogden Valley so that it will not be an eyesore at night. There might be some filming done during the nighttime hours but it will mostly take place indoors. He adds that the bright lights outside tend to interfere with the camera work. He asks if there are any more questions.

Commissioner Willener states that regarding exhibit H there are a few different configurations, looking at the residential properties that would be surrounded by the rezone. In one of them, there is quite a bit open space, horse pastures and landscaping and in there, other areas the residential areas are butted up against public parking. There is a significant difference in the plans. Mr. Bartlett explains that there have been several iterations of the plan the most current one is the bubble diagram in the staff report. It includes the berms, the trees, and the agricultural properties by the houses. It moves the retail down on to 12th street to make it less impactful on 28th St. They worked on the plan with the designers in New Hampshire. The reason for this is that they did not want the layout to be too constrictive but they wanted to make those concessions to the County. He notes that they intend to surround the residential area with agricultural and barns, the intent is to move the arena down and away from 28th, it will likely work better with traffic flow. This will allow for a retail buffer the arena and 12th St. In addition, move the arena of the mixed-use area into the bottom southeast corner. He states that they tried to move the most impactful uses toward the back of the property. One of the concerns regarding the layout was a wall of buildings along 2800. This is a more realistic layout of what the film school and studio would look like. There will be a 6 ft. the berm that should cover 75% of the area. There would be a flat parking spot for the workshops. The workshops are 25 ft. tall. With the pathways, it will be about 100 ft. from the road. The sound stages are 52 ft. tall. The production offices step down to 35 ft. One of the concessions made is that some of the exteriors of the sound stages and workshops will have some tonal and agricultural aspects to them. The hope is that the berm and the step-up will protect the public eye from seeing the tall buildings. This particular property is unique along 2800 there is a significant decline in altitude of the property. The buildings will be down off of the road which will make them appear shorter.

Mr. Bartlett states that they intend for the rodeo arena to have two parts to it. One will be a shorter warmup arena. It will be about 300 ft. by 300 ft. the intent is to put a rooftop garden on top of that. Part of the reason for this is that generally at film studios they

are very private. He notes that they want the public to be a part of the experience. They want to put the warm-up arena close to the film studios and have a public garden where the public can look into the back lot and studios. The retail area will be designed to be fully filmable. It will have interchangeable light posts and varying types of architecture that blend together so that directors can choose specific angles to film. In the bubble diagram north of the river there is a spot reserved for the veteran's services program. They would like to attract veterans for occupational therapy and rehabilitation and allow them to attend the school and within 40 weeks, they would be fully certified to work on any film set. In speaking to the people in Rob Bishop and Mitt Romney's office he found that they might be able to obtain GI funding. Dennis Lisonbee will be running the school he has been the director of the film school at UVU for some time. They are working on the core curriculum right now.

Commissioner Bell asks if the plan is to keep the natural vegetation. Mr. Bartlett answers that they intend to keep a lot of it. The park encompasses a lot of forested areas. He walked the property to see how the river was doing. There are numerous dead cottonwood trees, but some of the older ones they want to keep, create pathways down by the river. At the work session, there was some discussion regarding wetland mitigation and the potential to keep the wetland. In talking with the Army Corp and FEMA they have decided to mitigate the wetland but not for the purpose of removing them. If you make any change to a wetland you have to mitigate it. The purpose of changing and mitigating the wetland is to improve the area. Deeping some of the areas and allowing for more water in the area and make it a scenic place for people to go.

Commissioner Willener asks regarding traffic coming in and out of a development like this, how lighting entry and exit points fit in with the dark sky concepts. Mr. Ewert states that they would not follow the exact Ogden Valley Lighting ordinance. The Ogden Valley ordinance is very restrictive and would not work in this particular case. As long as the light is completely cut off at the property, it should be enough.

Chair Edwards opens the public hearing.

Commissioner Bell states that he does have an email that was sent to him By Lane Findlay. Mr. Findlay states that due to another commitment he was unable to attend the meeting. There are greater issues that need to be considered. The General Plan was designed as a guiding document for the future growth of desired by the community. The General Plan might be out of date but it is still the current guiding document. Finds it disconcerting that the public officials seem to be ignoring the principles set forth in the plan and continue to make amendments to satisfy individual requests. This particular property is in the A-2 zone and is designated agricultural under the General Plan. There is no surrounding commercial property in the immediate area. One would have to go further east into Marriott-Slaterville on the other side of 1900 West to find a commercial zone. The 87 Acres in question for rezoning is nowhere near this area and is not designated as a potential commercial area. If an interest exists to expand the commercial zoning along 12th street, then this should be addressed with the creation of a new general plan, not and an amendment to the existing one. Granting an amendment of this magnitude would show total disregard for the current plan and the desires of community members. He adds that although he does not know the particular details about the ownership of 87 acres it does raise some questions as far as protecting the interest of landowners. Commercial land is far more valuable than agricultural land, and it opens the door to other properties to do the same. A rezone of this particular property is a drastic deviation from the General Plan. Making exceptions on a case by case basis is short-sighted, irresponsible, and not in the best interest of the community as a whole.

Dan Hammer 1036 S 2800 W: states that he lives in the residential area surrounding the property. They have addressed a lot of the issues that they were concerned about. They are also concerned about traffic. He is not sure if the road will be capable of handling the additional amount of traffic. There is some concern about the entrance and exits for the parking lot. The berm sounds good but if you look at the level of the property it slopes down towards the river. He asks if the berm is going to be at the level of the property or the level of the road.

Annamarie Giordano 7852 W 900 S: states that she does live near the area in question but she drives up 12th street. Driving down 12th street along 4700 is at times bumper to bumper. 12th street is a UDOT road and 2800 is a County road. She asks if they intend to add a light 2800 W and 12th St. It would have to be a 4 corner stop. She lives on 900 s which is part of 12th St. She asks if they have thought about the safety of people traveling up 12th St.

Becky Hammer 1036 S 2800 W: states she is one of the residents that live in the surrounding area. Traffic is one of her main concerns. 12th is 55 mph and there are no turn lanes. Something needs to be done about this. Another one of her concerns is that

there are discrepancies with the maps that have been presented. One lists rock climbing, laser tag, and golf carts. She asks what the use will be because different versions of the plan have been submitted. She notes that she has a real problem with the changes requested for zoning when there is no clear plan regarding what is going in. Regarding the open theater, she does not want to listen to a concert while she is trying to sleep. The open theater and concerts are a real problem for her. She asks if they are going to take care of the dust created by the horses. She asks how many horses there will be. She would like clarification. What kind of train are they talking about?

Kirt Linford 1062 S 2800 W: states that he lives next to Becky, and it looks like they are getting landscaped all the way around. He asks are putting a water system in for all the landscaping? If so and there is too much water do the residents have to join into their pressurized system. He notes that the neighbors in the area are really good. When the project is done they will continue to have a close community and that the owners will work them.

Robert Manning 915 S 2700 W: states that there is a lot of traffic on that road. It is a backroad. There is a lot of speeding in that area. There has been discussion with the sheriff there needs to be a study. He adds that he is not sure if there is a speed limit sign on one side of the road coming off of 200. He is concerned about the entrance, this might be the fourth variation on what they plan on doing there.

Gordon James 1143 S 2800 W: states that he lives across the street from this. He echoes the sentiment from Layne Findlay. He states that he hopes they are not getting ahead of themselves in rezoning this, without thinking of the overall impact. If it gets rezoned does it set the precedent down the road? The General Plan needs to be updated. What happens if the rezone happens and the developer doesn't have enough funds and or they back out of it. It opens the door to different types of commercial developments. It will have a direct impact on the people that currently live there.

Katrina Miller 1172 S 2800 W: notes that some of her concerns are with the General Plan. It needs to be updated. They want to value and protect the rural character lifestyle and atmosphere. She states that she is 5th generation in West Weber and a lot of her family is out there, not directly on the road but in the area. It is a big deal for her to preserve the new atmosphere. She states that she understands that growth is going to happen but it needs to be managed carefully and the General Plan should not just be amended when circumstances arise. She asks if a C-1 zone would be sufficient for their uses and if they would be willing to leave some of them out such as the retail and hotels. She does appreciate the berms and that makes it match the atmosphere. She asks if the rodeo arena is a necessary thing. The Golden Spike Arena is available. Traffic is a major concern for her. She has 5 children and it is already a struggle for them to get the mail. Regarding the berm and the trail next to it, it is going to be on the studio side.

Linda Holmes 2614 W 1850 S: states that she has property in the area. It is going to be approved something needs to be done about 12th street to make it safer for people. She asks how this got so far along with the people living along that road knowing what is going on. She states that Marriot-Slaterville has been trying to annex into the property's but all along they have let the owners in the area know what is going on. She states that it is too bad that they haven't heard from Weber County about what is happening.

Gene Atkinson 4413 W 400 S: It is time for a new General Plan. He states that he is sitting on the committee for incorporation. The goal is to study incorporation for the community. He notes that he agrees with what has been said about the traffic and road capacity. It is a significant issue and it needs to be addressed. He asks Mr. Bartlett if the intention to remain in the jurisdiction of the county, or will they be annexing into Marriot-Slaterville and have the project be part of the city. If this is approved he hopes the developer will listen to the concerns of the citizens.

Lewis Petterson 4114 E 1400 S: states that he has a farm in that area and he has to cross 12th street in a tractor. It is very difficult. He hopes this will be taken into account. This project will likely be annexed into the sewer district.

Chair Edwards closes the public comment.

Mr. Ewert states that part of the planning process from a taxpayer-funded and applicant-funded review is to see what might fit if possible. Part of this process is to verify that it does not disproportionately affect the neighbors. He notes that he had a discussion with the developer and expressed that the first plan presented might not be what the market might demand later on. They agreed that it might be better to look at a bubble diagram. What is in the bubble diagram is no different from zoning on a microscale. Each one of the bubbles will have things that can happen in them and things that cannot, and they will have a maximum amount of

acreage that be associated with them so that one type of use does not overwhelm another. Through the development agreement, restriction and conditions of approval they can address what the concerns and impacts are. The rezone would run with the land. He notes that they are anticipating it will run with the applicant. They have discussed the option to allow this to be extended to a purchaser. He states that any new owners are tied to the development agreement. There is an expiration clause. There are items that are grandfathered. Commissioner Borklund asks if they don't act on the development agreement does it revert to the previous zone. Mr. Ewert states that this can be written in. There is a list of 13 mitigating measures from a planning perspective that could allow this to fit in with reasonable and objective criteria. Regarding traffic issues, traffic engineers don't look at the road the same way that people that live in the area do. He states that he asked the applicant for a traffic study in time. They look at speed and volume. When looking at the intersection UDOT determines whether or not it warrants a signal. If they don't need one they aren't going to suggest one. He notes that the County doesn't have to grant the rezone if they don't like how it is going to impact traffic. The developer agreed that a traffic study will be provided at certain increments of the development. The County has a limited influence on what happens on 12th street. The County has more say about 2800. When the rodeo arena is added they will look at the peak demand and how those issues can be mitigated. Commissioner Parke states that he is not comfortable amending the General Plan without the community input. He adds that he does not want to move forward with the change without updating the General Plan first. The General Plan should not be amended so radically without the public's input.

Commissioner Bell asks if Mr. Ewert can speak to a comment made by Linda Homes regarding public notices. Mr. Ewert states that there is a public website and the state website and everyone has the ability to log on to the website and sign up for notices. These sites are updated with projects that are submitted. This proposal is applicant driven if it was County driven the conversation would have started at a work session. The applicant has a right to a decision within a certain period of time. For this reason, the proposal was brought before the Planning Commission as quickly as possible, but there was a work session on this item a month ago on the public record with public notice. There is an expectation that the public should be aware and involved in the things that are happening in the community. He asks should the County notice everyone regarding every proposal every time. This is the challenge. Commissioner Bell asks if this is the first step in notifying to surrounding neighbors. Mr. Ewert states that this is correct, they might be notified if they are signed up for notices on the State website.

Mr. Ewert states that there was a question about landscaping, and they were going to create a secondary water company and are the neighbor going to be required to connect in. There was never a suggestion that the current property existing owners be required or mandated to connect in.

Mr. Ewert states that regarding entrance location the map does show a 3rd alternative to where the entrances are going to be proposed. He notes that they worked with the applicant to assuage some of the concerns about it being right across from residents.

Regarding the open theatre, this is a good question for Mr. Bartlett. The trail, the thought is that the trail can be on top, have a recreational amenity can be of benefit of the neighbors, but they might not share the same opinion. It could be tucked in on the inside. The six-foot berm will take up a lot of acreages, especially from the level of the street. This is one of the reasons why the trail would be better on top. He adds that staff is asking for trees, the species has not been specified. The need to be a type of species and certain distance apart that would at a 10-year mark cover 75% of the linear distance. He notes that all the requests from the staff the applicant has agreed to.

Matthew Bartlett states regarding the noise for the amphitheater, The film industry values the quiet. The reason for using the film studio is to go somewhere where it is quiet. One of the mandatory things in a studio is that they have an acoustical engineer. They measure the sounds on the site and the uses and make sure that they do not interfere with the sound stage. Otherwise, people will not utilize the studio. The ideal range for a studio 62 decibels, which is equivalent to a park with people in it. 70 decibels is a car moving at 65 miles an hour from 25 ft. away. The area cannot be loud. He adds that if there were to be concerts in the park much more valuable projects would need to be shutdown. They are willing to work this into a development agreement. Regarding the sound emanating from the arena, this is an issue that they have begun to address with acoustical engineers. The building is expensive to build. They can cost up to 3 times the cost of a normal tilt-up construction project. This is because of the sound buffering. There is foam filled concrete and there is buffering on the inside and on the roof. It might a place for people to speak but there won't be any concerts. Mr. Bartlett states that the rodeo arena is envisioned as multipurpose. Utah has a number of independent films that need a place to film. Film studios without the sound baffling are essentially large open spaces with catwalks for lighting. They anticipate that the warm-up arenas can be built in a way that independent films can film there on a cheaper basis

than a traditional sound stage. This would support the area more than it would the film studio. He states that the arena is meant to be multiuse; the Golden Spike Arena is not multiuse. The floor has the ability to be changed out for different events.

There was a question regarding whether they intend to be in Marriott Slaterville or in the County. He states that it is too soon to tell. Marriott Slaterville asked for a meeting and pointed out that this project is within their annexation designation. He notes that there is a lot going on in the area and for the time being they can only deal with what they have. They want to be the best neighbors and the best part of Weber County that they can be. The jobs that they intend to create should number anywhere from 400 to 600 just for the film studio. Whether they remain as a part of the County or are annexed into Marriott Slaterville. They want to make sure that the people living in the area are happy.

Mr. Bartlett states that regarding the question about the type of retail. He states that the initial plan was a concept. It was included in the packet to show what concessions were made. The intent is to stay within the approved uses of the zone. He states that it was great working with Mr. Ewert. He has been very receptive.

Regarding Mr. Lindford's comment about the owners in the area wanting to work with the developer. He states that they are not a big development company. He is a local guy who has been in the area for 19 years and he feels very tied to the community. He wants this to work because he wants to be in Weber County. He adds that it is very important for Weber County to be okay with it. He notes that some of the perceived lack of miscommunication could have happened because of the necessity of the expeditious nature of this which they need for financing purposes. He notes that whether or not it gets approved they want to hold a community dinner, or gathering where he can sit down face to face with the community to discuss their needs and wants.

Commissioner Bell asks how ready they are to begin the process. Mr. Bartlett states that if it gets approved by the County Commission, the first step would be to hook in the sewer. They should be able to begin that process in the fall.

Commissioner Willener asks regarding item 8 referring to 80% or greater excluding lodging rooms located above the first-grade commercial. She asks if they are condominiums or rentals. Mr. Bartlett states that this is referring to condominiums they anticipate that people will own those properties. Often times they are bought out by the production company to house people who work their long term. The plan for it to be phased full buildout is 10 years. Commissioner Willener asks if they are asking for private residents and renters to occupy the storefront. Mr., Bartlett states that the storefronts would be traditional retail. He notes that they already have some letters of intent; it is part of the financing plan. It will be the companies responsibility to find tenants for the storefront not the County.

Commissioner Parke states that he would like to commend Mr. Bartlett and his partners on their presentation, they have been very thorough and it is one of the best he has seen.

Commissioner Bell states that he was a big proponent for shooting down any new commercial development because the General Plan needs to be updated. With that being said, this is the first time that they have been presented with a commercial rezone with an applicant ready to start executing the plan. He notes that if this proposal is shut down there is a high probability that Marriott Slaterville will pick it up. He adds that he appreciates the efforts that have been put in, with the development agreement, and the efforts that have been put in by the applicant to make sure that the agriculture fits in the rural atmosphere of the area.

Commissioner Willener states that the funding was available for a new General Plan update, but it was put off because of the potential incorporation of Weber County. She asks if there is a timeline regarding the process. Mr. Wilson states that it has reached the Lieutenant Government office and they certified it. There is a feasibility study that is being conducted and should be done in July. Commissioner Bell states that the RFP is out and the selection is out for who would do that study. It might be pushed out to early fall. Commissioner Willener states that the update has been pushed back and she doesn't feel that it can be put off that long. She states that the General Plan is an important document and they need to be respectful. The General Plan does allow for some flexibility. Commissioner Parke states that he really likes this proposal. Standalone he supports it but he is uncomfortable amending the General Plan. He adds that if they move forward with this there needs to be some assurance that it will stay in Weber County. If West Weber does incorporate, that tax would be part of that base. The tax base will determine the feasibility of the city.

Chair Edwards states that this is the first time that they have seen someone come to the table with a plan actually showing documents. He notes that there will be a great benefit to the community because of the tax base and the jobs. He states that

regarding the General Plan update he feels the incorporation issue should be addressed before moving forward. There is a division in the community over the incorporation and it would affect the outcome of the update.

Director Grover states that the Planning Commission has a legal obligation to act upon the application before them otherwise, He adds that they need to make a decision, they should not table it.

MOTION: Commissioner Bell moves to forward a positive recommendation to the County Commission for the general plan amendment, File #GP 2019-02, and the rezone, File #ZMA 2019-03 with the following requirements to be executed by means of a development agreement: 1. The uses allowed in the C-2 zone that are automobile dependent and open for the public to use should be prohibited, such as car sales, car wash, mechanic services, drive-through restaurants, etc. 2. Six foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences. 3. Six foot berms should be created around the north and west sides of existing residential parcels on the east side of 2800 West. The same berms will be provided on the south side in the event of the parcels in the event non-agrarian uses are established in view of the residences. 4. A pathway should encircle the outer perimeter of the project, lined on the project's south and west boundaries with shade trees of a species and spacing that are expected to create 75 percent linear canopy coverage within 15 years of planting. 5. All onsite permanent lighting fixtures should be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety and should be downward directed and fully shielded to not cause glare or direct illumination onto adjacent properties or streets. Additionally, the lighting of surface parking lots should not exceed 0.4-foot-candles and have a light distribution uniformity ratio no greater than 4:1. 6. The tall studio buildings should be setback from 2800 West and be buffered by parking areas and lower-height buildings. 7. The height of buildings along 1200 South and, if applicable, 2800 West, should be no greater than 45 feet for a distance from the street right-of-way of 100 feet. Maximum building height otherwise should be 65 feet. 8. 80 percent or greater residential units, excluding lodging rooms, should be located above first story commercial. 9. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features as found in the proposed architectural theme document. 10. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building. 11. That all other agency concerns should be accounted for as may be necessary in the development agreement. 13 See Page 1-5 of the West Central Weber County General Plan. 14 See Page 1-6 of the West Central Weber County General Plan. This recommendation may come with the following findings: 1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan. 2. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities. 3. The proposal offers public recreation, shopping, jobs, and has the potential to offer moderate-income housing, all cornerstones of sustainable community planning principles. 4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers. 5. The development will enhance the overall health, safety, and welfare of the community. With the condition that noise limits be added into the development agreement. Commissioner Borklund seconds. Motion carries (5-1) Commissioner Parke votes nay. He notes that he does not believe that the proposal does not comply with the Western Weber General Plan it will offer an impact on the community.

Commissioner Borklund moves to table the public hearings for item 2.4 and 2.5. Commissioner Parke seconds. Motion carries (6-0)

2.4 ZTA 2019-01: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §101-1-7 and §108-7 to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions.

Staff Presenter: Steven Burton

This item was postponed.

2.5 ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards.

Applicant: Weber County. Staff presenter: Charlie Ewert and Iris Hennon.

This item was postponed.

3. Public Comment for Items not on the Agenda: Gene Atkinson states that it appears the rezone concerning item ZMA 2019-03 is moving forward. He notes that if it is appropriate Weber County can have an influence on the development it can be more harmonious than pushing back too hard and letting Marriott Slaterville jump in. Weber County can have a better impact on development than Marriott Slaterville.

4. Remarks from Planning Commissioners-None

5. Planning Director Report- Director Grover states that they are looking at having joint work sessions with The Ogden Valley to speed things along regarding the ordinance changes. It will likely happen in August. Fall APA registration is coming up, October 3rd and 4th let the Planning office know if they would like to attend. He adds that they do have the budget to send all of the Planning Commissioners. If the Planning Commissioner would like to attend only one day, there is flexibility.

6. Remarks from Legal Counsel-None

7. Adjourn to Work Session

WS1: Discussion regarding subdivision code amendments. -Postponed

Presenter: Charlie Ewert

WS2: Discussion regarding creating standards for appearance and location of storage units.-Postponed

Presenter: Charlie Ewert

WS3: Discussion regarding the land use table and supplemental standards.-Postponed

Presenter: Charlie Ewert

Adjournment- 9:07 pm



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 Sunset Meadows Cluster Subdivision		
Type of Decision:	Administrative		
Agenda Date:	Tuesday, February 11, 2020		
Applicant:	Jessica Prestwich, Sierra Homes		
File Number:	SPE 0123-20		
Approximate Address:	4000 W 2200 S		
Project Area:	109.62 acres		
Zoning:	Agricultural (A-1)		
Existing Land Use:	Agricultural		
Proposed Land Use:	Residential		
Parcel ID:	15-078-0110, -0001, -0158		
Township, Range, Section:	T6N, R2W, Section 28		

Adjacent Land Use

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

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
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Applicable Ordinances

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

Summary

The applicant has submitted a conceptual sketch plan for a 156 lot cluster subdivision located at approximately 4000 W 2200 S, Ogden. The proposed concept is attached as **Exhibit A**. The proposed concept plan indicates that the total area is 109.62 acres with a net developable area of 95.96 acres (4,180,017 square feet), a base density count of 104 lots (4,180,017 / 40,000 = 104). With the proposed allowable 50 percent bonus density (52 lots) the applicant could have a total lot count of 156. The proposal complies with the sketch plan requirements listed in the Cluster Subdivision code, LUC 108-3-3(b). The applicant, upon submittal of a preliminary subdivision plan, will be required to demonstrate compliance with all subdivision and cluster subdivision requirements. Endorsement of the sketch plan from the planning commission is only a means to assist in the creation of a complete subdivision application and shall not create any vested right except the right to apply for preliminary subdivision review.



Staff Report for the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an alternative access request to use a private access easement as the primary access for the rear lot of a future two lot subdivision.

Agenda Date: Tuesday, February 11, 2020

Applicant: William & Jana Colvell

File Number: AAE 2019-04

Property Information

Approximate Address: 3502 N 3175 W, Ogden, UT, 84404

Project Area: 2.58 Acres

Zoning: Agricultural Zone (A-1)

Existing Land Use: Vacant

Proposed Land Use: Vacant/Residential

Parcel ID: 19-010-0085

Township, Range, Section: T7N, R2W, Section 22

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Vacant/Agricultural

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
 801-399-8794

Report Reviewer: RG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 15 (Agricultural A-1 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
- Weber County Land Use Code Title 106 (Subdivisions) Chapter 2 (Standards) Section 3 (Blocks)

Background

The Planning Division is recommending approval of the request for an access easement as primary access to the rear lot of a two lot subdivision. The recommendation for approval of this request is based on substantial evidence that it is impractical to extend a right of way improved to the county standard to serve one lot. The unimproved condition of the existing private roads within this area serves as substantial evidence that requiring an improved right of way would be impractical. An image of the private right of way within the existing subdivision (3175 West) is included as Exhibit D.

In addition to the staff recommendation, it is important to note the ambiguity of the section of code that allows for ‘access easements’ to be used as access instead of an improved street. When approving such requests the following criteria must be met, “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” (LUC 108-7-31(1)c). Other than financial adversity, the code is vague in what can be considered acceptable as evidence to allow for an alternative access.

The property is in the Agricultural A-1 Zone located at approximately 4186 N 3175 W and is 2.58 acres. The proposed access easement is located just off 3175 West, of Section 16 of Township 7 North, Range 2 West.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. Under LUC 102-1-2(b), at the discretion of the planning director, the planning commission can hear the request for approval of an alternative access application. 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.

Analysis

General Plan: The General Plan for Western Weber is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the Western Weber General Plan.

Zoning: The subject property is located in the Agricultural Zone more particularly described as the A-1 zone. The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

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

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 parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Review Agencies: *To date, the proposed alternative access has been approved by the Weber County Engineer. Weber Fire District has not yet approved this proposal. All review agency requirements must be addressed and completed prior to this alternative access being recorded.*

Public Notice: *A notice has been mailed, as a courtesy, not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed alternative access.*

Summary of Administrative Considerations

- Property boundary conditions that show an impracticality or infeasibility of a road installation include the lack of potential road connection; due to existing residences/buildings on the other side of the block, road connectivity is not possible.
- The existing roads are private, gravel and dirt roads, maintained by the property owners within the subdivision. The applicants are also proposing a private, gravel access to a proposed rear lot. The County Engineer has agreed it is impractical to require installation of a public, county standard road.
- The Land Use Code does not require a concurrent approval of an access exception with a subdivision proposal. LUC 108-7-29(4) state that access easements are valid from 18 months from the date of approval, giving the applicant ample time to submit a subdivision application, receive approval, and eventually record the approved subdivision, showing the previously approved access on the dedication plat.

Staff Recommendation

Staff recommends approval of the request for an alternative access for a private access easement as the primary access for the rear lot of a future two lot subdivision, subject to the following conditions:

1. That approval is based on the concept layout list as Exhibit C of the August 21, 2019 staff report.
2. That this approval offers no explicit or implicit rights of access along any connected private streets, roads or rights of way serving access to the property.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is impractical to require installation of a county standard right of way to serve such lot/parcel property boundary conditions which limits typical access requirements in a unique way. The state of the substandard rights of way within the existing development is considered the substantial evidence, and the reason for the recommendation for approval.

Exhibits

- A. Map of Location
- B. Application and Narrative
- C. Site Plan

Exhibit A-Location map

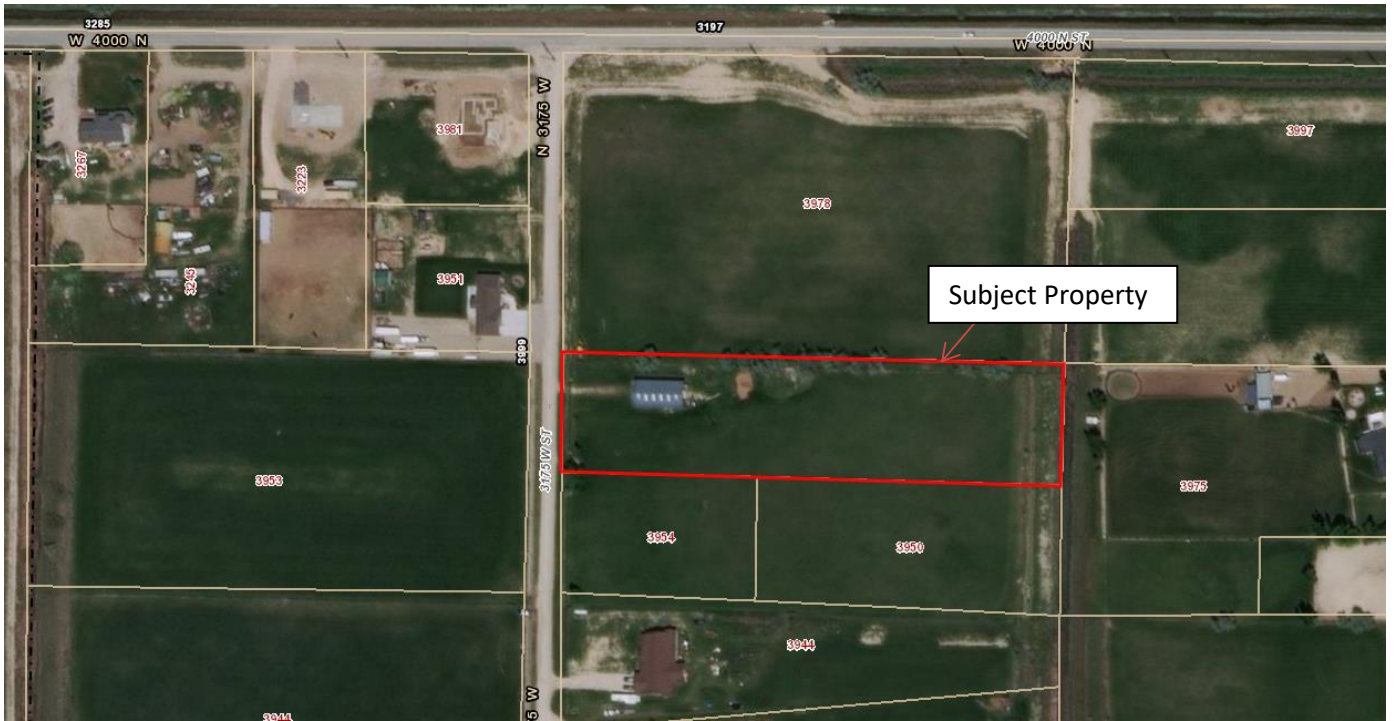


Exhibit B-Application & Narrative

Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) <i>William + Jana Colvell</i>		Mailing Address of Property Owner(s) <i>3502 N 3900 W Ogden, UT 84404</i>	
Phone <i>801 389 3726 801 430 0374</i>	Fax		
Email Address (required) <i>Jana.Colvell6@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Jana Colvell</i>		Mailing Address of Authorized Person <i>3502 N 3900 W Ogden, UT 84404</i>	
Phone <i>801 430 0374</i>	Fax		
Email Address (required) <i>Jana.colvell6@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name <i>F.J. Subdivision</i>		Total Acreage <i>2.5</i>	Current Zoning <i>A-1</i>
Approximate Address <i>4012 N 3175 W</i>		Land Serial Number(s) <i>19-010-0085</i>	
Proposed Use			
Project Narrative	<p>There is a unique boundary condition on this property. Due to existing houses and a large, deep ditch which is used to flood irrigate on both sides in the rear of the property, a county approved road at the back of this property is not feasible. Additionally, the county has expressed no desire to use its funding to build and take responsibility because the property sits close to 500 feet from 4000 N and the block length is at its minimum requirement. Because of this the only viable access to the back of this property is an alternate access that we propose to be approved down the south side. This alternate access will be within all legal bounds, and will be similar to the neighboring property's alternate access which was previously approved and built without issue. In speaking with Weber Basin (Chris Hogge), the federal government owns an easement on the back ditch and there would be a lot of hoops to go through to cover the ditch. People that own lots in there did not want to have it covered because of water issues to their properties.</p>		

Exhibit B-Application & Narrative

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 line.

(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), William Colvell, depose 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. I (We) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

William Colvell Property Owner _____ Property Owner

Subscribed and sworn to me this 26 day of June, 2019.

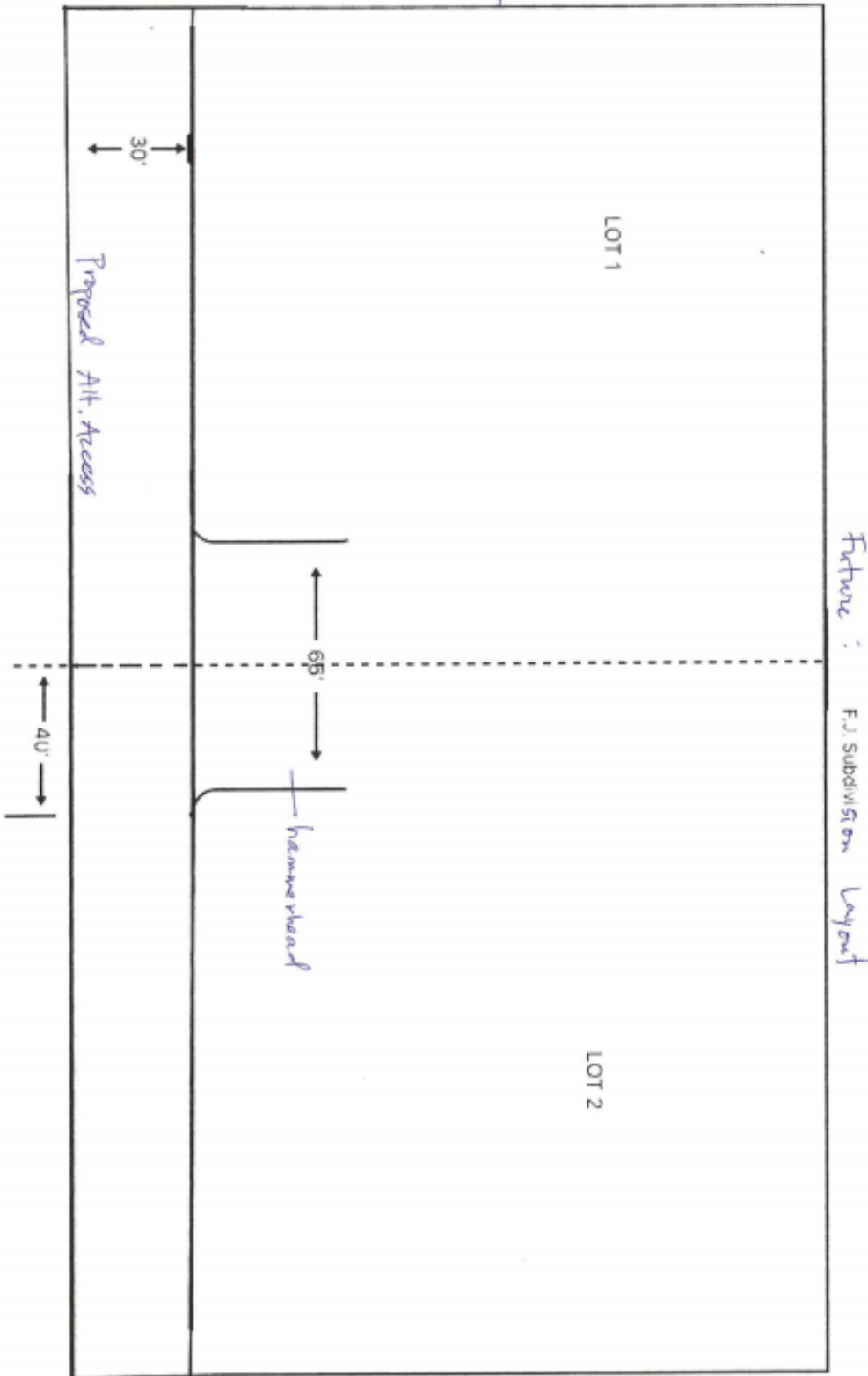
[Signature] Notary



Authorized Representative Affidavit

Exhibit C-Site Plan

3175 W. St.





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action for a conditional use request for Halcyon, a Planned Residential Unit Development consisting of 39 residential units, and a 10.0 acre open space parcel.
Type of Decision:	Administrative
Agenda Date:	Tuesday, February 11, 2020
Applicant:	Wakeless Holdings, LLC
Authorized Representative:	Keith Ward
File Number:	CUP 2020-01

Property Information

Approximate Address:	4075 West 1800 South
Project Area:	19.54 Acres
Zoning:	A-1
Existing Land Use:	Residential/Agricultural
Proposed Land Use:	Residential
Parcel ID:	15-057-0057
Township, Range, Section:	T6N, R2W, Section 21

Adjacent Land Use

North:	Residential/Agricultural	South:	1800 South St.
East:	Residential	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
Report Reviewer:	SB

Applicable Ordinances

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

Summary and Background

This PRUD approval request consists of two phases. This PRUD includes 39 lots, ranging in size from 0.23 to 0.99 acres. The open space will consist of a 10.00 acre agriculture parcel.

The applicant is requesting a 30 percent bonus density based on the preservation of 30% of the adjusted gross acreage as open space, as defined in 101-1-7. The development was originally planned to be a two-phased 'lot averaging' subdivision. Phase 1, consisting of 14 lots, was recorded on October 31, 2019. The 14 recorded lots are proposed to remain the same size, but will be included within the boundaries of the proposed PRUD. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review the general site and architectural design of the buildings, the layout of the parking areas and the landscaping.

Analysis

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

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

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

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

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

The proposal includes the following minimum single family development standards:

- Yard development standards:
 - Front Yard: 20 feet
 - Side Yard: 8 feet
 - Rear Yard: 20 feet
- Maximum Building Height:
 - Single Family: 35' (average building height)

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards at intersecting streets throughout the development, staff recommends adding to the minimum setback standards on the preliminary and final subdivision plats. A condition of approval has been added to staff’s recommendation to ensure that the requested building setbacks are added to the preliminary and final subdivision plats.

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

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

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

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

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

Bonus Density Request: The County may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage per LUC §108-5-5(c)(2). The proposal meets this bonus density requirement. If the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent; however, overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The proposal dedicates 10 acres of open space which is 30% of the adjusted gross acreage; therefore qualifying for up to, and no more than 30 percent bonus density.

The applicant qualifies for the requested bonus density through adherence to the following:

LUC 108-5-5(c) (2)(a): "If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to **20 percent** bonus density may be granted." (g) "If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows: (1) For a parcel containing at least ten acres but fewer than 20 acres, up to a **15 percent** bonus density may be granted. The maximum bonus density that may be granted is 30%, as this is the amount of the gross acreage that is dedicated to open space.

With the 30 percent bonus density, the applicant will be able to add an additional 9 units to the 30 base units for an overall density of 39 units.

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

- 1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes access from the existing County road identified as 1800 South. Along with the creation of additional county roads, sidewalk, curb and gutter will be installed within phase 2.
- 2) *Considerations relating to landscaping, screening and buffering.* The applicant has, on a conceptual level, addressed the areas in the development that will be landscaped. Staff feels that the landscaping, screening and buffering requirements as outlined in LUC §108-1-4(3) by implementing an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length
- 3) *Considerations relating to buildings and site layout.* The development currently consists of two phases, but will be combined into one subdivision, with a new application. Phase I which includes lots 1-14, was recorded 10/31/2019. The lot sizes in the PRUD will vary from 0.28 acre lots to 0.99 acre lots.

Common Area/Open Space: The general requirements for a PRUD identify the need to preserve common open space. The applicant is proposing to preserve approximately 10.0 acres of agricultural property. The proposed layout identifies the agricultural parcel, and is labeled as such. The County would like an open space easement, to ensure that the agricultural parcel remains as opens space. The 10.0 acre parcel will continue to be owned by the applicant, but plans to lease to local farmers for the purposes of cultivating either pasture grass or sweet corn.

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

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

Review Agencies: Due to the conceptual nature of the proposal, the Weber County Surveyor’s Office has not reviewed the proposal. The Weber Fire District and Engineering Division have reviewed the proposal and have approved the conditional use request. A condition of approval has been made part of the Planning Commission’s recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Public Notice: Public notice is not required for conditional use applications; however a courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposal.

Summary of Planning Commission Considerations

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

Staff Recommendation

Planning staff recommends approval of the request for a conditional use permit for Halcyon PRUD, a Planned Residential Unit Development consisting of 39 residential units, and a 10.0 acre open space parcel used for agricultural purposes.

1. The following setback standard shall be added to the final subdivision plats for review and approval: Front – 20’, side – 8’, rear – 20’, corner lot with a side facing a street – 20’.
2. Sidewalk, curb and gutter will be installed within the subdivision and along 1800 South.

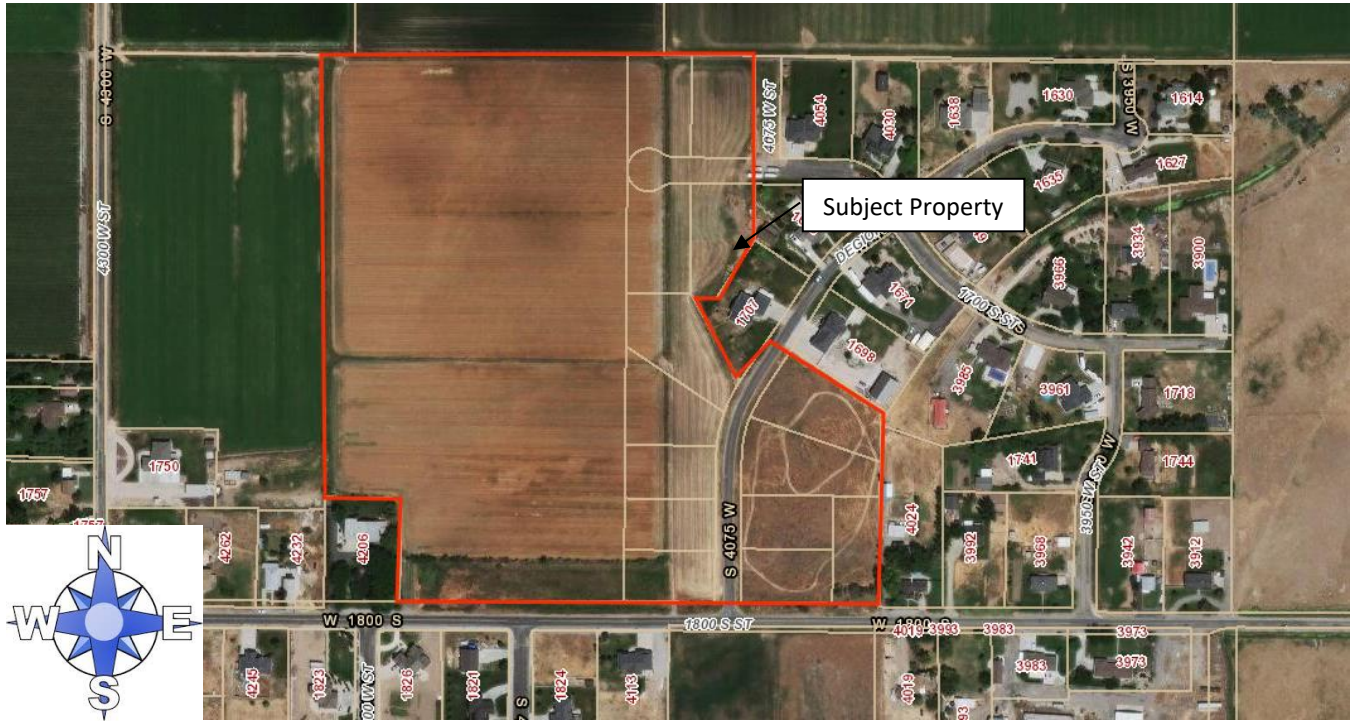
This recommendation is based on the following findings:

1. The proposed PRUD conforms to the West Central Weber County General Plan.
2. The PRUD is intended to allow for more flexibility of residential building sites.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conceptual drawings.
4. Up to a 30 percent bonus density may be granted based on the following:
 - a. If the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent; however, overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD’s total area preserved as open space. The proposal dedicates 10 acres of open space which is 30% of the adjusted gross acreage; therefore qualifying for up to the 30 percent bonus density.
5. The proposal will not be detrimental to the public health, safety, or welfare.
6. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Project Narrative
- B. Halcyon PRUD Conceptual Plan
- C. Proposed Lot Layout & Land Use Calcs
- D. Feasibility Letters

Location Map



PRUD Narrative

Site: 4075 W 1800 S

Subdivision: Halcyon Lake Estates (name subject to change)

Developer(s): Wakeless Holdings, Tylor Brenchley and Keith Ward

This Planned Residential Unit Development (PRUD) is designed to allow younger families to move “out of the city” and embrace the living in the country. The project consists of ~32 acres between phase 1 and phase 2 along with 10 acres of agricultural open space that will be actively farmed by local farmers in the area who have farmed in this areas in previous years.

Phase 1 was designed and implemented to match the surrounding homes with 14 large lots ranging in size from 26000 sqft to 43000 sqft supporting large estate homes to ensure we kept the feeling of disruption to exiting neighbors at a minimum. We learned from this design the larger lots and associated larger homes begin to be priced at a point far beyond reach of younger families who want to live in the area. The families who can afford it have expressed concern about the amount of property they would need to maintain and often look for alternative places to live.

Phase 2 is designed to strike a balance. 25 appropriate sized lots from 9600 sqft to 18000 sqft along with smaller permitted home sizes enabling more options for younger families to move to the country, but support empty nesters looking for a lot large enough for a bigger home without the large lot. The inclusion of curb, gutter and sidewalk, pressurized irrigation, public sewer, and tree lined lighted streets provide the amenities and neighborhood feel that most families are looking for while at the same time maintaining the ‘country feel’ as the adjacent 10 acres of open space along with surrounding ground is actively farmed.

Phase 2 includes more than 30% open space to qualify up to a 30% density bonus per Section 108-5-5. An to qualify for density increase it also includes a roadway landscape and design plan compliant with Section 108-5-5.2.a and a preserved agricultural open space easement for 10 acres or 32% of the gross project consistent with Section 108-5-5.2.g.1. Compliance of these to ordinances would allow us up to 39.5 lot density follow a 30% density bonus. Phases 1 and 2 have a total of 39 lots.

Feasibility letters have been obtained and were submitted with phase one from Central Weber, Taylor West Weber Water, Hooper Irrigation, and Weber Fire District which are located in the country project management site.

The PRUD will comply with all regulations and requirements outlined in Weber County’s PRUD ordinances and maintain significant open space for the benefit of the community members.

Agriculturally Based Open Space Preservation Plan

The identified agriculturally based open space will be owned by the Wakeless Holdings (the developer) and will be leased to local farmers in the area. The design of the PRUD and the location of the open space was such to maintain current irrigation ditches as to not disrupt current farming operation on the 10 acres or impede irrigation needs of anyone downstream.

Approved Landscape and Roadway Design

Attached to this application is a colored landscape design vehicle and pedestrian circulation, lighting, and street trees (shows more than 8 trees per 100 feet, but we will be following the standard of 8 trees per 100 feet of road). In addition this show a conceptual design of home placement throughout.

Exhibit B-Halcyon PRUD Conceptual Plans



LAND USE CALC.

# OF RESIDENTIAL LOTS	25	AREA OF RESIDENTIAL LOTS	5.64 ACRES
# TOTAL # OF LOTS	26	AREA OF RESIDENTIAL LOTS	5.64 ACRES
LENGTH OF ROADS	2,388 LF	TOTAL AREA	17.34 ACRES
PROPOSED TREES (8/100 LF ROAD)	187 TREES		
STREET TREES ARE SPACED 20' O.C.	114 TREES		

If a PRUD provides and implements an approved roadway landscape and design plan, the PRUD shall not be required to provide to, receive and post-date a landscape plan for the PRUD. The PRUD shall provide a landscape plan for the PRUD that includes a minimum of 100 trees per acre and a minimum of 20 percent canopy density. The PRUD shall provide a landscape plan that includes a minimum of 100 trees per acre and a minimum of 20 percent canopy density. The PRUD shall provide a landscape plan that includes a minimum of 100 trees per acre and a minimum of 20 percent canopy density.

PLANT SCHEDULE

TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL
	46	Ashum Bluff Maple / Acer fraxinifolium 'Ashum Bluff'	BBB	2" Cal
	31	Linden / Tilia cordata	BBB	2" Cal
	37	Spokenword Locust / Gleditsia tomentosa Inermis Spokenword™ TM	BBB	2" Cal

TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT

2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
January 22, 2019

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given and the District has the capacity to provide culinary water only for 25 lots for Halcyon Subdivision Phase 2 at the approximate address of 4150 W. 1800 S. Taylor Ut.

Requirements:

- *Plan review fee=25 x \$25.00=\$625.00
- *Water rights fee = (\$4,363 per lot or current cost when paid)=\$109,075.00
- *Secondary water = Must provide pressurized secondary water system to each lot.
- *Connection /Impact fees will need to be paid by the lot owner at the time of building construction (Impact fee \$5,228 per lot (or current cost when paid).
- *Cost for the water meter is \$375 plus \$100 for water use during construction.

SUBDIVISION PERMITS SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER. Final approval is subject to meeting all of the requirements of the District and all fees being paid and received. This letter expires six months from the day it is issued.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.



Ryan Rogers - Manager

Expires 6/22/2020



Central Weber Sewer Improvement District

January 29, 2020

Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401-1473

Reference: REVISED Halcyon Estates Subdivision
Sanitary Sewer Will Serve Letter

This letter is in response to the Revision of the Halcyon Lake Estates Will Serve Letter to a REVISED Subdivision being renamed the Halcyon Estates Subdivision. Changing the Subdivision Lot count from 28 lots to 39 lots.

The original Will Serve Letter dated April 18th 2019 (copy attached) along with the additional changed information above is still valid information and will serve as the Will Serve Letter for the new Halcyon Estates Subdivision.

If you have further questions or need additional information please do not hesitate to contact us.

Sincerely,

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT

A handwritten signature in blue ink that reads "Lance L. Wood". The signature is written in a cursive, flowing style.

Lance L. Wood, P. E.
General Manager

cc: Keith Ward



Central Weber Sewer Improvement District

April 18, 2019

Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401-1473

Reference: Proposed Halcyon Lake Estates Subdivision
Sanitary Sewer Will Serve Letter

We have been asked review the possibility of providing sanitary sewer service for the proposed Halcyon Lake Estates Subdivision at approximately 4100 West and 1800 South. Central Weber Sewer Improvement District can accept the sanitary sewer discharge from this location. The following conditions that must be met prior to any connections being made to the District's sanitary sewer line.

1. **The entire parcel of property to be served will need to be annexed into the Central Weber Sewer Improvement District (District) prior to any connections to the District's collection system and prior to the selling of lots. Because of the State of Utah annexation requirements this process will take 3 to 4 months. An annexation petition and instructions are available from the District's Office.**
2. If any sanitary sewer connections are made to the District's lines they will need to be designed and constructed according to the District's standard details and specifications. A copy of the District's details and specifications can be found at: <https://www.centralweber.com/information>.
3. The plans and details for the sanitary sewer connection into the District's collection system must be submitted to the District for review and approval. The District does not take the responsibility for the design of the collection system for the subdivision.
4. The District must be notified for inspection at any time connections are being made to the District's sanitary sewer lines. The District will NOT install, own and/or maintain any of the sanitary sewer lines being extended to serve this property.
5. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allowed to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

6. Impact Fees for each residential lot must be paid prior to or at the time each building permit is obtained.

If you have further questions or need additional information please do not hesitate to contact us.

Sincerely,

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT



Lance I. Wood, P. E.
General Manager

cc: Keith Ward
Tyler Brenchley

2020

JANUARY

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CALENDAR KEY :

	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1 st Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	PC/BOA Annual Dinner
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS
	Paydays
	Payday/Holiday

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CALENDAR KEY:	
	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1st Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	PC/BOA Annual Dinner
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS
	Paydays
	Holiday/Payday

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RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
January 7, 2020

A. ORGANIZATION

1. Appointment of Chair and Vice Chair

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

2. Chair - Duties

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

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

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

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

3. Duties of the Vice Chair

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

4. Temporary Chair

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

5. Secretary - Duties

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

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

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

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

2. Preparation

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

3. Members Shall Attend Meetings

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

Planning Commission members shall attend required training.

4. Conflict of Interest

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

(a) Disqualification

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

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

(b) Disclosure of Potential Conflict of Interest

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

(c) Ex Parte Contacts

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

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

(d) Planning Commission Members Wishing to Give Comment

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

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

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

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

C. MEETINGS

1. Place

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

2. Regular Meetings

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

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

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

3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by 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 meeting of the Commission.
5. Quorum
Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.
6. Work Sessions
A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.
7. Open Meetings Law
All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.
8. Length of Meetings
At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business
The order of business in the Commission shall be as follows:
 - (a) Chair opens the meeting and welcomes those in attendance
 - (b) Pledge of Allegiance
 - (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
 - (d) Approval of minutes of prior meetings
 - (e) Planning Director reads opening meeting statement
 - (f) Chair asks commissioners if there are any ex parte communications or conflicts of interest to disclose
 - (g) Consent Agenda
 - (h) Petitions, Applications and Public Hearings
 1. Administrative Items
 - a. Old Business

- b. New Business
- 2. Legislative Items
 - a. Old Business
 - b. New Business

- (i) Public Comment for Items not on the Agenda
- (j) Planning Commission Remarks
- (k) Planning Director Report
- (l) Legal Counsel Remarks
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

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

3. Deadline for Agenda

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

4. Special Order of Business

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

E. ORDER AND DECORUM

1. Order of Consideration of Items

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

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

2. Consideration of Items

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

The Chair of the Planning Commission shall have authority to:

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

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

3. Time Limits

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

4. Conduct of Persons before the Commission

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

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

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

F. PROCEDURE - MOTIONS

1. Making of Motions

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

seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

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

3. Motions in Order During Debate

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

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

4. Motion must be Germane

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

5. Motions to Deny

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

6. Substitute Motions

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

7. Amendments

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

8. Friendly Amendments

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

G. PROCEDURE - RECONSIDERATION

1. Motion to Reconsider

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

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

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

2. Minute Approval

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

3. Voting or Changing Vote Before Decision Announced

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

4. Voting or Changing Vote After Decision Announced

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

5. Commission Members Required to Vote - Late Voting

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

6. Tie Votes

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

7. Explaining Vote

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

8. Not to Vote Unless Present

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

J. DOCUMENTS OF THE COMMISSION

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

K. AMENDMENT

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

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

L. RECORDING OF RULES - COPIES TO BE FURNISHED

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

Effective Date:

Effective Date:

John Lewis, Chair
Ogden Valley Planning Commission

Bren Edwards, Chair
Western Weber Planning Commission