



OGDEN VALLEY PLANNING COMMISSION

REGULAR PLANNING MEETING AGENDA

November 01, 2016

5:00 p.m.

**Pledge of Allegiance*

**Roll Call*

1. Consent Agenda:

1.1. Consideration and action for final subdivision approval of The Ridge Townhomes PRUD Phase 3, consisting of 12 units located at 5300 E Moose Hollow Drive, in the Forest Residential (FR-3) Zone. (Ridge Utah Development Corporation, A Utah Corporation, Applicant; Eric Householder, Agent)

2. Remarks from Planning Commissioners

3. Planning Director Report

4. Remarks from Legal Counsel

5. Adjourn to Convene to a Work Session

WS1. DISCUSSION: Rules of Order – Courtlan Erickson

WS2. TRAINING: Land Use Law Training - Office of Property Rights Ombudsman

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. The Pre-Meeting and Work Session will be held in the Breakout Room. The pre-meeting will begin at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open, public meeting.

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

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



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final subdivision approval of The Ridge Townhomes PRUD Phase 3, consisting of 12 units.

Type of Decision: Administrative

Agenda Date: Tuesday, November 01, 2016

Applicant: Ridge Utah Development Corporation, a Utah corporation

Authorized Representative: Eric Householder

File Number: UVR082916

Property Information

Approximate Address: 5300 East Moose Hollow Drive

Project Area: 5.89 acres

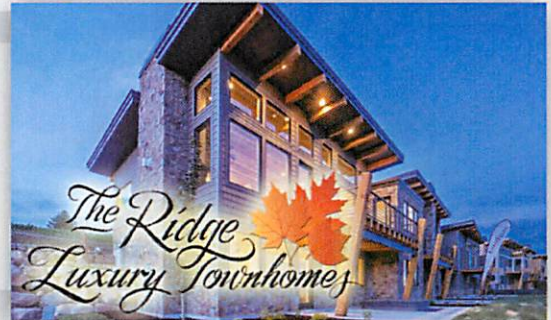
Zoning: FR-3

Existing Land Use: Vacant

Proposed Land Use: PRUD

Parcel ID: 22-281-0004

Township, Range, Section: T7N, R1E, Section 27



Adjacent Land Use

North: Residential	South: Open Space
East: Vacant/Future Development	West: Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Summary and Background

The Planning Division recommends final subdivision approval of The Ridge Townhomes PRUD Phase 3. The proposed subdivision is zoned FR-3 and is part of the master planned community within the Wolf Creek Resort known as “The Ridge Townhomes at Wolf Creek PRUD” which consists of five phases (48 units) over 14.46 acres and approximately 10.11 acres (63%) of open space/common area (see Exhibit A). The proposed subdivision phase will consist of 5.89 acres with 12 townhomes in three 6,802 square foot 4-plex buildings and approximately 4.247 acres (72%) of common area (see Exhibit B).

The proposed subdivision “The Ridge Townhomes PRUD Phase 3” will include a club/pool house for the owners and guests of the townhomes, 29 parking stalls for the townhomes and the amenities and will complete the connection from Moose Hollow Drive to the intersection of Elkridge Trail and Eagle Crest Court. The PRUD received the required Conditional Use Permit, Design Review, Ogden Valley Architectural, Landscape and Screening Design Standards and Preliminary Subdivision approval from the Weber County Commission on December 10, 2013 after receiving a positive recommendation from the Ogden Valley Planning Commission on November 11, 2013.

The Uniform Land Use Code of Weber County (LUC) §106-1-8(f) identifies the approval process for final subdivision. The proposed subdivision exceeds the amount of lots that can be administratively approved as part of a phasing process;

therefore the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC.

Analysis

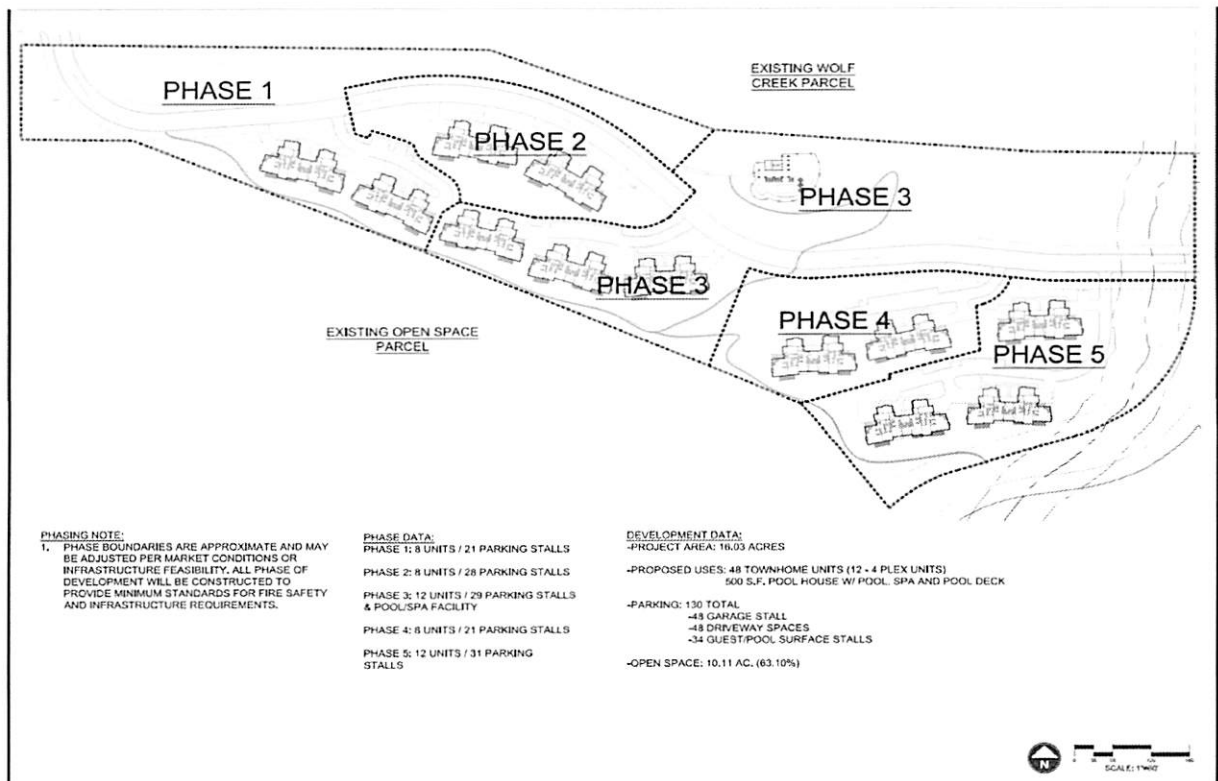
General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-3 zones. The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the FR-3 zone (LUC §104-17) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

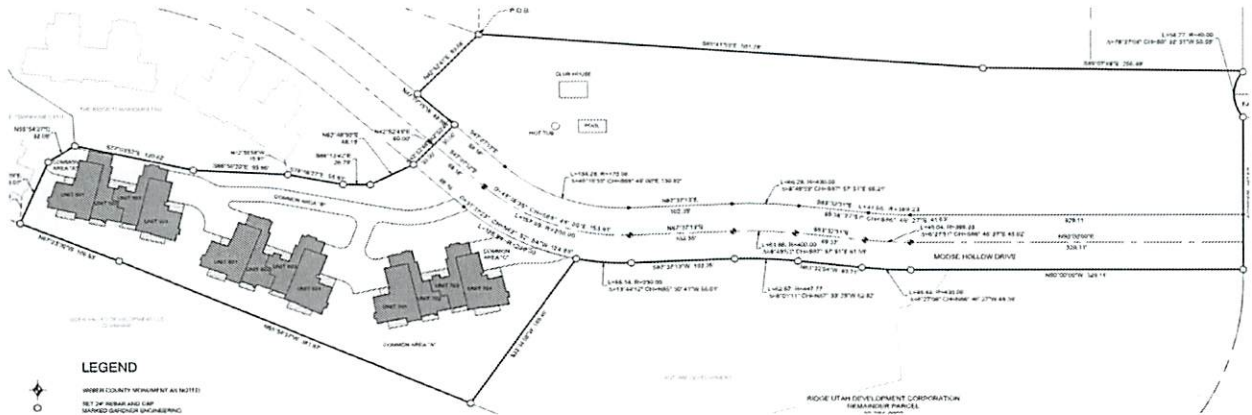
Lot area, frontage/width and yard regulations: The proposed subdivision is one of five phases in The Ridge Townhomes PRUD and is in compliance with the approved PRUD and preliminary subdivision for the multi-phased development.



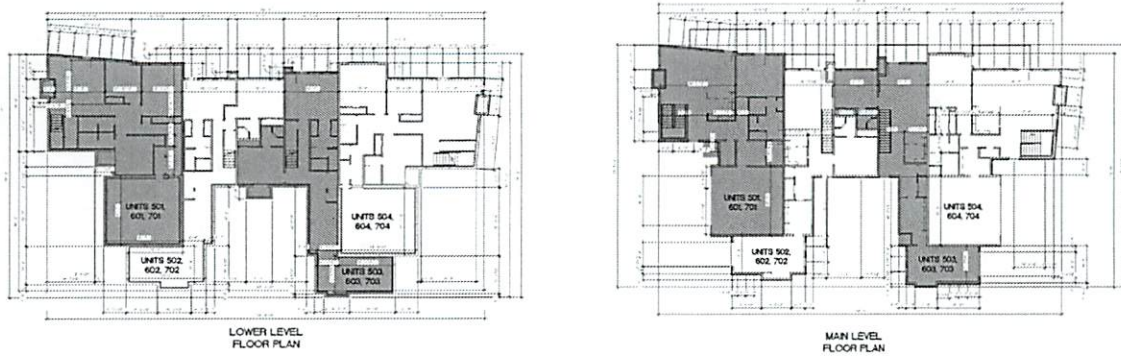
The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas” (LUC§ 108-5-2). The Ridge Townhomes PRUD Phase 3 utilizes the allowed flexibility with the proposed townhomes. The proposed layout is arranged in such a way to provide the occupants of the townhomes views of Pineview Reservoir and Mt. Ogden. The 12 townhomes are all two stories with limited

common area and common area surrounding the 4-plexs. Access to the townhomes will be off of Moose Hollow Drive with a 16 foot shared driveway. As part of the preliminary subdivision approval, the townhomes must be located a minimum of 15 feet from Moose Hollow Drive and will be constructed within the building envelope shown on the subdivision plat. The architectural style of the proposed townhomes is considered to be "Mountain Modern" and will vary in size from approximately 1400 to 2200 square feet with a maximum building height of 26 feet. Based on the allowed flexibility of the approved PRUD, the subdivision layout, building configurations and unit sizes in Phase 3 the proposal is acceptable as reflected below:

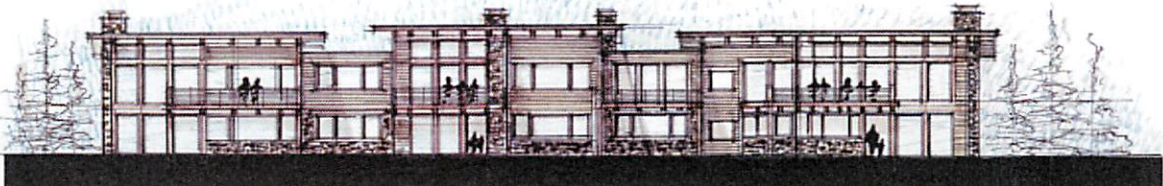
Phase 3 subdivision plat layout:



Townhomes layout:



Townhomes architectural renderings:



Ogden Valley Sensitive Lands Overlay Districts: The development area falls within an area identified as an "Important Wildlife Habitat Area" that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The proposed subdivision has been designed to ensure that development standards in this area will follow the principles and standards established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain.

A geologic hazards assessment has been performed and a report has been prepared by IGES dated September 12, 2016, identified as Project #02348-001. All site development will need to adhere to the geologic and geotechnical recommendations in the report. According to the report, the location of the club/pool house will need additional site specific geologic and geotechnical investigation in conjunction with a building permit. A note shall be added to the plat to notify the future property owners of the geologic and geotechnical report on file with the Weber County Planning Division as well as the requirement for further geologic and geotechnical investigation prior to submitting for a building permit from Weber County for only the club/pool house.

Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that a note is on the final Mylar to provide adequate notification for future property owners.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a capacity assessment letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit C). The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor's Office and Engineering Division have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. A review from the Weber Fire District has not been provided to the applicant to date. A condition of approval has been made part of staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in The Ridge Townhomes PRUD Phase 3, a note will need to be added to the final Mylar to declare that the subdivision is approved for nightly rentals per LUC§ 108-5-4(d) which states:

"Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code."

A condition of approval has been made part of staff's recommendations to ensure that if the applicant desires to allow nightly rentals as part of The Ridge Townhomes PRUD Phase 3, a note will be added to the final subdivision Mylar to provide notice of the approved nightly rental option.

Tax clearance: The 2015 property taxes have been paid in full. The 2016 property taxes will be due in full on November 1, 2016.

Staff Recommendation

Staff recommends final subdivision approval of The Ridge Townhomes PRUD Phase 3, consisting of 12 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
2. Prior to recording, a note will be added to the final subdivision Mylar to provide notice that the final geologic and geotechnical report is on file with Weber County Planning Division.
3. A "Natural Hazards Disclosure" document will be required to be recorded with the final subdivision Mylar to provide adequate notice of any geotechnical and geological recommendations for future property owners.
4. Prior to recording, a note will be added to the final subdivision Mylar that additional geologic and geotechnical investigation will be required prior to submitting for a building permit for the club/pool house amenities.
5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County Planning Division prior to forwarding the application for approval by the County Commission
6. If the applicant desires, a note must be added to the final Mylar to provide notice of the approved nightly rental option.

This recommendation is based on the following findings:

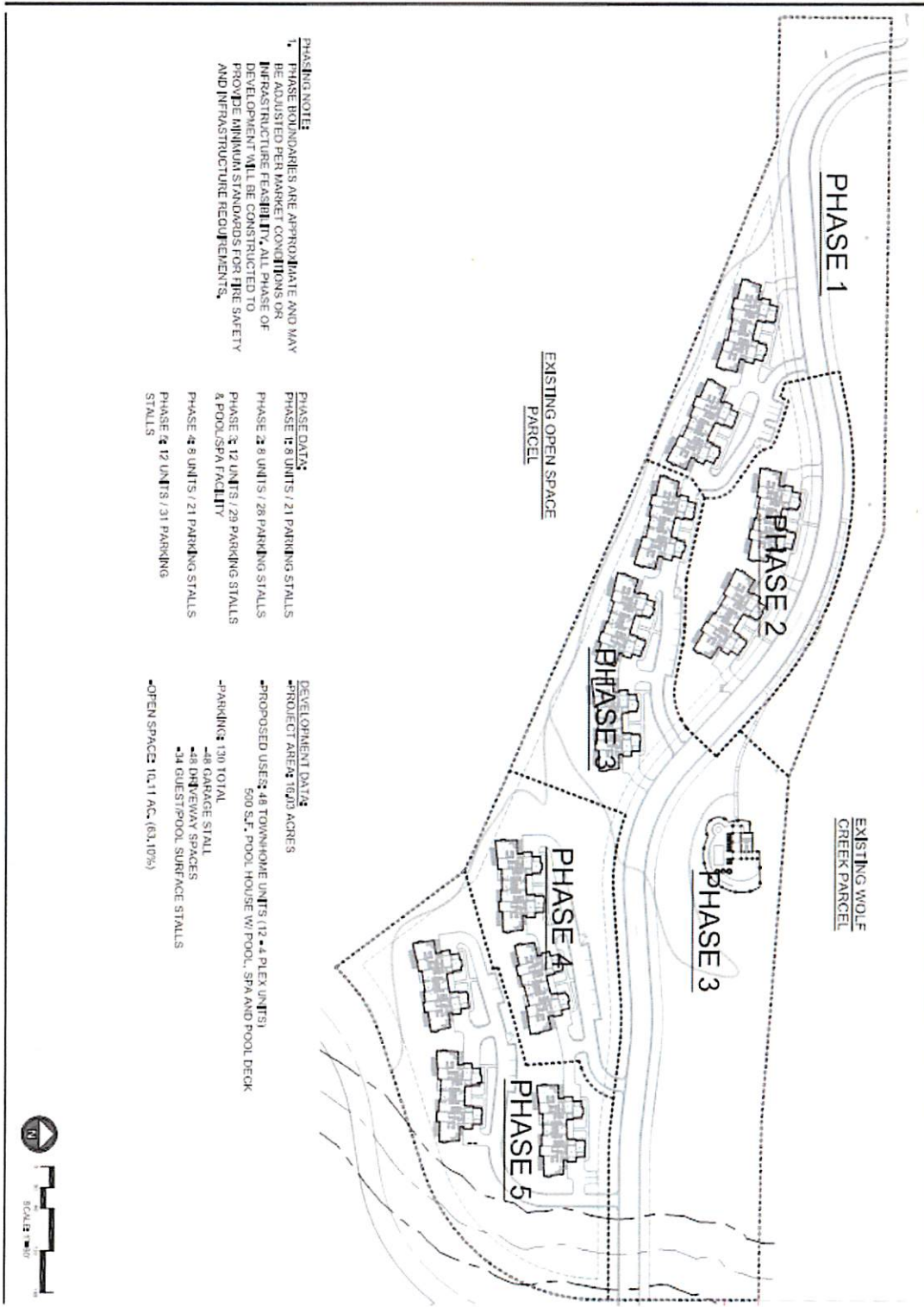
1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision conforms to the approved Zoning Development Agreement.
3. The proposed subdivision conforms to the approved PRUD.
4. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. The Ridge Townhomes at Wolf Creek PRUD Phasing Plan
- B. The Ridge Townhomes PRUD Phase 3
- C. Wolf Creek Water and Sewer District Capacity Assessment Letter

Location Map





PHASING NOTE:
 PHASE BOUNDARIES ARE APPROXIMATE AND MAY BE ADJUSTED PER MARKET CONDITIONS OR INFRASTRUCTURE FEASIBILITY. ALL PHASE OF DEVELOPMENT WILL BE CONSTRUCTED TO PROVIDE MINIMUM STANDARDS FOR FIRE SAFETY AND INFRASTRUCTURE REQUIREMENTS.

PHASE DATA:
 PHASE 1: 2 UNITS / 21 PARKING STALLS
 PHASE 2: 8 UNITS / 28 PARKING STALLS
 PHASE 3: 12 UNITS / 29 PARKING STALLS & POOL/SPA FACILITY
 PHASE 4: 8 UNITS / 21 PARKING STALLS
 PHASE 5: 12 UNITS / 31 PARKING STALLS

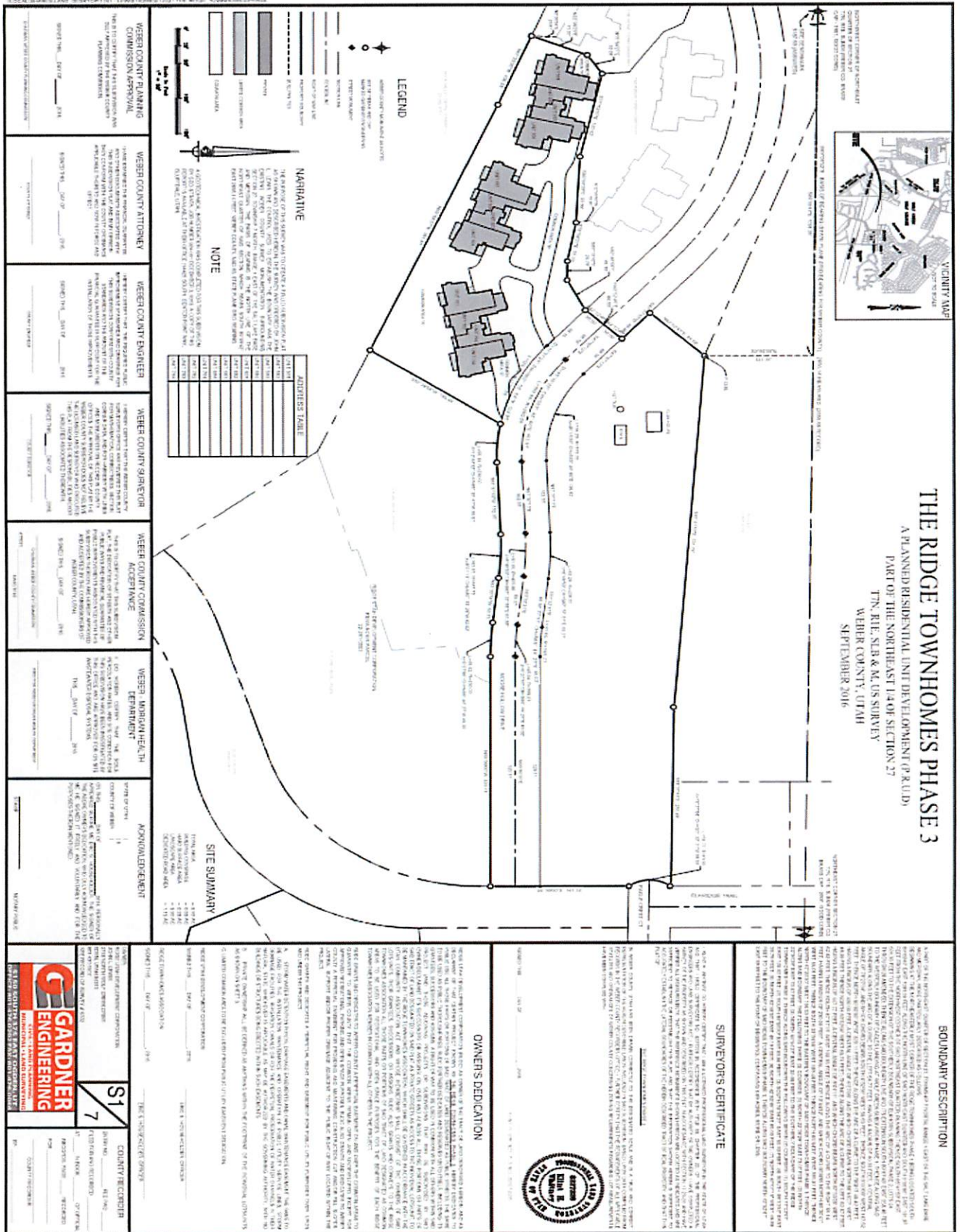
DEVELOPMENT DATA:
 PROJECT AREA: 76.93 ACRES
 PROPOSED USES: 48 TOWNHOME UNITS (17 4-plex units), 500 S.F. POOL, HOUSE W/ POOL, SPA AND POOL DECK
 PARKING: 130 TOTAL
 48 GARAGE STALL
 48 DRIVEWAY SPACES
 24 GUEST POOL SURFACE STALLS
 OPEN SPACE: 10.11 AC. (13.13%)



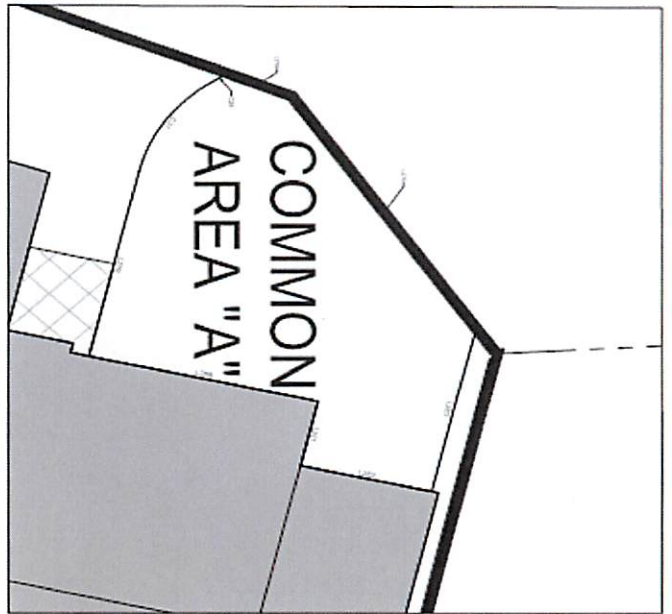
THE RIDGE TOWNHOMES
 WEBER COUNTY, UT

MATTHEW M. SMITH
 No. 10212
 STATE OF UTAH
 PROFESSIONAL ENGINEER

SHEET NO. 12
 OF 12
 EQUAL
 PHASING PLAN
 SHEET NUMBER 1
P1.0



THE RIDGE TOWNHOMES PHASE 3
 A PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)
 PART OF THE NORTHEAST 1/4 OF SECTION 27
 T7N, R1E, S1B & M, US SURVEY
 WEBER COUNTY, UTAH
 SEPTEMBER 2016

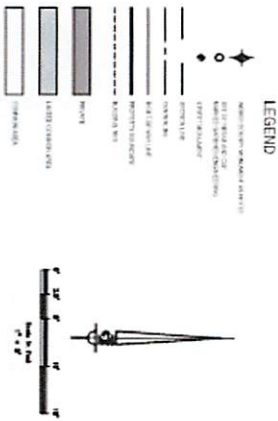
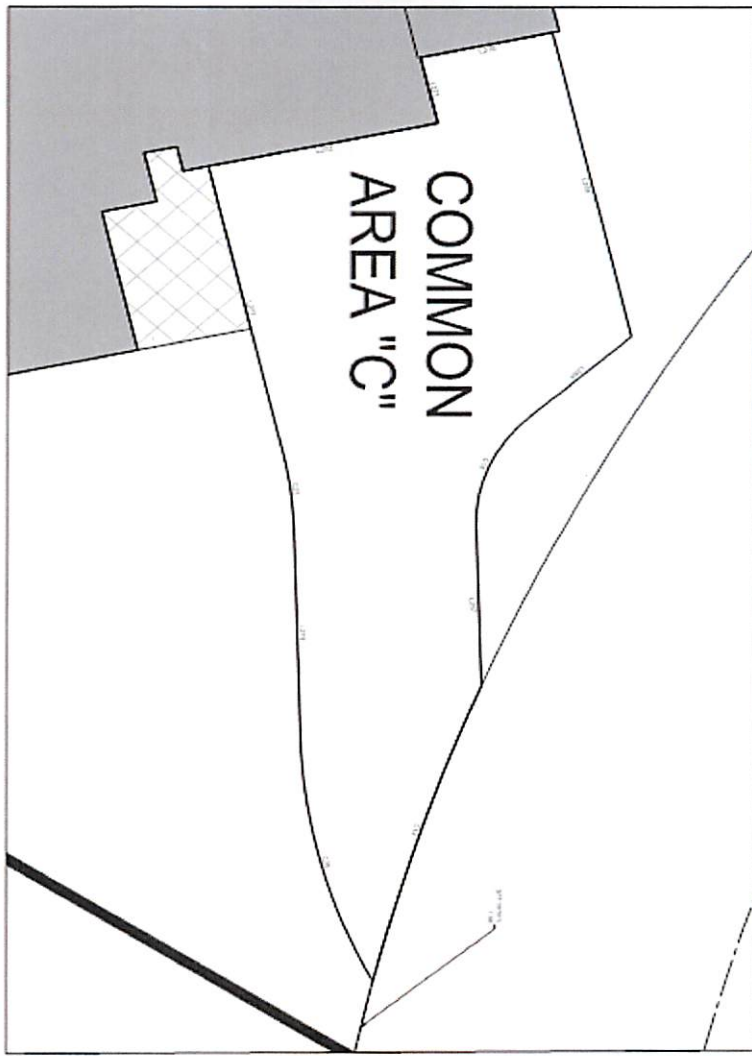


COMMON AREA "A" LINE AND CURVE TABLES

LINE TABLE		CURVE TABLE					
STA.	ENDPOINT	CHORD	ARC	BEARS	CHORD BEARS	CHORD	ARC
1276	1277	1.44	8.89	14.81	147° 18' 21"	1.44	1.44
1277	1278	11.20	15.20	14.26	158° 00' 17"	11.21	11.21
1278	1282	307.70	307.70	180°	180°	307.70	307.70
1282	1283	4.26	4.26	180°	180°	4.26	4.26
1283	1284	17.00	17.00	180°	180°	17.00	17.00

COMMON AREA "C" LINE AND CURVE TABLES

LINE TABLE		CURVE TABLE					
STA.	ENDPOINT	CHORD	ARC	BEARS	CHORD BEARS	CHORD	ARC
1284	1285	13.78	13.78	180°	180°	13.78	13.78
1285	1286	12.00	12.00	180°	180°	12.00	12.00
1286	1287	12.00	12.00	180°	180°	12.00	12.00
1287	1288	12.00	12.00	180°	180°	12.00	12.00
1288	1289	12.00	12.00	180°	180°	12.00	12.00
1289	1290	12.00	12.00	180°	180°	12.00	12.00
1290	1291	12.00	12.00	180°	180°	12.00	12.00
1291	1292	12.00	12.00	180°	180°	12.00	12.00
1292	1293	12.00	12.00	180°	180°	12.00	12.00
1293	1294	12.00	12.00	180°	180°	12.00	12.00
1294	1295	12.00	12.00	180°	180°	12.00	12.00
1295	1296	12.00	12.00	180°	180°	12.00	12.00
1296	1297	12.00	12.00	180°	180°	12.00	12.00
1297	1298	12.00	12.00	180°	180°	12.00	12.00
1298	1299	12.00	12.00	180°	180°	12.00	12.00
1299	1300	12.00	12.00	180°	180°	12.00	12.00



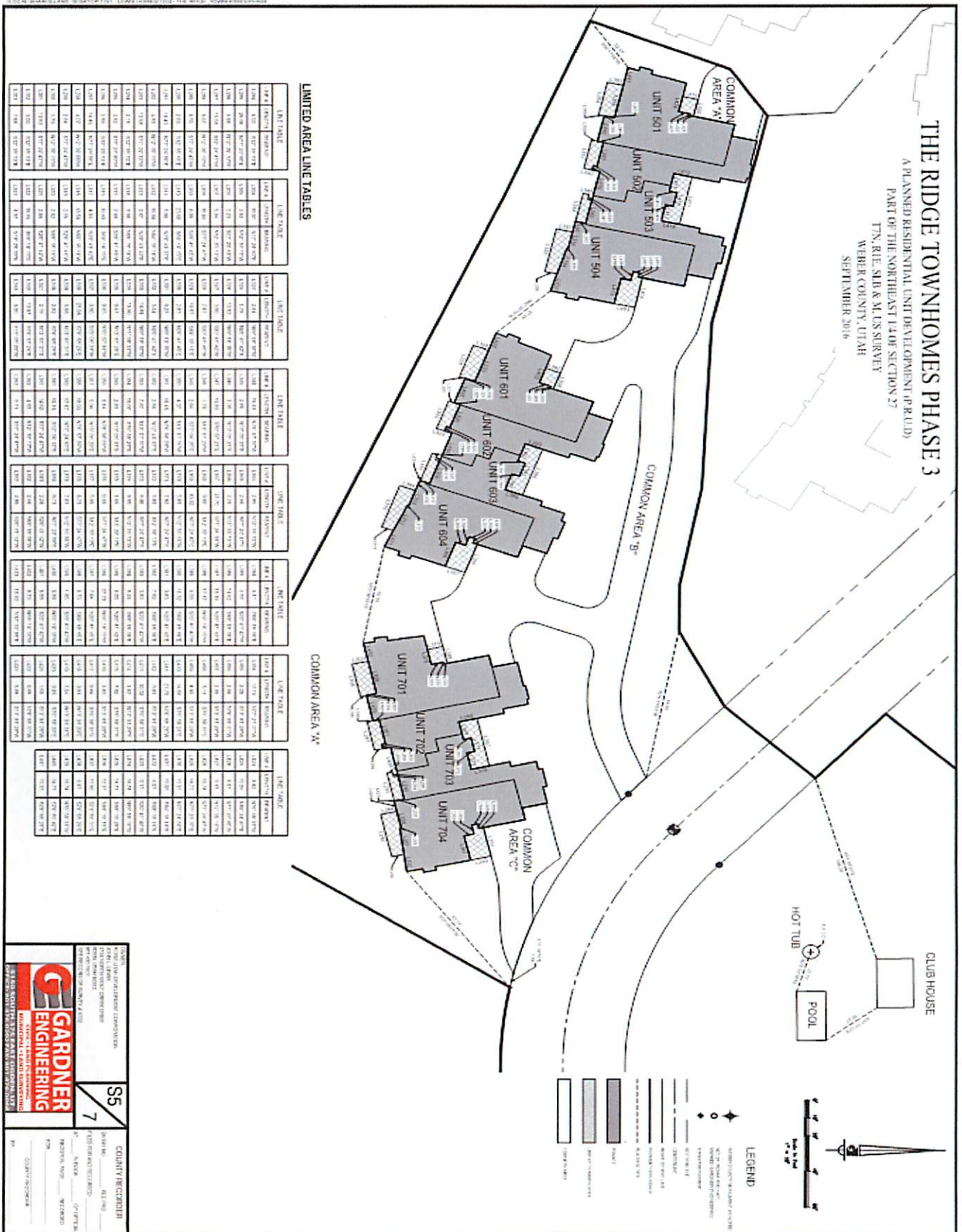
GARDNER ENGINEERING
 PROFESSIONAL ENGINEERING CORPORATION
 100 SOUTH 200 WEST, SUITE 200, OGDEN, UTAH 84401
 (435) 771-1111
 www.gardnereng.com

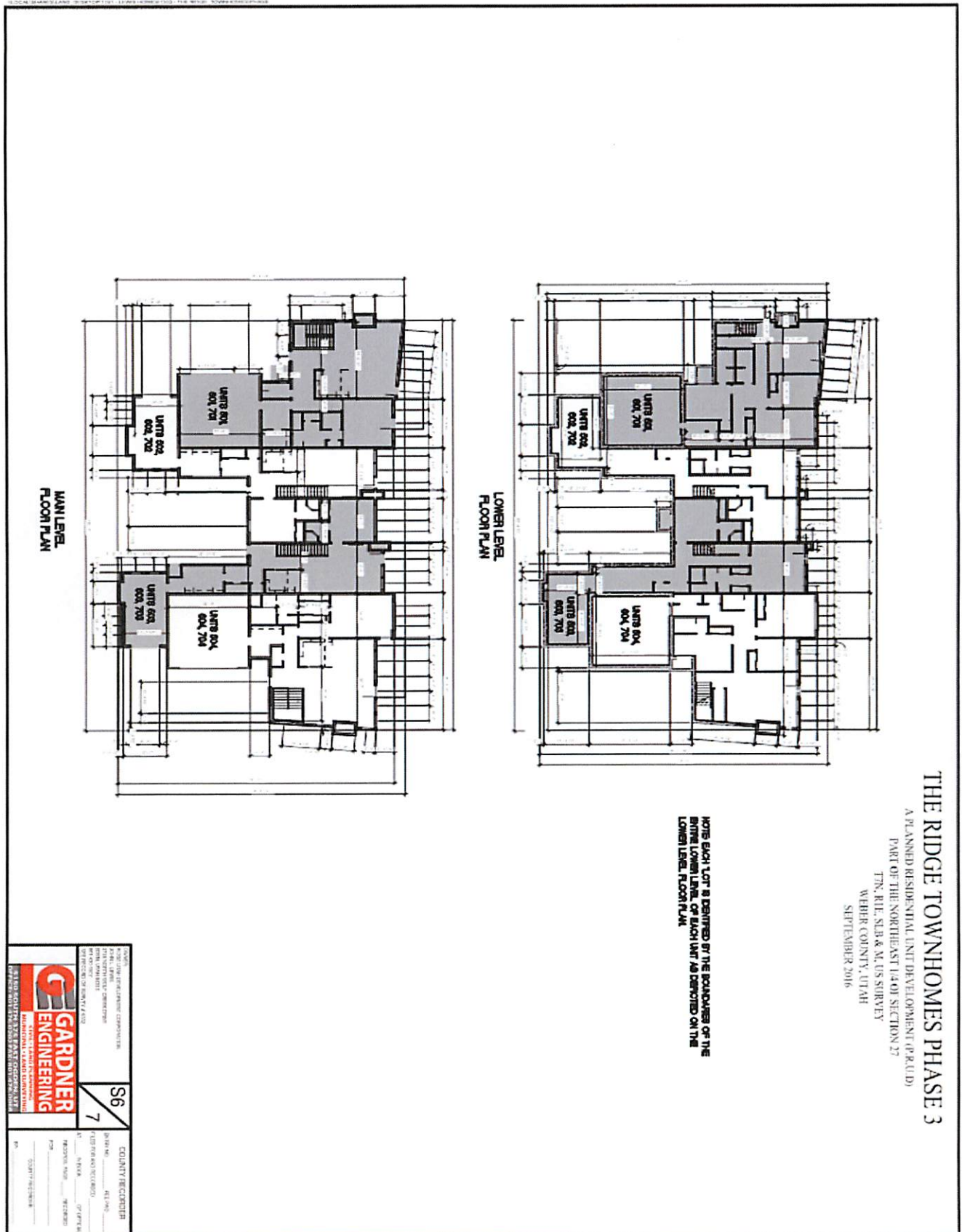
S4
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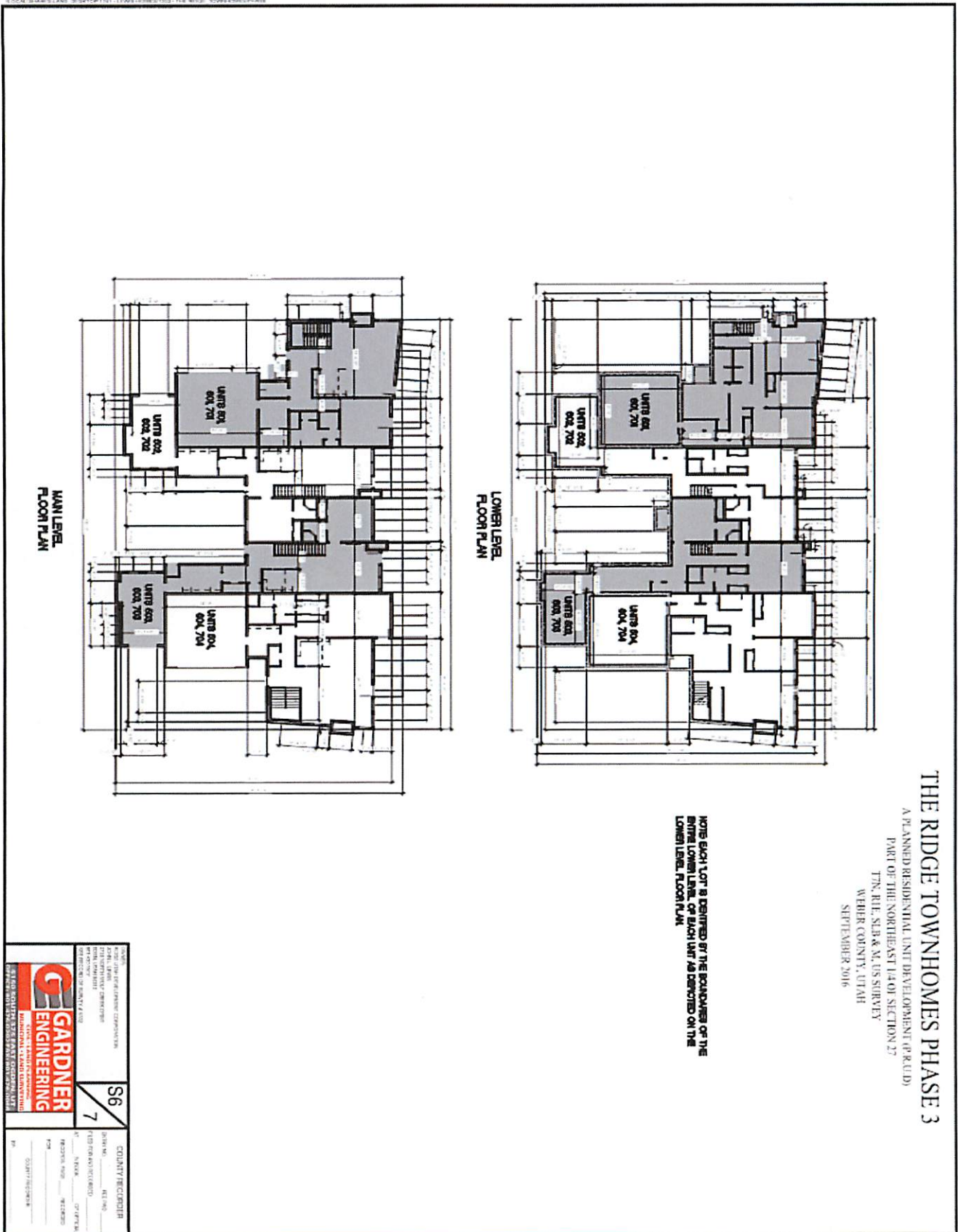
COUNTY RECORDER
 COUNTY: WEBER
 DISTRICT: 1
 SECTION: 27
 TOWNSHIP: 13N
 RANGE: 1E
 SURVEY: 13N, 1E, S1B & M

DATE: 09/28/2016
 TIME: 10:00 AM
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Exhibit B-The Ridge Townhomes PRUD Phase 3









August 26, 2016

RE: Capacity

Lewis Homes
3615 N. Wolf Creek Dr.
Eden, Utah 84310

To whom it may concern:

This is official notice that Wolf Creek Water and Sewer Improvement District has the capacity to serve the Ridge phase 3 with a total of 13 units. WCWSID has reviewed the plans and has approved them as presented by Gardner Engineering.

If you have any questions or concerns please feel free to contact me at 801-430-4647

Thank You,

A handwritten signature in black ink, appearing to read "Rob Thomas", written over a light blue horizontal line.

Rob Thomas
General Manager
Wolf Creek Water and Sewer
Improvement District

RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
September 28, 2016

A. ORGANIZATION

1. Appointment and Removal of Planning Commissioners

The Weber County Code describes how Planning Commission members are appointed and removed. Planning Commissioners are appointed by a majority vote of the County Commission. Planning Commissioners may be removed for cause, also by a majority vote of the County Commission.

2. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair, who may be elected to succeed themselves for one additional term only. If a vacancy arises in one of these offices during the year, the Commission shall elect a new Chair or Vice Chair at its next meeting. That person shall serve in that position for the rest of the year and may then be elected for one additional year.

3. 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 respectful 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.

4. 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.

5. 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

45 return, or the disability shall be removed, as the case may be. In such event, the temporary
46 Chair shall have all the powers and perform the functions and duties herein assigned to the
47 Chair of the Commission.

48 6. Secretary - Duties

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

- 51 (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting
52 of the Commission, to record for the record all members in attendance, to read
53 communications, resolutions and other papers which are ordered to be read by the
54 Chair of the meeting, and to receive and bring to the attention of the Commission
55 messages and other communications from other sources;
- 56 (b) Keep the minutes of the proceedings of the Commission and to record the same;
- 57 (c) Keep and maintain a file of all records pertaining to the work of the Commission, in
58 accordance with state and county record retention laws and policies; and
- 59 (d) Perform such other duties as may be required by these rules.

60 B. CONDUCT OF MEMBERS OF THE COMMISSION

61 1. Addressing Members

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

63 2. Preparation

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

67 3. Members Shall Attend Meetings

68 Every member of the Commission shall attend the meetings of the Commission unless duly
69 excused or unless unable to attend because of extenuating circumstances. Any member desiring
70 to be excused shall notify the secretary. The secretary shall call the same to the attention of the
71 Chair. If a member of the Planning Commission is absent from three consecutive regular or work
72 session meetings or four regular or work session meetings within a calendar year without being
73 excused by the Chair, the Chair may recommend to the County Commission that the member be
74 removed from the Commission for cause.

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

76 4. Conflict of Interest

77 Near the beginning of each meeting, the Chair shall ask whether any member of the Planning
78 Commission has any conflicts of interest to disclose. A member who knows that he/she has a
79 conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of
80 interest exists. A member who feels that he/she, or any other member of the Commission, *may*
81 have a conflict of interest on any matter that is on the agenda shall explain the possible conflict
82 to the Commission, and the Commission shall then vote to decide whether an actual, apparent,
83 or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of
84 interest shall not participate in the discussion and voting on that matter, but shall leave the
85 meeting during the time in which the matter in question is being discussed and voted upon, and
86 shall not attempt to influence other Commissioners regarding that matter before, during, or
87 after the meeting.

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(a) Disqualification

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

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any business in which the member is then serving or has served within the past two (2) years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- 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, including Chapter 17-16a of the Utah Code.

(c) Ex Parte Contacts

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Administrative matters, generally speaking, are applications that are to be reviewed for compliance with existing ordinances, and the Planning Commission is typically the decision maker (although county ordinances may require county commission approval in some cases). Examples include subdivision reviews, conditional use permit applications, and design reviews.

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

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

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

(d) Planning Commission Members Wishing to Give Comment

A member who desires to make comments 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.

134 (e) Gifts and Favors
135 Gifts and favors standards are found in UCA 17-16a-4. No public officer or employee shall
136 knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or
137 loan for themselves or another if it tends to influence them in the discharge of duties.
138 Exceptions to this are: an occasional non-pecuniary gift having a value less than \$50 or an award
139 publicly presented in recognition of public service.

140 (f) Treatment of Information
141 Reports and official records of a public planning agency must be open on an equal basis to all
142 inquiries. Planning advice should not be furnished to some unless it is available to all. All reports
143 in an official meeting agenda are public information.

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

151 C. MEETINGS

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

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

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

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

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

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3. Special Meetings

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

4. Meetings - Matters Considered

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

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

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

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

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

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

7. Open Meetings Law

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

222 8. Length of Meetings
223 At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items
224 remaining to be heard will be forwarded to the next agenda for consideration.

225 **D. PROCEDURE - ORDER OF BUSINESS**

226 1. Order of Business

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

- 228 (a) Chair opens the meeting and welcomes those in attendance
- 229 (b) Pledge of Allegiance
- 230 (c) Chair notes absences, and the names of those present and those absent shall be
231 entered on the record
- 232 (d) Chair reads opening meeting statement, as needed
- 233 (e) Chair asks commissioners if there have been any ex parte communications or if there
234 are any conflicts of interest to disclose
- 235 (f) Approval of minutes of prior meetings
- 236 (g) Consent Agenda
- 237 (h) Petitions, Applications and Public Hearings
 - 238 i. Administrative Items
 - 239 (1) Old Business
 - 240 (2) New Business
 - 241 ii. Legislative Items
 - 242 (1) Old Business
 - 243 (2) New Business
 - 244 (i) Public Comment for Items not on the Agenda
 - 245 (j) Planning Commission Remarks
 - 246 (k) Planning Director Report
 - 247 (l) Legal Counsel Remarks
 - 248 (m) Chair Adjourns Meeting

249 2. Agenda for Meetings

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

254 3. Approval of Minutes from Prior Meetings

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

259 4. Consent Agenda

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

- 264 (a) The Planning Director shall determine which items shall be on the consent agenda, list
265 those items on the consent agenda, and include all supporting reports and documents
266 with the packet that is delivered to Commissioners before the meeting.

- 267 (b) Commissioners, as part of their duties in preparing for the meeting, shall become
- 268 familiar with all consent agenda items and shall decide whether or not they support
- 269 approval of those items, as well as whether or not, in their opinion, each item will
- 270 require discussion during the meeting.
- 271 (c) When the consent agenda comes up during the meeting, the Chair shall read the items
- 272 on the consent agenda and ask whether any Commissioner wants any item removed, to
- 273 allow that item to be discussed and voted on separately during the meeting.
- 274 (d) If any Commissioner opposes an item on the consent agenda or believes that the item
- 275 requires discussion, the Commissioner shall request that the item be removed from the
- 276 consent agenda.
- 277 (e) If any Commissioner requests that an item be removed from the consent agenda, it
- 278 must be removed. The Chair shall decide when the item shall be discussed during the
- 279 meeting.
- 280 (f) When there are no more items to be removed, the Chair shall note, for the record,
- 281 which items have been removed and shall call for a vote on approval of the remaining
- 282 items on the consent agenda. There shall be no discussion. Approval requires a
- 283 unanimous vote.
- 284 (g) If any person other than a Commissioner asks for a consent agenda item to be
- 285 discussed, the Chair shall decide whether or not the item should be removed from the
- 286 consent agenda.

287 5. Deadline for Agenda

288 Requests to be on a Planning Commission agenda shall be filed 45 days prior to consideration by

289 the Planning Commission. The Planning Staff shall certify completeness of requests. Certified

290 requests which have been filed in a timely manner shall be placed on the agenda. The deadline

291 may be waived by the Planning Director if he/she determines that good cause exists for waiving

292 the deadline, the application is complete, and Staff has sufficient time to analyze the request,

293 adequately prepare a Staff Report and give proper notice.

294 6. Special Order of Business

295 The Commission may suspend the rules as to the order of business, or return to an order already

296 passed, on a motion supported by a majority of the members present.

297 **E. ORDER AND DECORUM**

298 1. Order of Consideration of Items

299 The following procedure will normally be observed; however, it may be rearranged by the Chair

300 for individual items, if necessary, for the expeditious conduct of business:

- 301 (a) Chair introduces item;
- 302 (b) Staff orients the project (type of use and decision, criteria and standards to be applied,
- 303 location, zoning, etc.);
- 304 (c) Applicant or applicant's agent explains the proposal and presents supporting evidence;
- 305 (d) Staff reports on staff recommendations;
- 306 (e) If it is a public hearing, then other interested people may comment;
- 307 (f) Planning Commission members may question staff, applicant, or others on all the above;
- 308 (g) Applicant's rebuttal if requested;
- 309 (h) Closing of the public hearing, if applicable;

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

313 2. Consideration of Items

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

317 The Chair of the Planning Commission shall have authority to:

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

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

332 3. Conduct of Persons before the Commission

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

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

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

345 4. Questions and Comments by Commissioners

346 During all meetings, the Chair shall maintain order when Commissioners are discussing items,
347 both with each other and with other people. A Commissioner who wants to make a comment or
348 ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair
349 consents, then the Commissioner may make the comment or ask the question. The Chair may
350 choose to allow a continuing line of discussion without the need for Commissioners to seek
351 recognition before each question or comment, but the Chair must ensure that discussions
352 remain appropriate and relevant to the matter at hand, and may at any time require
353 Commissioners to obtain recognition from the Chair before further questions or comments.
354

355 F. **PROCEDURE - MOTIONS**

356 1. **Motions—Typical Process**

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

360 (a) After the Planning Commissioners have reviewed the full public record and heard any
361 presentations or comments regarding a request, the Chair invites Commissioners to
362 make a motion. The Chair may choose to outline possible actions, such as approval,
363 denial, tabling, or approval with conditions.

364 (b) Any Planning Commissioner, except for the Chair, may make a motion to propose what
365 decision the Commission should make on the request. The motion shall include not only
366 the proposed decision, but also a recitation of specific findings of fact supporting the
367 proposed decision.

368 (c) Any Commissioner, including the Chair, may second the motion, which will allow for
369 discussion and voting on the motion.

370 (d) A motion dies in the absence of a second.

371 (e) Once the motion has been seconded, the Chair “states the motion” and opens it up for
372 discussion by saying something like, “We have a motion and a second. Is there any
373 discussion?”

374 (f) Members discuss the motion. Discussion of the motion should not take place until after
375 it has been seconded and the Chair has stated the motion and called for discussion.
376 During this time, members are allowed to openly discuss the proposal and may further
377 question any party appearing for or against the proposal as necessary (but generally,
378 questions should be asked during the time for presentations and comments).

379 (g) After the discussion, the Chair calls for a vote on the motion. Voting procedures are as
380 follows:

381 i. **Voting**

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

385 ii. **How a Motion Passes**

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

388 iii. **Tie Votes**

389 If a motion regarding any matter before the Commission receives an equal
390 number of votes in the affirmative and in the negative, the motion fails. If this
391 happens, a Commissioner may make a different motion on the same subject,
392 and this may continue until a majority vote is obtained. The option of continuing
393 an item with the possibility that an odd number of members of the Commission
394 will be at a subsequent meeting may be considered.

395 iv. **Voting or Changing a Vote After Decision Announced**

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

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

- 441 withdraw the original motion, in which case the Chair shall call for a
 442 second. If there is no second, then the motion to withdraw dies, and the
 443 discussion of the original motion continues. If there is a second, then
 444 the Chair shall state the motion to withdraw and put it to a vote,
 445 without debate.
- 446 (4) If a request or motion to withdraw is granted, then it is as if the motion
 447 had not been made in the first place, so the mover (or any other
 448 Commissioner) can make that same motion again at the same meeting.
- 449 v. To amend
- 450 (1) All amendments must relate to the same subject as the original motion.
- 451 (2) A “friendly amendment” is an amendment that makes no substantive
 452 changes, but is a minor technical amendment appropriate for
 453 clarification or correction. A Commissioner may offer a friendly
 454 amendment without a formal motion, and if the Chair determines that
 455 no member objects, then the Chair shall declare the original motion so
 456 amended. If any member objects to the friendly amendment, then the
 457 request dies, although any member may then make the request again
 458 through a formal motion, following the procedure described below.
- 459 (3) Any amendment other than a friendly amendment must be offered by
 460 motion. If the motion to amend is seconded, then the Chair shall state
 461 the motion and call for discussion and then a vote on whether or not to
 462 amend the original motion. If the motion to amend fails, then the
 463 original motion is back under consideration. If the motion to amend
 464 passes, then the original motion is superseded, and the amended
 465 motion is under consideration and shall be put to a vote after any
 466 necessary discussion.
- 467 (4) A motion to amend may be withdrawn or tabled without prejudice to
 468 the original motion. Likewise, if a motion to amend passes, but the
 469 amended motion then fails to pass, then any Commissioner may make
 470 the original motion again. In other words, if an attempt is made to
 471 amend an original motion, and the Commission does not end up voting
 472 in favor of the amended motion, then the original motion may be re-
 473 made.
- 474 vi. To refer to committee (requires a second and is debatable)
- 475 vii. To call the question (i.e., immediately close debate and vote on the motion that
 476 is before the Commission) (requires a second but is not debatable)
- 477 viii. To limit or extend limits of debate (requires a second but is not debatable)
- 478 ix. To take a recess (requires a second but is not debatable)
- 479 x. To call for orders of the day (i.e., insist that the schedule and agenda be
 480 followed) (does not require a second and is not debatable)
- 481 xi. To suspend the rules (requires a second but is not debatable)
- 482 xii. To appeal rulings by the Chair (requires a second and is debatable except when
 483 the ruling addresses indecorum, priority of business, or an undebatable
 484 underlying question)
- 485 xiii. To reconsider an undebatable motion (requires a second but is not debatable)
- 486

- 487 3. Additional Rules Regarding Motions
- 488 (a) Motions to Deny
- 489 Where a motion to deny a request has been defeated, a member of the Commission
- 490 shall make another motion to dispose of the issue.
- 491 (b) Motion to Reconsider
- 492 A motion to reconsider a previous decision must be made in the same meeting as the
- 493 motion that was voted on. It can only be made by a member who voted on the
- 494 prevailing side and must be seconded. Any Commission member, regardless of vote on
- 495 the main motion, may second the motion. It is a debatable motion, as long as the main
- 496 motion was debatable. It can be made to a vote that was either affirmative or negative.
- 497 A motion to reconsider proposes no specific change in a decision but simply proposes
- 498 that the original question be reopened. It requires a majority vote and cannot be
- 499 reconsidered.

500 **G. DOCUMENTS OF THE COMMISSION**

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

508 **H. AMENDMENT**

509 Any person may propose an amendment to these Rules of Order. The person shall present the proposal

510 to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning

511 Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14

512 days after the meeting in which the initial proposal was made. The regular rules for quorums, motions,

513 and voting apply.

514 **I. RECORDING OF RULES - COPIES TO BE FURNISHED**

515 These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book

516 kept for the recording of such business and shall be furnished to each member of the Commission.

517

518 Effective Date: _____

Effective Date: _____

519 _____

520 _____

521 Laura Warburton, Chair

522 Ogden Valley Planning Commission

Mark Whaley, Chair

Western Weber Planning Commission