



WESTERN WEBER PLANNING COMMISSION

AMENDED MEETING AGENDA

June 9, 2020

5:00 p.m

Pre-Meeting: Discussion of Zoom meeting conduct and receiving public comment. (i.e. chat feature-turned off).

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

1. **Review and approval of 2020 revised Planning Commission Rules of Order**
2. **Consent Agenda:**
- 2.1 **DR 2020-02** - Consideration and action on a design review amendment to expand the Winco Distribution Center Parking lot. The parking lot expansion area is 1.07-acres.
Applicant, Brandon Johnson; Staff Presenter, Felix Lleverino

Petitions, Applications, and Public Hearings:

3. **Administrative items**
- 3.1 **CUP 2020-08:** Consideration and action on Conditional Use Permit 2020-08 for a Night Watchman Quarters in the Commercial C-2 Zone
Applicant, Katrina Gibson; Staff Presenter, Iris Hennon

Petitions, Applications, and Public Hearings:

4. **Legislative items**
- 4.1 **ZMA 2020-02:** Public hearing to consider and take action on a proposal to rezone approximately 4.49 acres of land located at 6224 S. 2225 E. from RE-15 to R-1-12.
Staff Presenter: Charlie Ewert
- 4.2 **ZTA 2020-06:** Public Hearing to consider and take action on a proposal to amend the Weber County Code, Chapter 104-3, 108-7, among other parts of the code, if applicable, to allow the cultivation of medical cannabis in the A-2 zone.
Staff Presenter: Charlie Ewert
- 4.3 **ZTA 2020-04:** Public hearing to consider and take action on a proposal to amend the Weber County Code, Chapter 106-2 and 106-4 to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.
Staff Presenter: Charlie Ewert

5. **Public Comment for Items not on the Agenda:**
6. **Remarks from Planning Commissioners:**
7. **Planning Director Report:**
8. **Remarks from Legal Counsel:**
9. **Adjourn to Work Session**

WS1: Discussion about short term rentals in Western Weber and regulatory options.

WS2: ZTA2020-03 Discussion regarding a proposed accessory dwelling unit ordinance.

HOST: Steve Burton

Join Zoom Meeting

<https://us02web.zoom.us/j/81608896724>

Meeting ID: 816 0889 6724

One tap mobile

+13462487799,,81608896724# US (Houston)

+16699006833,,81608896724# US (San Jose)

Dial by your location

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+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

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+1 301 715 8592 US (Germantown)

Meeting ID: 816 0889 6724

Find your local number: <https://us02web.zoom.us/j/81608896724>

The Virtual Meeting will be held via Zoom.

A Pre-Meeting will be held at 4:30 p.m. via ZOOM. 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.

RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
April 2020

A. ORGANIZATION

1. Appointment of Chair and Vice Chair

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

2. Chair - Duties

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

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

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

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

3. Duties of the Vice Chair

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

4. Temporary Chair

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

5. Secretary - Duties

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

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

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

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

2. Preparation

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

3. Members Shall Attend Meetings

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

Planning Commission members shall attend required training.

4. Conflict of Interest

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

(a) Disqualification

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

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

(b) Disclosure of Potential Conflict of Interest

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

(c) Ex Parte Contacts

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

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

(d) Planning Commission Members Wishing to Give Comment

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

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

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

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

C. MEETINGS

1. Place

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

2. Regular Meetings

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

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

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

3. Special Meetings

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

4. Meetings - Matters Considered

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

5. Quorum

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

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held after a regular meeting has concluded, which regular meeting is scheduled on the second Tuesday of each month at the hour of 5:00 p.m.

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

A joint work session of the Ogden Valley Planning Commission and the Western Weber Planning Commission may be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

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

8. Length of Meetings

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

9. Electronic Meetings

The Utah Open and Public Meetings Act allows public bodies to hold electronic meetings, subject to certain requirements. The Planning Commission hereby adopts the following rules to allow electronic meetings and govern their use. If future changes in state law conflict with these rules, the conflicting provisions of the new state law shall be automatically incorporated into these rules by reference, superseding the conflicting provisions of these rules, until the rules can be amended to conform to the new state law.

(a) The Planning Commission will only hold an electronic meeting in the following circumstances:

1. A matter coming before the Commission requires prompt attention;
2. The Planning Director or designee determines that there will not be a quorum present for the next meeting unless the Commission allows one or more members to attend electronically; and

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

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business

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

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

2. Agenda for Meetings

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

3. Approval of Minutes from Prior Meetings

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

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

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

4. Deadline for Agenda

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

5. Special Order of Business

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

E. ORDER AND DECORUM

1. Order of Consideration of Items

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

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

2. Consideration of Items

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

The Chair of the Planning Commission shall have authority to:

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

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

3. Time Limits

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

4. Conduct of Persons before the Commission

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

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

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

F. PROCEDURE - MOTIONS

1. Making of Motions

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

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

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

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

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

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

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

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

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

G. PROCEDURE - RECONSIDERATION

1. Motion to Reconsider

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

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yeyes) 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

RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
April 2020

A. ORGANIZATION

1. Appointment of Chair and Vice Chair

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

2. Chair - Duties

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

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

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

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

3. Duties of the Vice Chair

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

4. Temporary Chair

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

5. Secretary - Duties

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

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

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

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

2. Preparation

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

3. Members Shall Attend Meetings

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

Planning Commission members shall attend required training.

4. Conflict of Interest

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

(a) Disqualification

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

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

(b) Disclosure of Potential Conflict of Interest

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

(c) Ex Parte Contacts

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

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

(d) Planning Commission Members Wishing to Give Comment

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

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

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

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

C. MEETINGS

1. Place

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

2. Regular Meetings

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

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

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

3. Special Meetings

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

4. Meetings - Matters Considered

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

5. Quorum

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

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held after a regular meeting has concluded, which regular meeting is scheduled on the second Tuesday of each month at the hour of 5:00 p.m.

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

A joint work session of the Ogden Valley Planning Commission and the Western Weber Planning Commission may be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

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

8. Length of Meetings

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

9. Electronic Meetings

The Utah Open and Public Meetings Act allows public bodies to hold electronic meetings, subject to certain requirements. The Planning Commission hereby adopts the following rules to allow electronic meetings and govern their use. If future changes in state law conflict with these rules, the conflicting provisions of the new state law shall be automatically incorporated into these rules by reference, superseding the conflicting provisions of these rules, until the rules can be amended to conform to the new state law.

(a) The Planning Commission will only hold an electronic meeting in the following circumstances:

1. A matter coming before the Commission requires prompt attention;
2. The Planning Director or designee determines that there will not be a quorum present for the next meeting unless the Commission allows one or more members to attend electronically; and

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

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business

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

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

2. Agenda for Meetings

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

3. Approval of Minutes from Prior Meetings

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

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

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

4. Deadline for Agenda

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

5. Special Order of Business

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

E. ORDER AND DECORUM

1. Order of Consideration of Items

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

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

2. Consideration of Items

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

The Chair of the Planning Commission shall have authority to:

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

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

3. Time Limits

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

4. Conduct of Persons before the Commission

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

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

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

F. PROCEDURE - MOTIONS

1. Making of Motions

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

2. Withdrawing or Modifying a Motion

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

3. Motions in Order During Debate

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

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

4. Motion must be Germane

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

5. Motions to Deny

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

6. Substitute Motions

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

7. Amendments

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

8. Friendly Amendments

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

G. PROCEDURE - RECONSIDERATION

1. Motion to Reconsider

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

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yeyes) 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



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a design review amendment to expand the Winco Distribution Center Parking lot. The parking lot expansion area is 1.07-acres
Agenda Date: Tuesday, June 09, 2020
Applicant: Brandon Johnson
File Number: DR 2020-02

Property Information

Approximate Address: 2423 Rulon White Blvd
Project Area: Parking lot expansion area: 1.07 acre
Zoning: Manufacturing (M-1 Zone)
Existing Land Use: Distribution Center
Proposed Land Use: Distribution Center
Parcel ID: 19-182-0001
Township, Range, Section: T7N, R2W, Section 36

Adjacent Land Use

North:	Industrial	South:	Industrial
East:	Industrial	West:	Industrial

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767
Report Reviewer: SB

Applicable Ordinances

1. Title 104 Zones Chapter 22 Manufacturing Zone (M-1)
2. Title 104 Chapter 1 (Design Review)
3. Title 108 Standards Chapter 7 (Supplemental and Qualifying Regulations)
4. Title 108 Standards Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations)

Development History

On February 19, 2003, Weber Industrial Park - Plat "D", 3B was recorded.

In April 2004 the landscaping and signage were approved as a design review.

A design review amendment to construct additional truck loading docs and additional parking on the north side was unanimously approved by the Planning Commission on November 15, 2016.

On April 8, 2020, a design review application was submitted for the proposed expansion.

Background

The applicant is requesting approval of a design review amendment to expand the parking lot area by paving with asphalt a 1-acre area. The Winco Distribution Center is located on lot 3b of the Weber Industrial Park Plat D (see Exhibit C).

The new parking lot area will be used for short term parking of trucks and trailers. There is a line of trees and a turf-grass area that serves as a buffer and screen between Rulon White Boulevard and the new parking lot area.

Summary of Planning Commission Considerations

General Plan: Manufacturing uses and expansions within the designated area zoned for such activities are in accordance with the Western Weber General Plan.

Zoning: A parking lot is considered an accessory use to the main use. Warehousing of food items is a permitted use in the M-1 Zone.

Design Review: As a permitted use, this operation is allowed in the M-1 Zone. Site expansion and alterations are required to undergo the Design Review process to ensure compliance with the DR requirements. An expansion of this size requires Planning Commission approval due to the expansion area being greater than one acre. The parking lot expansion is consistent with the design review criteria. See the comments below for all applicable design review considerations for the Western Weber area:

- *Considerations relating to traffic safety and traffic congestion.* Traffic safety hazards and congestion are not anticipated with this project. There are two entry points to enter the new parking area.
- *Outdoor advertising.* There is no advertising sign proposal included with the parking lot expansion plan.
- *Landscaping.* The total project area is 159,049 sq. ft. The parking lot addition will occupy a roughly 48,000 sq ft area. There are several landscaped areas within the site that consist of evergreen trees, rock-scapes, planted islands, and turf-grass which amount to the total area of 15,905 sq. ft. The existing landscaping meets the minimum amount required under the Weber County Design Review criteria (see Exhibit D).
- *Buildings and site layout.* The expansion plan is limited to an asphalt parking lot expansion and some added landscaping. The layout is consistent with the surrounding area parking lots being configured in a rectangular shape.
- *Utility easements, drainage, and other engineering questions.* Weber County Engineering will inspect the drainages and orifice covers.
- *Prior development concept plan approval associated with any rezoning agreement planned commercial or manufacturing rezoning or planned residential unit development approval.* The plan to expand the parking lot by roughly one-acre does not conflict with the Weber Industrial Park Protective Covenants.

Review Agencies: Weber Fire District approves of this project. Weber County Engineering Department will inspect to make sure all orifice plates are installed and that nuisances related to dust are mitigated. The Weber County Planning Division approves of this expansion.

Staff Recommendation

Staff recommends approval of Design Review Application 2020-02 to expand the Winco Warehouse parking lot subject to the applicant meeting the conditions of approval and any other conditions required by the Planning Commission. This recommendation is based on any review agency comments and the following conditions:

1. The parking lot expansion area will be kept in good repair and free unsightly waste material.
2. The minimum landscaped area of 15,905 square feet will be maintained in good condition.

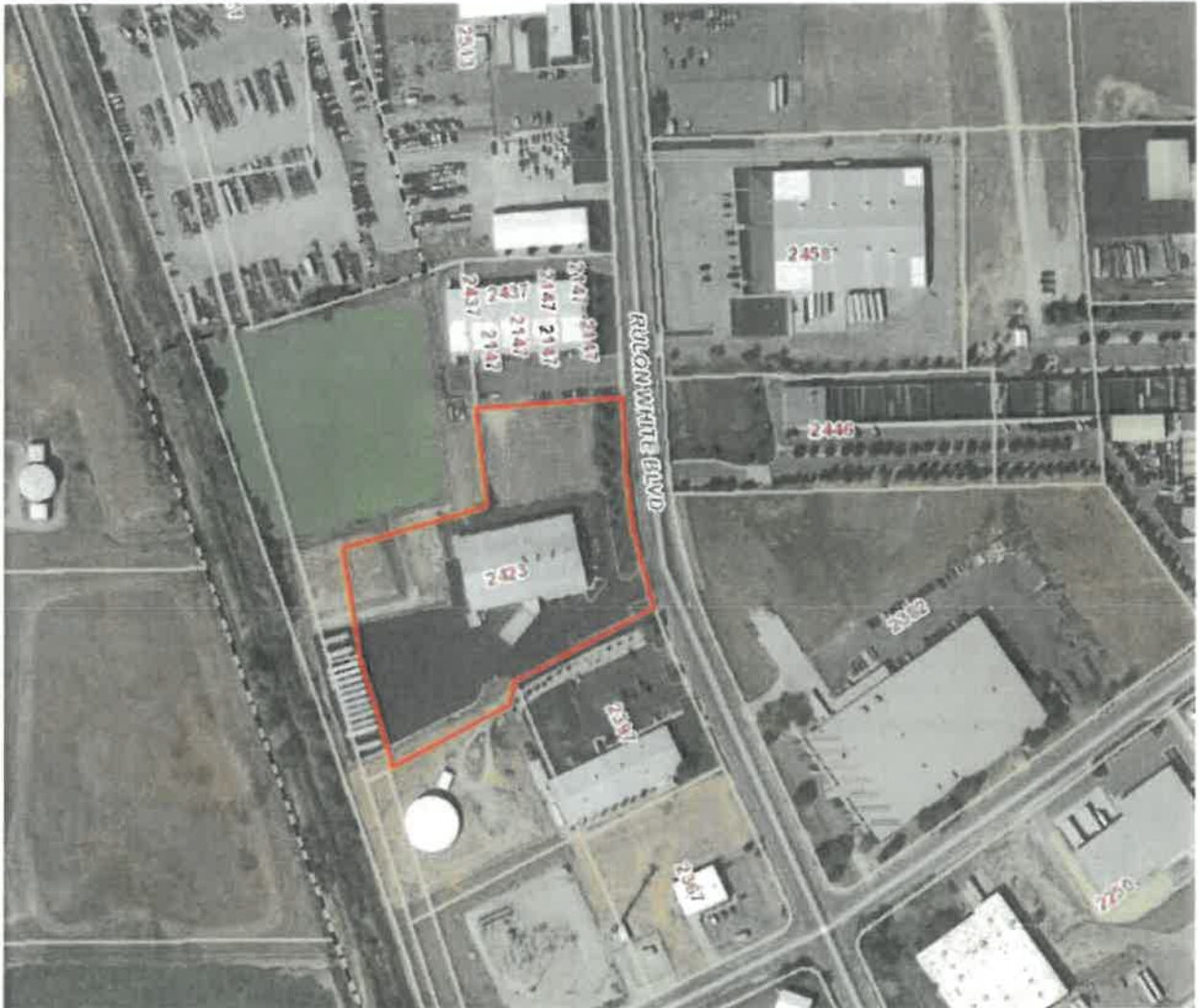
This recommendation is based on the following findings:

1. The proposed use conforms to the Western Weber General Plan.
2. The proposed use is not detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, is not anticipated to deteriorate the environment or negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Construction plans (select pages)
- C. Weber Industrial Park Plat D
- D. Landscape plan

Area Map

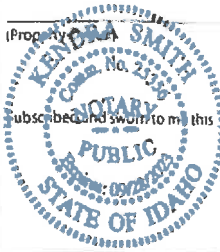


Weber County Design Review Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) WinCo Foods, LLC, ATTN: David Van Etten		Mailing Address of Property Owner(s) 650 North Armstrong Place Boise, ID 83704	
Phone (208) 672-2066	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) david.vanetten@wincofoods.com			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Brandon Johnson, PE		Mailing Address of Authorized Person 8730 Tallon Lane NE Suite 200 Lacey, WA 98516	
Phone (360) 352-1465	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address BRANDON.JOHNSON@SCJALLINCE.COM			
Property Information			
Project Name WinCo #80 Cross Dock	Current Zoning M-1	Total Acreage 5.04	
Approximate Address 2423 Rulon White Blvd Ogden, UT 84404		Land Serial Number(s) 19-182-001	
Proposed Use Distribution Center			
Project Narrative The project involves the construction of a parking lot and stormwater conveyance and detention facility.			

Property Owner Affidavit

I (We), David M. Butler 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

(Property Owner)



David M. Butler
(Property Owner)

subscribed and sworn to me this 7th day of March 20 20

Kendra Smith
Residing at Boise ID (Notary)

Authorized Representative Affidavit

I (We), _____ the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application

(Property Owner)

(Property Owner)

Dated this _____ day of _____ 20 _____, personally appeared before me _____ the signers) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

COMMERCIAL DEVELOPMENT
FOR
**WinCo
FOODS**
ON-SITE CIVIL CONSTRUCTION DOCUMENTS
OGDEN, UTAH



OWNER / APPLICANT
WINCO FOODS, INC.
1000 WEST 1000 SOUTH
OGDEN, UTAH 84403

ENGINEER
D. J. ALLIANCE
1000 WEST 1000 SOUTH
OGDEN, UTAH 84403

SURVEYOR
D. J. ALLIANCE
1000 WEST 1000 SOUTH
OGDEN, UTAH 84403

SITE INFORMATION
PROJECT NUMBER: 2014-001
PROJECT NAME: WINCO FOODS
SITE ADDRESS:
2431 N. RAILROAD BLVD.
OGDEN, UTAH 84403

UTILITIES
WATER: 12" DUCT IRON PIPE
SEWER: 12" DUCT IRON PIPE
GAS: 8" DUCT IRON PIPE
ELECTRIC: 4" DUCT IRON PIPE
TELEPHONE: 4" DUCT IRON PIPE
CABLE: 4" DUCT IRON PIPE

ZONING
COMMERCIAL (C-1)

LEGAL DESCRIPTION
SOUTH 1/4 OF SECTION 30, T41N, R21W, S412M
OGDEN, UTAH

URSE OF BEARING
SEE PLAN FOR BEARING TO BE USED TO
LOCATE ALL POINTS ON THE SITE.

DATUM
NAD 83

SHEET INDEX	
NO.	DESCRIPTION
01	GENERAL NOTES
02	EXISTING UTILITIES
03	PROPOSED UTILITIES
04	PROPOSED PAVEMENT
05	PROPOSED GRASSY YARD
06	PROPOSED DRIVEWAY
07	PROPOSED SIDEWALK
08	PROPOSED SIGNAGE
09	PROPOSED LIGHTING
10	PROPOSED FENCE
11	PROPOSED SITE PLAN
12	PROPOSED SITE PLAN
13	PROPOSED SITE PLAN
14	PROPOSED SITE PLAN
15	PROPOSED SITE PLAN
16	PROPOSED SITE PLAN
17	PROPOSED SITE PLAN
18	PROPOSED SITE PLAN
19	PROPOSED SITE PLAN
20	PROPOSED SITE PLAN



A PORTION OF SEC. 30, T41N, R21W, S412M
OGDEN, UTAH

UPON PERMIT NOTE
A PERMIT MUST BE OBTAINED FROM THE CITY OF OGDEN BEFORE ANY CONSTRUCTION BEGINS. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL CITY ORDINANCES AND REGULATIONS. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL CITY ORDINANCES AND REGULATIONS.

SHIPPED NOTE
A COPY OF THESE PLANS AND SPECIFICATIONS SHALL BE PROVIDED TO THE CITY OF OGDEN AT THE TIME OF PERMIT APPLICATION. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL CITY ORDINANCES AND REGULATIONS.

10/15/14

D. J. ALLIANCE
1000 WEST 1000 SOUTH
OGDEN, UTAH 84403

WINCO FOODS, INC.
2431 N. RAILROAD BLVD.
OGDEN, UTAH

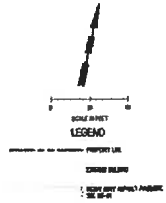
**WinCo
FOODS**

10/15/14

COVER SHEET

CV-01

10/15/14 10:00 AM 10/15/14 10:00 AM 10/15/14 10:00 AM 10/15/14 10:00 AM 10/15/14 10:00 AM



PROJECT NO.	HC-01
DATE	11/11/2024
PROJECT NAME	WINCO FOODS EXPANSION
CLIENT	WINCO FOODS
DESIGNER	SCJ ALLIANCE
LOCATION	SEC. 36, T7N., R2W., SLB&M
SCALE	AS SHOWN
DATE	11/11/2024
PROJECT NO.	HC-01

WINCO FOODS EXPANSION

SEC. 36, T7N., R2W., SLB&M

WINCO FOODS

SCJ ALLIANCE

11/11/2024

HC-01

LANDSCAPE SUMMARY

TOTAL SITE AREA = 5.04 AC

TOTAL SITE PROJECT AREA = 159,049 SF

TOTAL LANDSCAPED AREA REQUIRED = 15,905 SF (10%)

EXISTING LANDSCAPED AREA = 13,245+1470+672+518 = 15,905 SF

ADDITIONAL LANDSCAPE ARE REQUIRED = 0 SF

EXISTING IRRIGATED GRASS TURF = 13,245+672+518 = 14,435 SF

SEC. 36, T7N., R2W., SLB&M



CALL BEFORE YOU DIG
 847-444-3333
 24 Hours a Day, 7 Days a Week
 For more information on the location, please call the number above.
 If you are unsure of the location, please call the number above.
 The information is not intended to be a guarantee of accuracy.
 Please call at each step to get the latest info.

LEGEND

PROPOSED USE

EXISTING TURF

PROPOSED TURF

PROPOSED LANDSCAPING

LANDSCAPE SUMMARY

Winco Foods - 4278 BD
 13,246 SF Existing Turf
 1,470 SF Existing Landscaping
 518 SF Existing Turf
 672 SF Existing Turf



BASIS OF BEARING:
 All bearings and distances are based on the survey of the site.
 The survey was conducted on 11/11/11 by [Surveyor Name].

RECORD MAP:
 11/11/11

SC/J ALLIANCE
 THE SCIENCE OF LANDSCAPE ARCHITECTURE

Winco Foods

LANDSCAPE PLAN

LS-01



**Staff Report to the Western Weber Planning
Commission**
Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Conditional Use Permit (2020-08) for a Night Watchman Quarters in the Commercial C-2 Zone and Agriculture A-1 Zone.
Agenda Date: Tuesday, June 09, 2020
Applicant: Gibson Corner LLC & Katrina C Gibson Revocable Trust
File Number: CUP 2020-08

Property Information

Approximate Address: 4678 West 1150 South, Ogden UT84404
Project Area: 2.37 acres
Zoning: Agriculture A-1/ commercial C-2 Zone
Existing Land Use: Agricultural/Residential /Commercial
Proposed Land Use: Night watchman
Parcel ID: 150550069/150550068/150550048/150550015
150550032
Township, Range, Section: T6N, R2W, Section 20 N.E. 1/4

Adjacent Land Use

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

Staff Information

Report Presenter: Iris Hennon
ihennon@co.weber.ut.us
801-399-8762
Report Reviewer: S.B.

Applicable Ordinances

- Zoning Ordinance Section 104 Zone Chapter 5 (A-1 Zone)
- Zoning Ordinance Section 104 Zone Chapter 20 (C-1, C-2, C-3 Zone)
- Zoning Ordinance Section 108 Standards Chapter 1 (Design Review)
- Zoning Ordinance Section 108 Chapter 4 (Conditional Use)
- Zoning Ordinance Section 108 Chapter 8 (Parking and Loading Space, Vehicle Traffic and access regulations).

Background

The applicant is requesting approval of a Conditional Use Permit to allow a Night Watchman dwelling unit as part of a commercial building for the proprietor or an employee who also serves as a night watchman; with 1.6 acres of total green space provided for the family that adjoins the commercial acreage.

The existing building on site does meet the minimum setbacks for a commercial building at fifty (50) feet from the front lot line, on streets and highways of eighty (80) feet or more in width.

Side none, except ten (10) feet adjacent to residential zone boundary. Rear none, except ten (10) feet where a building rears on a residential zone. The only commercial activity in this building is the gas station, an office for the gas station and storage of product for the shop portion of the station.

The proposed site sits across the street from commercial land on the south, and by agricultural land and homes across the street on the West side and on the north, and east sides of the property. This site consists of a commercial building housing three units one of which it is proposed to be used as a dwelling for a night watchman. A conditional Use permit is required in the C-2 zone.

Landscaping: Much of the landscaping is existing on the commercial site. The landscaping is located on the south/west corner of the commercial site with some green grass that is approximately .4 acres, in the back of property. There is also an acre on the east side of the property that will be used in connection with the night watchman dwelling for the family.

The Night Watchman and family will approach the home from 4700 west; and park on the east side where there is two parking spaces available for their use. This will give the family privacy and not impede any commercial activity of patrons parking at the front of the building to enter the gas station shop thereby continuing the free flow of the commercial enterprise.

More and more the gas station has become a target for the homeless, trying to break into the building, and others trying to steal some of the product, namely the cigarettes and alcohol.

STANDARD OF CONDITIONAL USE PERMIT

- The proposed use does meet the requirements of applicable County Ordinances by obtaining a Conditional Use permit.
- There are not any potentially detrimental effects for this commercial property other than losing approximately 1,000 square feet of commercial space.

In order for a conditional use permit to be approved, it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." (108-4) The Planning Commission needs to determine if the proposed use meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

Title 108 Chapter 4 - 5: Conditional Use Standards

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish that this application has been reviewed against the apical conditional use standards in 108-4-5

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potentially detrimental effects of this application is losing approximately 100 feet of commercially zoned property. The gains far outweigh the negative by having a night watchman this commercial site is protected by the security of a night watchman. At the gas station gasoline, alcohol and cigarettes are kept for sale. Having the community know that a night watchman is available at all times protects the immediate neighbors as well as proprietors of the establishment. The Night watchman acts as a deterrent for any misappropriation after hours. Another gain to this site is less commercial business and congestion, by just having one business as opposed to three. Historically there has been three commercial units in this building; the gas station, offices and a hair salon which was the last business to occupy the space. It has at one time or another had various uses, a restaurant, offices for an electrical company, water company and hair salons in the past.

There are two pieces of green space for the night watchman and family to utilize which meets the criteria of providing an additional 3,000 square feet of landscaped area provided for the residential use. . This application meets the criteria listed in applicable County Ordinances in the following ways:

- The proposed site and building is already established, no additional building needs to be constructed.
- Mature landscaping is already in place in regards to the commercial business.
- No additional parking is required because there will not be any clientele as this will be a private residence. In fact it might alleviate some congestion during business hours as this is a very busy corner where neighbors meet.

Compliance with the General Plan

The proposed use complies with applicable County Ordinances, and does not go against the principles and goals of the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Building Inspection Division
- Staff will inspect the site to ensure compliance to approvals prior to the issuance of occupancy permits

Staff Recommendation

Staff recommends approval of CUP 2020-08 Night Watchman Quarters subject to staff and review agency requirements. This recommendation is based on the project being in compliance with applicable County Ordinances and subject to the conditions listed in this report. The Planning Commission may base the approval on the following findings:

1. The proposed use for this site is allowed in the C-2 Zone with a Conditional Use Permit and will meet the appropriate site development standards and all other applicable ordinances with no interruption of the commercial business taking place.

2. The proposed Night Watchman dwelling conforms to the Western Weber General Plan.
3. The proposed application for the Country Corner Night Watchman Dwelling provides living accommodation for a family that might not otherwise be able to afford to live in this area.
4. This dwelling meets the requirements for two parking spaces for the dwelling and has sufficient parking for the C-2 commercial uses.

Attachments

- A. Site plan
- B. Applicant's narrative
- C. Applicable photographs of the residence.
- D. Map Location of home.

CWP 08/2020

Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 4/28/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Gibson Corner LLC & Katrina C Gibson Revocable Trust		Mailing Address of Property Owner(s) 5454 W 1150 S Ogden, UT 84404
Phone (801) 940-6521	Fax	
Email Address (required) kwgibson@gmail.com	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) Ron Gibson		Mailing Address of Authorized Person 4790 W 500 S Ogden UT 84404
Phone (801) 940-0477	Fax	
Email Address gibsonsgreenacres@gmail.com	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Night Watchman Permit @ Country Corner Convenience Store	Total Acreage 2.37	Current Zoning C1
Approximate Address 4678 W 1150 S Ogden, UT 84404	Land Serial Number(s) 150550069, 150550068, 150550015, 150550048, 150550015 , 150550032	

Proposed Use
Night watchman permit

Project Narrative

In order to keep our building, property and inventory secure, we are requesting a Night Watchman Permit next to our convenience store. The neighborhood and our business will benefit by having someone on the property 24/7. By utilizing existing space, we will actually decrease the use of the property than if we leased it to another business.

The portion of the building at 4678 W 1150 S is adjacent to Country Corner Investments LLC, a convenience store and gas station. The portion at 150550069 has recently had a tenant leave. This office space is empty. The building will not need any modifications as far as additions nor renovations. We have updated the smoke detectors and applied paint to the walls. It contains 6 office rooms, kitchen area (from previous tenants years ago) and more space for a living area. It also has 2 bathrooms on a septic tank and utilizes Taylor West Weber Water. The septic tank is in good working condition and a night Watchman permit would not increase it's prior use and may even decrease it's use. The former tenant ran a Hair Salon with several stylists and customers.

The property has two pieces of green space for the Night watchman to utilize: 1.2 acres and an additional .4 acres. *See attached.

Gibsons Corner LLC and Katrina C Gibson Revocable Trust are owned by the same owner and therefore will allow for the green space to be utilized for the Nightwatchman permit.

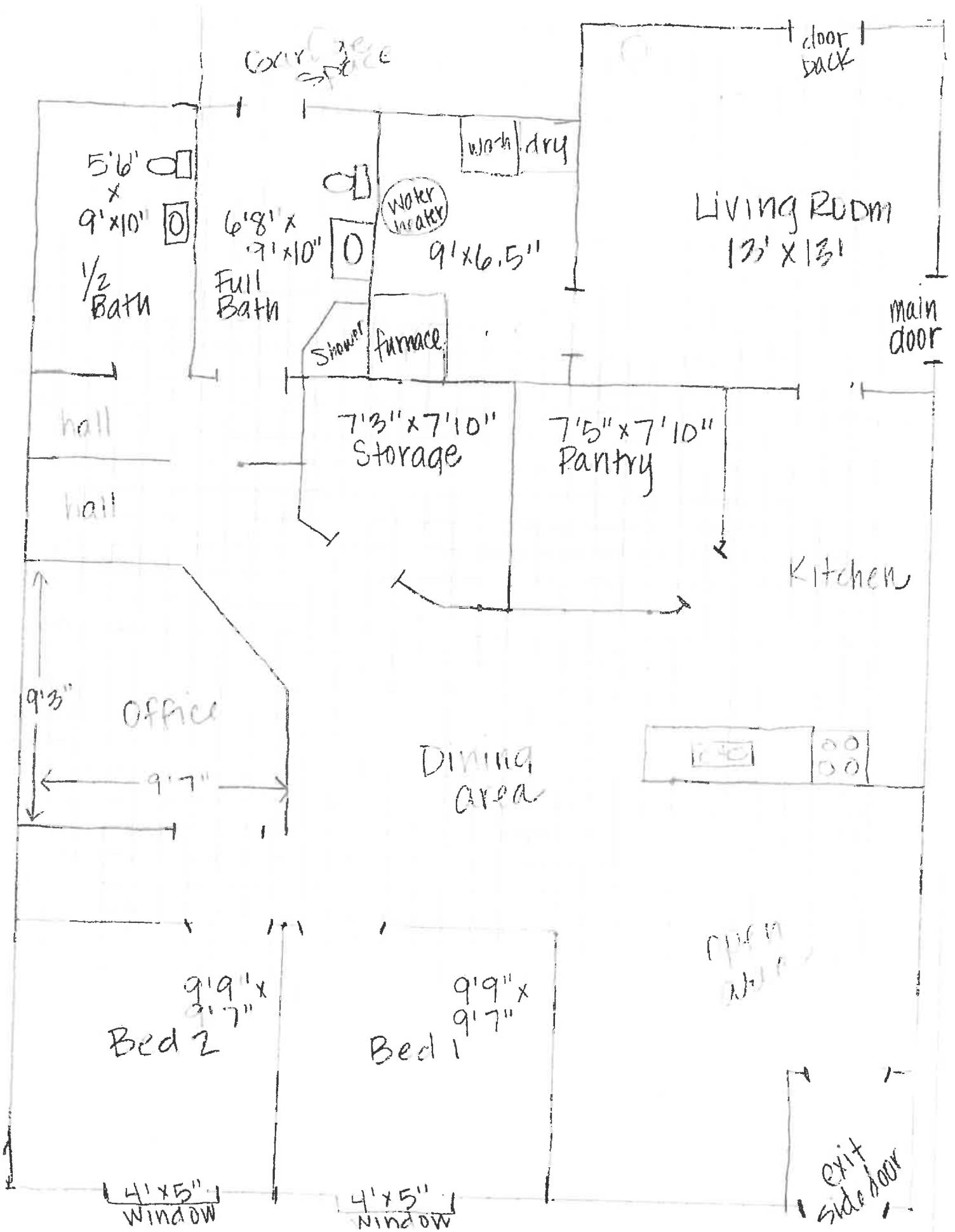
Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the Imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative Impacts are odor, vibration, light, dust, smoke, or noise.

There should not be any detrimental effects of the proposed conditional use.
There is plenty of parking and there is already lighting in place that will not be added to.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

We will happily comply with regulations and conditions specified.



W 075 S 4700 W

green space:
approx .4 acres

10660

chain link fence

green space:
approx 1.2 acres

4690

4678

4678

entrance

entrance

W 1150 S

30

4858

W 1150 S

30

0150

GS Weber County Geologic Map

For map instructions use this link

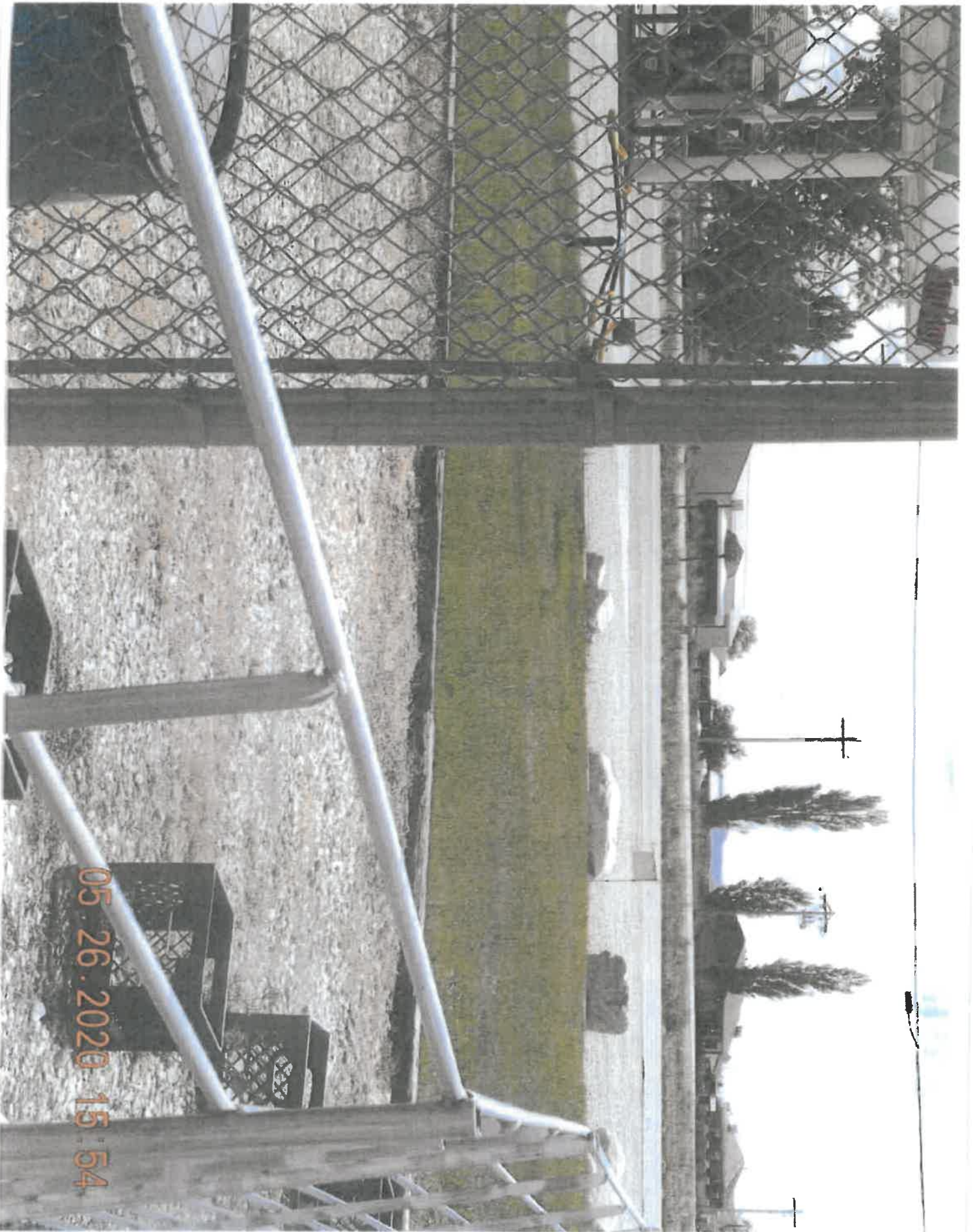




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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 4.59 acres from RE-15 zone to R-1-12 at approximately 6224 S 2225 E, Ogden

Agenda Date: Tuesday, June 9, 2020

Applicant: Randy Moore

File Number: ZMA 2020-02

Property Information

Approximate Address: 6224 S 2225 E, Ogden, Unincorporated Weber County)

Zoning: The area is currently zoned RE-15

Existing Land Use: Vacant

Proposed Land Use: Residential (R-1-12)

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

Adjacent Land Use

North: Residential	South: Residential
East: Underdeveloped Residential	West: Residential

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of a request to rezone 4.59 acres from the RE-15 zone to the R-1-12 zone. It may look familiar because it pertains to property that the planning commission recently considered for a rezone to R-1-10.

The RE-15 zone is intended for very low-density residential and agricultural uses, with a minimum lot size of 15,000 square feet. The R-1-12 zone is intended for residential lots with a minimum lot size of 12,000 square feet. The R-1-12 zone does not allow most of the farm animal land uses that the RE-15 zone does. A review of Exhibit F will show the differences in land uses and development standards between the two zones. It also shows the development standards and uses in the R-1-10 and R-2 zones for a broader frame of reference as to what zone may be most appropriate for the area.

A rezone should usually only be considered if it meets or advances legitimate public interests specified in the community's general plan. Occasionally a rezone may be requested that meets the general plan, but due to more recent community changes, may no longer be relevant or acceptable for an area. When this property was recently considered for a rezone to the R-1-10 zone, it became clear that area-residents who participated in the public

hearings did not feel like the general plan, initiated 50 years ago this year, fits the community appropriately under current conditions.

A general plan exists in order to provide a guiding vision of a community's future. The goals, policies, and objectives therein are deliberately and carefully crafted to achieve outcomes that steer a community toward that vision. Goal-oriented community decision-making is essential to the quality-of-life in a community because over time, it is human nature to lose sight of the collective community vision by becoming overwhelmed with myopic in-the-moment decisions that offer short-term community or individual gains at the sacrifice of long-term community opportunities.

An example of short-term gains at the community's expense is the disorganized street layout of the Uintah Highlands. The 1970 general plan lays out street connections that would offer future generations efficient and equitable community connectivity. Studies show a direct benefit between quality street connectivity and the health, safety, and welfare of all residents in a community. These benefits have a wide-range in subjects. For example, better street connectivity leads to better local air quality due to less gas consumption, and it leads to enhanced neighborhood relations because by making the man-made links between people shorter and more efficient. It offers schoolchildren safer and easier access to their school, peers, and social activities.

Planning staff acknowledge that a 50-year old plan is very likely not an ideal guide for future decision-making – especially since it was only intended to outline a 20 year plan. However, planning staff are hesitant to reject the planning efforts of the past without a revamped public plan-making process that considers and engages a wider community population. Otherwise, every community decision, such as this rezone, will be an in-the-moment decision.

Professional planners are trained to recognize cause and effect, trends, and future community systemic outcomes related to current decision making. If our analyses cannot be contextualized within a set of desired future outcomes, our community planning recommendations are far less likely to offer efficient, effective, and politically and/or diplomatically balanced community opportunities that might be important for not only this generation, but also in some ways more importantly, for other generations yet to come.

For that reason, planning staff's analysis herein is crafted utilizing the existing plan. The analysis also takes a brief, high-arching look at how implementing the plan as-is may provide community benefits that can be easily overlooked if only considering this single rezone.

The 1970 South East Planning Area Master Plan (the general plan) indicates that the future of the area west of Combe Road should be reserved for "low density" residential uses. The plan specifies that "low density" residential means that this area is planned for three to eight dwelling units per acre.¹ The plan specifically calls for either the R-1, R-2, or R-3 zones. 12,000 square-foot lots yield approximately 3.6 dwelling units per acre.² The R-1-10 (10,000 square-foot lots) zone would also comply with the plan by providing approximately 4.3 dwelling units per acre, as would the R-2 and R-3 zones (6000 square foot lots) at 7.2 units per acre if they are restricted to single-family dwelling units.

Given the three-to-eight units per acre criterion, it appears that the applicant's rezone request can comply with the density threshold of the general plan. The general plan also maps a public street through the subject property, which should be connected to 2375 East Street at some point in the future when the landowners to the east are prepared to further develop their property.

As such, planning staff is offering a positive recommendation for the rezone, provided that the applicant enter a development agreement with Weber County that will ensure the proper protection and reservation of a future public right-of-way adjoining the parcel to the east. To be consistent with recent rezones in the area, which were based on the general plan's guidance, planning staff further suggest the Planning Commission reconsider offering the County Commission a positive recommendation for the R-1-10 zone, as previously requested by the applicant. A primary finding for the negative recommendation was that the subject property does not connect to a more heavily used street like the last couple of R-1-10 rezones. However, given the transportation maps of the general plan, it appears the road that has been planned for the last 50 years to connect through this property will make a similar connection to Eastwood Drive as the most recent R-1-10 rezone in the area.

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

¹ See page 72 of the Southeast Planning Area Comprehensive Master Plan.

² This calculation subtracts approximately 10% land-area from the overall units per acre to account for street right-of-way.

Zoning. The current zone of the subject parcel is RE-15. **Figure 1**³ displays current zoning and the subject parcel. The RE-15 zone is intended for very-low density residential and semi-agricultural uses, with a minimum lot size of 15,000 square feet.

Weber County Code § 104-3-1 says the purpose of the RE-15 zone is:

“to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.”

Figure 1: Current Zoning Map and the Subject Parcel(s).



The proposed zone for the subject parcel is the R-1-12 zone. Pursuant to § 104-12-1, the purpose of the R-1-12 zone is:

“to provide regulated areas for single-family residential use at two different low-density levels.”

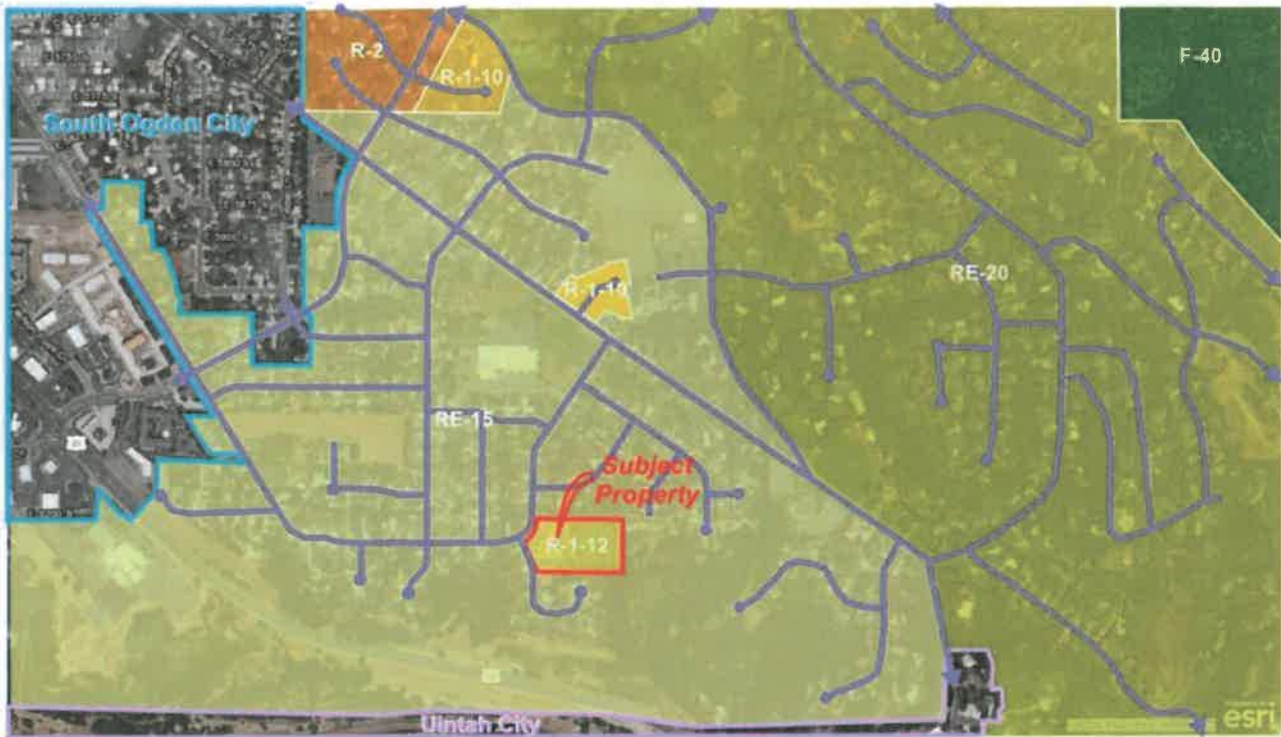
The proposed rezone can be viewed in **Figure 2**⁴. Based on best-guess net developable area,⁵ the existing RE-15 zone could likely yield between 10 and 11 residential dwelling units on the subject property. The proposed R-1-12 zone can likely yield between 13 and 14. For comparison, the previously proposed R-1-10 zone can likely yield between 15 and 16. Based on these approximations, it is unlikely for the R-1-12 zone to increase the area’s previously entitled density under the RE-15 zone greater than three lots. Similarly, it is unlikely for the previously proposed R-1-10 zone to increase that density by greater than five lots.

³ See also Exhibit B.

⁴ See also Exhibit C.

⁵ The area of the land that can be used as lot area. This area excludes required street rights-of-way.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



Changing a zone from RE-15 to R-1-12 comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot size requirements.⁶ The most prominent difference in terms of intensity of uses is that the RE-15 zone requires residential lots to be 15,000 square feet but the R-1-12 zone allows lots to be as small as 12,000 square feet. Another difference is that the RE-15 zone anticipates agricultural farm animals and the R-1-12 zone does not.

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but suggests pursuing opportunities to implement the plan.

The applicable general plan is an older one that has not been amended in some time. It is the Southeast Area Comprehensive Land Use Master Plan (1970-1990). The rezone proposal appears to comply with this general plan. **Figure 3⁷** shows that the general plan's future land use map has this area designated for "low density." This map and the plan text is clear enough to suggest that the property's current zoning, the RE-15 zone, is not in compliance with "low density" and should be changed if the plan is to be effectively implemented. The proposed R-1-12 zone, or even the R -1-10 zone, would change the area to a zone that better supports the low-density classification.

Furthermore, the description of the R-1-12 zone better suits the plan's description of "low density" than the RE-15 zone. The RE-15 zone is better compared to the plan's "very low density" designation. The plan reads as follows:

Very low density

The very low density classification is designed as a transition zone between agricultural land uses and urban residential development. The classification permits the development of single and two family structures on a minimum of 15,000 square feet in the unincorporated areas of the county, and 20,000 square feet in Uintah [Township]. In both cases, the density requirements relate to the Suburban-Residential-Agricultural (S-1A) zone.⁸ The density requirements of the "Very Low" classification would permit the development of one to two dwelling units per net residential acre.

⁶ See Exhibit F to compare the uses between the R-1-12 zone and the RE-15 zone.

⁷ See also Exhibit D.

⁸ The county no longer has a S-1A zone, but does have the RE-15 and RE-20 zones that correspond to this designation.

The proposed area for development under very low density are located east of 2400 East, south of the Ogden City limits and north of 6450 South in what is known as the Uintah Highlands. The other very low density residential area is located in the Uintah Township⁹.

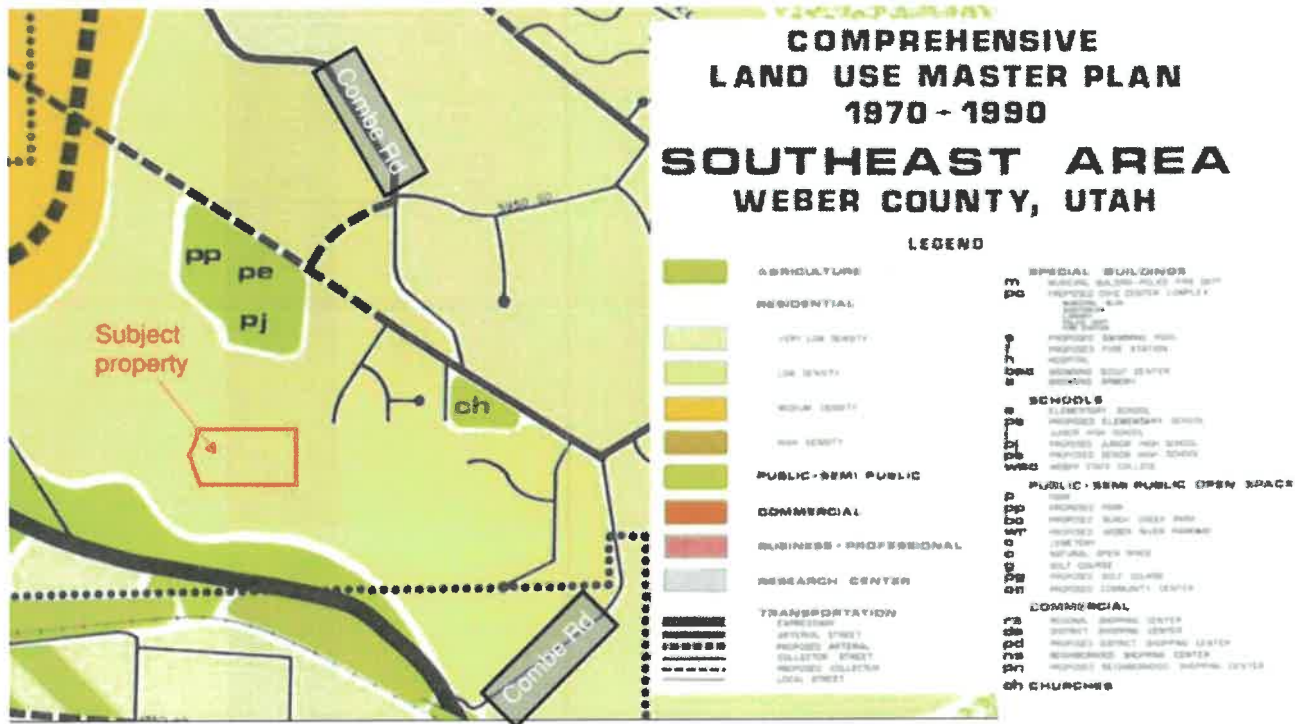
Low density

The low density classification consists of those uses which exist in R-1¹⁰, R-2, and R-3 or single family and duplex structures. The density for this classification provides for three to eight dwelling units per net residential acre. The minimum required area for building a single family home is 6,000 square feet.

The plan proposes that low density residential development should take place near collector streets with access to neighborhood school and park facilities. The plan envisions the continuation of existing low density areas particularly on the areas north of Washington Boulevard and south of the Burch Creek to the northern boundary of Golf City and in the areas around Weber State College and east of the proposed Skyline Drive. Other areas of low density housing are shown dispersed throughout the southwest portion of the planning area. The majority of the proposed low density area other than that described above is located in the property to be developed by Wasatch Hills Development Company. The low density residential areas should be served by a full complement of community facilities and be protected from intrusion of through traffic and non-residential oriented land uses.

Figure 3¹¹ graphically presents the expected layout of the above described zoning designations. Combe road is the edge between the "low density" classification and the "very low density" classification.

Figure 3: Future Land Use Map of the Southeast Area's General Plan.



Even though the proposed rezone creates an island of one zone surrounded by another, this is not considered spot zoning because the general plan requests this type of zoning density in the area, thus this request is anticipated and recommended for not just the subject property, but also adjacent properties. The RE-15 zone and the R-1-12 zone are similar enough in nature to not create significant concern regarding adjacent conflicting uses.¹² Over time, the general plan anticipates that future decisions will change surrounding RE-15 zoning to the R-1-12 or other similar zone. There is an R-1-10 zone approximately 1300 feet to the north of the subject property, so it can be observed that this proposed zone is consistent with zones in the area. If the Planning Commission is concerned

⁹ The "Uintah Township" is now predominantly Uintah City.

¹⁰ The county no longer has the R-1 zone, but does have the R-1-12 zone that roughly corresponds to this designation.

¹¹ See also Exhibit D

¹² See Exhibit F to compare the uses between the R-1-12 zone and the RE-15 zone.

about a proposed R-1-12 island but desires to implement the plan, then more consideration could be given to rezoning other surrounding land to the R-1-12 or R-1-10 zones as well, as suggested by the general plan.

General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important. A review of the uses and existing development along 6225 South Street, 6275 South Street, 6175 South Street, and 2375 East Street, the four streets located closest to the subject property indicates that these frontages have all been reasonably built-out to the maximum density allowed by the RE-15 zone, with the exception of the subject property. When considering compatibility, the Planning Commission should determine whether the difference in lot sizes between those established under the RE-15 zone and those that could be established under the R-1-12 zone could be integrated in an unobtrusive manner. Figure 4 offers a graphic review of the differences between the lot development standards of each zone. Again, it is unlikely for the R-1-12 zone to increase the area's previously entitled density under the RE-15 zone greater than three lots. Similarly, it is unlikely for the previously proposed R-1-10 zone to increase that density by greater than five lots.

Figure 4: Lot Development Standards Per Zone.



Directly to the east of the subject property is approximately 24.5 acres of underdeveloped parcels that appear to have four residential dwellings. The terrain is steep, but according to USGS topographic maps, it's possible to grade streets to and through it at grades less than 10 percent. When considering rezones like this that offer opportunities to acquire public street rights-of-way that can connect to potentially developable parcels, it is advisable to consider whether street layout can be better suited if planned as part of a rezone approval at this time rather than waiting until market and/or political pressures result in less than desirable street layouts or unnecessarily challenging accessibility hurdles in the future.

Across 2225 South Street, and one parcel further to the west, sits 3.29 acres of undeveloped land. The owner has been engaged with the County for some time, working through developability of his steep parcel. There are two other large properties that also have development potential as mostly vacant property, as well as three other clusters of contiguous parcels that are currently used as larger-lot residential parcels, as can be seen in Figure 5. Allowing these properties to be rezoned to the R-1-12 or R-1-10 zones will also assist in implementing the general plan. They also offer a contrasting view to the assertion that the area is already built-out. Offer a rezone to all of these property owners will enhance the value and marketability of them, assuming they are configured such that they can be redivided and meet the site development standards of the new zone. If that new zone is expanded to contain each of these clusters of property in one contiguous zone, as illustrated in Figure 6, it is unlikely that either the R-1-12 or R-1-10 zones will have significant, if any, effect on other smaller parcels previously developed at the RE-15 zoning standards.

Figure 5: Under-Developed Parcels in Area Currently Zoned RE-15.

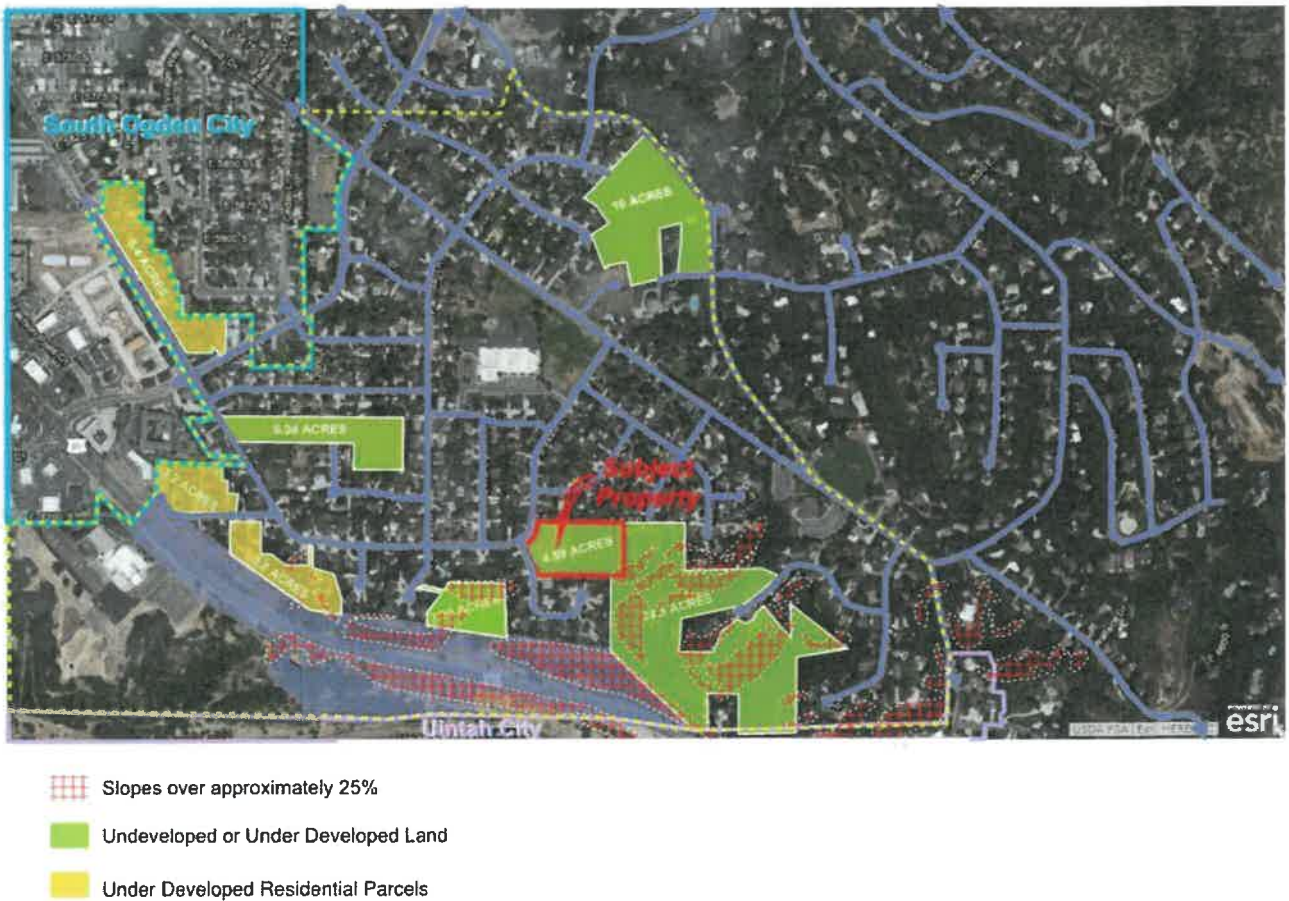
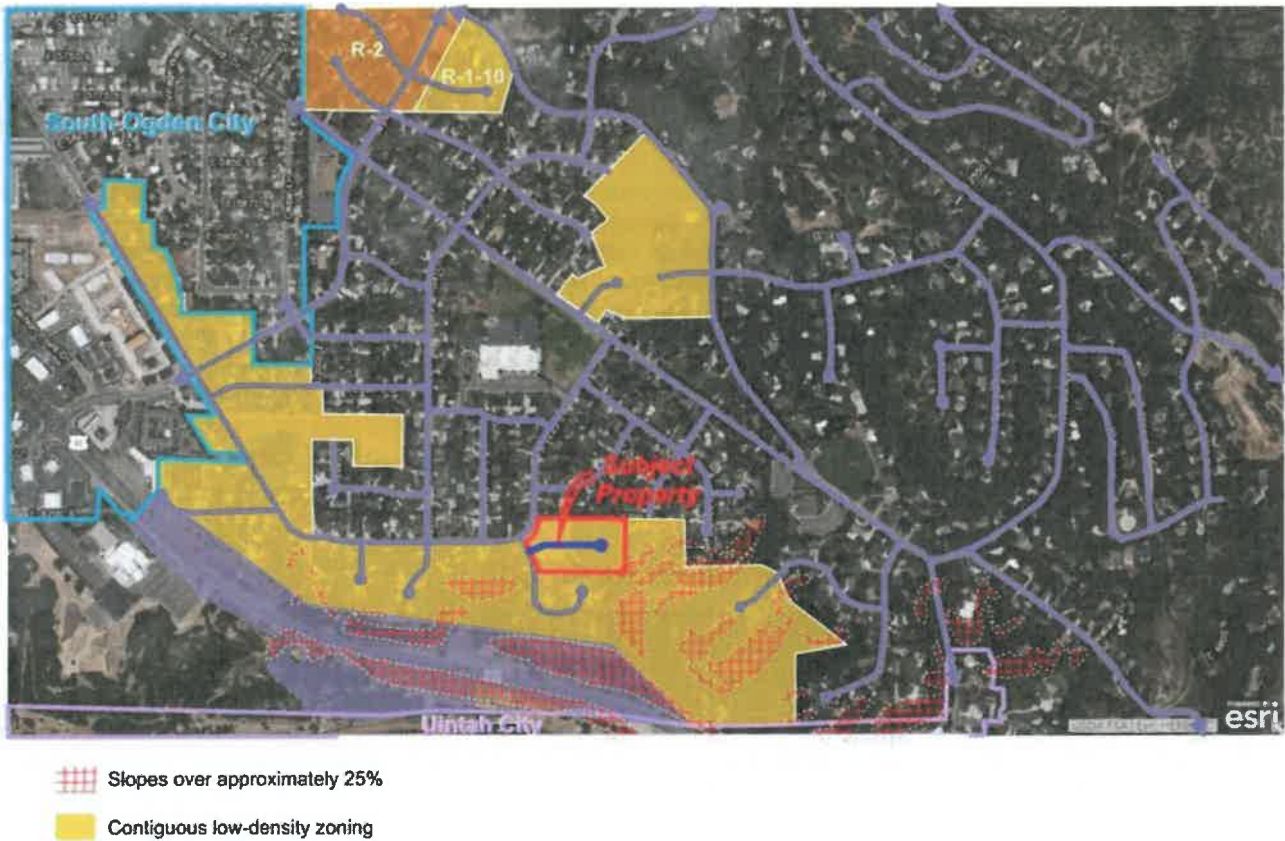


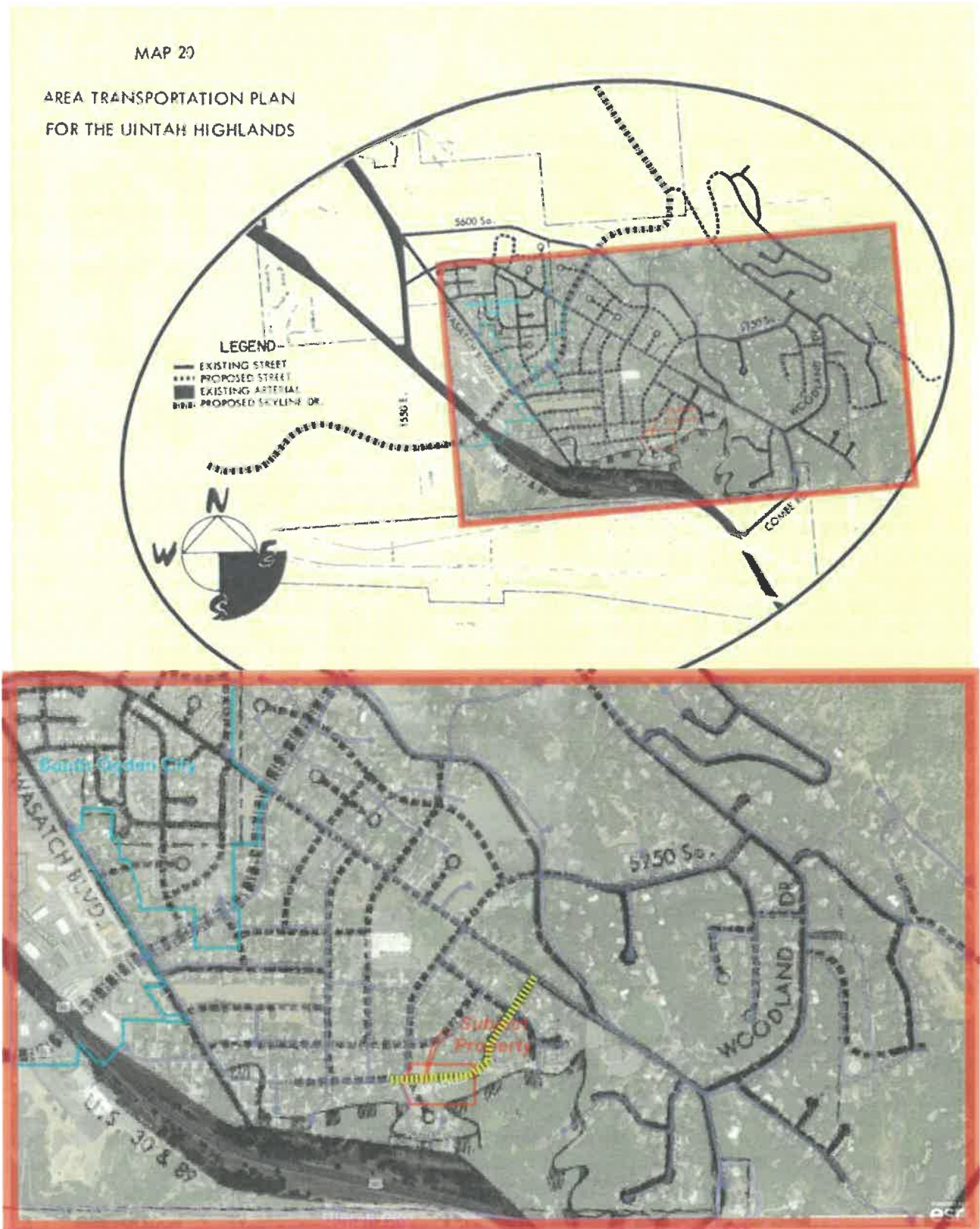
Figure 6: Possible community rezone to low-density residential, per general plan.



As previously addressed, the general plan also offers direction to require the applicant to provide a public right-of-way through the subject property in a manner so that it can link up with 2375 East Street, as depicted in Figure 7. Figure 7 also suggests that the street running through the subject property becomes an extension of 6225 South Street, instead of retaining the curve that joins into 2225 East Street. While planning staff would not expect this intersection reconfiguration to occur as a requirement of this rezone, this presents a future opportunity for 6225 South Street to come to a safer four-way intersection with 2225 East Street. In addition to that public benefit, extending 6225 South Street into 2375 East Street will result in an opportunity to complete a community connectivity loop if the intersections of 2375 East Street and Eastwood Drive and the intersection of Combe Road and Eastwood Drive are reconfigured and consolidated into a single four-way intersection. This would eliminate the dangerous Combe/Eastwood intersection that currently exists.

If the opportunity is taken now, it is likely that these needed future intersection reconfigurations can be accomplished in the future without taking any existing residences. The opportunity may not present itself again in the future.

Figure 7: Area Transportation Planning.



A last consideration for the planning commission to understand is the future private use of this property, given its historically public use as a park. This property has officially changed hands from the Presiding Bishop of the Church of Jesus Christ of Latter Saints to Moore Homes LC. Moore Homes LC has made it clear that they intend to develop the property regardless of the zone. The first time the property was presented for a rezone, it seems that a large number of residents were under the unfortunate impression that if the rezone is denied, the property will remain as a park. This is not the case. It is more likely that the land will be developed under the RE-15 zoning regulations if not under a new zone.

This is the primary reason that planning staff are offering a positive recommendation under the stipulation that a street connection opportunity be reserved. Staff asserts that after considering all of the facts, the detrimental effects of allowing three lots more than what would otherwise be allowed in the RE-15 zone is largely negligible when compared to the community benefits of significant improvements to the safety, efficiency, and connectivity of two critical community intersections.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Weber County Code § 102-5-4 and § 102-5-5 sets forth application submittal criteria. In these chapters the Planning Commission will find that Weber County has previously adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and waste water provisions, and storm water runoff. This is a challenging burden to meet when a landowner is considering a rezone, and each of these are required prior to actual development of the land, so it may be redundant to require them.

Concept development plan. A concept development plan has been provided for the property¹³. If the rezone is approved contingent on this concept development plan the ordinance requires that owner strictly comply with it. Staff does not recommend rezoning contingent upon this concept development plan. The concept shows a cul-de-sac turnaround rather than a through street. Connectivity to the east is essential to this rezone.

Under § 102-5-6(1) the county commission may:

"approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;"

Locations of buildings and structures and their architectural designs. The ordinance requires that the concept plan show the location of buildings and structures and their architectural designs. The applicant asserts that the design and layout of lots and buildings will comply with the subdivision regulations and zoning standards in place at the time a subdivision is proposed. The applicant has provided conceptual renderings of examples of buildings that might go in the development. The planning commission may determine that this requirement has been satisfied with this explanation.

Access and traffic circulation. This property is located on 2225 E Street. 2375 E Street stubs to an adjacent property to the East. If the property is rezoned and a subdivision is developed, a connection to adjacent undeveloped property should be required. The subdivisions adjacent to the subject parcel have curb, gutter and sidewalk along both sides of the road. These improvements are likely to be required for a future residential subdivision on the subject parcel.

Water, waste water, fire, engineering, and other utilities. The applicant has provided a feasibility letter from the Uintah Highlands Improvement District for water and sewer. This application was sent for review by all relevant review agencies. None of them returned any negative responses.

¹³ See Exhibit G.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2020-02, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation comes with the following conditions and findings:

Conditions:

1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property.
2. That the development agreement clearly provide for configuration and layout of a future through-street that connects to the eastern property line of the subject property, and accommodates for a future four-way reconfiguration of the intersection of 6225 South Street and 2225 East Street.
3. That the total number of lots allowed on the subject property be limited to no greater than that which would be allowed by the R-1-12 zone, and not that which would be allowed by the R-1-10 zone.

Findings:

4. The Southeast Area Comprehensive Land Use Master Plan (the general plan) recommends the uses and densities of the R-1-12 zone.
5. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
6. The surrounding land uses do not pose a conflict with the proposed zone, and the new uses of the proposed zone are anticipated to fit into the area harmoniously.
7. Reserving a future street right-of-way as a condition of the rezone, as documented in a development agreement, is in the interest of the community's health, safety, and welfare.

Exhibits

Exhibit A: Application.

Exhibit B: Current Zone Map.

Exhibit C: Proposed Zone Map.

Exhibit D: Southeast Area Comprehensive Land Use Master Plan Map (General Plan's Future Land Use Map).

Exhibit E: Transportation Maps and Analytical Illustrations.

Exhibit F: Tabular Comparison of RE-15 and R-1-12 Zones, and Illustrations.

Exhibit G: Concept Development Plan.

Exhibit H: Land Use and Development Potential Analytical Illustration.



Weber County Incoming Application Processing Form

Project Name: Moore Homes Rezone (RE-15 to R-1-12)
 Date Submitted: 5-11-2020 Zoning: RE15 Received by: Steve
 Culinary Water Provider: Uintah Secondary Water Provider: ↑ Waste Water Provider: Uintah Highlands

Project Type: Highlands

- | | |
|--|--|
| <input type="checkbox"/> Alternative Access | <input type="checkbox"/> Subdivisions: |
| <input type="checkbox"/> Board of Adjustment | o Subdivision (Small/Amendment) |
| <input type="checkbox"/> Building Parcel Designation | o Subdivision-(Prelim/Final) |
| <input type="checkbox"/> Conditional Use Permit | o Subdivision-Cluster |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Zoning-Text Amendment |
| <input type="checkbox"/> Hillside Review | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Zoning Development Agreement |
| | <input type="checkbox"/> Vacation |
| | <input type="checkbox"/> Other _____ |

Project Description: A Rezone application to Rezone 1.59 acres from RE-15 to R-1-12, located at 6224 S 2225 E, Ogden.

Applicable Ordinances:

- | | | |
|--|--|---|
| <input type="checkbox"/> Accessory Apartments | <input type="checkbox"/> Nonconforming Buildings, Uses and Parcels | <input type="checkbox"/> Petitioner Requirements-Rezoning Procedure Development Agreement |
| <input type="checkbox"/> Airport Zones and Height Regulations | <input type="checkbox"/> Ogden Valley Architectural, Landscape and Screening Standards | <input type="checkbox"/> Planned Residential Unit Development |
| <input type="checkbox"/> Cluster Subdivision | <input type="checkbox"/> Ogden Valley Lighting | <input type="checkbox"/> Public Buildings and Public Utility Substations and Structures |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Ogden Valley Pathways | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Drinking Water Source Protection | <input type="checkbox"/> Ogden Valley Sensitive Lands Overlay District | <input type="checkbox"/> Standards for Single Family Dwellings |
| <input type="checkbox"/> Hillside Development Review and Procedures and Standards | <input type="checkbox"/> Ogden Valley Signs | <input type="checkbox"/> Supplementary & Qualifying Reg |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Parking and Loading Space, Vehicle Traffic and Access Regulations | <input type="checkbox"/> Time Share |
| <input type="checkbox"/> Land Use Permit, Building Permit and Certificate of Occupancy | | <input checked="" type="checkbox"/> Zones & Districts |
| <input type="checkbox"/> Natural Hazards Overlay Districts | | |

Weber County Review Agencies:

- | | | |
|---|--|---|
| <input type="checkbox"/> Weber-Morgan Health Department-Drinking Water Division | <input type="checkbox"/> Weber County Economic Development Partnership | <input type="checkbox"/> Weber County School District-Transportation Division |
| <input type="checkbox"/> Weber-Morgan Health Department-Waste Water Division | <input type="checkbox"/> Weber County Engineering Division | <input type="checkbox"/> Weber County Sheriff |
| <input type="checkbox"/> Weber County Addressing Official | <input type="checkbox"/> Weber County GIS | <input type="checkbox"/> Weber County Special Events |
| <input type="checkbox"/> Weber County Animal Services | <input type="checkbox"/> Weber County CED | <input type="checkbox"/> Weber County Surveyor's Office |
| <input type="checkbox"/> Weber County Assessor's Office | <input checked="" type="checkbox"/> Weber County Planning Division | <input type="checkbox"/> Weber County Treasurer's Office |
| <input type="checkbox"/> Weber County Board of Adjustment | <input type="checkbox"/> Weber County Recorder's Office | <input type="checkbox"/> Weber Fire District |
| <input type="checkbox"/> Weber County Building Inspection | <input type="checkbox"/> Weber County Recreation Facilities | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Weber County Commission | <input type="checkbox"/> Weber County Roads Division | |

Outside Review Agencies:

- | | | |
|--|---|--|
| <input type="checkbox"/> Bona Vista Water Improvement District | <input type="checkbox"/> Ogden Valley Starry Nights | <input type="checkbox"/> Utah Department of Transportation |
| <input type="checkbox"/> Causey Estates Lot Owners Assoc. | <input type="checkbox"/> Powder Mountain Water & Sewer District | <input type="checkbox"/> Utah Division of Air Quality |
| <input type="checkbox"/> Central Weber Sewer Improvement | <input type="checkbox"/> Dominion Energy | <input type="checkbox"/> Utah Division of Drinking Water |
| <input type="checkbox"/> Cole Canyon Water Company | <input type="checkbox"/> Rocky Mountain Power | <input type="checkbox"/> WC3 |
| <input type="checkbox"/> Centurylink | <input type="checkbox"/> State of Utah Dept of Ag & Food | <input type="checkbox"/> Weber Pathways |
| <input type="checkbox"/> Eden Irrigation Company | <input type="checkbox"/> Taylor Geotechnical | <input type="checkbox"/> West Warren-Warren Water & Sewer |
| <input type="checkbox"/> Hooper Irrigation Company | <input type="checkbox"/> Taylor-West Weber Water District | <input type="checkbox"/> Wolf Creek Water and Sewer Improvement District |
| <input type="checkbox"/> Hooper Water Improvement District | <input type="checkbox"/> Uintah Highlands Water & Sewer Dist | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Nordic Mountain Water Inc. | <input type="checkbox"/> US Forest Service | |

Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted 5-7-20	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Moore Homes L.C. / Celebrity Const.	Mailing Address of Property Owner(s)
---	--------------------------------------

Phone 801-580-1822	Fax
------------------------------	-----

Email Address randy @ moore-homes.com	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) Randy Moore	Mailing Address of Authorized Person
--	--------------------------------------

Phone 801-580-1822	Fax
------------------------------	-----

Email Address randy @ moore-homes.com	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
---	---

Property Information

Project Name	Current Zoning R-15 RE-15	Proposed Zoning R-1-12
--------------	--	----------------------------------

Approximate Address 6224 S. 2225 E	Land Serial Number(s)
--	-----------------------

Total Acreage 4.59	Current Use VACANT	Proposed Use residential
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Project Narrative

Describing the project vision.

See Later

Project Narrative (continued...)

How is the change in compliance with the General Plan?

See Letter

Why should the present zoning be changed to allow this proposal?

See Letter

Project Narrative (continued...)

How is the change in the public interest?

See Letter

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

meets or exceeds General Plan

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

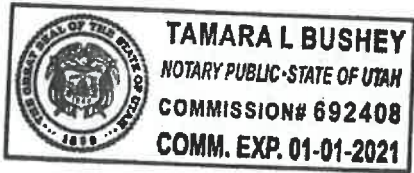
Property Owner Affidavit

I (We), Randall Moore, 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.

[Signature]
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 8th day of May, 2020.



Tamara L. Bushey
(Notary)

As required in the rezone application, we are providing our overview of the development. And our reasons to request a rezone of the property.

We are requesting a rezone from the current RE-15 zoning to an R-1-12 zoning.

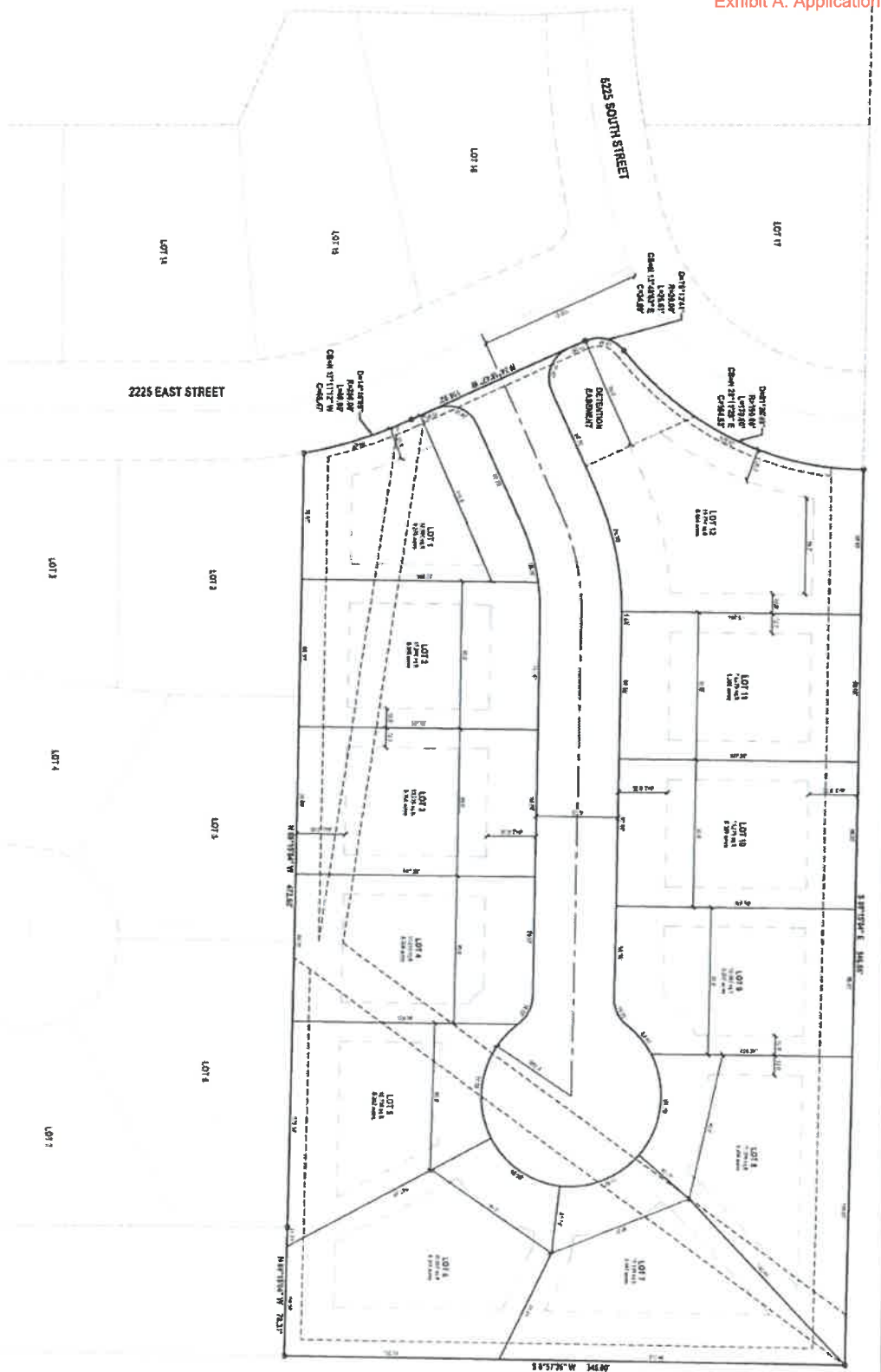
The general plan designates that this area will be “low density” residential. The general plan defines “low density” residential as 3-8 units per acre. The R-1-12 zone requires a minimum of lot area of 12,000 sq.ft. lots. This is a minimum size lot, and with the width and layout of the property many lots will exceed this. Our conceptual plan that we have provided proposes 12 lots with an average lot size of 14,200 sq. ft. or .34 acre lots. This is 2.6 lots per acre and is actually below the general plan density requirements. The existing RE-15 zone requires 100’ minimum lot width. The R-1-12 zone minimum lot width is 90’. (The R-1-10 zone that we made previous application from has a lot width of 80’). This rezone from the existing RE-15 zone to the R-1-12 zone we estimate, will only change from 11 to 12 lots. Even with this change to R-1-12 the lots we believe will be similar to the surrounding existing lots in size. Due to the width of the property with a minimum lot width of 90’ as you can see from the conceptual layout the lots are very large averaging 1/3 acre.

In September of 2018 the Weber County Commission approved a rezone application from the RE-15 zone to a R-1-10 for a new subdivision located at 2220 E Eastwood Blvd. This new subdivision is about 2 blocks North of our proposed rezone. We are requesting a R-1-12 rezone that would be less dense than that recent rezone.

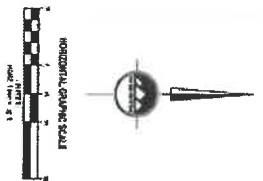
These are very large lots and the R-1-12 zone we believe will be fit in very well with the surrounding lots and homes.


We anticipate the homes will all be very nice custom homes on large lots and should be in the \$550-700 price range.

811 Public Utility Locations
 Call 811 or visit www.utah.gov
 to locate underground utilities
 before you dig.



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 ENSIGN THE STANDARD IN PROFESSIONAL ENGINEERING	LAYTON 1445 W. HERRING RD. SU. 204 LAYTON, UT 84040 Phone: 801.511.1188	SALT LAKE CITY 1000 S. 1000 E. SUITE 200 SALT LAKE CITY, UT 84143 Phone: 801.511.1188	TOOELE 1000 S. 1000 E. SUITE 200 TOOELE, UT 84606 Phone: 435.866.5400	
	WWW.ENSIGNENGINEERING.COM 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030

**HIGHLANDS BLUFF ESTATES
 LOT 1 SUBDIVISION
 2225 EAST 6225 SOUTH
 WEBER COUNTY, UTAH**

**CONCEPT PLAN
 ZONE R-1-12
 WITH 50' ROW**

1 OF 1



Received From:

Receipt Number 134530
Receipt Date 05/11/2020
Receipt Time 12:01:20
Payment Method CREDIT CARD

Clerk: Martin, Angela

ITEM NO.	DESCRIPTION	AMOUNT
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Bill Number: 134530

1	ZONING FEES	\$620.00
	GL Account: 25410000-432016-	-\$620.00
	GL Account: POOL-100101-	\$620.00

PAYMENT TYPE	QUANTITY	REFERENCE	AMOUNT
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CREDIT CARD	1	RANDY	\$620.00
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Total Remitted	\$620.00
Adjustments	\$0.00
New Balance	\$0.00

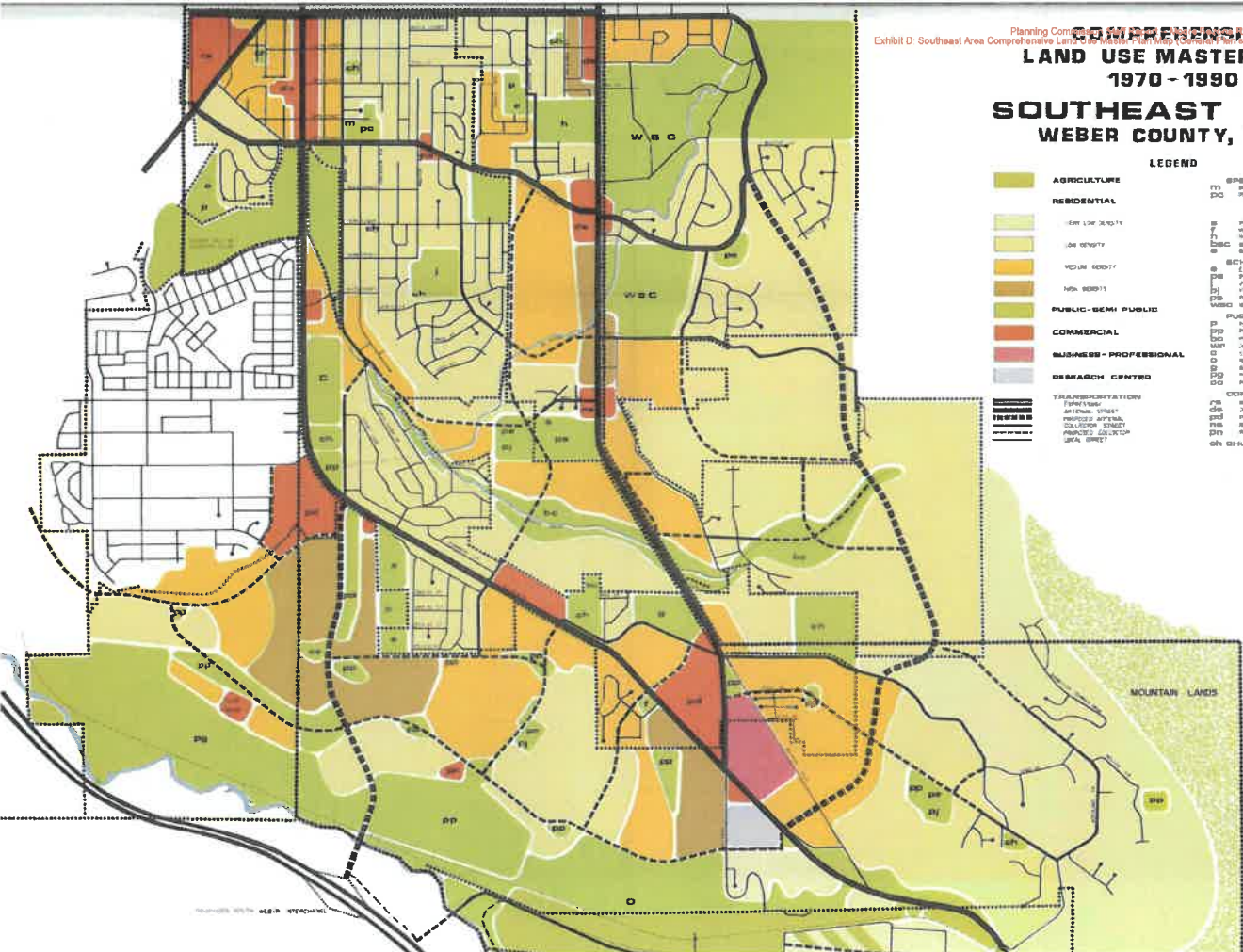




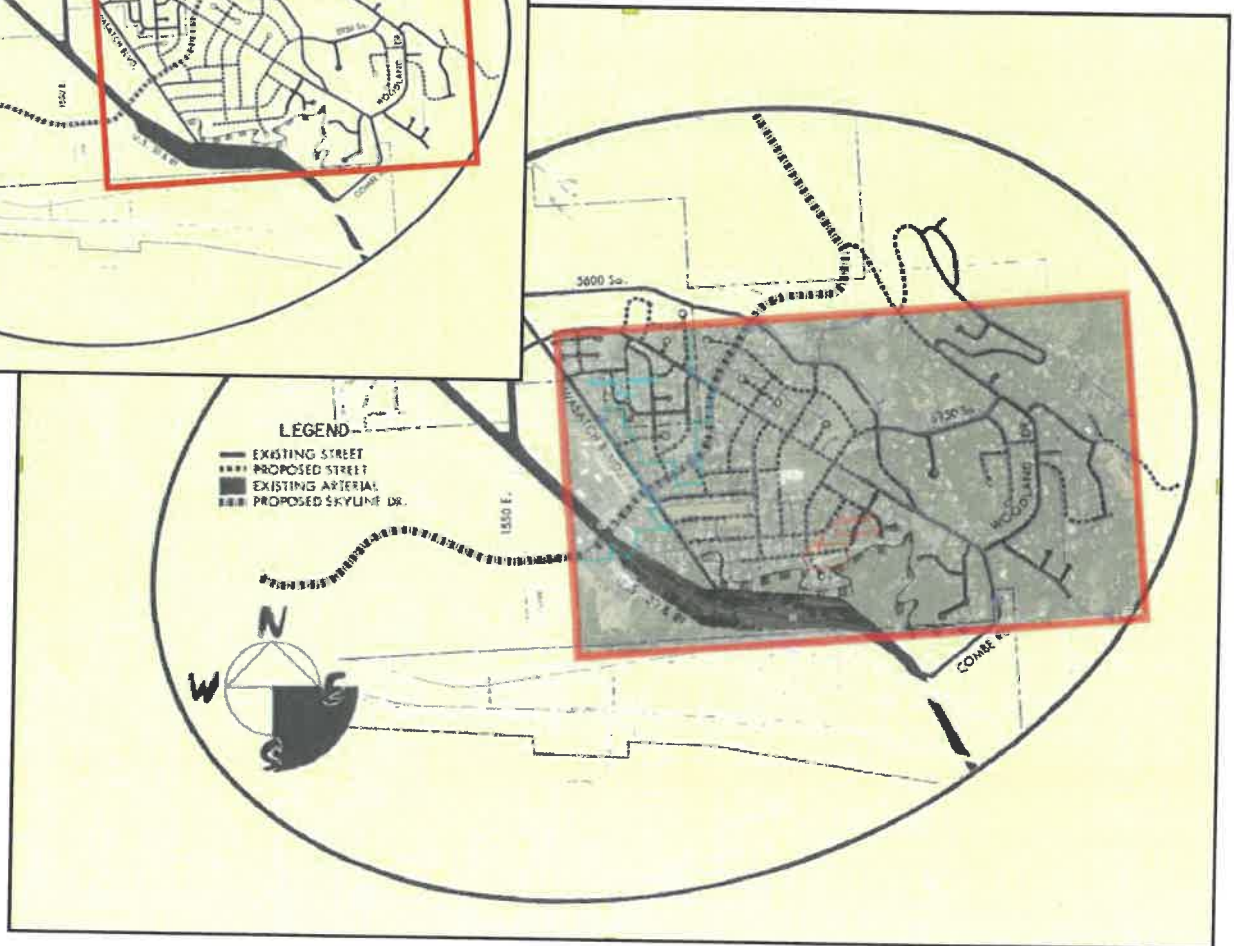
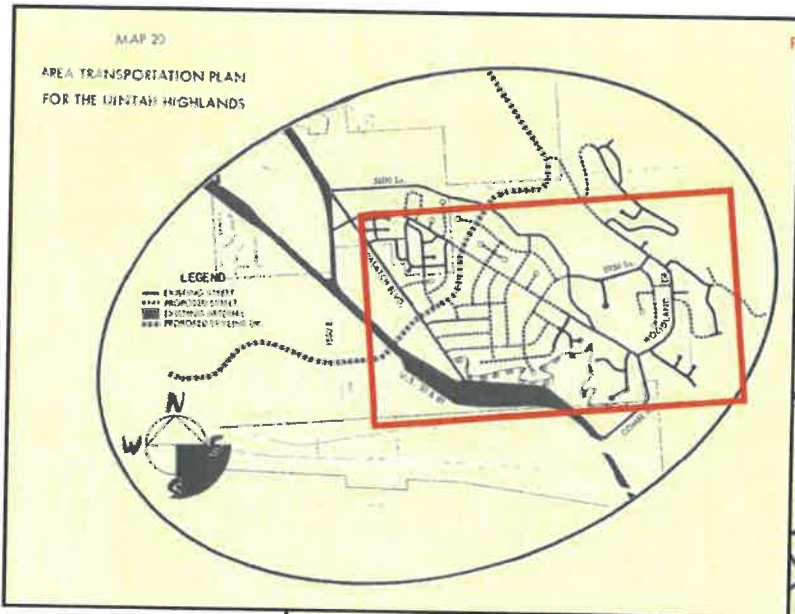
COMPREHENSIVE LAND USE MASTER PLAN 1970 - 1990 SOUTHEAST AREA WEBER COUNTY, UTAH

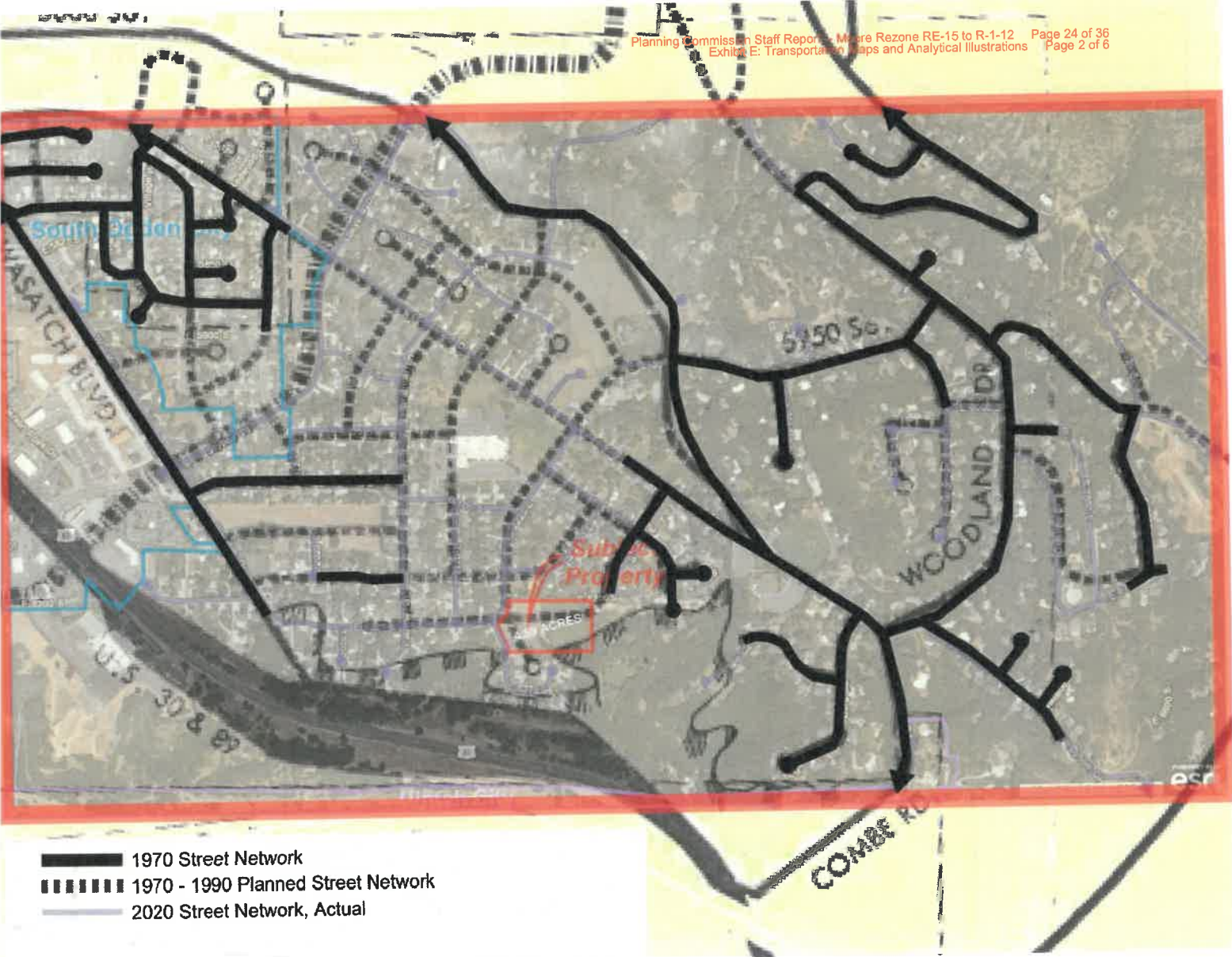
LEGEND

	AGRICULTURE		SPECIAL BUILDINGS
	RESIDENTIAL		SY BULKY, 80-120' FLOOR PLAN 80-120'
	LOW DENSITY		SYB BULKY CENTER 120-150'
	MEDIUM DENSITY		SYB BULKY CENTER 150-180'
	HIGH DENSITY		SYB BULKY CENTER 180-210'
	PUBLIC-SEMI PUBLIC		SYB BULKY CENTER 210-240'
	COMMERCIAL		SYB BULKY CENTER 240-270'
	BUSINESS - PROFESSIONAL		SYB BULKY CENTER 270-300'
	RESEARCH CENTER		SYB BULKY CENTER 300-330'
	TRANSPORTATION		SYB BULKY CENTER 330-360'
	INTERSTATE		SYB BULKY CENTER 360-390'
	ARTEFACT		SYB BULKY CENTER 390-420'
	INDUSTRIAL		SYB BULKY CENTER 420-450'
	CULTEURAL STREET		SYB BULKY CENTER 450-480'
	MUNICIPAL COLLECTOR		SYB BULKY CENTER 480-510'
	LOCAL STREET		SYB BULKY CENTER 510-540'
			SYB BULKY CENTER 540-570'
			SYB BULKY CENTER 570-600'
			SYB BULKY CENTER 600-630'
			SYB BULKY CENTER 630-660'
			SYB BULKY CENTER 660-690'
			SYB BULKY CENTER 690-720'
			SYB BULKY CENTER 720-750'
			SYB BULKY CENTER 750-780'
			SYB BULKY CENTER 780-810'
			SYB BULKY CENTER 810-840'
			SYB BULKY CENTER 840-870'
			SYB BULKY CENTER 870-900'
			SYB BULKY CENTER 900-930'
			SYB BULKY CENTER 930-960'
			SYB BULKY CENTER 960-990'
			SYB BULKY CENTER 990-1020'

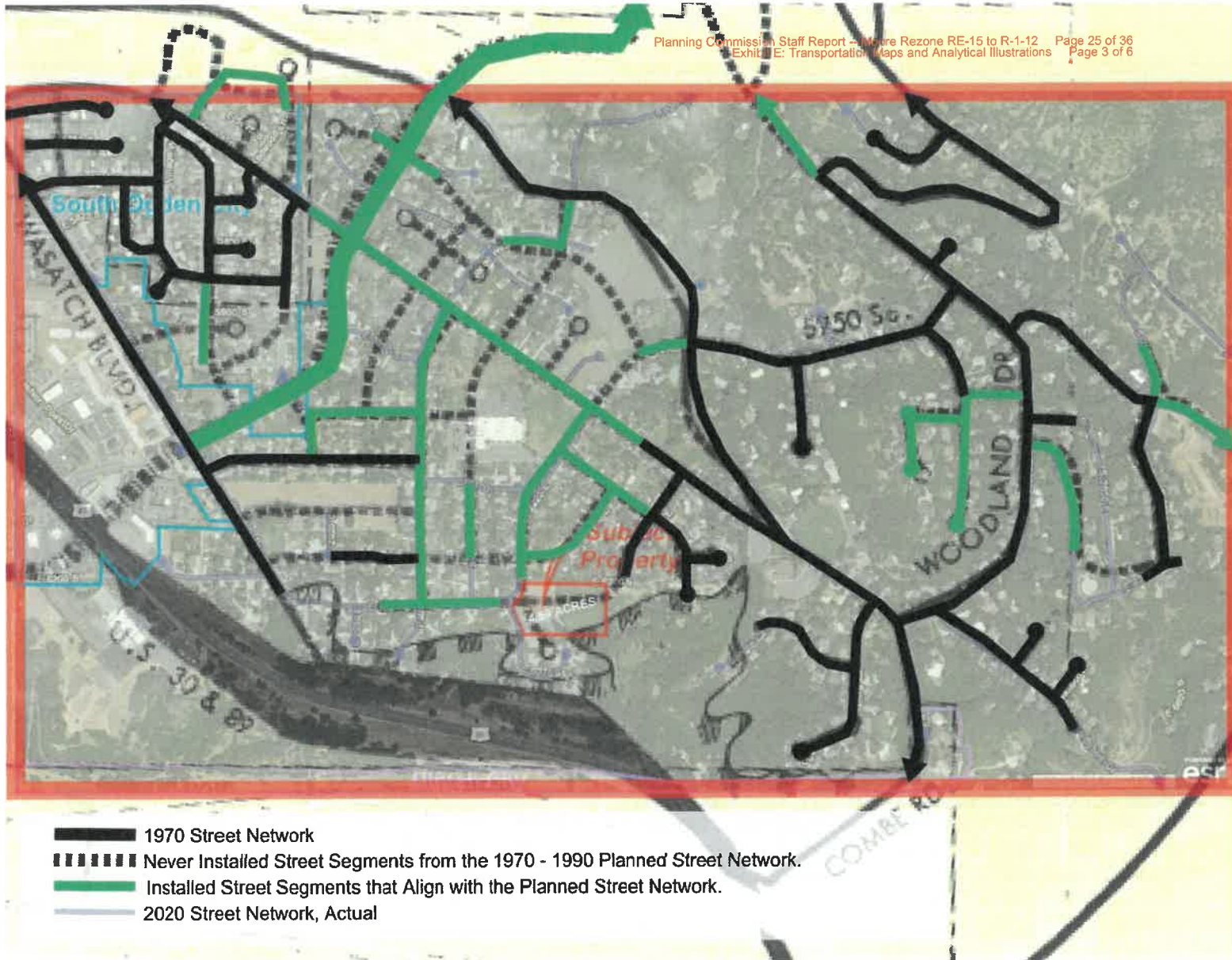


MOUNTAIN LANDS





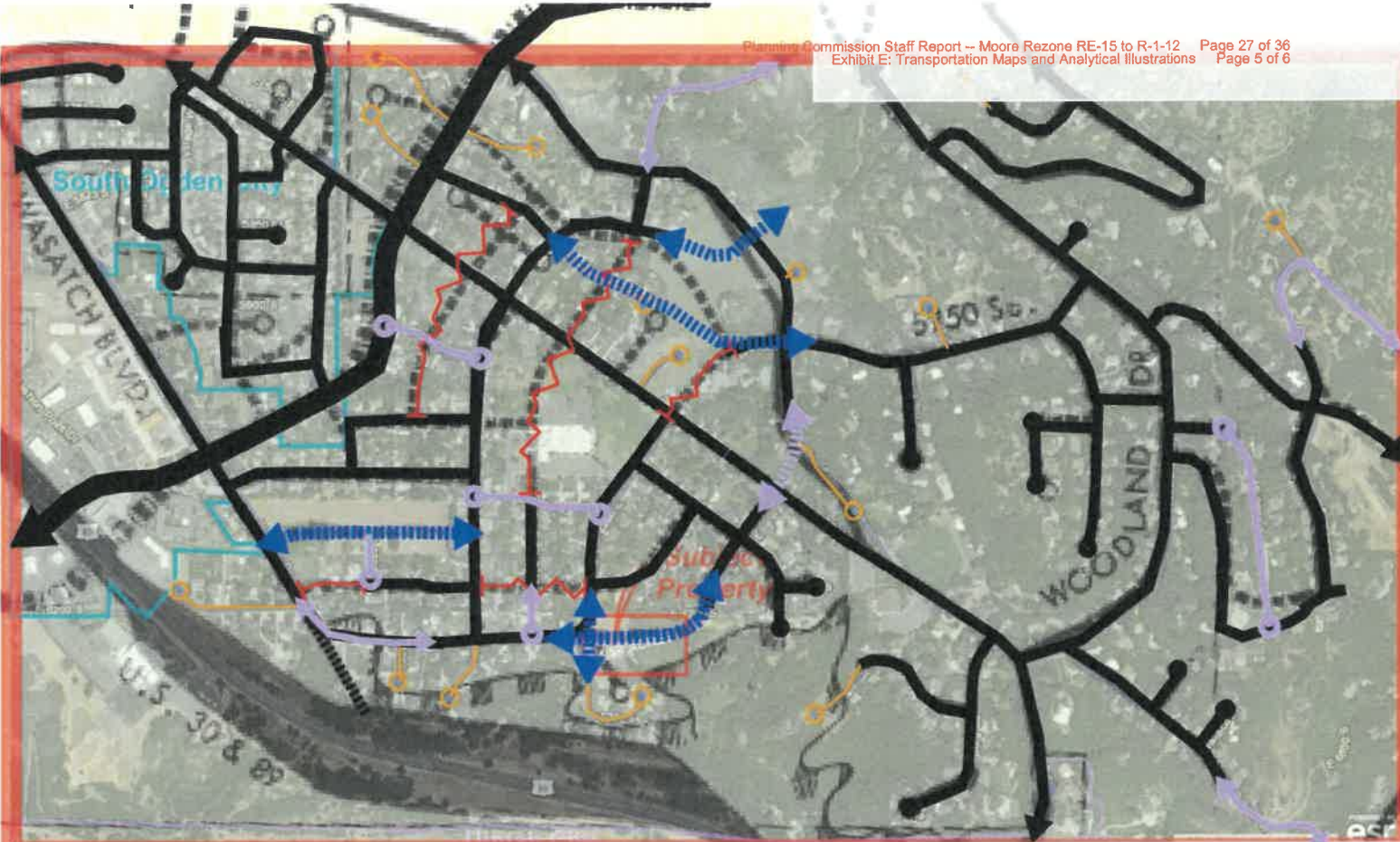
- 1970 Street Network
- 1970 - 1990 Planned Street Network
- 2020 Street Network, Actual



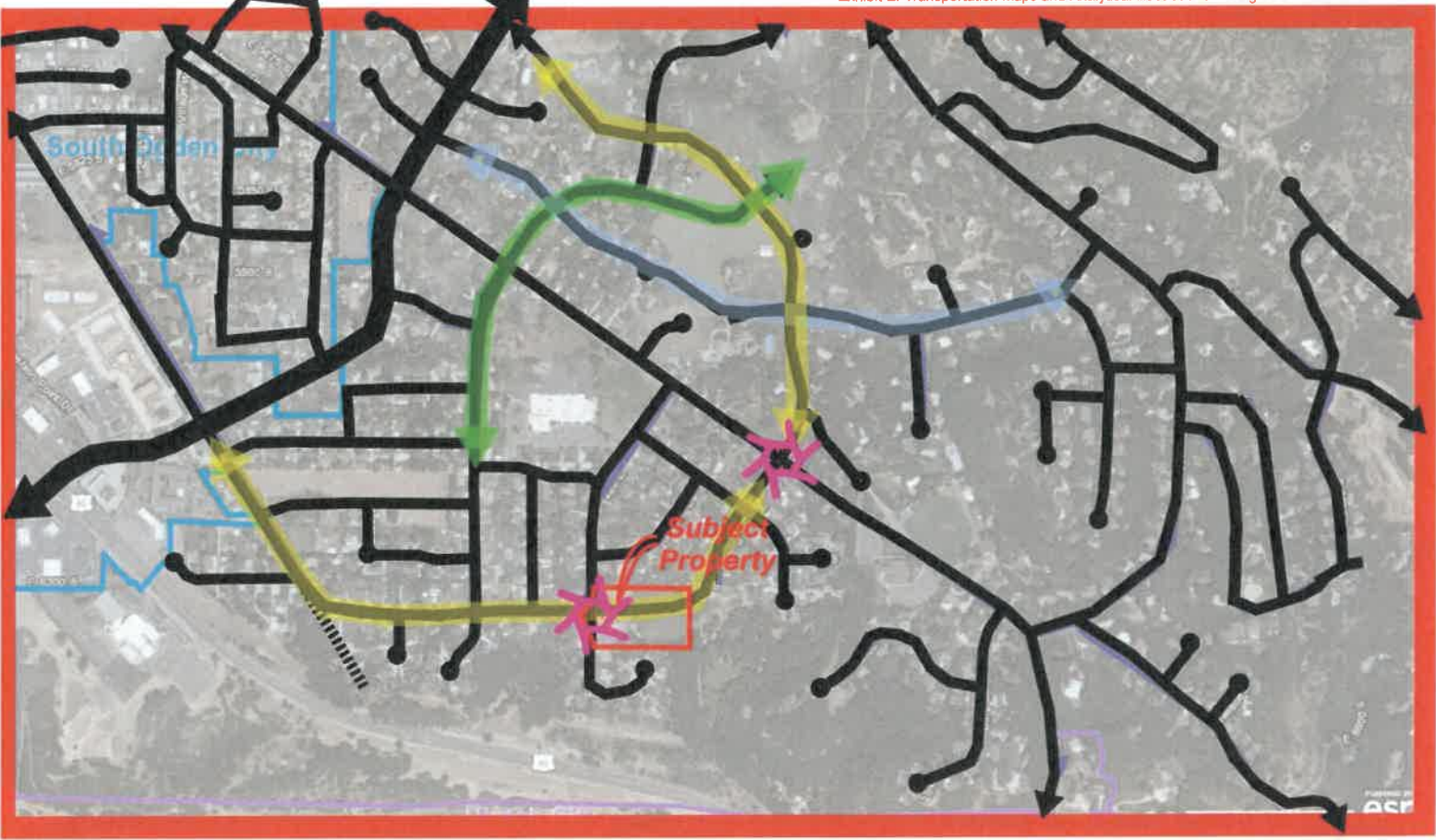
- 1970 Street Network
- Never Installed Street Segments from the 1970 - 1990 Planned Street Network.
- Installed Street Segments that Align with the Planned Street Network.
- 2020 Street Network, Actual






- 1970 Street Network and the Installed Street Segments that Align with the Planned Street Network.
- ▬ Never Installed Street Segments from the 1970 - 1990 Planned Street Network.
- ▨ Planned Street Connections Never Installed.
- ▨ Unplanned Street Connections that help Compensate for Never Installed Segments of the Planned Street Network.
- 2020 Street Network, Actual



- 1970 Street Network, the Installed Street Segments that Align with the 1970 -1990 Planned Street Network, and the Unplanned Street Connections that help Compensate for Never Installed Segments of the Planned Street Network.
- Never Installed Street Segments from the 1970 - 1990 Planned Street Network.
- ~~~~~** Lost Street Network Opportunities due to New Development.
- |||||** Remaining Opportunities and Alternatives of the 1970 - 1990 Planned Street Network.
- Installed Street Segments not Illustrated in the 1970 - 1990 Planned Street Network.
- |||||** Future Connectivity Opportunities to Enhance the Master Planned Street Network.



-  Uintah Highlands Street Network After Full Implementation of 1970-1990 General Plan's Remaining Available Connections.
-  Shorter and more Efficient Community Connections, Less Fragmented Street Segments, Sharp Curves, and Sight Obstructions.
-  Improved Intersection

RE-15	R-1-12	R-1-10
Min. Lot Size Allowed 15,000 sqft	12,000 sqft	10,000 sqft
Min. Lot Width 100 ft	90 ft	80 ft
Min. Lot Depth 150 ft	133 ft	125 ft
Min. Yard Area Front: 30 ft Side: 10 ft; 24ft for both Rear: 30 ft	Front: Same Side: Same Rear: Same	Front: 20 ft Side: Same Rear: 20 ft
Min. Building Area 6,840 sqft	4,820 sqft	4,760 sqft



Lot Development Standards Per Zone

Lot Development Standards	Current Zone	Requested Zone		
	RE-15	R-1-12	R-1-10	R-2
Minimum Lot Area	15,000 square feet.	12,000 square feet.	10,000 square feet.	6,000 square feet.
Minimum Lot Width	100 feet.	90 feet.	80 feet.	60 feet.
Minimum Yard Setbacks				
<u>Front</u>	30 feet.	Same as RE-15	20 feet.	25 feet.
<u>Side</u>				
Dwelling	10 feet; with total of two sides not less than 24 feet.	Same as RE-15	Same as RE-15	8 feet; with total of two sides not less than 18 feet.
Other Main Building	20 feet.	Same as RE-15	Same as RE-15	Same as RE-15
Accessory Building	10 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 10 feet from dwelling on adjacent lot.	Same as RE-15	Same as RE-15	8 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 8 feet from dwelling on adjacent lot.
Side; on corner lot	20 feet.	Same as RE-15	Same as RE-15	Same as RE-15
<u>Rear</u>				
Main Building	30 feet.	Same as RE-15	20 feet.	Same as RE-15
Accessory Building	1 foot; except 10 feet where accessory building rears on side yard of adjacent corner lot.	Same as RE-15	1 foot; except 10 feet where accessory building rears on side yard of adjacent corner lot.	1 foot; except 8 feet where accessory building rears on side yard of adjacent corner lot.
Height				
Main Building	35 feet.	Same as RE-15	Same as RE-15	Same as RE-15
Accessory Building	25 feet.	Same as RE-15	Same as RE-15	Same as RE-15

Land Uses	Key: P = Permitted C = Conditionally Permitted N = Not Permitted			
Zone	RE-15	R-1-12	R-1-10	R-2
Agricultural and Animal Uses				
Agriculture.	P	Same as RE-15	Same as RE-15	Same as RE-15
Agricultural experimentation center	P	N	N	N
Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot.	P	N	N	N
Chinchilla raising.	P Requires 40,000 square feet minimum lot area	N	N	N
Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line.	P	N	N	N
Farms devoted to the hatching, raising (including fattening as incidental to raising) of chickens, turkeys or other fowl, rabbit, fish, frogs or beaver hatched or raised on the premises.	P Requires 5 acre minimum lot area	N	N	N
Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area.	P	N	N	N
Raising and grazing of horses, cattle, sheep or goats, including the supplementary feeding of such animals, provided that such raising or grazing is not a part of, nor conducted in conjunction with any livestock feed yard, livestock sales yard, slaughterhouse, animal by products business or commercial riding academy.	P Requires 5 acre minimum lot area	N	N	N
Residential Uses				
Bachelor and/or bachelorette dwelling with 24 or less dwelling units.	N	Same as RE-15	Same as RE-15	P
Cluster subdivision	P	Same as RE-15	Same as RE-15	N
Group dwelling with 24 or less dwelling units	N	Same as RE-15	Same as RE-15	P
Home occupations.	P	Same as RE-15	Same as RE-15	Same as RE-15
Household pets, which do not constitute a kennel.	P	Same as RE-15	Same as RE-15	Same as RE-15
Planned residential unit development	C	Same as RE-15	Same as RE-15	Same as RE-15
Residential facilities for persons with a disability	C	P	P	P
Residential facility for elderly persons	C	Same as RE-15	C	P

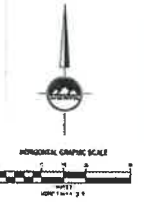
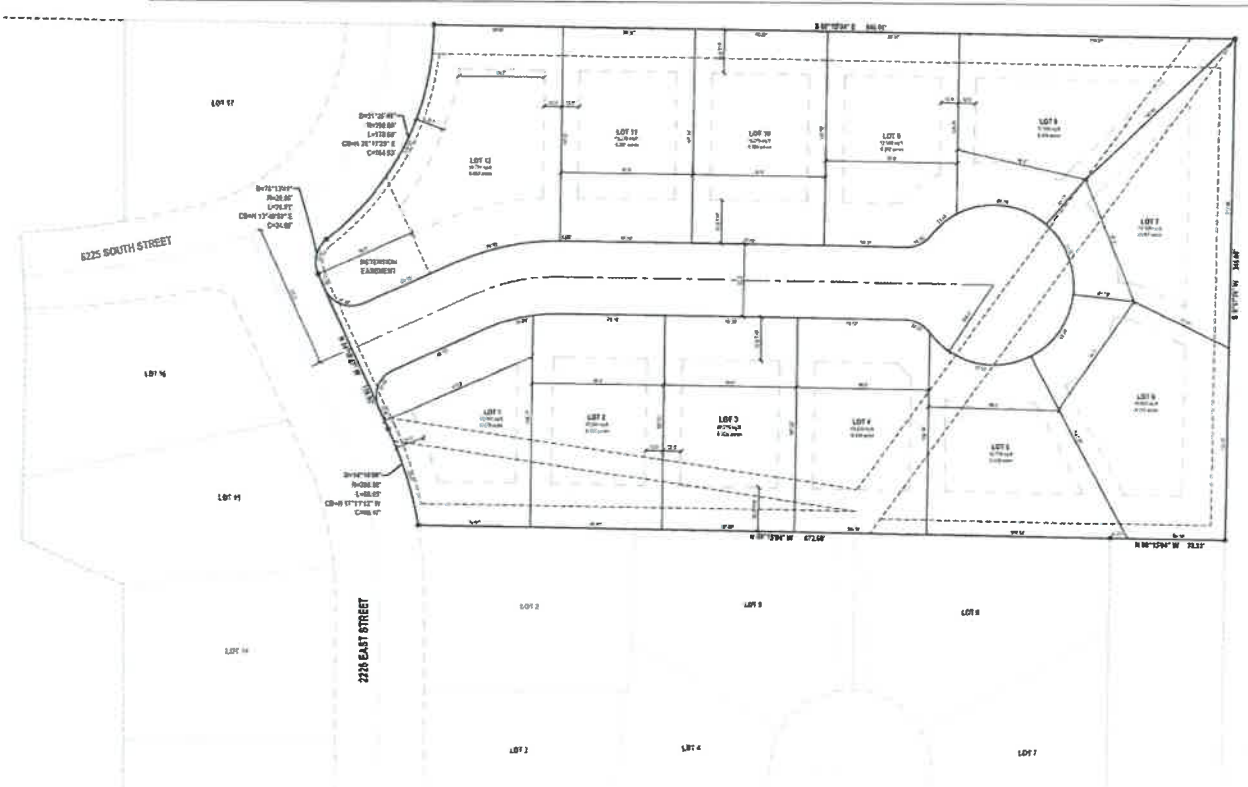
Single-family dwelling.	P	Same as RE-15	Same as RE-15	Same as RE-15
Two-family dwelling.	N	Same as RE-15	Same as RE-15	P
Public and Quasi-Public Uses				
Public utility substations.	C	C	C	C
Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.	P	N	Same as RE-15	C
Church, synagogue or similar building used for regular religious worship.	P	Same as RE-15	Same as RE-15	Same as RE-15
Educational institution.	N	P	P	P
Educational/institutional identification sign.	C	Same as RE-15	Same as RE-15	Same as RE-15
Public building, public park, recreation grounds and associated buildings.	P	Same as RE-15	Same as RE-15	Same as RE-15
Water storage reservoir developed by a public agency	C	Same as RE-15	Same as RE-15	Same as RE-15
Commercial Uses				
Child day care or nursery.	C	N	N	N
Golf course, except miniature golf course.	P	Same as RE-15	Same as RE-15	Same as RE-15
Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation.	P	N	N	N
Other Uses				
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.	P	Same as RE-15	Same as RE-15	Same as RE-15
Greenhouse, for private use only.	P	Same as RE-15	Same as RE-15	Same as RE-15
Parking lot accessory to uses permitted in this zone.	P	Same as RE-15	Same as RE-15	Same as RE-15
Private park, playground or recreation area, but not including privately owned commercial amusement business.	C	Same as RE-15	Same as RE-15	Same as RE-15
Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.	P	Same as RE-15	Same as RE-15	Same as RE-15
Small wind energy system.	C	N	N	N



GENERAL NOTES
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.





ENSIGN
 THE STANDARD OF EXCELLENCE
 LAYTON
 1000 W. 400 Foothill Blvd. Ste. 200
 Layton UT 84041
 Phone: 801.507.1725
 SALT LAKE CITY
 Phone: 801.254.9529
 TONDELE
 Phone: 435.634.2942
 CEDAR CITY
 Phone: 435.864.1421
 POCOPLES
 Phone: 435.936.2502






**HIGHLANDS BLUFF ESTATES
 LOT 1 SUBDIVISION**
 2225 EAST 6225 SOUTH
 WEBER COUNTY, UTAH

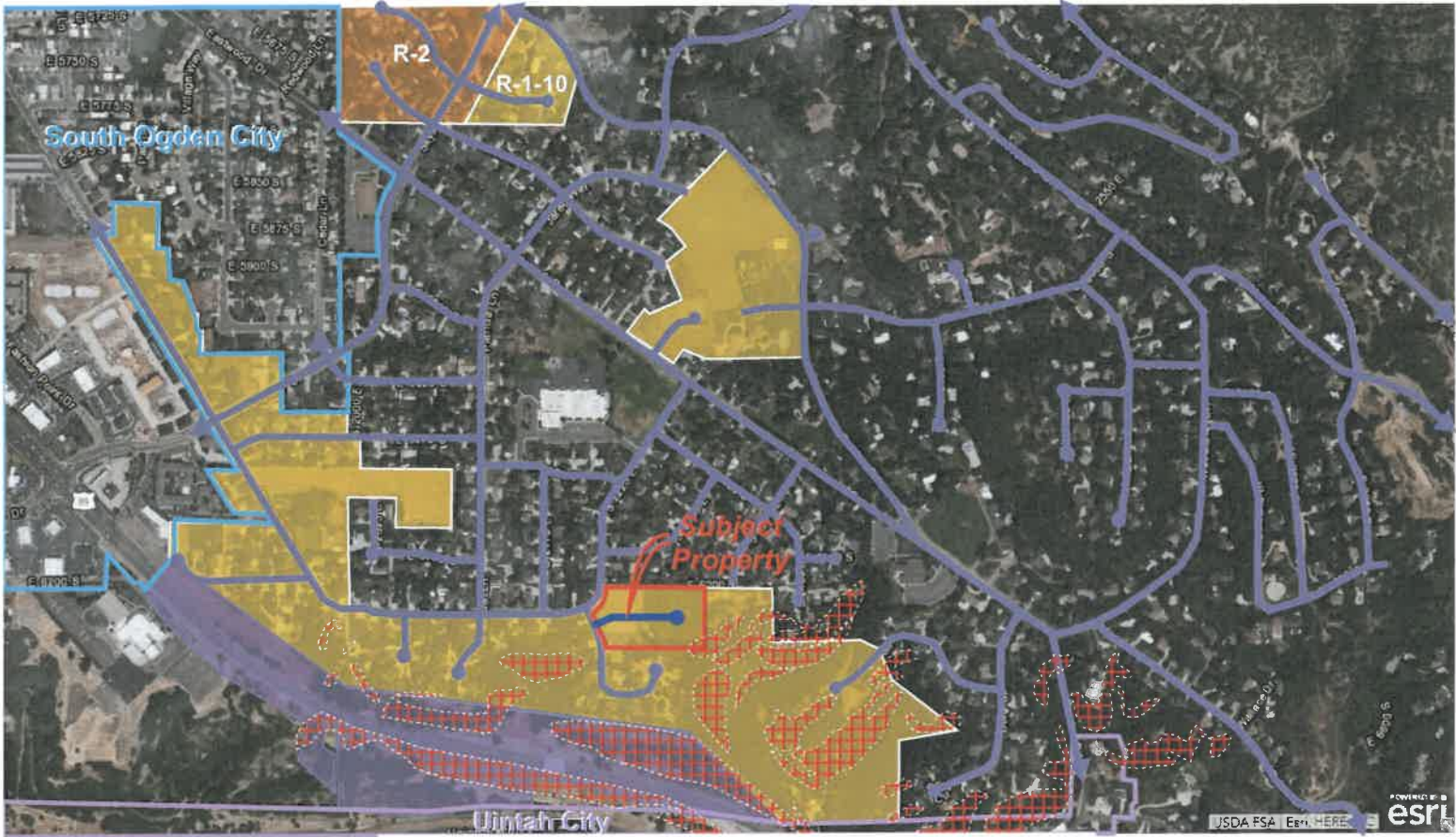
**CONCEPT PLAN
 ZONE R-1-12
 WITH 50' ROW**
 10F1





-  Slopes over approximately
-  Undeveloped or Under Dev



-  Slopes over approximately 10%
-  Undeveloped or Under Dev
-  Under Developed Residential Areas



-  Slopes over approximately
-  Contiguous low-density zo



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: An applicant proposed amendment to Weber County Code § 104-7 and 108-7 to allow the cultivation and processing of cannabis cultivation in the A-2 zones provided compliance with specific standards.

Agenda Date: Tuesday, June 09, 2020
Staff Report Date: Tuesday, June 4, 2020
Applicant: Weber County Planning Division
File Number: ZTA 2020-06

Staff Information

Report Presenter: Charlie Ewert
 cewert@co.weber.ut.us
 (801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ 104-7: AGRICULTURAL A-2 ZONE
 § 108-7: SUPPLEMENTARY AND QUALIFYING REGULATIONS

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Executive Summary and Brief Overview

In February of this year, the County Commission passed an ordinance allowing cannabis facilities to be located in the A-3, M-1, M-2, and M-3 zones. This ordinance applied specific standards to these facilities, and prohibited medical cannabis cultivation in the M-1 and M-2 zone.

Weber County Planning Division has received an application to amend the A-2 zone in a manner that will allow a cannabis cultivation facility. Cannabis cultivation activities are similar in nature to other crop cultivation activities. Governed by State law differently than processing or testing. Under state regulations, cultivation must be conducted within a secure building. The applicant's desired amendment can be reviewed in Exhibit A attached hereto. The applicant's full narrative can be reviewed in Exhibit B.

Planning staff are recommending that the planning commission forward a positive recommendation to the County Commission for the amendment. The high security requirements, enclosed building requirements, and general nature of the use is appropriate for the purpose of the A-2 zone.

Conformance to the General Plan

The West Central Weber County General Plan offers not explicit direction on this subject, but generally supports agricultural and manufacturing pursuits in their respective zones.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A). The planning commission's recommendation could come with the following findings, or as otherwise amended by the planning commission's motion:

1. The amendment will expand the right to cultivate cannabis, as strictly governed by state law, to farmers owning land in the A-2 zone.
2. Limiting the onsite cannabis activities to cultivation and other activities reasonably related to cannabis cultivation assist in reducing the little risk that may be associated with the plant.
3. The amendment is not contrary to the effect of the general plan
4. The changes are not detrimental to the general health and welfare of county residents.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Application.

Last Edited June 6, 2020

Sec. 108-7-34. – Medical cannabis production establishment.

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) ~~Medical-c~~annabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility. and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is ~~100~~50 feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required for any cannabis processing facility located in the A-3 zone.
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

Last Edited June 6, 2020

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- c) Animals or fowl kept for family food production as an accessory use.
- d) Cemetery; chinchilla raising, convalescent or rest home
- e) Church, synagogue or similar building used for regular religious worship.
- f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- h) Fruit or vegetable stand for produce grown on the premises only.
- i) Golf course, except miniature golf course.
- j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- k) Home occupations—with no visiting clientele.
- l) Household pets.
- ~~l)m~~ Medical Cannabis cultivation facility, as defined by state code, in compliance with Section 108-7-34 of this land use code.
- ~~m)n~~ Parking lot accessory to uses allowed in this zone.
- ~~n)o~~ Private park, playground or recreation area, but not including privately owned commercial amusement business.
- ~~o)p~~ Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- ~~p)q~~ Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- ~~q)r~~ Single-family dwelling.
- ~~r)s~~ Sugar beet loading or collection station and dump sites.
- ~~s)t~~ Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

General Plan, Rezoning & Text Amendments

The Weber County General Plan's sets the direction for land use in unincorporated Weber County. This is done through the adoption of goals and policies. State law requires that a variety of County actions be consistent with the general plan. The General Plan is implemented by various means including zoning and subdivision ordinances. The General Plan may necessitate rezoning of property. It is County Policy that rezoning of property be consistent with the County's General Plans. The purpose of zoning regulations is to promote the general welfare, safety, health, convenience, and economic prosperity of the County.

General Plans: This application describes the legislative process by which applications to amend or add new language to the General Plan are considered. If a land use application is not in conformance with the General Plan, an amendment to the General Plan may be required.

Rezoning of property (Zoning Map Amendments): This application describes the legislative process by which applicants can petition to change zoning on a property.

Text Amendments: This application describes the legislative means by which applicants can petition to add, change, or delete language in the Weber County Zoning or Subdivision Ordinance.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: 5/19/2020; 5/28/2020 Time: _____

- Staff member assigned to process application: Charles Ewert and Ann J. Morby

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Western Weber County Township Planning Commission holds their meetings on the 2nd Tuesday of the month.

The Ogden Valley Township Planning Commission holds their meetings on the 4th Tuesday of the month.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Planning Commission agenda.

The following is required as part of the application form submittal:

- Complete Application Form
- A non-refundable fee made payable to Weber County (See *Fee Schedule*)
- Obtain signature of the owner(s) on the application and any authorized representatives
- All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.



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- The application shall also be accompanied with the following information:
- A. A Concept Development Plan meeting the requirements listed in the Weber County Zoning Ordinance Chapter 35-5.
 - B. Feasibility letters from the appropriate state or county agencies for water and wastewater.
 - C. Narrative from the project engineer explaining the feasibility for mitigation of storm water run-off.
 - D. The applicant shall provide a narrative addressing the following information:
 1. How is the change in compliance with the General Plan?
 2. Why should the present zoning be changed to allow this proposal?
 3. How is the change in the public interest?
 4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
 5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?
 6. A narrative describing the project vision.

Destination and Recreation Resort Zones have additional approval criteria as listed in the Weber County Zoning Ordinance Chapter 44:

- A. Due to the anticipated scale and potential impact of a Destination and Recreation Resort on Weber County and other surrounding areas, additional information, shall be required to accompany any application submitted for consideration of a Destination and Recreation Resort Zone approval. The additional information shall consist of the following:
 1. Concept Development Plan showing sensitive land areas as described/mapped in the Weber County Zoning Ordinance Chapter 43, Ogden Valley Sensitive Lands Overlay Districts
 2. Traffic Impact Analysis
 3. Cost Benefit Analysis
 4. Recreation Facilities Plan
 5. Seasonal Workforce Housing Plan
 6. Emergency Services Plan including a Letter of Feasibility from the Weber Fire District and Weber County Sheriff's Office
 7. Letter of Feasibility from the electrical power provider
 8. Density calculation table showing proposed density calculations
 9. Thematic renderings demonstrating the general vision and character of the proposed development

Other Weber County Zoning Ordinance chapter requirements may apply as determined in the pre application meeting.

Fee Schedule

- **Rezone Fee**
 - o \$600.00
 - o Plus \$5.00 per acre; or plus \$10.00 per acre with a development agreement.
 - o Plus \$30.00 per hour, if applicable from the Surveyor's Office.
- **Zoning Ordinance or General Plan Amendment Fee**
 - o \$1,000.00
 - o Plus \$52.00 per page.
 - o Plus \$30.00 per hour, if applicable from the Surveyor's Office.



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Approval Criteria

Staff will review your application using the requirements of the Weber County Zoning Ordinance 35-3 as follows:

To promote compatibility and stability in zoning and appropriate development of property within Weber County, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety, and welfare of Weber County and the purposes of this Ordinance.

The Planning Commission and the County Commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the General Plan, surrounding land uses, and impacts on the surrounding area. The Commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The County Commission may require changes in the Concept Plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

Destination and Recreation Resort Zone have additional approval criteria:

- A. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, Ogden Valley Sensitive Lands Overlay District, of the Weber County Zoning Ordinance.
- B. A professional and empirical study has provided substantial evidence determining that the proposed Resort is viable and contributes to the surrounding community's economic well being.
- C. A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Resort, from diminishing below an acceptable Level of Service.
- D. The natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.
- E. The proposed Resort's Seasonal Workforce Housing Plan will provide a socially, economically, and environmentally responsible development.
- F. The proposed Resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the County Commission.

For Your Information

An application for a rezoning expires eighteen (18) months after submittal, if not acted upon, provided however, that the Director may extend the application for six (6) months for just cause.

This application can be filled out online at the following Planning Division web site: www.co.weber.ut.us/planning
Copies of the applicable Weber County Zoning Ordinances and other helpful information are also available at this web site.

Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted May 28, 2020	Received By (Office Use)	Added to Map (Office Use)
---------------------------------------	--------------------------	---------------------------

Property Owner Contact Information

Name of Property Owner(s) Pineae Greenhouses, Inc.		Mailing Address of Property Owner(s) 1901 South 5100 West Ogden, Utah 84401-9070
Phone (801) 633-6295	Fax	
Email Address bgold@pineae.com		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) Seth S. Gomm, Esq. and Spaulding Law, LLP		Mailing Address of Authorized Person 1955 West Grove Parkway, Suite 250 Pleasant Grove, UT 84062
Phone (801) 871-3657	Fax (801) 877-4318	
Email Address sgomm@spauldinglaw.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name A-2 Zone Ordinance Revision	Current Zoning A-2	Proposed Zoning A-2 (unchanged)
Approximate Address 1901 South 5100 West Ogden, Utah 84401-9070	Land Serial Number(s) 150810031	
Total Acreage 83.49	Current Use greenhouse agriculture	Proposed Use greenhouse agriculture (unchanged)

Project Narrative

Describing the project vision.

Since 1952, Pineae Greenhouses has been a Utah family-owned premium quality regional grower of wholesale annuals, perennials, nursery products, and holiday plants. In March 2019, the company was granted a license by the Utah Department of Agriculture and Food to produce industrial hemp cannabis starter plants at its 83-acre property west of Ogden, Utah. Pineae's state-of-the-art automated greenhouse and nursery operation is comprised of 25 acres of greenhouse and 20 acres of nursery production. Pineae has worked closely with Utah State University and many other greenhouse growers from across the country to develop low-impact, yet effective, production techniques for industrial hemp cannabis.

As a regional leader in industrial hemp greenhouse and nursery plant production, Pineae is extremely well positioned to use its techniques to assist the State of Utah in meeting the growing patient demand for medical cannabis. While the program continues to develop and mature, licensed medical cannabis cultivators need established and responsible partners like Pineae to meet the medicinal needs of Utah's patients.

Industrial hemp and medical cannabis plants are identical in nearly every way except for the chemical composition of their cannabinoids, which can only be identified in a laboratory setting. Therefore, the County should see none or nominal increased impact, when compared to Pineae's current hemp production. Pineae is located in an A-2 zone. In order to assist the state with the medical cannabis program, Pineae requests the attached proposed revisions to County Ordinances 108-7-34 and 104-7-3 to include medical cannabis cultivation as a permitted use in the A-2 zone.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

The West Central Weber County General Plan offers no explicit direction on the subject of medical cannabis cultivation, but it generally supports agricultural and manufacturing pursuits in their respective zones.

The minor proposed revisions to County Ordinances 108-7-34 and 104-7-3 will clarify that only medical cannabis cultivation (as opposed to medical cannabis processing) will be a permitted use in the A-2 zone, and adjusts minimum setback language to be consistent with other County standards.

Ordinance 104-7-1 states the purpose and intent of "[t]he A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible." Like the A-3 zone that currently permits medical cannabis cultivation, the A-2 zone has very limited residential use.

Ordinance 104-7-2 further states that "[a]griculture is the preferred use in the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone."

The proposed revisions maintain the County's desire to proceed with caution in designating certain areas that are zoned primarily for agriculture use, and that are distant from dense residential centers. Since the Ordinances mandate that "all agricultural operations shall be permitted at any time ... and [that] no agricultural use shall be subject to restriction," like the preexisting permitted industrial hemp cannabis cultivation, medical cannabis cultivation should also be a permitted use in the A-2 zone.

Why should the present zoning be changed to allow this proposal?

The applicant does not advocate a change in zoning. It only proposes minor revisions to County Ordinances 108-7-34 and 104-7-3 to include medical cannabis cultivation as a permitted use in the A-2 zone.

Project Narrative (continued...)

How is the change in the public interest?

The popularity and appreciation of medical cannabis among Utah patients has been greater than what many Utah legislators, regulators, physicians, and statisticians had previously anticipated. The state has expressed an urgent need for additional existing turn-key cultivation facilities to contribute to the responsible cultivation of medical cannabis in order to meet patient demand.

Pineae employs as many as 185 people that live or work in Weber County. The company pays competitive wages that are largely spent in or around the County. Permitting Pineae to also cultivate medical cannabis will create more steady jobs for locals - in a time when many residents have lost jobs because of COVID-19 impacts on the economy.

Because of the state's strict background check requirements for the industry, any jobs created must be provided to non-felon citizens over the age of 21 who have not been recently convicted of drug misdemeanor charges. Following an intensive interviewing, screening, and onboarding process, hundreds of hours of training will be provided to such personnel.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

As previously stated, the West Central Weber County General Plan offers no explicit direction on the subject of medical cannabis cultivation, but it generally supports agricultural and manufacturing pursuits in their respective zones.

After the General Plan was adopted, Utah voters demanded that medical cannabis be made available, and the Utah legislature responded with the Utah Medical Cannabis Act. Weber County has adopted a cautious and measured approach to the inclusion of medical cannabis facilities within its jurisdiction, and the minor revisions proposed in this application preserves that responsible restraint while also serving the increased medical needs of the County's and state's registered patients.

Authorized Representative Affidavit

I (We), Brian D. Gold, CEO, Pineae Greenhouses, Inc. the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Seth S. Gomm, Esq. and Spaulding Law, LLP to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.



(Property Owner)

(Property Owner)

Dated this 28 day of May, 2020, personally appeared before me Brian GOLD, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.




(Notary)

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Because industrial hemp and medical cannabis plants are almost identical in appearance, scent, and resource consumption, the County and its residents should see very little, if any, increased impact, when compared to Pineae's current industrial hemp cannabis production. The company is constantly beautifying its 83 acre site and upgrading its greenhouses with clean and safe state-of-the-art technology.

As mandated by state law, the site will be extremely secure and constantly monitored. Daily inventory counts and digital plant tracking is required using the state's software to prevent diversion or theft. State regulators will conduct regular stringent audits and inspections, unlike any other industry in Utah.

Only following Utah and Salt Lake Counties, Weber County currently has the largest number of registered medical cannabis patients in the state. Among many other qualifying diseases, treatment of chronic pain is the overwhelming primary qualifying condition of Utah cannabis patients. Most of these patients have been able to supplement, or even eliminate their use of opiates by using medical cannabis. Unlike the death and devastation that opiates have wrecked on society, there are no recorded overdose deaths caused by medical cannabis. As Weber County's citizens become more comfortable with medical cannabis, more lives will be saved.

Property Owner Affidavit

I (We), Brian D. Gold, CEO, Pineae Greenhouses, Inc. 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.



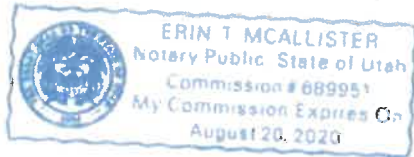
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 28 day of May 2020



(Notary)



Sec. 108-7-34. – Medical cannabis production establishment.

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility; ~~and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:~~
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is ~~400-50~~ feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required ~~for any cannabis processing facility located in the A-3 zone.~~
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- c) Animals or fowl kept for family food production as an accessory use.
- d) Cemetery; chinchilla raising, convalescent or rest home
- e) Church, synagogue or similar building used for regular religious worship.
- f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- h) Fruit or vegetable stand for produce grown on the premises only.
- i) Golf course, except miniature golf course.
- j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- k) Home occupations—with no visiting clientele.
- l) Household pets.
- ~~l)m) Medical cannabis cultivation facility, as defined by state code, in compliance with 73 Section 108-7-34.~~
- m) Parking lot accessory to uses allowed in this zone.
- ~~n) Private park, playground or recreation area, but not including privately owned commercial amusement business.~~
- ~~o) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.~~
- ~~p) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.~~
- ~~q) Single-family dwelling.~~
- ~~r) Sugar beet loading or collection station and dump sites.~~
- s) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Sec. 108-7-34. – Medical cannabis production establishment.

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility; and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is 50 feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required for any cannabis processing facility located in the A-3 zone.
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

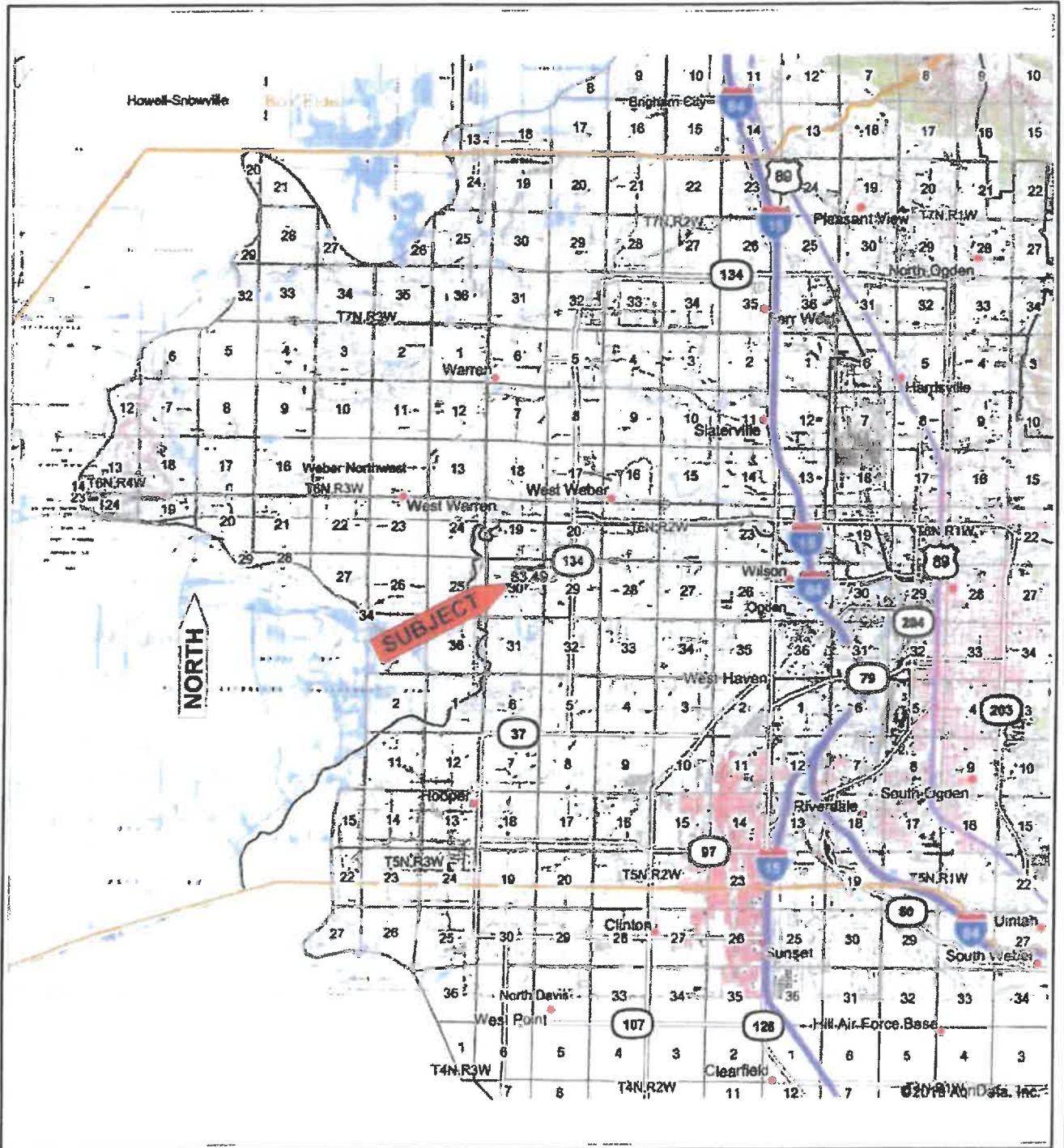
- a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- c) Animals or fowl kept for family food production as an accessory use.
- d) Cemetery; chinchilla raising, convalescent or rest home
- e) Church, synagogue or similar building used for regular religious worship.
- f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- h) Fruit or vegetable stand for produce grown on the premises only.
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- k) Home occupations—with no visiting clientele.
- l) Household pets.
- m) Medical cannabis cultivation facility, as defined by state code, in compliance with 73 Section 108-7-34.
- n) Parking lot accessory to uses allowed in this zone.
- o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- p) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- q) Public building; public park, recreation grounds and associated buildings: public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- r) Single-family dwelling.
- s) Sugar beet loading or collection station and dump sites.
- t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Craig Warren Appraisal

File # R19214011

UAAR®

Map Addendum

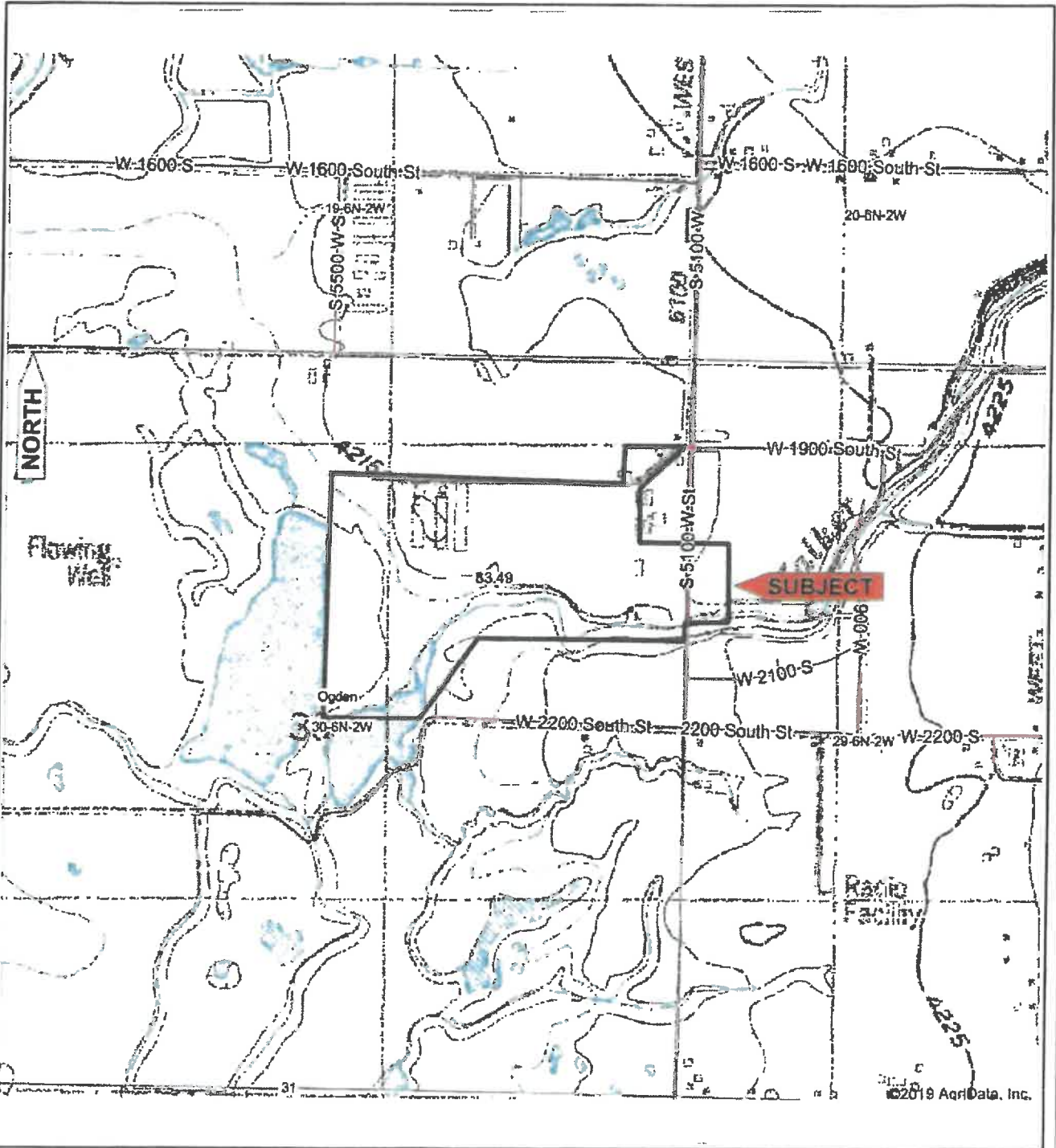


Craig Warren Appraisal

UAAR®

File # R19214011

Map Addendum

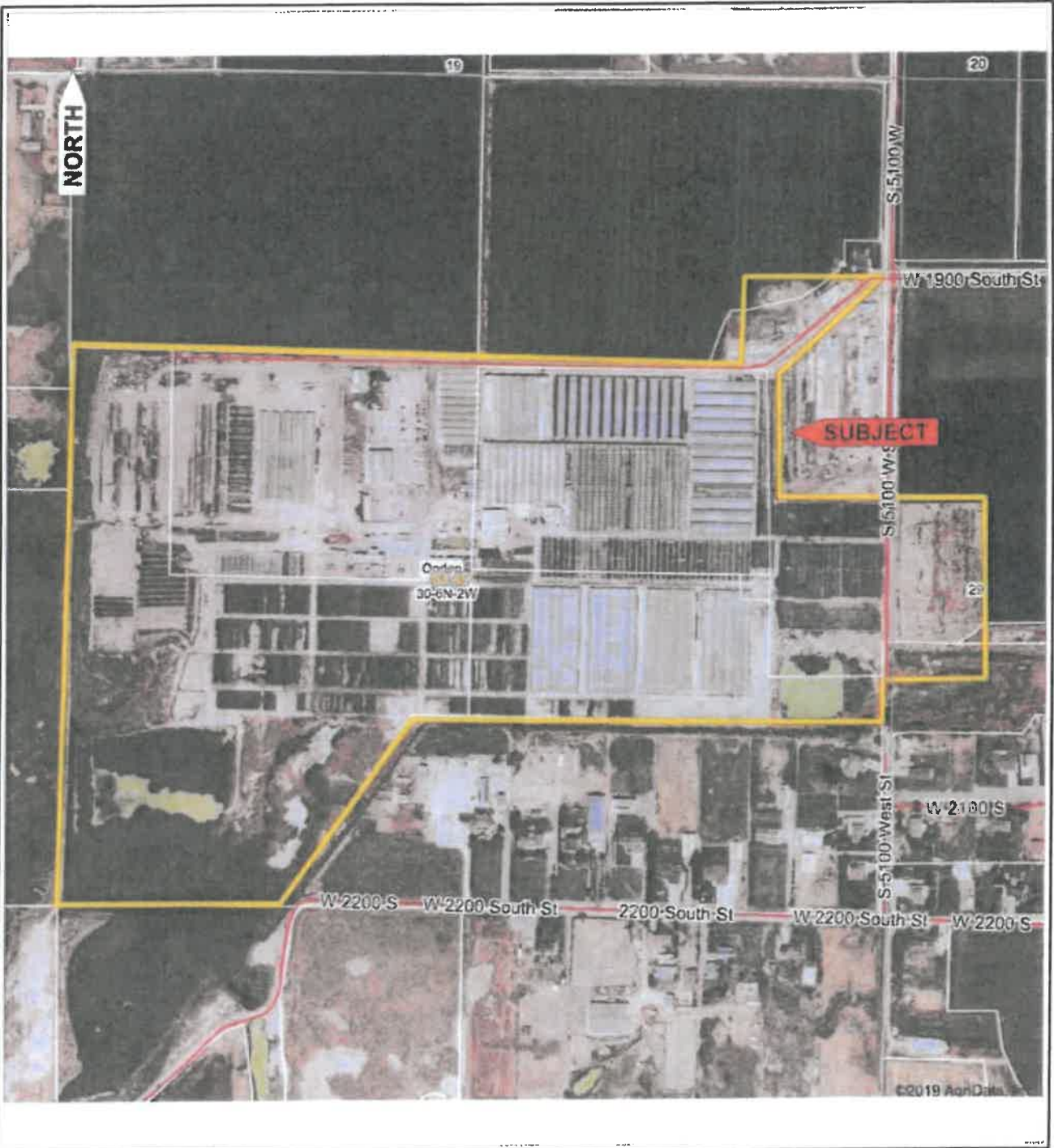


Craig Warren Appraisal

File # R19214011

UAAR®

Map Addendum



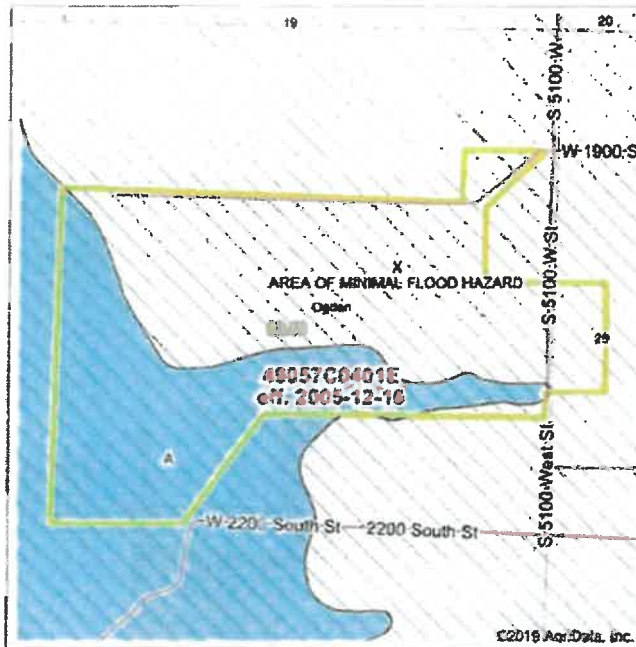
Craig Warren Appraisal

File # R19214011

UAAR®

Map Addendum

FEMA Report



State: UT Acres: 83.49
 County: Weber Date: 10/2/2019
 Location: 30-6N-2W
 Township: Ogden



Name	Number	County	NFIP Participation	Acres	Percent
Weber County	490187	Weber	Regular	83.49	100%
Total				83.49	100%

Map Change	Date	Case No	Acres	Percent
No			83.49	100%

Zone	SubType	Description	Acres	Percent
X	AREA OF MINIMAL FLOOD HAZARD	Outside 500-year Floodplain	50.4	60.4%
A		100-year Floodplain	33.09	39.6%
Total			83.49	100%

Panel	Effective Date	Acres	Percent
49057C0401E	12/18/2005	83.49	100%
Total		83.49	100%

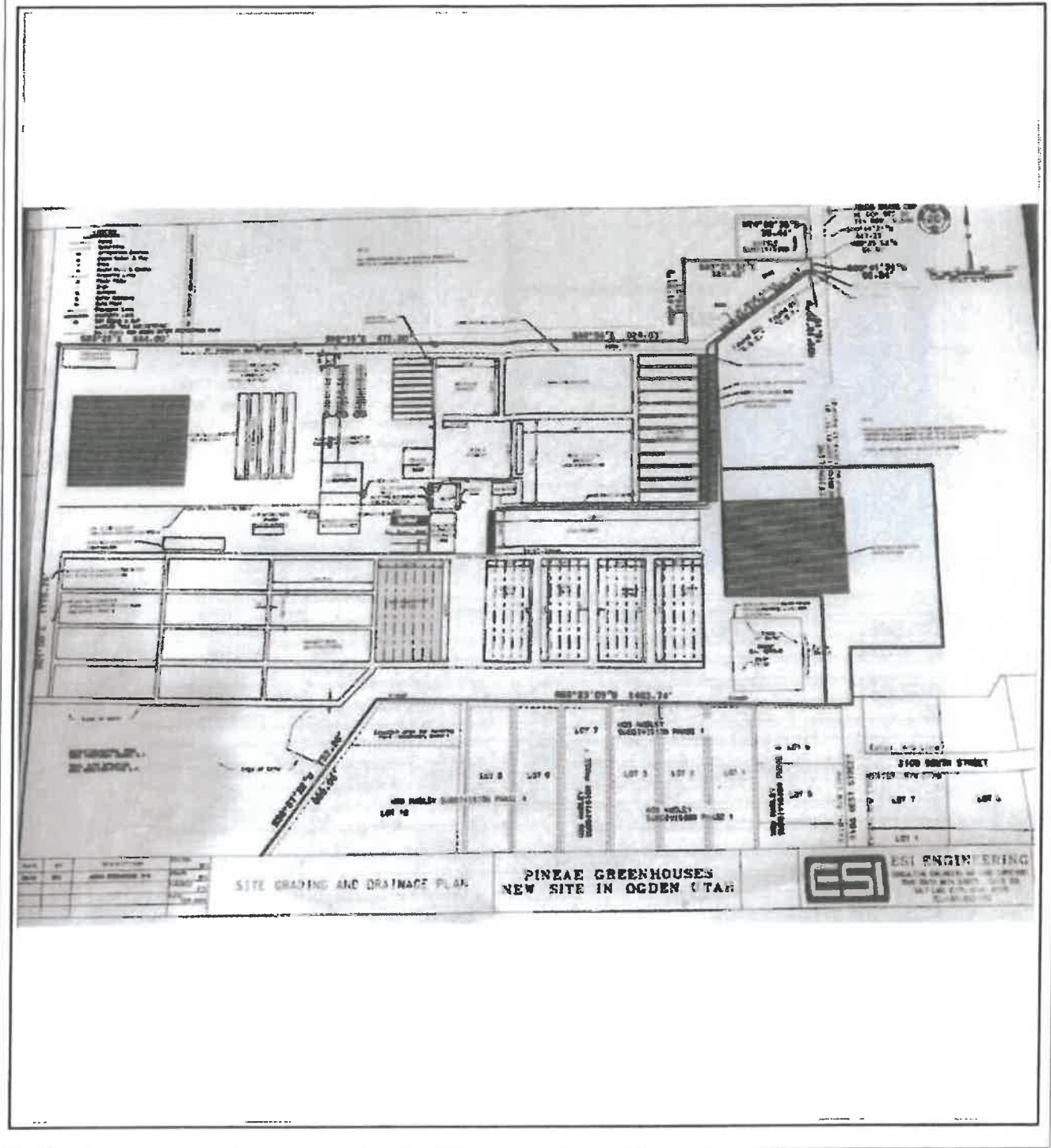
Flood related information provided by FEMA

Craig Warren Appraisal

File # R19214011

UAAR®

Map Addendum



Craig Warren Appraisal

UAAR®

File #

R19214011



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse

Craig Warren Appraisal

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File #

R19214011



View of Production House



View of Production House



View of Production House



View of Table House



View of Table House



View of Table House

Craig Warren Appraisal

UAAR®

File #

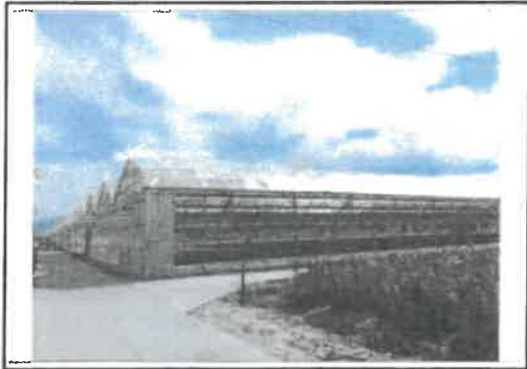
R19214011



View of Quad House



View of Peak House



View of S-0 to S-4 Houses



View of S-1 Interior



View of S-2 Interior



View of S-3 Interior



Weber County Incoming Application Processing Form

Project Name: 7+A Medical Cannabis Cultivation Facility
 Date Submitted: 5/22/2020 Zoning: A2 Received by: Scott Parker
 Culinary Water Provider: N/A Secondary Water Provider: N/A Waste Water Provider: N/A

Project Type:

- | | |
|--|---|
| <input type="checkbox"/> Alternative Access | <input type="checkbox"/> Subdivisions: |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Subdivision (Small/Amendment) |
| <input type="checkbox"/> Building Parcel Designation | <input type="checkbox"/> Subdivision-(Prelim/Final) |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision-Cluster |
| <input type="checkbox"/> Design Review | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Hillside Review | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Zoning Development Agreement |
| | <input type="checkbox"/> Vacation |
| | <input type="checkbox"/> Other _____ |

Project Description: Allow Medical Cannabis Cultivation Facility in the A-2 zone as an allowed use.

Applicable Ordinances:

- | | | |
|--|--|---|
| <input type="checkbox"/> Accessory Apartments | <input type="checkbox"/> Nonconforming Buildings, Uses and Parcels | <input type="checkbox"/> Petitioner Requirements-Rezoning Procedure Development Agreement |
| <input type="checkbox"/> Airport Zones and Height Regulations | <input type="checkbox"/> Ogden Valley Architectural, Landscape and Screening Standards | <input type="checkbox"/> Planned Residential Unit Development |
| <input type="checkbox"/> Cluster Subdivision | <input type="checkbox"/> Ogden Valley Lighting | <input type="checkbox"/> Public Buildings and Public Utility Substations and Structures |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Ogden Valley Pathways | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Drinking Water Source Protection | <input type="checkbox"/> Ogden Valley Sensitive Lands Overlay District | <input type="checkbox"/> Standards for Single Family Dwellings |
| <input type="checkbox"/> Hillside Development Review and Procedures and Standards | <input type="checkbox"/> Ogden Valley Signs | <input type="checkbox"/> Supplementary & Qualifying Reg |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Parking and Loading Space, Vehicle Traffic and Access Regulations | <input type="checkbox"/> Time Share |
| <input type="checkbox"/> Land Use Permit, Building Permit and Certificate of Occupancy | | <input checked="" type="checkbox"/> Zones & Districts |
| <input type="checkbox"/> Natural Hazards Overlay Districts | | |

Weber County Review Agencies:

- | | | |
|---|--|---|
| <input type="checkbox"/> Weber-Morgan Health Department-Drinking Water Division | <input type="checkbox"/> Weber County Economic Development Partnership | <input type="checkbox"/> Weber County School District-Transportation Division |
| <input type="checkbox"/> Weber-Morgan Health Department-Waste Water Division | <input type="checkbox"/> Weber County Engineering Division | <input type="checkbox"/> Weber County Sheriff |
| <input type="checkbox"/> Weber County Addressing Official | <input type="checkbox"/> Weber County GIS | <input type="checkbox"/> Weber County Special Events |
| <input type="checkbox"/> Weber County Animal Services | <input type="checkbox"/> Weber County CED | <input type="checkbox"/> Weber County Surveyor's Office |
| <input type="checkbox"/> Weber County Assessor's Office | <input checked="" type="checkbox"/> Weber County Planning Division | <input type="checkbox"/> Weber County Treasurer's Office |
| <input type="checkbox"/> Weber County Board of Adjustment | <input type="checkbox"/> Weber County Recorder's Office | <input type="checkbox"/> Weber Fire District |
| <input type="checkbox"/> Weber County Building Inspection | <input type="checkbox"/> Weber County Recreation Facilities | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Weber County Commission | <input type="checkbox"/> Weber County Roads Division | |

Outside Review Agencies:

- | | | |
|--|---|--|
| <input type="checkbox"/> Bona Vista Water Improvement District | <input type="checkbox"/> Ogden Valley Starry Nights | <input type="checkbox"/> Utah Department of Transportation |
| <input type="checkbox"/> Causey Estates Lot Owners Assoc. | <input type="checkbox"/> Powder Mountain Water & Sewer District | <input type="checkbox"/> Utah Division of Air Quality |
| <input type="checkbox"/> Central Weber Sewer Improvement | <input type="checkbox"/> Dominion Energy | <input type="checkbox"/> Utah Division of Drinking Water |
| <input type="checkbox"/> Cole Canyon Water Company | <input type="checkbox"/> Rocky Mountain Power | <input type="checkbox"/> WC3 |
| <input type="checkbox"/> Centurylink | <input type="checkbox"/> State of Utah Dept of Ag & Food | <input type="checkbox"/> Weber Pathways |
| <input type="checkbox"/> Eden Irrigation Company | <input type="checkbox"/> Taylor Geotechnical | <input type="checkbox"/> West Warren-Warren Water & Sewer |
| <input type="checkbox"/> Hooper Irrigation Company | <input type="checkbox"/> Taylor-West Weber Water District | <input type="checkbox"/> Wolf Creek Water and Sewer Improvement District |
| <input type="checkbox"/> Hooper Water Improvement District | <input type="checkbox"/> Uintah Highlands Water & Sewer Dist | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Nordic Mountain Water Inc. | <input type="checkbox"/> US Forest Service | |



Weber County Corporation

Weber County Planning
2380 Washington Blvd. Ste 240

Customer Receipt

Receipt Number **135563**

Receipt Date

05/28/20

Received From:
SPAULDING LAW

Time: 13:59:2
Clerk: amartin

Description	Comment	Amount
ZONING FEES	ORD. REVISION	\$1,104.00

Payment Type	Quantity	Ref	Amount
CHECK		1783	

AMT TENDERED: \$1,104.00
 AMT APPLIED: \$1,104.00
 CHANGE: \$0.00



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on a request amend Weber County Code to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.

Agenda Date: Tuesday, ~~May 12, 2020~~ June 9, 2020

Staff Report Date: Tuesday, May 5, 2020

Applicant: Weber County

File Number: ZTA 2020-04

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ Sec 106-2-4 Lots
§ Sec 106-4-1 General Requirements

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

Recent development in a cluster subdivision in Western Weber County has brought to our attention that requiring a ten foot public utility easement on every side lot line does not support the reduced sideyard setback of the cluster code. Further, we have found that a number of subdivision plat designers will place ten foot public utility easements along every lot line as their standard mode of operation. These arbitrary and unused easements often lead to problems for resulting landowners who cannot utilize the area in the easement. The attached proposal allows flexible public utility easement widths along with affirmative consent from the County Engineer or Land Use Authority (who is the planning commissions on all subdivisions except small subdivisions) for their placement.

Policy Analysis

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan.

General plan. Neither the Ogden Valley General Plan nor the West Central Weber General Plan address public utility easements or substandard streets in the context of this proposal. It can be determined, however, that the proposal will have a positive effect on both plans, since both plans strongly advocate for clustering development onto smaller lots, and an easement on every lot line causes unnecessary hardship on the use of the land. The effect of allowing development to continue along a substandard street, provided a traffic engineer deems it safe, will decrease street impacts and stormwater runoff. Requiring a substandard road agreement will assist the county to obtain a standard street at some point in the future.

Ordinance. Requiring that the County maintain control over what and where public utility easements are required is necessary because, through plat dedication, the County becomes the owner of those easements. The majority of

the time, public utility entities want to locate only across the front of the lot. Side and rear easement may be necessary on a case by case basis given the uniqueness of specific subdivisions and the specific utility, but to enable a surveyor or engineer to arbitrarily place them in an arbitrary or impracticable location on a subdivision plat leads to the county inheriting a host unnecessary private land encumbrances.

Recommending additional development to occur on a substandard dead-end street is atypical in more urban environments. However, there are a number of long substandard dead-end streets in rural areas that exist today as an evolutionary effect of age-old wagon trails, and not as a deliberate and intentional result of new street construction. Thus the public street right of way construction standards have never been applied to many unincorporated streets, and rather, the county has only provided operations, maintenance, and occasional safety improvements. The current ordinance does not allow development along a substandard public street. The proposal will allow development to occur provided traffic safety and road capacity is not reduced to unacceptable levels. It also builds-in a method by which the County can ensure the street is brought to standard over time without significant cost to the general public.

Past Action on this Item

The Western Weber Planning Commission considered this item and offered staff direction in their April 14, 2020 work session.

The Ogden Valley Planning Commission considered this item and offered staff direction in their April 7, 2020 work session.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2020-04, a proposal to require PUE's to be as specified by the County Engineer and to enable development along substandard streets under specific conditions.

This comes with the following findings:

1. That the proposal does not have negative effect on the general plans.
2. The proposal will not place unnecessary burden for offsite street improvements on any single land developer.
3. The proposal will ensure thoughtful and deliberate acquisition of public utility easements in a manner less impactful to land owners.
4. That the proposal is in the best interest of the health, safety, and welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

Revised May 5, 2020

1 az Title 106 Subdivisions

2 ...

3 Chapter 106-2 Subdivision Standards

4 ...

5 Sec 106-2-4 Lots

6 ...

7 (l) *Easements*. Lots shall have a ten-foot public utility easement abutting the public street right-
8 of-way and spanning the lot width, except that this easement is not required in zones that
9 allow ~~no a zero~~ front setback. Other public utility easements shall ~~only~~ be provided ~~whereif~~,
10 ~~and only if~~ authorized ~~or required~~ by the County Engineer ~~or Land Use Authority, who shall~~
11 ~~specify the easement's location and width with a minimum width no less than five feet. If the~~
12 ~~applicant cannot demonstrate that surface water runoff onto adjacent lots or parcels will not~~
13 ~~exceed historic runoff rates, the land use authority may require that a land drain easement be~~
14 ~~provided by the applicant. The land drain shall be installed as a part of the subdivision~~
15 ~~improvements. easements for drainage through the subdivision and adjoining property be~~
16 ~~provided by the applicant. Easements for water, sewer, drainage, power lines and other~~
17 ~~utilities shall be provided where required, and at a width specified, by the County Engineer,~~
18 ~~but never a width less than five feet.~~

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20 ...

21 ...
22 Sec 106-4-1 General Requirements

23 ...

24 (h) New subdivisions with sole access from a terminal substandard public street ~~system, whether~~
25 ~~directly connected or connected via streets that meet county standard,~~ shall not be approved
26 until the substandard street is fully improved to county public work standards and adopted
27 right-of-way width.

28 (1) This requirement shall be waived if a traffic study, conducted by a qualified professional,
29 demonstrates that the existing substandard public street ~~system~~ from which the new
30 subdivision will gain access is adequate ~~and safe, or can be made adequate and safe with~~
31 ~~improvements from the applicant,~~ for the increased traffic demand of the new subdivision,
32 and if the Planning Director and County Engineer can mutually make the following
33 findings:

Commented [CE31]: Moved into new subparagraph

34 (1)a. That due to topographic or other environmental characteristics of the area, it is
35 unlikely that the terminal substandard street system will make a second connection to
36 the public street network within the next 10 years; ~~and~~

37 (1)b. That not providing a secondary connection to the public street network does not
38 conflict with a general plan, small area plan, master streets plan, or similar adopted
39 planning document; ~~and.~~

40 (2) ~~In order for the provisions of (h)(1) to apply,~~ owners having interest in the ~~proposed~~
41 subdivision ~~have executed shall execute a deferral~~ substandard road agreement and notice

Revised May 5, 2020

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to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:

a. require a deferral agreement that specifies that the owner or their successors and heirs are responsible for their roughly proportionate share of improving the substandard public street system at a time the county deems it necessary; and

b. ~~cause for the governing authority, at their option, to withhold any written protest filed by the owner under the State Code's Assessment Area Act, provisions for local districts, or any similar government revenue generation mechanism, from the final tally of collected protests. bind the owners and their successors and heirs to not file a written protest as otherwise allowed in State Code under the creation of a special assessment area, special improvement district/Assessment Area Act, the provisions for local districts, or any similar government revenue generation mechanism, intended to improve the terminal fund improvements to the substandard public street system. This requirement applies regardless of whether the terminal substandard public street later makes a second connection to the public street network. The revenue generated by the mechanism shall be:~~

1. ~~limited to the actual value, adjusted for market changes over time, of improving the substandard public street to the standards applicable at the time of the agreement's execution; and~~

2. ~~only reinvested into improving the substandard street to the standards applicable at the time of the agreement's execution, or applied to the total cost of improving the street to an updated or better standard; and~~

c. be recorded to the property at the time of subdivision recordation, or sooner.

~~(3) No precise mathematical calculation is required to determine the roughly proportionate share of improving the substandard public street, as provided in Section 106-4-1(h)(2). However, an individualized determination shall be conducted for each lot. In determining what is roughly proportionate, the following guidelines apply:~~

a. ~~The individualized determination is required to show that the established roughly proportionate share is related in both nature and extent to the impact of the developed lot.~~

b. ~~For each lot, the following factors shall be considered to determine their relevance to the calculation: the minimum lot width of the applicable zone, the actual lot width, average daily distance travelled, number of actual trips, the uses on the lot, average daily trips related to those uses, weight of a typical vehicle related to those uses, longevity of current ownership and longevity of existing development or uses as they relate to historical taxes paid, and any other consideration deemed necessary relative to the lot's impact on the substandard street.~~

c. ~~A lot owner may provide the county with a third-party study, conducted by a qualified professional as defined in Section 101-1-7, to assist in determining the nature and extent of the impact of the lot on the substandard street, or to analyze the financial obligation of the lot owner, or both.~~

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Commented [CE22]: Ogden Valley forwarded a positive recommendation for this text amendment, but asked the County Commission to pay particular attention to the way this paragraph was written, as it didn't sit comfortably with a number of them, but the majority were not ready to say it isn't needed.

I have rewritten this paragraph after their discussion to try to mitigate some of the discomfort. It now reads less heavy handed in terms of a landowner's ability to file a protest, gives the governing authority more leniency, and limits the governing authority's scope on what can be assessed in one of these taxing areas and on what the additional tax can be spent. Hopefully this mitigates concerns that this provision can lead to the runaway government effect.

Commented [CE23]: New section desired by the Ogden Valley Planning Commission to help quantify what roughly proportionate means. "rough proportionality" has been tested through several court cases. There is no set method to calculate, but the governing authority needs to make the case that through individual development evaluations their determination of roughly proportionate needs to be related both in nature and extend to the impact of the existence of the development.

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1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec 106-2-4 Lots**

6 ...

7 (i) *Easements*. Lots shall have a ten-foot public utility easement abutting the public street right-
8 of-way and spanning the lot width, except that this easement is not required in zones that
9 allow a zero front setback. Other public utility easements shall be provided if, and only if,
10 authorized or required by the County Engineer or Land Use Authority, who shall specify the
11 easement's location and width, with a minimum width no less than five feet. If the applicant
12 cannot demonstrate that surface water runoff onto adjacent lots or parcels will not exceed
13 historic runoff rates, the land use authority may require that a land drain easement be provided
14 by the applicant. The land drain shall be installed as a part of the subdivision improvements.

15 ...

16

17 **Sec 106-4-1 General Requirements**

18 ...

19 (h) New subdivisions with sole access from a terminal substandard public street, whether directly
20 connected or connected via streets that meet county standard, shall not be approved until the
21 substandard street is fully improved to county public work standards and adopted right-of-way
22 width.

23 (1) This requirement shall be waived if a traffic study, conducted by a qualified professional,
24 demonstrates that the existing substandard public street from which the new subdivision
25 will gain access is adequate and safe, or can be made adequate and safe with
26 improvements from the applicant, for the increased traffic demand of the new subdivision,
27 and if the Planning Director and County Engineer can mutually make the following
28 findings:

29 a. That due to topographic or other environmental characteristics of the area, it is unlikely
30 that the terminal substandard street system will make a second connection to the
31 public street network within the next 10 years; and

32 b. That not providing a secondary connection to the public street network does not
33 conflict with a general plan, small area plan, master streets plan, or similar adopted
34 planning document.

35 (2) In order for the provisions of (h)(1) to apply, owners having interest in the proposed
36 subdivision shall execute a substandard road agreement and notice to new owners. The
37 content of the substandard road agreement and notice shall be as specified by the county.
38 At a minimum, it shall:

39 a. require a deferral agreement that specifies that the owner or their successors and heirs
40 are responsible for their roughly proportionate share of improving the substandard
41 public street system at a time the county deems it necessary;

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- 42 b. cause for the governing authority, at their option, to withhold any written protest filed
43 by the owner under the State Code's Assessment Area Act, provisions for local
44 districts, or any similar government revenue generation mechanism, from the final tally
45 of collected protests. . The revenue generated by the mechanism shall be:
- 46 1. limited to the actual value, adjusted for market changes over time, of improving the
47 substandard public street to the standards applicable at the time of the
48 agreement's execution; and
- 49 2. only reinvested into improving the substandard street to the standards applicable
50 at the time of the agreement's execution, or applied to the total cost of improving
51 the street to an updated or better standard; and
- 52 c. be recorded to the property at the time of subdivision recordation, or sooner.
- 53 (3) No precise mathematical calculation is required to determine the roughly proportionate
54 share of improving the substandard public street, as provided in Section 106-4-1(h)(2).
55 However, an individualized determination shall be conducted for each lot. In determining
56 what is roughly proportionate, the following guidelines apply:
- 57 a. The individualized determination is required to show that the established roughly
58 proportionate share is related in both nature and extent to the impact of the developed
59 lot.
- 60 b. For each lot, the following factors shall be considered to determine their relevance to
61 the calculation: the minimum lot width of the applicable zone, the actual lot width,
62 average daily distance travelled, number of actual trips, the uses on the lot, average
63 daily trips related to those uses, weight of a typical vehicle related to those uses,
64 longevity of current ownership and longevity of existing development or uses as they
65 relate to historical taxes paid, and any other consideration deemed necessary relative
66 to the lot's impact on the substandard street.
- 67 c. A lot owner may provide the county with a third-party study, conducted by a qualified
68 professional as defined in Section 101-1-7, to assist in determining the nature and
69 extent of the impact of the lot on the substandard street, or to analyze the financial
70 obligation of the lot owner, or both.