Exhibit A

Staff’s Response to State Code Requirements

The appeal has stated that a notice was not received pursuant to the following portions of the Utah State Code (17-27a-204, 205, 206, and 207). However, appellant’s representative does not mention 17-27a-209 which states:

17-27a-209 Notice Challenge.

If notice given under authority of this part is not challenged under Section 17-27a-801 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

As clearly 30 days has passed since the March and April 2012 hearings, and that notices were sent in a timely manner, a notice of decision written, and minutes of the meeting approved; this challenge should be denied as it is untimely. Staff below has addressed the applicability of claims.

17-27a-204 sets standards regarding notices of public hearings to consider changes to the General Plan. Conditional uses, PRUD’s or site plan approvals are not modifications to the General Plan, 17-27a-204 is therefore not applicable.

17-27a-205 sets standards regarding notices of public hearings to consider changes to the land use code. Conditional uses, PRUD’s or site plan approvals are not modifications to the land use code, 17-27a-205 is therefore also not applicable.

17-27a-207 sets standards regarding notices for an amendment to a subdivision and only applies to residents who own property within that subdivision, of which Marion Martin is not an owner in the subdivision. 17-27a-207 is therefore also not applicable.

17-27a-206 however does apply, it states:

 **17-27a-206.** **Third party notice.**

(1) If a county requires notice to adjacent property owners, the county shall:

(a) mail notice to the record owner of each parcel within parameters specified by county ordinance; or

(b) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

(2) If a county mails notice to third party property owners under Subsection (1), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

In this case Weber County does have a standard in the subdivision section of the Weber County Land Use Code which states:

Sec. 106-1-6(b) Public Notice. Notice of the proposed subdivision shall be mailed not less than seven calendar days before the Planning Commissions’ public hearing on the proposed subdivision to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

Notices and maps were created, printed and sent to property owners within 500 feet for the following meetings:

 Project Printed/Sent Date Meeting Date Land Use Authority

CUP 2012-02 3/20/2012 3/27/2012 OVPC

 Sub Final ph1 9/17/2012 9/25/2012 OVPC

 CUP 2013-08 3/19/2013 3/26/2013 OVPC

 BOA 2013-07 8/1/2013 8/8/2013 BOA

The Weber County Planning Division has followed all State statutory requirements regarding notice for this development. Ms. Martin claims that she was not adequately notified of these meetings. Although she does state that she does receive these notices (see page 3 of the appeal), albeit while living in Montana. She did not contact however, Planning Division Staff until receiving the notice in March of 2013. Being that the Weber County Land Use Code’s process for a PRUD application is required to be reviewed by both the Planning Commission at their regularly scheduled date, and subsequently a few weeks by the Weber County Commission. It is apparent that adequate time is allowed for any appeal could be made.