

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

February 09, 2016
5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*
- 1. Minutes
 - 1.1. Approval of the December 08, 2015 and the January 12, 2016 meeting minutes
- 2. Consent Agenda
 - 2.1. LVR072916 Consideration and action on final approval of Russell Place Subdivision, 6 lots, at 4000 West 2200 South – Matt Leavitt, Agent
 - 2.2. LVA120315 Consideration and action on final approval of Atkinson Subdivision #2, 2 lots, at approximately 2448 S 3500 W – Jeff Atkinson, Agent
- 3. Administrative Items
 - 3.1. AE 2015-06 Consideration and action on an access exception to use a private right-of-way (R.O.W.) as the primary access for four lots in the Mountains Edge Subdivision at approximately 2060 E Ryan Circle - Brock Loomis, Agent
 - 3.2. LVM121615 Consideration and action on final approval of Mountains Edge Subdivision, 4 lots, at Approximately 2060 E Ryan Circle - Brock Loomis, Agent
- 4. Rules of Order – Discussion and/or Action on the Planning Commission Rules of Order.
- 5. Public Comment for Items not on the Agenda
- 6. Remarks from Planning Commissioners
- 7. Planning Director Report
 - 7.1. PC Packet Discussion
- 8. Remarks from Legal Counsel
- 9. Adjourn

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

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

A Pre-Meeting will be held at 4:30 p.m. in the Commission Break Out Room. No decisions are made in the pre-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

Minutes of the Western Weber County Planning Commission held on December 08, 2015, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Jannette Borklund, Chair, Mark Whaley, Wayne Andreotti, Lance Greenwell, Roger Heslop, John Parke
Member Excused: Michael Slater
Staff Present: Sean Wilkinson, Community & Economic Development Director; Jim Gentry, Principal Planner;
Charles Ewert, Principal Planner; Scott Mendoza, Assistant Director; Sherri Sillitoe, Secretary

*Pledge of Allegiance – led by Jeremy Mathews, University Student

*Roll Call

No Exparte Communication was expressed.

1. Approval of the Minutes

Chair Borklund declared the November 10, 2015 meeting minutes approved as amended, noting the error after Members Present and after Vice Chair Whaley's name where Chair Gibson should be deleted.

2. Administrative Items:

2.1. CUP 2015-20 Consideration and action for a conditional use permit request for a private park and recreation grounds to be located on parcel #14-109-0002, 05-001-0001, and 05-001-0003 in the Waterfall Canyon Area (Sherpa Logistics, LLC dba Utah Adventure Center, Applicant; Chris Peterson, Agent)

Director Wilkinson read an open meeting statement at this time regarding the history of what spurred this application. The letter directed the focus of any comments regarding the application to the application's concerns only.

"Ladies & Gentlemen,

Thank you for your attendance at the Western Weber Planning Commission meeting this evening. The Planning Division staff and Planning Commission are aware that the Conditional Use Application on the agenda, submitted by Mr. Peterson, has generated a great deal of public interest over the last week. To be clear, the County informed Mr. Peterson that a Conditional Use permit was required for his business operation, and requested that he submit the application.

It appears that much of the public interest is focused on access through Mr. Peterson's property via existing trails. We understand that the discussion of public access rights on these trails vs. private property rights is an ongoing issue that many people, on both sides of the issue, are passionate about. By considering the application this evening, the Planning Commission is not taking a position on this issue and nothing in the staff report, staff analysis, or staff presentation is intended to enhance or extinguish any public or private rights that may exist, nor alter current use by the general public. With that said, this planning commission meeting is not the proper forum to debate this issue. The discussion tonight should be focused on Mr. Peterson's specific application request to operate climbing, hiking, and other outdoor activities within what the County's Land Use Code calls a "private park or recreation area."

Public comments at this meeting are under the direction of the Planning Commission Chair. If allowed, we ask that public comments remain focused on the application being considered by the Planning Commission and not on other issues, important though they may be which are not up for discussion or consideration. We ask that everyone please be respectful and courteous during the meeting and refrain from cheering, clapping, or otherwise being disruptive. We appreciate your attendance tonight and thank you for your cooperation."

Ronda presented a staff report and indicated that the members were handed out an amended staff report with newly added language shown in red and blue on Page 1 "The application will have no effect on the current use by the general public." on the (1st Para.), Page 2. The same phrase has been added. Further down as they evaluated the parking, "the non-paying visitors" has been changed to read "the general public." On Page 3, it has been changed to read "paying guests and the general public" and then on Condition #2 as recommended by staff, it shall now read; "At such a time that the parking needs of the paying guests start to have a negative impact on the parking needs of the general public." The applicant will need to work with the county to establish additional parking. Also, the members have received copies of any previously submitted email correspondence sent in to staff regarding the project. The staff report is available on Miradi.

Jannette Borklund disclosed that she works for Ogden City and has done minutes on the land trust committee. She does not feel that it affects her determination at this point. It is up to the members to decide. Chris Crockett indicated that the decision to recuse herself lies with her.

Ronda Kippen indicated that based on this amended staff report modification; State statute requires that the applicant receives the staff report prior to the meeting. The State Statute allows the applicant to waive that right, and Mr. Peterson has given the staff written authorization and waived that right so they can proceed with the agenda item tonight.

The proposed private park is located in the Forest Zone "F-40" and is allowed by a conditional use permit. It is proposed on a 1,440 acre parcel. The applicant's narrative indicated that the operation has been in operation since 2005 and the public use of the property predates the private park venture. The proposed use conforms with the purpose of the Forest zone and will enhance the preservation of the area by providing onsite maintenance and management by guides that deter littering, graffiti and vandalism that has become more prevalent as the area has grown in popularity.

This application will have no effect on the current use by the general public. The proposal is to allow a commercial venture on private property for paying customers to enjoy guided hiking, photography and mountaineering adventures. The Planning Division has been working with the applicant and it is anticipated that the proposed private park will not create additional negative impacts on the area.

Conditional use permits shall be approved as long as any harmful impact is mitigated by imposing reasonable conditions. The Uniform Land Use Code of Weber County, Utah (LUC) has specified certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application meets these standards. The following is staff's evaluation of the request.

Mrs. Kippen presented a PowerPoint presentation which included a video from the Salt Lake Tribune showing a Via Ferrata operation and what is proposed by Mr. Peterson. There will be no structures on the site. The applicant is proposing that parking for the private park be located at the designated trailhead parking lots located on 22nd, 27th, 29th and 36th Street. Restroom facilities are available at the 29th Street parking lot. At this point, the parking needs of paying guests verses the parking needs of the general public are extremely minor; however, at such a time that the parking needs start to create a negative impact on the parking needs of the general public, the applicant will need to work with the county to establish additional parking.

The key concerns from the Weber Engineering Division, Weber-Morgan Health Department, and the Weber Fire District are parking, restroom facilities and access for emergency services. The applicant has adequately addressed these concerns by utilizing the public trailhead parking areas and restroom facilities and by utilizing the private road that runs from the east end of 29th Street to the north of Waterfall Canyon for emergency access. There is nothing in the Building Code that would regulate a Via Ferrata.

The Planning Division recommends approval of file# CUP 2015-20, a conditional use permit for a private park to be located on parcels #14-109-0002, 05-001-0001 & 05-001-0003. This recommendation for approval is subject to all review agency requirements and with the following conditions:

- All operations will be in strict compliance with the applicant's approved proposal.
- At such a time that the parking needs of paying guests start to have a negative impact on the parking needs of the general public using the public parking areas, the applicant will need to work with the county to establish additional parking.
- At such a time that additional wastewater or drinking water is deemed necessary by the Weber-Morgan Health Department due to the increased guided private park uses, the applicant will need to work with the county to establish additional restroom facilities.
- Requirements and recommendations of the Weber Fire District.
- Requirements of the Weber County Engineering Division.
- Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

1. The proposed use conforms to the General Plan.
2. The proposed use will not be detrimental to the public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use does not require the construction of any new buildings.
5. The proposed use will encourage, educate and motivate guest to the park to preserve and protect the area.
6. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
7. The proposed use will not generate additional parking needs and can be modified by the Planning Commission for unique circumstances.

Mr. Petersen did not have any comments to add.

Sandy Crossland, 1497 Beverly Drive, Ogden, UT, indicated that after the County Commission meeting this morning she met with Sean Wilkinson, Scott Mendoza and Ronda Kippen and they discussed the language that was initially in the proposal and the possibility that it might cause conflict between the rights that are present with this particular property. They have both land owner rights, which can include the right to exclude and in this case, also possible, or probably prescriptive easement rights that belong to the general public. This application states that the land owner acknowledges the public use of the property predates the private park venture, but then initially in this CUP, it stated that the applicant plans to continue to allow non-paying visitors to visit the property. That language was changed because that initially written language indicated that the land owner had the right to determine whether to allow or that at some point in time he allow a continuation of the predating private use. The Planning Commission does not choose to have this be a forum for this discussion about public use and private rights. The language was changed to make it completely neutral so that it wouldn't advantage either the public who claim prescriptive rights or the land owner that may claim a right to exclude now or in the future. She thanked the staff members involved for their careful meeting to make sure this CUP would not become a forum for debate of that issue.

Carol Jennings, 2545 Iowa, Ogden UT, asked what has to happen if public access is denied. Does he have to come back to the Planning Commission or go ahead without public approval? She is concerned with future public access and wants that preserved.

Dan Schroeder, 1444 Binford, Ogden UT, indicated he previously sent in his concerns and asked that the question as to how sniper training would or would not fall within the scope of the conditional use permit be answered. There has been clearing of trees on the property and he also heard of the application of herbicide on the property and how it would affect the Ogden City drainage.

Mary Hall, 1528 28th Street, said she is a big proponent of private property rights. She respects Mr. Peterson's rights to utilize his private property. She appreciated that the new language was added to the staff report. Her concern is that the private park is listed as the entire 14 acres and how it states that Mr. Peterson will permit the public to use the land. She believes that the public has the right to specifically use the Waterfall Canyon trail. She believes that most people in the county and city use this trail by right and not by permission.

Jerome Bird, 2725 Fillmore, expressed his concern about the existing parking areas being already full and wonders about having any additional access to parking. He only sees 29th Street as having any additional parking area.

Mike Vauss, 2685 Shamrock Drive, stated that there has been concern for a number of years regarding the uses of the zip line, ice climbing, and other uses without receiving a conditional use permit. He appreciates that now Mr. Peterson is working with the county. In regards to the Via Ferratta, he recognizes that it is relatively safe. The chance of people being hurt is a concern and wonders if the county has the proper insurance for those activities. There has also been concern about signs posted along the trail indicating that people need to bring identification for them. He doesn't carry a wallet and knows that many people also do not. It seems to be somewhat underhanded and threatening. He is concerned that the property owner could close the access in the future or make it so difficult for people to use it. He asked that these questions be addressed.

Shad Burnham, 1644 26th Street, stated that he is the CO of the Front Climbing Club and Vertical Solutions and is familiar with climbing. He has enjoyed the trails in Ogden City and believes it is an incredible place to have access to. With his background, he knows that mountaineering is dangerous. He has not heard of risk management being addressed tonight, not only with activities, but what kind of qualifications does the staff of Sherpa Adventures have on file. To his knowledge the only guiding permits that have ever been issued in our areas is to Weber State's outdoor program. They worked very hard to get that and maintain a staff of NGA Certified guides. If another organization is permitted to have such guiding permits, he believes they should have to meet the same standards or greater. From personal observation, the anchors in place are not stainless steel and anchors fail regularly in the wild due to corrosion of the mixed metals used.

Jay Hudson, 4535 Country View Drive, stated that they are talking about a landmark in Ogden City and Weber County. They started talking to the Malan family in 1982 and they were cooperative and stated that they never prevented anyone from having access to the mountain. He believes that at first they wanted to give it to Ogden City, but gave the land to the Forest Service for fire protection. He believes the road goes through the Forest Service's land and the agreement was that it would always be open to the public. It was stated that the road would always be there but only used for emergency purposes. In 1995, they built the parking lot on the 17 acres and they were able to put the trails system there. They had the first National Trails Day in 1996 and a plaque was placed on the property thanking the Malan Family there for keeping the land open. He urged everyone to remember the history of the land.

Chris Peterson stated that the narrative he listed the variety of activities that could take place on this property. He had a tenant operating there from 2005-2006, and in 2007 he took the property over as part of guiding that his company does all over the State of Utah. They operate on private land that is either owned or leased by his company Utah Adventure Center or they operate on public land; National Forest, State land, State public land, Bureau of Land Management land and National Park Land; lands that are open for photography and recreation. The Weber County Land Code lists public parks and recreation grounds as a permitted use. They thought they were a public park and recreation ground. He received a call from the Weber County Planning staff indicating that he needed to obtain a conditional use permit for a private park or recreation ground. This is why he submitted the application and he is asking for a continuation of the activities they have been doing there for the past 10 years.

Chair Borklund asked if sniper training is a part of his operation, and Chris Peterson stated that sniper training has been done. He does not anticipate the need for it because the military is now utilizing drones; however, there may still be times when it is needed. He has been told the area is similar to the areas used in Afghanistan. Yes, in the past, he has closed the box canyon a number of times to support the use, but when he closes it, it is for the safety of the public. The Special Forces people are good shots and it is a safe and realistic environment. He wants to support the military needs if asked in the future although he does not anticipate it. When it has been done he has asked Weber County to send a marksman if they wanted to attend the training.

Chair Borklund said a question was asked of what will trigger if the right to access will be lost. Chris Crockett indicated that regarding whether there is a public right through a prescriptive easement based solely on permission exceeds the scope of the Planning Commission. Prescriptive rights are defined by courts and it would not happen in this forum.

Commissioner asked what will happen to the park on 29th Street. Ronda Kippen indicated that our code allows for special use permits which is similar to the permits that are utilized for marathons or he could apply for a special permit for a shooting range. At this point, it is not part of this proposal. During the 2006 application that was submitted by Mr. Peterson's previous tenant, they have a letter from Ogden City that allowed the parking at that area. However, the parking lot area is a public street. Since Mr. Peterson received that letter which allowed the trailhead at the top of 29th as parking for his venture they have allowed the use of the area for parking. The ice climbing was not proposed in this current application and therefore, they did not analyze any area of water disturbance there. Chair Borklund indicated that if the parking lot becomes full consistently, they would have to establish if Mr. Peterson is responsible to create more parking, that it is his users that would be creating the need for the additional parking.

Commissioner Parke clarified that the sniper training was not allowed by this permit. Ronda Kippen indicated that Special Use Permits are issued through a different process and department. The sniper training is not part of this proposal. If it did take place, it would be through a special event permit process.

Chair Borklund stated that the water draining would be through a different department as well.

Commissioner Heslop asked who would be responsible if the public accessed the private land and had an accident; how is that handled? Chris Crockett stated that it would depend on why the individual is there. If he were a paying customer as part of a business adventure, then the land owner would be himself up to potential liability if injuries occur. If the land owner allows the owner to use, but is not receiving a potential benefit, the law allows some more protection. As far as insurance, he does not know of a state law that would require certain insurance. They do if it is part of a special events process.

Chris Peterson stated that his guests sign a waiver and they have insurance. Utah has a law called the Utah Land Owner Liability Law to encourage land owners to leave their property open to access it. In Utah you cannot sue the land owner if they are injured. Even if there is an open and notorious hazard such as a running chainsaw, if someone enters the property and they are injured and didn't pay admission, they do not have rights to sue. If a fee is charged, then the land owner is required to pay a level of care. Utah also protects land owner rights such as ski areas, etc. There are a lot of protections on both sides.

Regarding the issue of requiring identification, Chris Crockett indicated that their opinions would be mute to that issue.

Alan Abdula, 2950 1665 Darling Street, stated that this area is one of the most beautiful jewels in the country and the Planning Commissioners have a job to protect that jewel; and that jewel is the east bench trails. The trails are unique and close to the city. He respects Mr. Peterson's right to have his private property, but they want the access to remain open to the public because it is a jewel.

Jock Glidden, 1777 Binford, stated that he believes Mr. Peterson needs to give them a list of the types of activities he will utilize on his land such as base jumping, etc. How much are the sniper activities going on? Mr. Peterson could be justified closing the canyon and trails for five days or more at a time. He believes the public deserves a comprehensive list of the activities that will be done on this land.

Chair Borklund acknowledges that it is a public trail on private property, but it is not open for this forum to discuss keeping the public access open.

Commissioner Andreotti stated that Ogden City is going down the road to being an outdoor capital of the west. This applicant is one of those who is contributing to this ideal. To balance this out, he has been up on the trails and it is one of the most beautiful areas in the State of Utah he believes. Mr. Peterson wants to have his guests and also allow the public use as has been done in the past. Many people come from out of state and acknowledge that it is a beautiful location. They will not be deciding or discussing the closing of any access.

MOTION: Commissioner Andreotti moved to recommend approval of 2015-20 as described for the private park, subject to all staff and agency requirements, which includes the following requirements:

- All operations will be in strict compliance with the applicant's approved proposal.
- At such a time that the parking needs of paying guests start to have a negative impact on the parking needs of the general public using the public parking areas, the applicant will need to work with the county to establish additional parking.
- At such a time that additional wastewater or drinking water is deemed necessary by the Weber-Morgan Health Department due to the increased guided private park uses, the applicant will need to work with the county to establish additional restroom facilities.
- Requirements and recommendations of the Weber Fire District.

- Requirements of the Weber County Engineering Division.
- Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

1. The proposed use conforms to the General Plan.
2. The proposed use is not detrimental to the public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use does not require the construction of any new buildings.
5. The proposed use will encourage, educate and motivate guest to the park to preserve and protect the area.
6. The proposed use is to not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
7. The proposed use will not generate additional parking needs and can be modified by the Planning Commission for unique circumstances.

Commissioner Parke seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote with Commissioners Andreotti, Parke, Greenwell, Heslop, Whaley, and Chair Borklund voting aye.

3. Public Comment for Items not on the Agenda

Daniel Bosworth, who lives on Fillmore in Ogden, indicated that Weber County has a master trail plan and he believes it is important to that is recorded.

4. Remarks from Planning Commissioners

Charles Ewert indicated that the County Resource Management Plan is what the county is to prepare as part of the General Plan. In Western Weber County they are still having discussion of what the Western Weber General Plan update will be. The CRMP will be required before any resurrection of the Western Weber General Plan update. The first draft will technically be required by the end of June 2016. We will collect data and are working with WFRC who has hired a consultant, Bio-West. They will work with a task force who met today to start to identify what we think are the most important resources that Weber County has. The State outlines 27 resources that we have to address. The committee is formed to decide what our important areas would be. The data will be collected by March of 2016 and then they will have a couple of months to determine the best course of action.

Commissioner Heslop asked if it will supplement the General Plan. Charles Ewert indicated that this will be a stand- alone document that will be an element of the Western Weber General Plan.

Commissioner Whaley asked if the State has any requirements of how often it is to be updated or maintained.

In the Ogden Valley they are creating a matrix to be able to refer to on a regular cycle whether they have hit the mark. He believes they have had updates on a regular basis as to how they are following or updating their general plan. They are premature in answering when they can start updating the Western Weber General Plan.

Charles Ewert discussed items that the CRM Plan covers at this time such as water management, forestry, fire control, land use, water quality, economic quality, tourism, various types of industries, air quality, etc. The Planning Commission will see the draft in their meetings sometime in March or April.

Commissioner Greenwell asked if some of the contacts will be made with the Manufacturing and Industrial Companies to determine what hazards may arise or could arise in the future. The question of risk management is not something that has come up yet, but it may in the future.

Charles Ewert stated that the primary concern in his understanding is that on Federal Lands. Essentially, under the Federal statute is to require them to meet and collaborate with the county and cities. They are trying to make the planning concerns across boundaries cohesive.

5. Planning Director Report –

6. **Remarks from Legal Counsel** – Chris Crockett thanked the Planning Commission for their hard work.

7. Adjourn

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Division

Minutes of the Western Weber County Planning Commission held on January 12, 2016, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Jannette Borklund, Chair; Mark Whaley, Wayne Andreotti, Lance Greenwell, Roger Heslop, John Parke
Member Excused: Michael Slater, Wayne Andreotti
Staff Present: Scott Mendoza, Assistant Planning Director; Jim Gentry, Principal Planner; Ronda Kippen, Planner;
Iris Hennon, Zoning Enforcement; Sherri Sillitoe, Secretary

*Pledge of Allegiance

*Roll Call

No Exparte Communication was expressed.

1. Administrative Items:

1.1. LVS062415 Request for a recommendation for a variation and exception to the block length standards for Fall Widow Subdivision Phase 2, 120-292 South 7900 West, West Warren; Cliff Commissioner Bell Applicant

Chair Borklund stated that Chris Crockett indicated in the pre-meeting that this agenda item will be taken off the agenda and not heard tonight because they felt it would be inappropriate due to the fact that Cliff Bell did not submit an appeal in a timely manner. To be able to come back to the Planning Commission, he will have to submit a change application reflecting a substantial change.

2. APA 01-2015 Request for creation of an Agriculture Protection Area (APA) in Western Weber County at approximately 700 North 7000 West; AG Resources and Western Basin Land and Livestock, Randy Marriott, Applicant

Jim Gentry presented a report and indicated that the petitioners submitted an application to create an agriculture protection area on 2,046.34 acres. The Planning Commission is a recommending body to the County Commission. Mr. Gentry indicated that the application meets the intent of the General Plan and notices to property owners were sent out. Staff has reviewed the agriculture protection area proposal and the criteria listed above: Staff analysis has the following comments:

- 1) The parcels that will be put into the proposed APA are currently used for livestock, hay, and other agricultural uses which meet the definition of agriculture in the Weber County Zoning Ordinance: "Agriculture: Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses."
- 2) These parcels are located in the Western Weber County area in an Agricultural A-2 Zone. The Agricultural A-2 Zone allows agriculture as a permitted use, and is the preferred use.
- 3) The land is currently used for livestock, hay, and other agricultural uses which have been conducted on the property for many years. The land is clearly viable for these agricultural uses.
- 4) The land has agricultural buildings, areas for storage of hay and equipment, and areas for livestock. The petitioner has not given an indication as to whether or not any additional improvements are planned.
- 5) Insufficient information was provided to determine how the proposal meets anticipated trends in agricultural and technological conditions.

Staff recommends that the Planning Commission recommends to the County Commission approval of the proposed agriculture protection area based on its compliance with the criteria listed including the current viable agricultural operation and existing improvements. Approval of the APA freezes zoning at what it currently is today.

Utah Code Title 17, Chapter 41, Section 305 provides the criteria that the Planning Commission should apply in evaluating a proposal for the creation of an APA: 1) Whether or not the land is currently being used for agriculture production, 2) whether or not the land is zoned for agriculture use, 3) whether or not the land is viable for agriculture production, 4) the extent and nature of existing or proposed farm improvements, and 5) anticipated trends in agricultural and technological conditions.

Commissioner Heslop stated that most of the ground is undeveloped alkali sage brush. On the west end of parcel 10331069, where the large hay sheds, the houses and feed lot will be, does undeveloped land meet the criteria for an agricultural zone? Jim Gentry replied yes.

Chris Crockett, Legal Counsel, read the State statute of what the Planning Commission will have to address in their written report to the County Commission. He referred to Utah Code Annotated (UCA) 17-41-303(2)(a)(i-v):

- (i) analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the county or municipality, as the case may be;
- (ii) analyzes and evaluates the proposal by applying the criteria contained in Section 17-41-305;
- (iii) recommends any modifications to the land to be included in the proposed agriculture protection area or industrial protection area;
- (iv) analyzes and evaluates any objections to the proposal; and
- (v) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.

Randy Marriott, applicant, stated that he is the owner of the Basin Land and Livestock. He is trying to create an APA so he can protect his property from any neighbors. He raises elk and they get noisy in the fall. He owns most of the property in the area and has put down fertilizer. He knows people complain and he wants to handle this before further development occurs around him.

MOTION: Commissioner Parke moved to make a recommendation for approval to the County Commission citing all of the criteria listed in the staff report recommendations 1-5. Noting that they have received no objections in writing and no objections have been heard at this meeting. The Planning Commission finds no detrimental effects with the application. No modifications will be made. Commissioner Greenwell seconded the motion.

DISCUSSION:

Chair Borklund asked if they need to find that the proposal does not conflict with the General Plan; Chris Crockett read UCA 17-41-305 which lists the criteria to be applied in evaluating a proposal for the creation of an agriculture protection area. The following criteria were listed in the staff report:

- (1) whether or not the land is currently being used for agriculture production or for an industrial use, as the case may be;
- (2) whether or not the land is zoned for agriculture use or industrial use, as the case may be;
- (3) whether or not the land is viable for agriculture production or industrial use, as the case may be;
- (4) the extent and nature of existing or proposed farm improvements or the extent and nature of existing or proposed improvements to or expansion of the industrial use, as the case may be; and
- (5)
 - (a) in the case of an agriculture protection area, anticipated trends in agricultural and technological conditions; or
 - (b) in the case of an industrial protection area, anticipated trends in technological conditions applicable to the industrial use of the land in question.

VOTE: A vote was taken and Chair Borklund indicated that the motion carried with Commissioners Whaley, Greenwell, Heslop, Parke and Chair Borklund voting aye.

3. Election of 2016 Chair and Vice Chair

Commissioner Parke nominated Commissioner Whaley as Chair for 2016 and Commissioner Heslop as Vice Chair for 2016. No other nominations were made. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote.

4. Approval of 2016 Meeting Schedule

The Western Weber Planning Commission meetings are scheduled for the 2nd Tuesdays of each month in 2016 with the exception of November which will be held on the 3rd Tuesday.

MOTION: Commissioner Heslop moved to adopt the 2016 meeting schedule as proposed for the Western Weber Planning Commission. Commissioner Greenwell seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote.

5. Public Comment for Items not on the Agenda - None

6. Remarks from Planning Commissioners - None

7. Planning Director Report

- Scott Mendoza indicated that Iris Hennon will provide security for these meetings until the Sheriff's office makes other arrangements.
- The Annual Planning Commission/Board of Adjustment meeting will be held on Wednesday, January 20, 2016, at Rovali's in Ogden. The members are asked to R.S.V.P. staff by this Friday. Chair Borklund asked to be excused as she has a work commitment that evening.
- The New Planning Director will be Rick Grover and his starting date will be January 25, 2016.

8. Remarks from Legal Counsel - None

9. Adjourn

There being no further business, the meeting was adjourned 5:40 p.m.

Respectfully Submitted,

Sherrill Sillitoe, Secretary
Weber County Planning Division



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an access exception to use a private right-of-way (R.O.W.) as the primary access for 4 lots in the Mountains Edge Subdivision.

Agenda Date: Tuesday, February 09, 2016

Applicant: Brock Loomis, agent

File Number: Access Exception (AE 2015-06)

Property Information

Approximate Address: 2060 E Ryan Circle

Project Area: 1.55 Acres

Zoning: Two-Family Residential Zone (R-2) and Single-Family Residential Zone (R-1-10)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 07-086-0039 and 07-086-0040

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

Adjacent Land Use

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

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: JG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 14 (Forest Valley FV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting administrative approval to use a 20 foot private right-of-way (R.O.W) as the primary access for 4 lots in the proposed Mountains Edge Subdivision. The property is located in the Two-Family Residential Zone (R-2) and the Single-Family Residential Zone (R-1-10) at approximately 2060 E Ryan Circle. The proposed subdivision is 1.55 acres. The R-1-10 Zone requires single family dwellings to be on 10,000 square feet. The 4 lots will be accessed by a 16 foot wide asphalt driveway with curb and gutter on each side for a length of 140 feet.

The location of the proposed subdivision and access is a corner property adjacent to two main roads (Skyline Drive and Combe Road) which is expanding due to a county construction project. The intersection of these two roads will have a round-about, which will limit the appropriate locations for driveway points of access. The proposed joint access is approximately 150 feet from the intersection. Due to the topography north of Combe Road, the grade of Skyline Drive will be altered to get up the hill. This has caused the intersection also to be elevated above the proposed lots. A slope easement will be reserved on the lots next to Combe Road with a no access line placed on the lots due to the designed change in grade.

Currently the roads in this area have created concerns with land owners adjacent to the site. Staff has met with those owners and is aware of their concerns. With the infrastructure designed with the road project, additional catch basins with curb and gutter along Combe Road will be installed to address the runoff from the hill.

Typically access exceptions such as this has been reviewed and approved administratively by Planning Division staff. However, as the subdivision has 4 lots and must be reviewed by the Planning Commission, we have included the access exception for Planning Commission approval as well which reduces time, cost, and confusion.

The private R.O.W. is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. The R.O.W. will be maintained by all property owners using the access. In addition to these standards, the R.O.W. is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W. as the primary access does not act as approval of the separate subdivision plat.

Summary of Planning Division Considerations

Review Criteria:

108-7-31. Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria

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

2. Conditions

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

Analysis:

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- Property boundary conditions are such that the parcel to be subdivided has frontage where two main roads intersect in a unique way which will provide slope and access limitations that do not typically occur and is undesirable. As the remaining property surrounding the site has been developed and has existing access, it is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique design, topography, steepness, and construction of the County Road project extending Skyline Drive; it is impractical to require a separate access for each of the 4 lots in the subdivision.

Conditions of Approval

- Prior to final subdivision approval, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W. with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements such as:
 - Requirements of the Weber County Engineering Division
 - Installation of the proposed improvements
 - Requirements of the Weber Fire District
 - Completing and recording the subdivision
 - Meeting the design criteria listed in Sec. 108-7-29 Access Easement Standards

Staff Recommendation

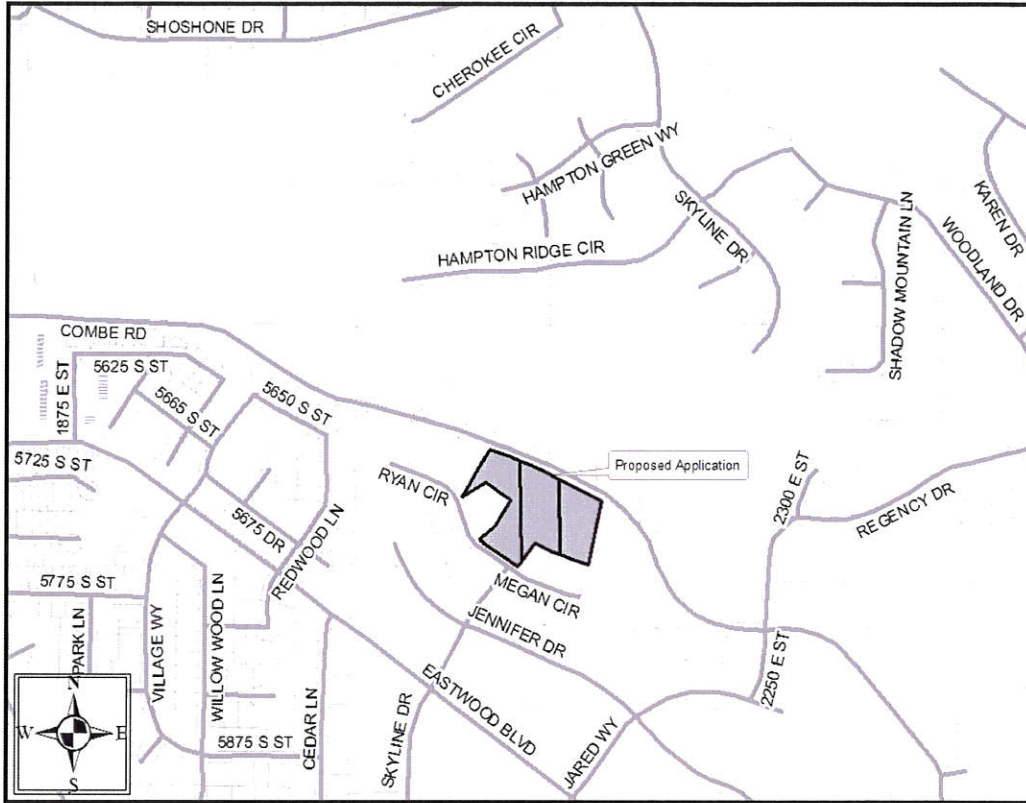
Staff recommends approval of a private right-of-way as the primary access for the proposed 4 lots (Mountains Edge Subdivision). The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- Property boundary conditions are such that the parcel to be subdivided has frontage where two main roads intersect in a unique way which will provide slope and access limitations that do not typically occur and is undesirable. As the remaining property surrounding the site has been developed and has existing access, it is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique design, topography, steepness, and construction of the County Road project extending Skyline Drive; it is impractical to require a separate access for each of the 4 lots in the subdivision.

Exhibits

- A. Proposed plat
- B. Application with narrative

Map 1



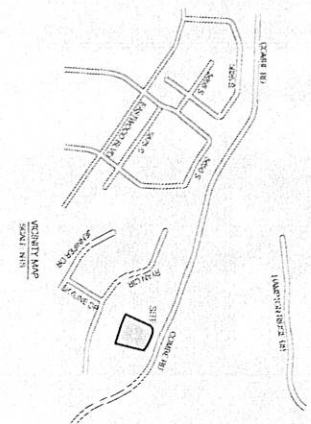
Map 2



NEIGHBORHOOD: SALT LAKE COUNTY
 LOCATION: SALT LAKE COUNTY, UTAH
 PROJECT: MOUNTAINS EDGE SUBDIVISION

MOUNTAINS EDGE SUBDIVISION - PRELIMINARY PLAN

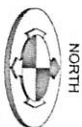
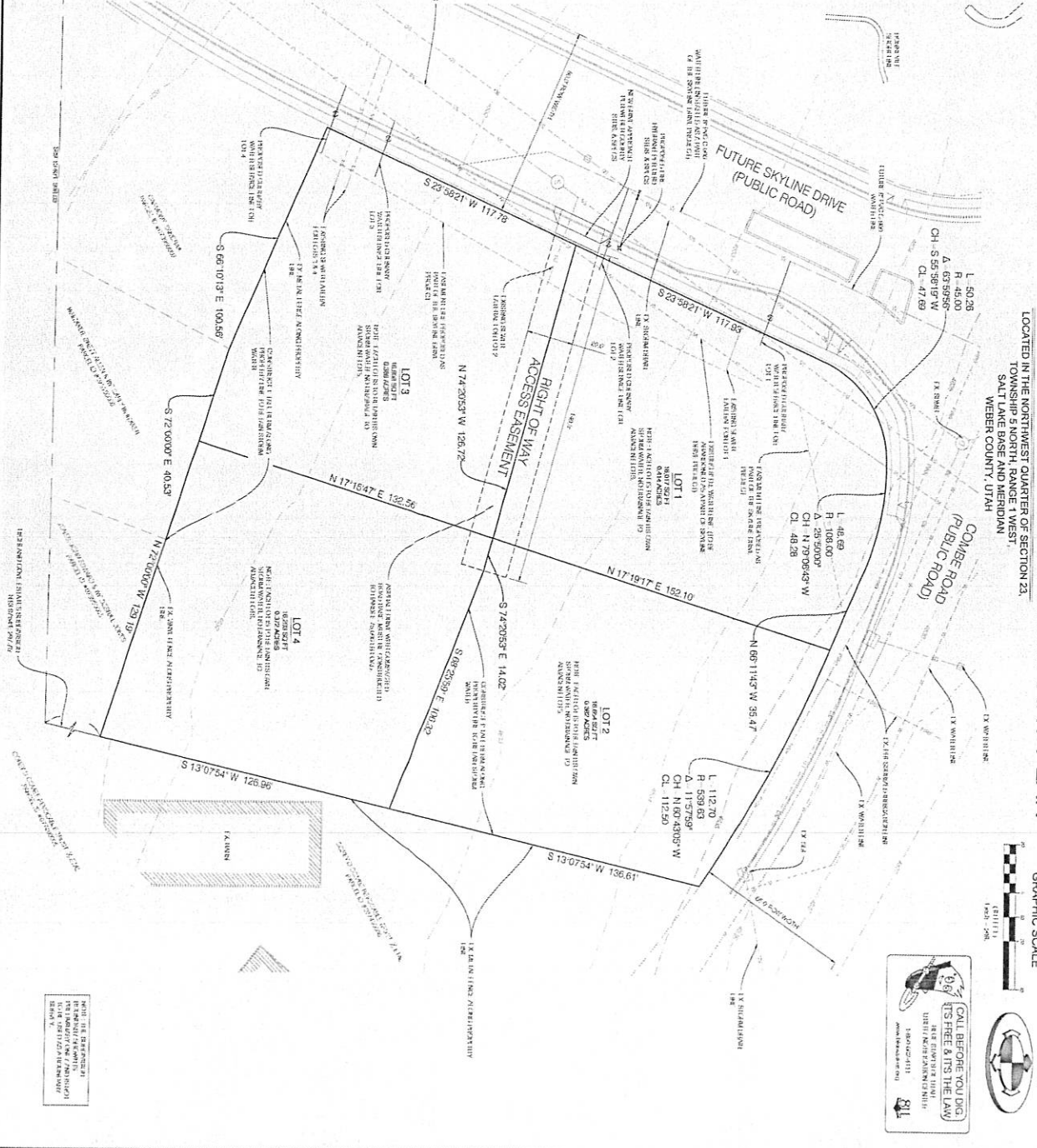
LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
 TOWNSHIP 5 NORTH, RANGE 1 WEST,
 SALT LAKE BASE AND MERIDIAN
 WEBER COUNTY, UTAH



DEVELOPER: BROCK LOOMIS
 ADDRESS: 5809 SKYLINE DRIVE
 SOUTH OGDEN, UT 84403
 TELEPHONE: 801-814-1914
 EMAIL: brock@benchmarkcivil.com

ENGINEER: BENCHMARK ENGINEERING & LAND SURVEYING
 CONTACT: BROCK LOOMIS
 ADDRESS: 9130 SOUTH STATE STREET, SUITE 101
 SANDY, UT 84070
 TELEPHONE: 801-814-1914
 EMAIL: brock@benchmarkcivil.com

SURVEYOR: BENCHMARK ENGINEERING & LAND SURVEYING
 CONTACT: KAGAN DIXON
 ADDRESS: 9130 SOUTH STATE STREET, SUITE 101
 SANDY, UT 84070
 TELEPHONE: 801-542-7192
 EMAIL: kagan@benchmarkcivil.com



CALL BEFORE YOU DIG!
 IT'S FREE & IT'S THE LAW!
 811
 1-800-4-A-DIG
 www.811.org

THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE SURVEYOR'S OFFICE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

PRELIMINARY PLAN
 PRE-01
 1 OF 1

MOUNTAINS EDGE SUBDIVISION
 2060 EAST RYAN CIRCLE
 OGDEN, UT 84403



BENCHMARK ENGINEERING & LAND SURVEYING
 9130 SOUTH STATE STREET, SUITE 101
 SANDY, UT 84070
 801-814-1914
 www.benchmarkcivil.com



NO.	DATE	DESCRIPTION
1	12/12/2015	PRELIMINARY PLAN
2	12/12/2015	REVISIONS
3	12/12/2015	REVISIONS
4	12/12/2015	REVISIONS

Weber County Access Exception Permit 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)
---------------------------	-------------------	-----------------------------	--------------------------

Application Type

- Access by Private Right of Way
 Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s) SCOTT WATERFALL		Mailing Address of Property Owner(s) 2060 E RYAN CIRCLE SOUTH OGDEN UT 84403	
Phone 801-645-3068	Fax		
Email Address (required) SWATER1@msn.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) Brock Loomis		Mailing Address of Authorized Person 5201 SKYLINE DR. SOUTH OGDEN UT 84403	
Phone 801-814-1914	Fax		
Email Address (required) bbloomis@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name MOUNTAINS EDGE SUBDIVISION	Total Acreage 1.55	Current Zoning R-2 $\frac{1}{2}$ R-1-10
Approximate Address 2060 E RYAN CIRCLE, SOUTH OGDEN	Land Serial Number(s) 07086 0040 07086 0039	

Proposed Use
RESIDENTIAL SUBDIVISION

Project Narrative
A residential subdivision at the south east corner of Combe Road & the proposed Skyline Drive. The subdivision will consist of four (4) lots. The lots will vary in size from approximately 0.38 to 0.41 acres. It is proposed that all 4 lots be accessed from a single 20' wide access easement.

Basis for Issuance of Access by Private Right of Way

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

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

Please explain the substantial evidence:

Please see the attached plan which shows the proposed layout of the subdivision. It is proposed that Lots 2 and 4 be accessed from a 20' wide access easement coming from Skyline Drive.

Lot 4 needs access via the proposed access easement because it cannot be accessed from Skyline Drive or Combe Road. Lot 2 does have access to Combe Road but due to vehicle speeds on Combe Road, grade differences between Lot 2 and Combe Road, and the overall flow and feel of the proposed subdivision, an access from Combe Road to lot 2 is not preferred.

Attach proof to this application that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

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

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

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

The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line as follows:

Please see the attached plan which shows the proposed layout of the subdivision. It is proposed that a 20' wide access easement be used to access the 4 lots in the subdivision. All four lots would have a driveway coming off of said access easement and no lots would front Skyline Drive or Combe Road. Our goal when preparing the layout of this subdivision was to create a close knit neighborhood feel, and a safe environment for our children to run and play. Combe Road and Skyline Drive are fairly busy roads and people often travel at a quicker speed than they ought to on both of them. We also want to avoid having driveways that come out close to the proposed round-a-bout at the intersection of Skyline Drive and Combe Road. Allowing these four homes to front a common access be means of an access easement coming from Skyline Drive will create a safer and more desirable situation for the homeowners.

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

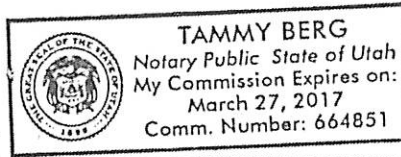
Property Owner Affidavit

I (We), R. SCOTT WATERFALL, 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.

R. Scott Waterfall Property Owner _____ Property Owner

Subscribed and sworn to me this 11 day of December, 2015.

Tammy Berg Notary



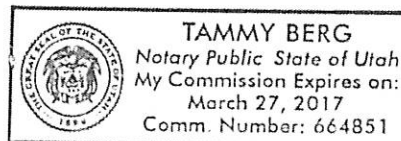
Authorized Representative Affidavit

I (We), R. SCOTT WATERFALL, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Brock Loomis, 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.

R. Scott Waterfall Property Owner _____ Property Owner

Dated this 11 day of December, 2015, personally appeared before me Tammy Berg, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Tammy Berg Notary





Benchmark Engineering & Land Surveying
9130 So. State Street
Sandy UT, 84070

This statement is written per requirement (13) from "Section 106-1-5 – Preliminary plan requirements and approval procedure" from the Weber County Land Use Code. This statement is written in conjunction with the preliminary plan for the Mountains Edge Subdivision, located at approximately 2060 East Ryan Circle in Uintah.

1. Asphalt Driveway:
 - a. An asphalt driveway will be constructed inside the proposed right of way access easement. Said driveway will be 20' wide, consisting of 16' of asphalt and a 2' curb and gutter on both sides. The driveway will be constructed to handle a 75,000 lb. load in order to accommodate fire trucks.
2. Sewer Laterals:
 - a. 6" sewer laterals have previously been stubbed to the property for each of the 4 lots. (see Mountains Edge Subdivision Preliminary Plan for location)
3. Culinary Water Service:
 - a. 1" culinary water laterals, with 1" water meters, will be stubbed to each lot. A plan has been submitted to Uintah Highlands Improvement District. It is proposed that said culinary water laterals be installed during the Skyline Drive road construction project.
4. Fire Hydrant:
 - a. A fire hydrant will be constructed near the entrance to the subdivision, along Skyline Drive. (see Mountains Edge Subdivision Preliminary Plan for location). A plan for the fire hydrant has been submitted to Uintah Highlands Improvement District. It is proposed that said fire hydrant be installed during the Skyline Drive road construction project. The fire hydrant location has been discussed with the Weber County Fire Marshall, Brandon Thueson.
5. Secondary Water:
 - a. An existing pressurized secondary water line runs along the north side of the property. This line will be used to provide secondary water to the subdivision.
6. Lot Grading:
 - a. Each lot will retain its own storm water. Berms will be constructed along the subdivision boundary as needed to retain storm water onsite and prevent drainage to adjacent parcels. Drainage swales will be constructed between the homes in the subdivision to direct water away from the homes and to retain storm water.

Brock D. Loomis, P.E.





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Mountains Edge Subdivision (4 lots).
Agenda Date: Tuesday, February 09, 2016
Applicant: Brock Loomis, agent
File Number: LVM 121615

Property Information

Approximate Address: 2060 E Ryan Circle
Project Area: 1.55 Acres
Zoning: Two-Family Residential Zone (R-2) and Single-Family Residential Zone (R-1-10)
Existing Land Use: Vacant
Proposed Land Use: Residential
Parcel ID: 07-086-0039 and 07-086-0040
Township, Range, Section: T5N, R1W, Sections 23

Adjacent Land Use

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

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766
Report Reviewer: JG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 14 (Forest Valley FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivision)

Background

The applicant is requesting final approval of Mountains Edge Subdivision (4 lots). The property is located in the Two-Family Residential Zone (R-2) and the Single-Family Residential Zone (R-1-10) at approximately 2060 E Ryan Circle. The proposed subdivision is 1.55 acres. The R-1-10 Zone requires single family dwellings to be on lots with minimum area of 10,000 square feet and a minimum width of 80 feet. The 4 lots will be accessed by a 20 foot private right of way (R.O.W.) with a 16 foot wide asphalt driveway with curb and gutter on each side for a length of 140 feet.

The location of the proposed subdivision and access is on a corner property adjacent to two main roads (Skyline Drive and Combe Road) which is expanding due to a county construction project. The intersection of these two roads will have a round-about, which will limit the appropriate locations for driveway points of access. The applicant has requested approval of an access exception (AE 2015-06). The proposed joint access is approximately 150 feet from the intersection. Due to the topography north of Combe Road, the grade of Skyline Drive will be altered to get up the hill. This has caused the intersection also to be elevated above the proposed lots. A slope easement will be reserved on the lots next to Combe Road with a no access line placed on the lots due to the designed change in grade.

The Uintah Highlands Water and Sewer District will provide culinary water and sewer service. A new fire hydrant and other street services will be installed as part of the County road project. Storm water detention for the 4 lots will occur with the landscaping of those properties.

Summary of Planning Division Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Survey Department
- Meeting the design criteria listed as part of the approval for the Access Exception
- The landowner shall record an agreement agreeing to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots.

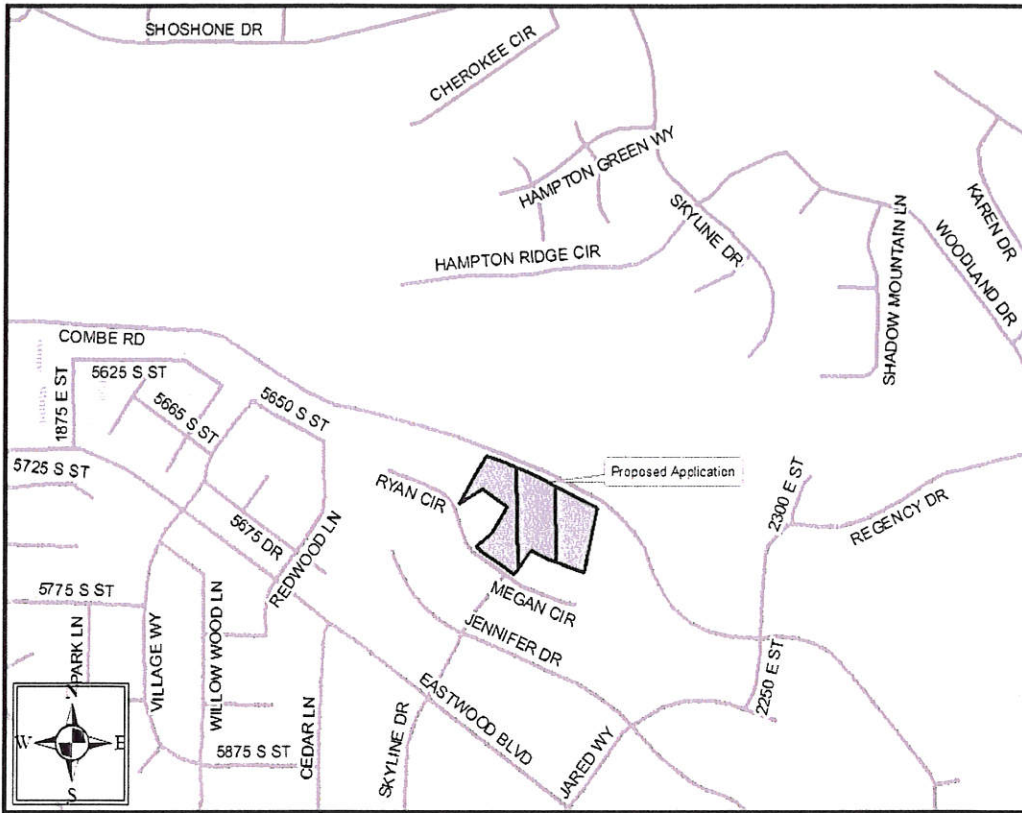
Staff Recommendation

Staff recommends final approval of Mountains Edge Subdivision, 4-Lots, at 2060 Ryan Circle, subject to staff and other review agency requirements, based on its compliance with applicable Land Use Codes.

Exhibits

- A. Proposed plat
- B. Application with narrative

Map 1



Map 2



Weber County Subdivision Application

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

Date Submitted / Completed 12/14/15	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--	-------------------	-----------------------------	--------------------------

Subdivision and Property Information

Subdivision Name MOUNTAINS EDGE SUBDIVISION		Number of Lots 4
Approximate Address 2060 E RYAN CIRCLE		Land Serial Number(s) 070860040 070860039
Current Zoning M-2 $\frac{1}{2}$ R-1-10	Total Acreage 1.55	
Culinary Water Provider VINTAH HIGHLANDS I.D.	Secondary Water Provider WEBER BASIN WATER CONSERVANCY	Wastewater Treatment VINTAH HIGHLANDS I.D.

Property Owner Contact Information

Name of Property Owner(s) SCOTT WATERFALL		Mailing Address of Property Owner(s) 2060 E. RYAN CIRCLE SOUTH OGDEN UT 84403
Phone 801-645-3068	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Email Address swater1@msn.com		

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person 5309 SKYLINE DR. SOUTH OGDEN, UT 84403
Phone 801-814-1914	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Email Address brock@benchmarkcivil.com		

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer BENCHMARK ENGINEERING		Mailing Address of Surveyor/Engineer 9130 SOUTH STATE ST, #101 SANDY, UT 84070
Phone 801-542-7192	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Email Address brock@benchmarkcivil.com		

Property Owner Affidavit

I (We), _____, 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 _____ day of _____, 20____,

(Notary)

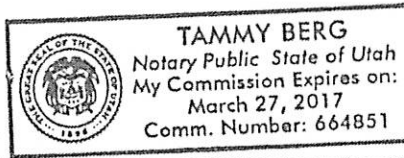
Property Owner Affidavit

I (We), R. SCOTT WATERFALL, 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.

R. Waterfall Property Owner _____ Property Owner

Subscribed and sworn to me this 11 day of December, 2015.

Tammy Berg Notary



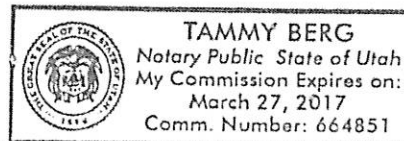
Authorized Representative Affidavit

I (We), R. SCOTT WATERFALL, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Brock Loomis, 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.

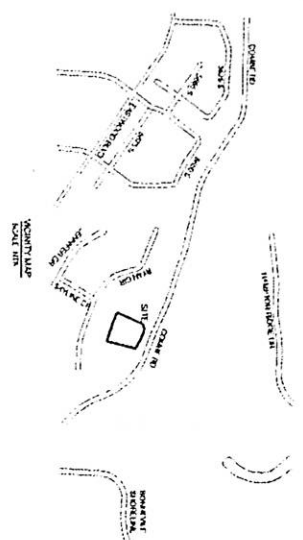
R. Waterfall Property Owner _____ Property Owner

Dated this 11 day of December, 2015, personally appeared before me Tammy Berg, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Tammy Berg Notary



THIS PLAN IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDATION WITHOUT THE APPROVAL OF THE ENGINEER OF RECORD.



MOUNTAINS EDGE SUBDIVISION - PRELIMINARY PLAN

LOCATED IN THE NORTHWEST QUARTER OF SECTION 23,
TOWNSHIP 3 NORTH, RANGE 1 WEST,
SALT LAKE COUNTY, UTAH

GRAPHIC SCALE



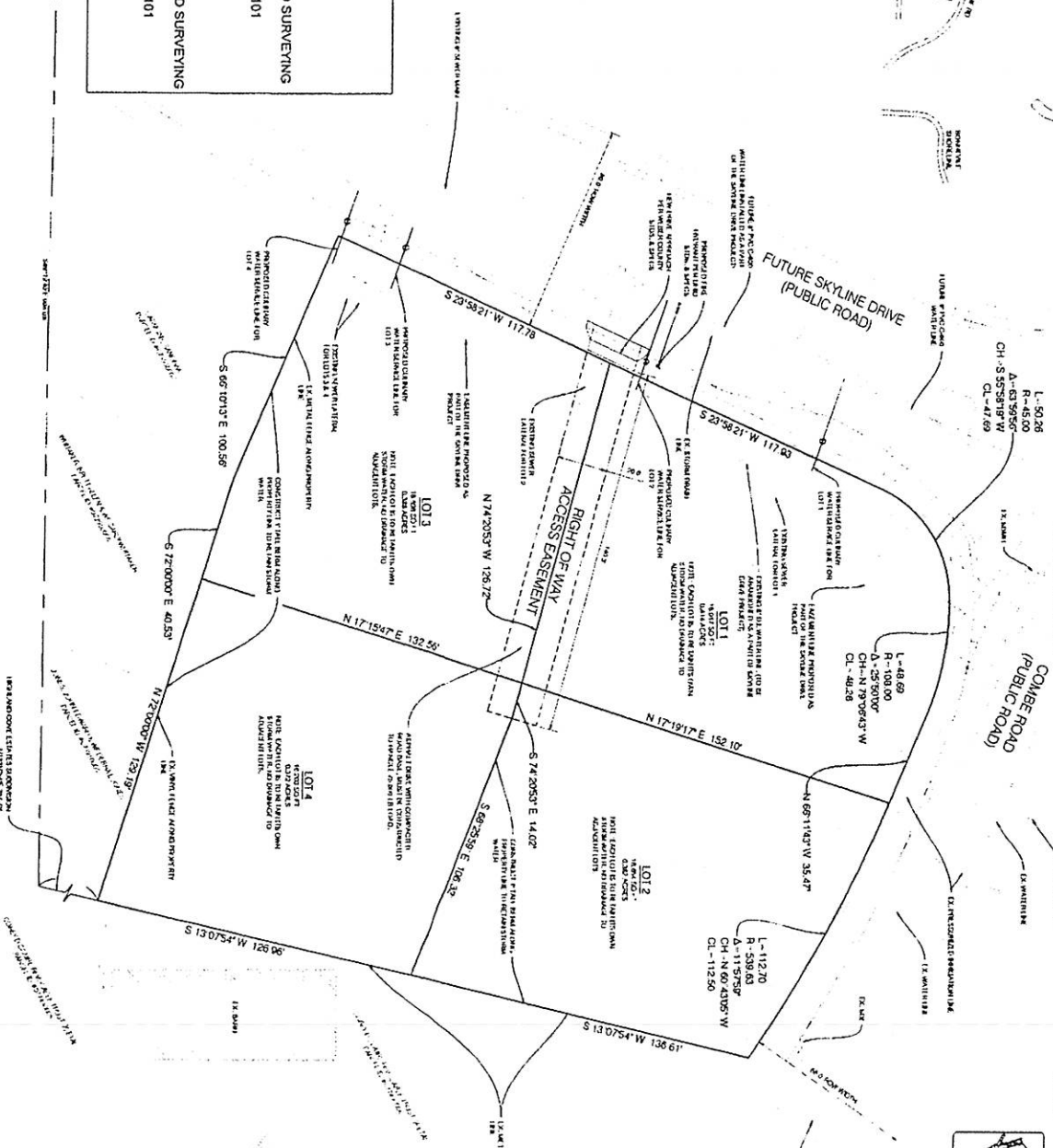
CALL BEFORE YOU DIG
IT'S FREE & IT'S THE LAW
A 10' STRIP OF UNIL
UTILITY LOCATIONS CENTER
1-800-4-A-DIG
1-800-426-4343

DEVELOPER: BROCK LOOMIS
ADDRESS: 8809 SKYLINE DRIVE
SOUTH OGDEN, UT 84403
TELEPHONE: 801-814-1914
EMAIL: brock@benchmarkcivil.com

ENGINEER: BENCHMARK ENGINEERING & LAND SURVEYING
CONTACT: BROCK LOOMIS
ADDRESS: 9130 SOUTH STATE STREET, SUITE 101
SANDY, UT 84070
TELEPHONE: 801-814-1914
EMAIL: brock@benchmarkcivil.com

SURVEYOR: BENCHMARK ENGINEERING & LAND SURVEYING
CONTACT: KAGAN DIXON
ADDRESS: 9130 SOUTH STATE STREET, SUITE 101
SANDY, UT 84070
TELEPHONE: 801-542-7182
EMAIL: kagan@benchmarkcivil.com

UTAH PROFESSIONAL ENGINEER LICENSE NO. 12432
UTAH PROFESSIONAL SURVEYOR LICENSE NO. 12432
KAGAN DIXON, P.E., S.S.
BENCHMARK ENGINEERING & LAND SURVEYING
9130 SOUTH STATE STREET, SUITE 101
SANDY, UT 84070



NOTE: THE SURVEYOR HAS REVIEWED THIS PRELIMINARY PLAN AND FINDS IT TO BE ACCURATE AND CORRECT.

DATE: 10/11/12
PRELIMINARY PLAN
PRE-01
1 OF 1

MOUNTAINS EDGE SUBDIVISION
2660 EAST RYAN CIRCLE
OGDEN, UT 84403

BENCHMARK ENGINEERING & LAND SURVEYING
CIVIL

NO.	DATE	REVISIONS
1	10/11/12	PRELIMINARY PLAN
2		
3		
4		
5		
6		
7		
8		
9		
10		



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Atkinson Subdivision #2 (2 lots).
Agenda Date: Tuesday, February 09, 2016
Applicant: Jeff Atkinson, agent
File Number: LVA 120315

Property Information

Approximate Address: 2448 S 3500 W
Project Area: 2.66 Acres
Zoning: Agricultural Zone (A-1)
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 15-076-0011 and 15-076-0093
Township, Range, Section: T6N, R2W, Sections 27

Adjacent Land Use

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

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766
Report Reviewer: JG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 5 (Agricultural A-1 Zone)
- Weber County Land Use Code Title 106 (Subdivision)

Background

The applicant is requesting final approval of Atkinson Subdivision #2 (2 lots). The property is located in the Agricultural Zone (A-1) at approximately 2448 S 3500 W. The proposed subdivision is on 2.66 acres. The A-1 Zone requires single family dwellings to be on lots with minimum area of 40,000 square feet and a minimum width of 150 feet. The 2 lots have existing homes and access on 3500 W.

This property received a variance and subdivision approval in 1977, at which both homes were constructed. The subdivision was one of many approved but unrecorded divisions that the Planning Division has record of. As a plat was not recorded the name "Atkinson Subdivision" ended up being used later on in a different part of the County. For that reason this subdivision will contain the "#2" in the title.

In platting this subdivision additional property will be included based on a boundary line agreement that has occurred, making the new lots width now conforming to zoning width standards. On the east side of the subdivision, an agricultural remainder parcel greater than 5 acres will occur. The purpose of this subdivision is to adjust the common lot line between the two lots so that outbuildings previously constructed conform to setback standards.

Taylor West Weber Water provides culinary water to the lots and private septic systems are used for waste water.

Summary of Planning Division Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Survey Department

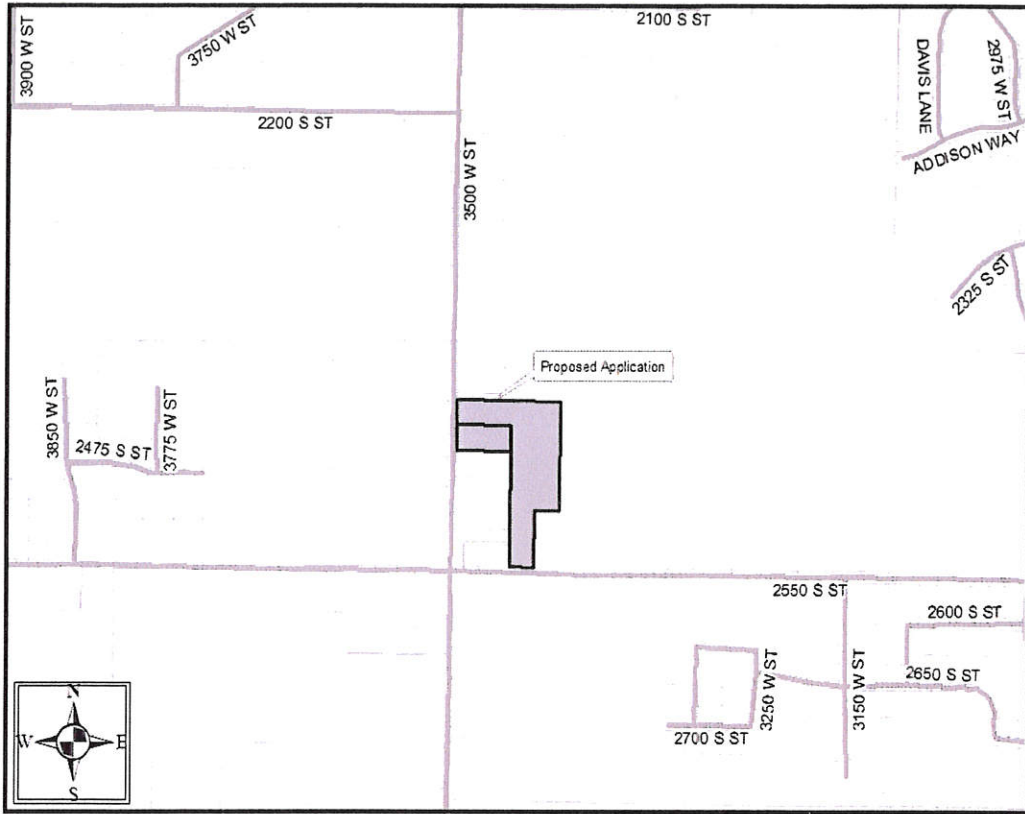
Staff Recommendation

Staff recommends final approval of Atkinson Subdivision #2 (2 lots) subject to staff and other review agency requirements, based on its compliance with applicable Land Use Codes.

Exhibits

- A. Proposed plat
- B. Application with narrative

Map 1

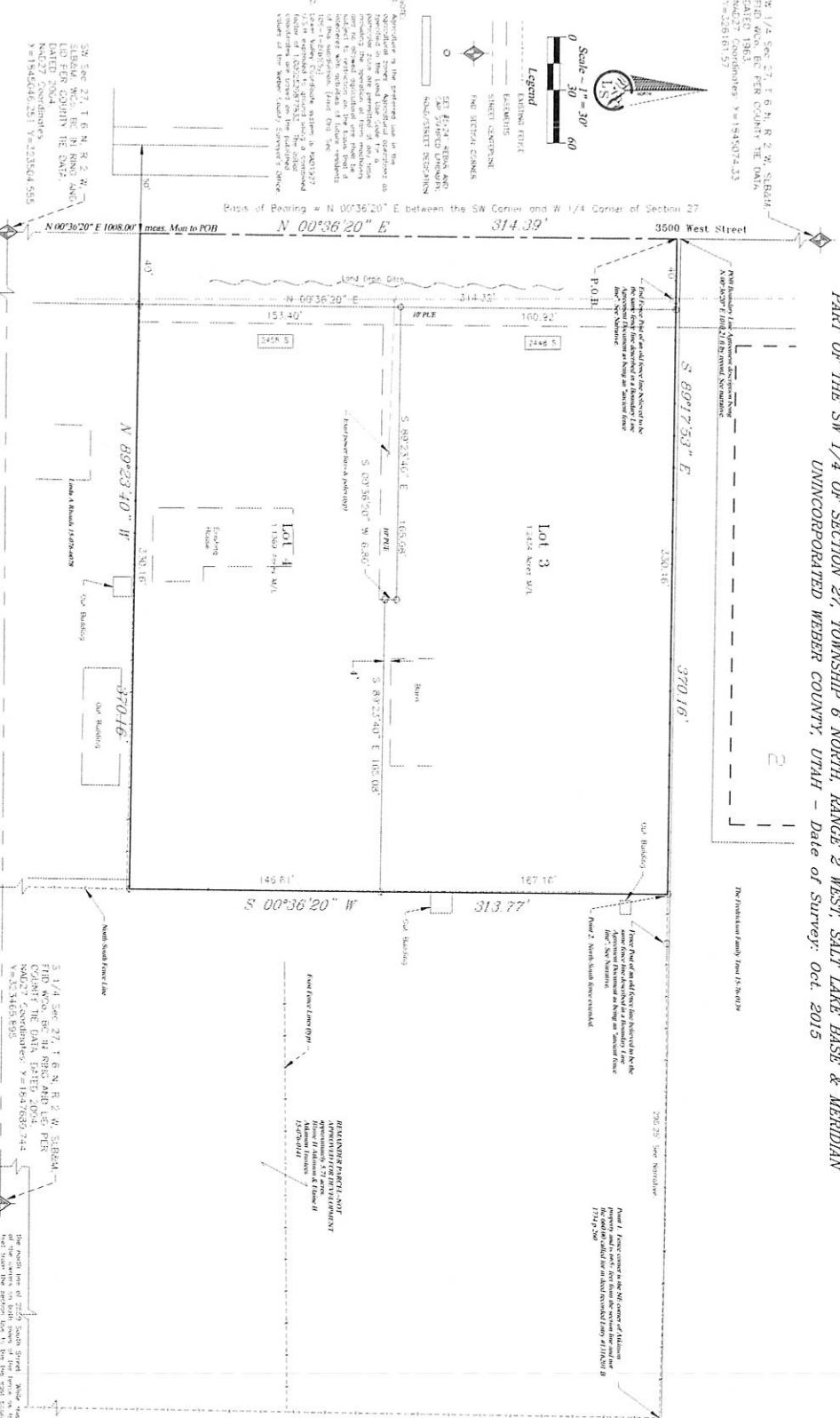


Map 2



ATKINSON SUBDIVISION NO. 2

PART OF THE SW 1/4 OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN UNINCORPORATED WEBER COUNTY, UTAH - Date of Survey: Oct. 2015



OWNER'S DECLARATION

I, the undersigned, owner of the interest described hereon, do hereby declare and certify that the plat of the Subdivision is true and correct, and that the boundaries, easements, and other matters thereon are as shown on the plat of the Subdivision as recorded in the Office of the County Clerk of Weber County, Utah, on October 20, 2015. I am a resident of the State of Utah, and I am of legal age and sound mind, and I am not under any legal disability. I have no interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon.

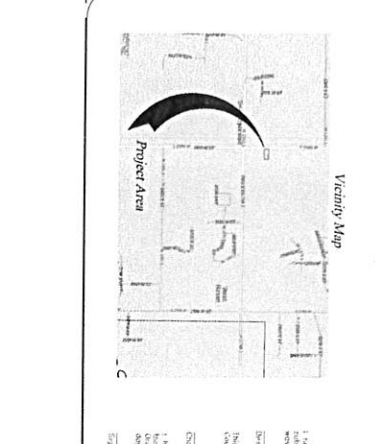
TESTIMONY

I, the undersigned, County Clerk of Weber County, Utah, do hereby certify that the plat of the Subdivision is true and correct, and that the boundaries, easements, and other matters thereon are as shown on the plat of the Subdivision as recorded in the Office of the County Clerk of Weber County, Utah, on October 20, 2015. I am a resident of the State of Utah, and I am of legal age and sound mind, and I am not under any legal disability. I have no interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon.

STATEMENTS BY PARTIES

STATEMENT OF [Name]

I, the undersigned, do hereby certify that I am the owner of the interest described hereon, and that the boundaries, easements, and other matters thereon are as shown on the plat of the Subdivision as recorded in the Office of the County Clerk of Weber County, Utah, on October 20, 2015. I am a resident of the State of Utah, and I am of legal age and sound mind, and I am not under any legal disability. I have no interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon.



NEVER-MORNING HEALTH DEPARTMENT

Having reviewed the proposed subdivision map and site plan, the Health Department hereby certifies that the subdivision complies with the applicable health and safety codes of the State of Utah and the County of Weber, Utah. The subdivision is approved for recording in the Office of the County Clerk of Weber County, Utah, on October 20, 2015.

WEBER COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission has reviewed the proposed subdivision map and site plan, and it is hereby approved for recording in the Office of the County Clerk of Weber County, Utah, on October 20, 2015.

WEBER COUNTY ATTORNEY

The Attorney General of Weber County, Utah, has reviewed the proposed subdivision map and site plan, and it is hereby approved for recording in the Office of the County Clerk of Weber County, Utah, on October 20, 2015.

WEBER COUNTY SURVEYOR

I, the undersigned, Surveyor of Weber County, Utah, do hereby certify that the plat of the Subdivision is true and correct, and that the boundaries, easements, and other matters thereon are as shown on the plat of the Subdivision as recorded in the Office of the County Clerk of Weber County, Utah, on October 20, 2015. I am a resident of the State of Utah, and I am of legal age and sound mind, and I am not under any legal disability. I have no interest in the property other than that which is described hereon. I have no knowledge of any other person claiming an interest in the property other than that which is described hereon.

WEBER COUNTY COMMISSION AGENCY

The County Commission has reviewed the proposed subdivision map and site plan, and it is hereby approved for recording in the Office of the County Clerk of Weber County, Utah, on October 20, 2015.

DEVELOPER: Mike & Jeff Atkinson

SW 1/4 of Section 27, Township 6 North, Range 2 West, Salt Lake Base and Meridian.

RECORDING INFORMATION

DATE: 10/20/2015

TIME: 1:00 PM

BOOK: 222, PAGE: 45

Heber County Recorder

By: [Signature]



Weber County Subdivision Application

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

Date Submitted / Completed 12-3-15	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--	-------------------	-----------------------------	--------------------------

Subdivision and Property Information

Subdivision Name Jeff L. Atkinson (and Shirley)		Number of Lots 2
Approximate Address 2448 S. 3500 W. Ogden		Land Serial Number(s)
Current Zoning A-1	Total Acreage 2.66	
Culinary Water Provider Taylor West Weber Water	Secondary Water Provider	Wastewater Treatment Central Weber Sewer

Property Owner Contact Information

Name of Property Owner(s) Mike Atkinson (Trustee)		Mailing Address of Property Owner(s)
Blaine Hand Elaine B. Atkinson Family Trust		2448 S. 3500 W Ogden, UT 84401
Phone 801-509-0919	Fax —	
Email Address —	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Jeff Atkinson		Mailing Address of Authorized Person
801-510-5217		2448 S. 3500 W Ogden, UT 84401
Phone 801-510-5217	Fax —	
Email Address jack57@yahoo.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer Ernest D. Rowley Landmark Surveying Inc.		Mailing Address of Surveyor/Engineer
801-731-4075		#3A 4646 South 3500 West Ogden, UT 84401
Phone 801-731-4075	Fax	
Email Address ernest@landmarksurveyutah.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Owner Affidavit

I (We), MIKE ATKINSON, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.

Michael Atkinson
(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____

(Notary)

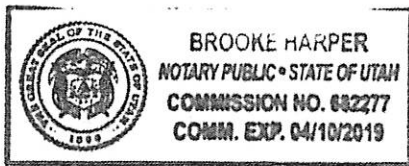
Authorized Representative Affidavit

I (We), Rick & Staci Lewis, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Jeff Atkinson, 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.

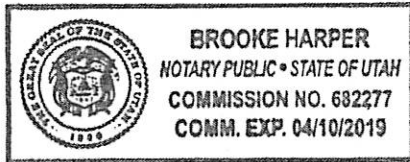
[Signature]
(Property Owner)

[Signature]
(Property Owner)

Dated this 1st day of December, 20 15, personally appeared before me Rick & Staci Lewis, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]
(Notary)



COMM. FOR ENVIRONMENTAL QUALITY
COMMISSIONER OF ENVIRONMENTAL QUALITY
STATE OF NEW YORK



COMM. FOR ENVIRONMENTAL QUALITY
COMMISSIONER OF ENVIRONMENTAL QUALITY
STATE OF NEW YORK





Staff Report to the Western Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Russell Place Subdivision (6 lots) at 4000 West 2200 South.

Type of Decision: Administrative

Agenda Date: Tuesday, February 09, 2016

Applicant: Matt Leavitt, Representative

File Number: LVR0729

Property Information

Approximate Address: 4000 West 2200 South

Project Area: 6.67 acres

Zoning: Agricultural (A-1)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 15-309-0003 to 0006

Township, Range, Section: T6N, R2W, Section 28

Adjacent Land Use

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

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Background

The applicant is requesting final approval of Russell Place Subdivision (6 lots), located at approximately 4000 West 2200 South in the A-1 Zone. The subdivision meets the area and lot width requirements of this zone. Each parcel will be from 40,000 square feet to 59,000 square feet in size. The planning commission recommended a deferral agreement for curb, gutter, and sidewalk. The property owners of Boyd Russell Subdivision are re-subdividing the two lots into six lots. The existing homes will be located on Lots 5 and 6 and have frontage on 2200 South.

The Engineering Division wants a storm water detention plan and an easement for the detention pond. A letter from Hooper Irrigation approving the plans is required. A National Discharge Pollution Elimination Systems permit is required for this subdivision.

Taylor-West Weber Water gave preliminary approval with the condition that secondary water is provided by Hooper Irrigation and a Weber Basin contract for the water rights. A final approval letter from Taylor-West Weber Water is required.

The sewer lines are Weber County's with treatment done by the Central Weber Sewer District. The property has been annexed into Central Weber Sewer District.

Summary of Planning Commission Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

The subdivision does meet the area and frontage requirements of the Land Use Code.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Center Weber Sewer District
- Requirements of Taylor-West Weber Water
 - Connect to Hooper Irrigation
 - Irrigation plans need to be approved by Hooper Irrigation
 - Impact fees
 - Final approval letter from Taylor West Weber
- Requirements of the Weber Fire District
 - Fire District Impact fees
- All improvements need to be either installed or escrowed for prior to recording of the subdivision

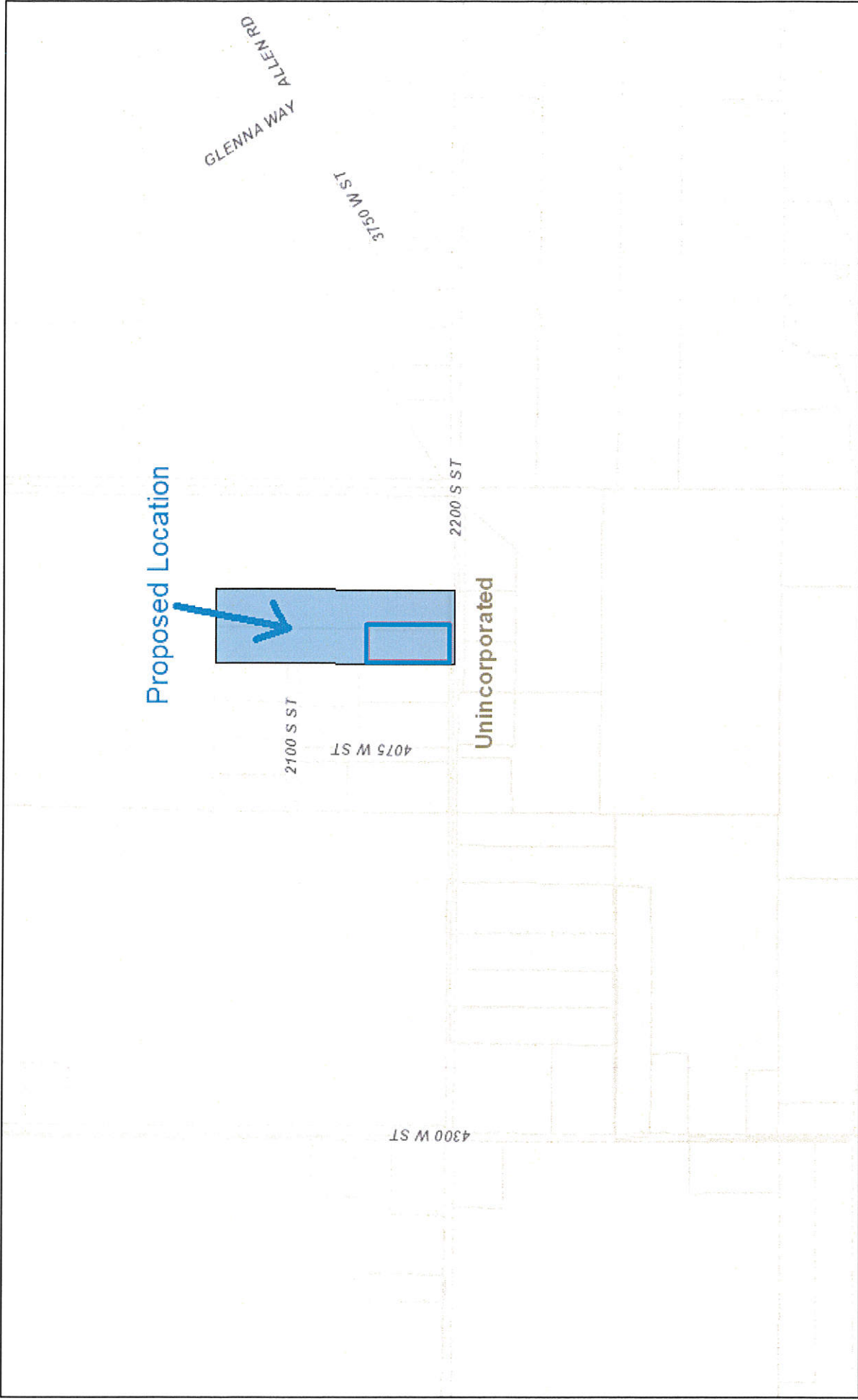
Staff Recommendation

Staff recommends final approval of Russell Place Subdivision (6 lots), subject to staff and other agency comments.

Exhibits

- A. Location map
- B. Subdivision plat

Proposed Location

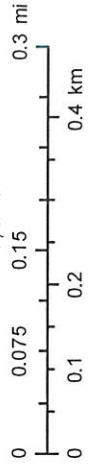


August 11, 2015

Street Labels

City Labels

1:9,028



RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
February 14, 2012

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.

(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.

4. Meetings - Matters Considered
Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.
5. Quorum
Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.
6. Work Sessions
A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

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

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

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business
The order of business in the Commission shall be as follows:
 - (a) Pledge of Allegiance
 - (b) 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.
 - (c) Approval of minutes of prior meetings
 - (d) Consent Agenda
 - (e) Petitions, Applications and Public Hearings
 - (f) Chair reads hearing statement
 - (g) Old Business
 - (h) New Business
 - (i) Public Comment for Items not on the Agenda
 - (j) Remarks from Planning Commissioners

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.

8. Friendly Amendments

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

G. PROCEDURE - RECONSIDERATION

1. Motion to Reconsider

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

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yeses) and nay (no's) given by members of the Commission individually on roll call, except motions to adjourn, table, common consent, continue, proceed out of order, or receive for study may be done by voice vote. The names of the members on such roll call shall be called alphabetically, in rotation, except that the Chair shall be called last. 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.

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:

February 24, 2012

January 24, 2012

Kevin Parson, Chair
Ogden Valley Planning Commission

Douglas Hansen, Chair
Western Weber Planning Commission