



OGDEN VALLEY PLANNING COMMISSION

PLANNING MEETING AGENDA

January 23, 2018  
5:00 p.m.

*Pledge of Allegiance*

*Roll Call:*

1. Minutes Approval of the June 07, 2016 and January 02, 2017 meeting minutes
2. Petitions, Applications and Public Hearings
- 2.1. Administrative Items
  - a. New Business:
    1. CUP 2017-21 Consideration and action on a conditional use permit for a Verizon Wireless Cell Tower Colocation, located at Powder Mountain Ski Resort in the Ogden Valley Destination Recreational Resort Zone (DRR-1). (Verizon/Jared White, applicant)
    2. UVT041718 Consideration and action for preliminary subdivision approval of the Trapper's Ridge at Wolf Creek PRUD Phases 7a & 7b at 5800 East Big Horn Parkway in the Residential Estates (RE-15) Zone. (Eden Village, LLC/Russ Watts, Applicant)
    3. UVF091916 Consideration and action for the final plat of The Fairways at Wolf Creek PRUD Phase 4 and 5 at 4200 North Sunrise Drive in the Forest Residential (FR-3) Zone. (Fairways @ Wolf Creek LLC, Applicant)
3. Elections Chair and Vice Chair for 2018
4. Meeting Schedule & Information List: Approval of the 2018 Meeting Schedule and Member Information List
5. Rules of Order Approval of the Rules of Order
6. Public Comment for Items not on the Agenda
7. Remarks from Planning Commissioners
8. Planning Director Report
9. Remarks from Legal Counsel

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held at 4:30 p.m. in Room 108, no decision will be made in this meeting*

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

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791***



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on a conditional use permit for a Verizon Wireless Cell Tower Colocation, located at Powder Mountain.
<b>Agenda Date:</b>	Tuesday, January 23, 2018
<b>Type of Decision:</b>	Administrative
<b>Applicant:</b>	Verizon Wireless
<b>Authorized Agent:</b>	Jared White
<b>File Number:</b>	CUP# 2017-21

#### Property Information

<b>Approximate Address:</b>	Powder Mountain Ski Resort
<b>Project Area:</b>	Approx. 3432 sq. ft.
<b>Zoning:</b>	Ogden Valley Destination and Recreation Resort Zone (DRR-1)
<b>Existing Land Use:</b>	Resort Recreation
<b>Proposed Land Use:</b>	Public Utility Substation
<b>Parcel ID:</b>	23-012-0136
<b>Township, Range, Section:</b>	Township 7 North, Range 2 East, Section 6

#### Adjacent Land Use

<b>North:</b>	Resort Recreation/Ski Resort	<b>South:</b>	North Powder Ridge Rd
<b>East:</b>	Resort Recreation/Ski Resort	<b>West:</b>	Resort Recreation/Ski Resort

#### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
<b>Report Reviewer:</b>	RK

### Applicable Ordinances

- Title 101, Chapter 1 (General Provisions) Section 7 (Definitions)
- Title 104, Chapter 29 (Ogden Valley Destination and Recreation and Resort Zone) (DRR-1)
- Title 108, Chapter 1 (Design Review)
- Title 108, Chapter 4 (Conditional Uses)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 12 (Towers)

### Summary and Background

Verizon Wireless has submitted a proposal that includes plans to establish a co-locating telecommunications tower located at the top of the Powder Mountain Ski Resort area of Weber County. The project will occupy approximately 3432-sq. ft. of the 18.38-acre parcel. The site is located in the DRR-1 Zone as a "Public Utility Substation" and is a conditional use in that zone.

The proposed 90' cell tower will replace the existing 63' AT&T wireless cell tower. It has been designed to accommodate 4 colocations, with the wiring running underground, and inside the pole so as to be un-obtrusive. The materials and design will be in harmony with the existing structures (lodge). The site leased to Verizon will consist of the 90' cell tower with a 6' lightning rod at the top, as well as two 15' x 36' equipment shelters. The equipment shelters will each house 1 generator room, and 2 equipment rooms. The exterior of each structure will have 6:12 pitched gable roofing, and wood siding to match the existing ski lodge, as best as possible. The only interiors to be finished will be the generator rooms, which will also have a 12' snow snorkel each, for the generators to breathe. The unoccupied rooms will remain unfinished for future occupants to finish per their requirements. Verizon will install (4) 6" conduits from each of the (4) equipment rooms to the stub locations on the northeast and southwest of the new monopole. Verizon will install (2) accessible 3'-2" wide "doghouses" on the NE and SW side of the tower for each carrier to access their underground conduit run from the shelter to the monopole. The project area will be situated between the existing ski lift and the ski lodge.

On August 29, 2013, application was submitted for the existing 60' monopole, and single equipment shelter. Powder Mountain will maintain ownership of the proposed colocation, assisting in transferring carriers from the existing monopole to the new 90' tower.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

## Analysis

**General Plan:** As the community grows the need for public utility service demand increases. This cell site will provide better cellular coverage for residents in the North Powder Ridge Road vicinity. The project site is adjacent to a recreational resort area/ski resort and this use will be in harmony with the surroundings.

**Zoning:** The subject property is located within the DRR-1 Zone. The purpose and intent of this zone is as follows:

*"The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land".* **Site Development Standards:** The following site development standards per the requirements in the DRR-1 Zone for a public utility substation are deferred to LUC §108-10-2 which states:

- (1) Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this Land Use Code, the required setbacks, and space to park two maintenance vehicles.
- (2) (2) Front yard setback. Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that the no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.
- (3) (3) Side yard setback. The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.
- (4) (4) Rear yard setback. The rear yard setback requirement may be reduced to the following: a. In a residential zone: five feet. b. In an agricultural zone: ten feet. c. In a forest zone: 20 feet. d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.
- (5) (5) Frontage. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

This proposal meets all of the site development standards stated in §104- 29-2 (DDR-1 Zone) and §108-10-2 (Public Utility Substation). The drawings show a rear setback of approximately 7 feet from the county line to the east of the project area, all other area setbacks are well within standards.

**Site Development Standards for a Public Utility Substation:** A public utility substation that is located in the DRR-1 Zone will comply with the setbacks as outlined in that zone.

**Conditional Use Review:** The proposed cell tower is allowed as a conditional use within the DRR-1 Zone. The proposed use is termed as a "public utility substation" found in LUC § 104-29-8. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The proposed conditional use, mandate a design review as outlined in LUC §108-4-31(e) (16) to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- **Considerations relating to traffic safety and traffic congestion:** Access to the site will be gained from the private parking lot to avoid causing traffic safety and congestion.

- Considerations relating to landscaping: The southwestern area will have a rock border, with an opening to allow access to Verizon's 12' utility easement.
- Considerations relating to buildings and site layout: There is no proposed fencing that will surround the project area.
- Considerations relating to utility easements, drainage, and other engineering questions: The Engineering division has stated only a requirement for a Storm Water Pollution Prevention Plan.
- Considerations associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval: There are no concerns with regard to this consideration.
- Safety for persons: This Verizon cellular tower is regulated by the FCC. The FCC has set site and signal strength specifications for all cell towers in the United States. As highlighted in page six of the Federal Communications Commission Fact Sheet. "No State, local government, or instrumentality may regulate the structure, placement and modification based on radio frequency emissions to the extent that such facilities comply with federal regulations" (see Exhibit D).

Ogden Valley Signs: There is no proposed signage associated with this request.

Public Safety and Health: Verizon Wireless is regulated by the Federal Communications Commission (FCC). This cell tower will be in compliance with all FCC regulations. Pertinent information highlighted in the Federal Communications Fact Sheet that has been included in this report as Exhibit D. The Weber County Attorney's office has expressed that since this project will adhere to all Federal Regulations, denial by state and local government or instrumentality is not recommended.

Public Notice: A courtesy notice to the public has been sent out to all property owners within a 500 radius of the construction site.

Tax Clearance: The 2017 taxes are paid in full. The 2018 taxes are not due until November 30, 2018.

## Staff Recommendation

The Planning Division recommends approval of file# CUP 2017-21, a conditional use permit for a Verizon Wireless Colocation Cell Tower located at the top of Powder Mountain Ski Resort, Eden, UT, 84310. This recommendation for approval is subject to all review agency requirements and with the following conditions:

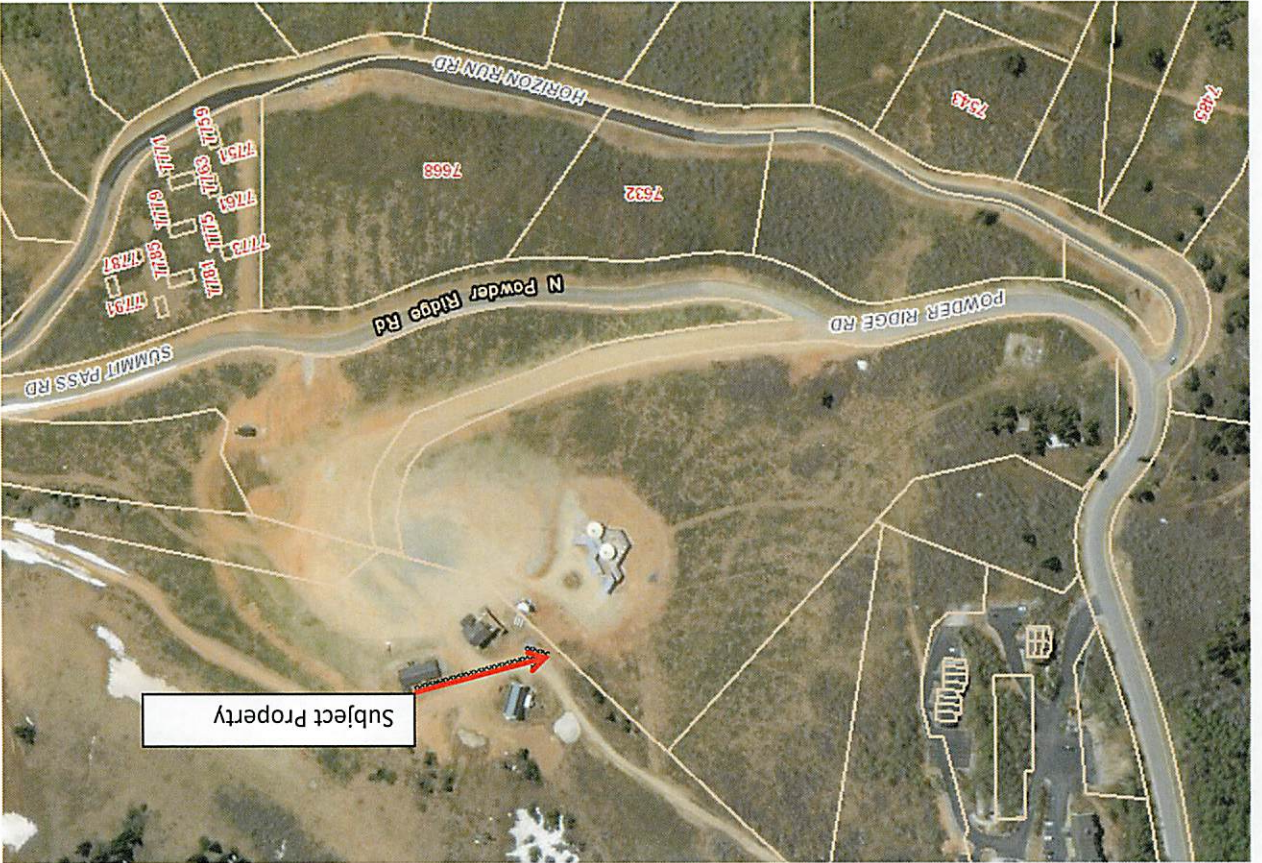
1. The applicant shall maintain the site with a good visual appearance and structural integrity, as well as conforming to the general design of the existing structures owned by Powder Mountain Ski Resort.
2. The applicant shall adhere to all federal, State and County ordinances.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will not cause harm to the natural surroundings.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare by adhering to FCC regulation.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use, if conditions are imposed, will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Application
- B. Construction Plans
- C. FCC Fact Sheet



<b>Weber County Conditional Use Permit Application</b>			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed 09/15/2017	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) Powder Mountain Ski Resort		Mailing Address of Property Owner(s)	
Phone 484-239-0549	Fax		
Email Address (required) mschroetel@powdermountain.com			
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) Verizon (Jared White)		Mailing Address of Authorized Person 1894 West 1690 South Woods Cross, UT 84087	
Phone 801-232-0953	Fax		
Email Address jaredw@uctechs.com			
<b>Property Information</b>			
Project Name SAL Powder Mountain		Total Acreage	Current Zoning
Approximate Address Top of powder Mountain ski resort		Land Serial Number(s) 23-012-0136	
Proposed Use Multi Carrier Cellular Facility			
Project Narrative Powder Mountain currently has a cellular facility on the top of the mountain for AT&T and Sprint. They have been approached by Verizon and T-Mobile also seeking a site at this location. Verizon is working in conjunction with the resort to construct a multi-carrier facility that will accommodate all four carriers. This proposal would include a single tower and 4 matching shelters housed in two structures adjacent to the pole. Once completed Powder Mountain would maintain ownership of the pole and work to re-locate all existing carriers onto this pole.			

**Basis for Issuance of Conditional Use Permit**

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

The only potentially detrimental effect of the site is visual impact. In an effort to minimize this we are constructing a multi carrier facility as to reduce the number of poles that would be needed in order to provide coverage for all 4 major carriers. In addition the ground structures will not be environmental shelters but will be built to match the architecture of the existing building the resort has already built adjacent to it. All cabling and wires will be ran under ground and through the interior of the pole to the antennas reducing the visual impact further.

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

Verizon will meet all building and zoning codes specified in the county ordinance with this facility. Further Verizon meets the standards of approval of section 108-4-4

Verizon feels that a multi use facility and a ground structures that match the existing architecture will meet the requirement of approval that conditions can be imposed to reasonably mitigate any detrimental effects of the project while still providing the benefit of enhance cellular service.

**Property Owner Affidavit**

I (We), Don Guesra, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 11<sup>th</sup> day of October, 2017, at \_\_\_\_\_  


[Signature]  
(Notary)

**Authorized Representative Affidavit**

I (We), Don Guesra, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), Verizon Wireless (Jared White), 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)

\_\_\_\_\_  
(Property Owner)

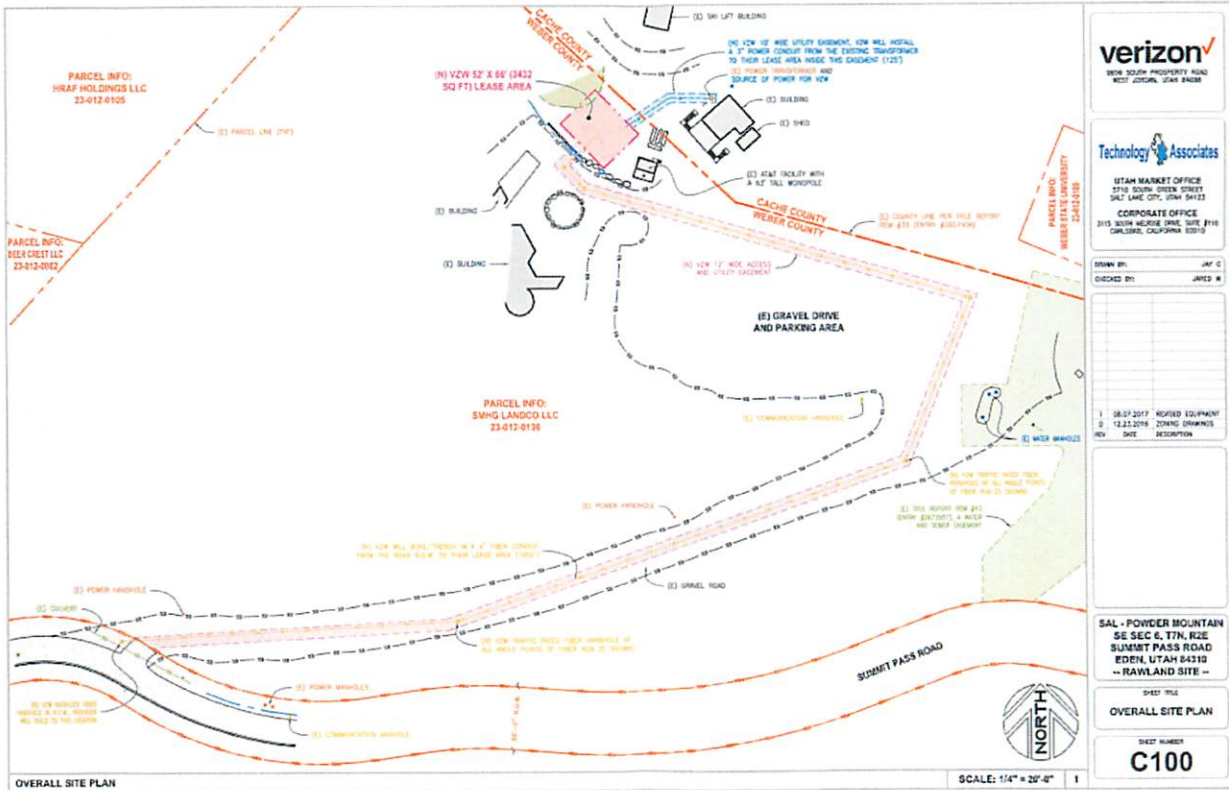
Dated this 16<sup>th</sup> day of October, 2017, personally appeared before me Don Guesra, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]  
(Notary)







**verizon**  
1600 SOUTH PROSPERITY ROAD  
WEST JORDAN, UTAH 84088

**Technology Associates**  
UTAH MARKET OFFICE  
5710 SOUTH GREEN STREET  
SALT LAKE CITY, UTAH 84123  
CORPORATE OFFICE  
2015 SOUTH MEADOW DRIVE, SUITE #110  
CARLSBAD, CALIFORNIA 92010

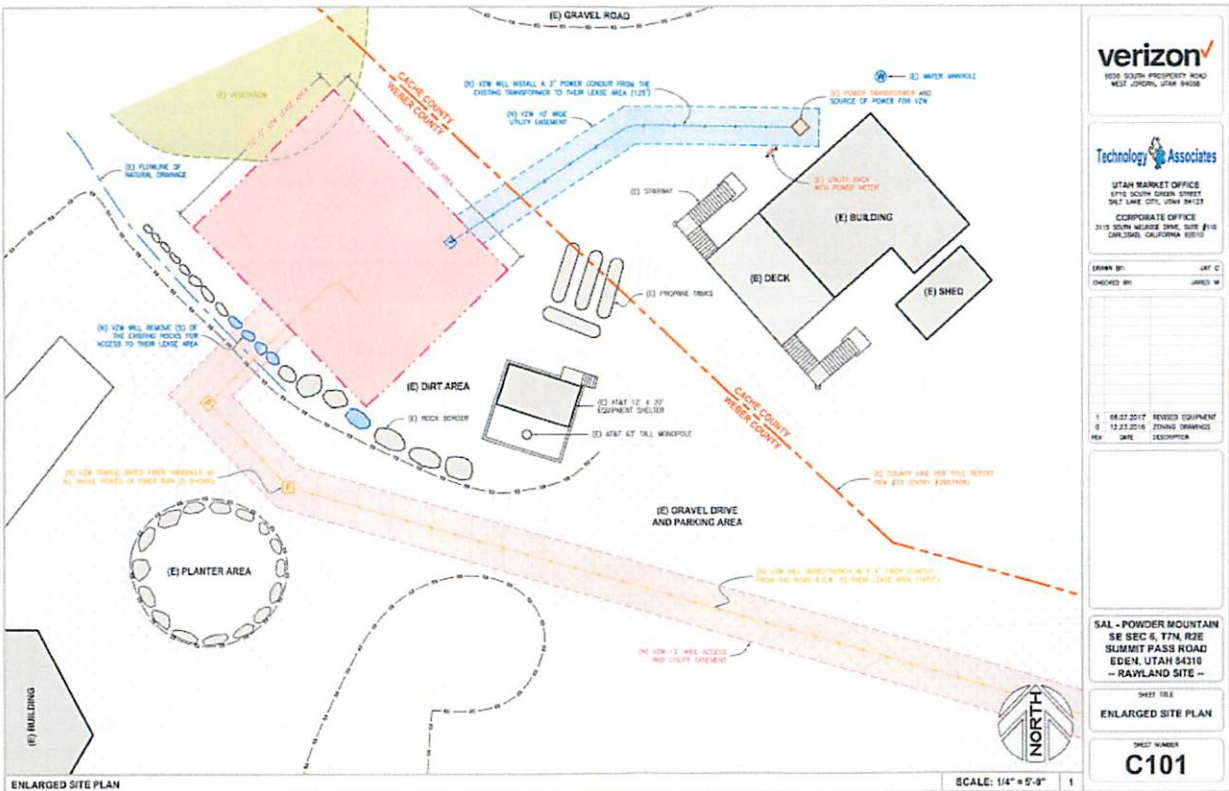
DRAWN BY: JAY C  
CHECKED BY: JAMES W

REV	DATE	DESCRIPTION
1	08.27.2017	REVISED EQUIPMENT
2	12.23.2018	ISSUED DRAWINGS

**SAL - POWDER MOUNTAIN**  
SE SEC 6, T7N, R2E  
SUMMIT PASS ROAD  
EDEN, UTAH 84310  
-- RAWLAND SITE --

SHEET TITLE  
**OVERALL SITE PLAN**

SHEET NUMBER  
**C100**



**verizon**  
1600 SOUTH PROSPERITY ROAD  
WEST JORDAN, UTAH 84088

**Technology Associates**  
UTAH MARKET OFFICE  
5710 SOUTH GREEN STREET  
SALT LAKE CITY, UTAH 84123  
CORPORATE OFFICE  
2015 SOUTH MEADOW DRIVE, SUITE #110  
CARLSBAD, CALIFORNIA 92010

DRAWN BY: JAY C  
CHECKED BY: JAMES W

REV	DATE	DESCRIPTION
1	08.27.2017	REVISED EQUIPMENT
2	12.23.2018	ISSUED DRAWINGS

**SAL - POWDER MOUNTAIN**  
SE SEC 6, T7N, R2E  
SUMMIT PASS ROAD  
EDEN, UTAH 84310  
-- RAWLAND SITE --

SHEET TITLE  
**ENLARGED SITE PLAN**

SHEET NUMBER  
**C101**



ASAC INFORMATION SHEET 91:003

INFORMATION REGARDING SURVEY DATA SUBMITTED TO THE FAA

FAA Order 8260.19c requires proponents of certain proposed construction (located beneath instrument procedures) provide the FAA with a site survey and/or letter, from a licensed land surveyor, which certifies the site coordinates and the surface elevation at the site. On October 15, 1992, the FAA started using the North American Datum of 1983 (NAD-83), and therefore all site coordinates should be based on NAD-83. The FAA requires that the survey letter contain an accuracy statement that meets accuracy tolerances required by the FAA. The most requested tolerances are +/- 50 feet in the horizontal and +/- 20 feet in the vertical (2-C). When the site coordinates and/or site elevation can be certified to a greater accuracy than requested by the FAA, please do so.

In order to avoid FAA processing delays, the original site survey or certifying letter should be attached to the 7460 when it is filed at the FAA's regional office. It must be signed and sealed by the licensed land surveyor having performed or supervised the survey.

The FAA accuracy codes and a sample accuracy statement are listed below.

ACCURACY CODES:

<u>HORIZONTAL</u>		<u>VERTICAL</u>	
<u>Code</u>	<u>Tolerance</u>	<u>Code</u>	<u>Tolerance</u>
1	+/- 15 ft	A	+/- 3 ft
2	+/- 50 ft	B	+/- 10 ft
3	+/- 100 ft	C	+/- 20 ft
4	+/- 250 ft	D	+/- 50 ft
5	+/- 500 ft	E	+/- 125 ft
6	+/- 1000 ft	F	+/- 250 ft
7	+/- 1/2 NM	G	+/- 500 ft
8	+/- 1 NM	H	+/- 1000 ft
9	Unknown	I	Unknown

Date: AUGUST 29, 2017

Re: SAL - POWDER MOUNTAIN  
SE 1/4 OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN

I certify that the latitude of N 41°22'10.74", and the longitude of W 111°45'54.13", are accurate to within 15 feet horizontally and the site elevation of 8899 feet, AMSL (American Mean Sea Level), is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD-83) and are expressed as degrees, minutes and seconds, to the nearest (tenth/hundredth) of a second. The vertical datum (heights) are in terms of the (NAVD88) and are determined to the nearest foot.



Professional Licensed Land Surveyor: \_\_\_\_\_  
1-A FAA Letter Jerry Fletcher, Utah LS no. 6436064



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for preliminary subdivision approval of the Trapper’s Ridge at Wolf Creek PRUD Phases 7a & 7b.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, January 23, 2018

**Applicant:** Eden Village, LLC/Russ Watts

**File Number:** UVT041718

### Property Information

**Approximate Address:** 5800 East Big Horn Parkway

**Project Area:** 7.558 Acres

**Zoning:** RE-15

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 22-020-0027, 22-020-0029

**Township, Range, Section:** T7N, R1E, Section 26

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
801-399-8768

**Reviewed By:** Steve Burton

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 3 Residential Estate Zones (RE-15)
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Zones, Chapter 22 Natural Hazards Overlay Zone

## Summary and Background

The Planning Division recommends preliminary approval of Trappers at Wolf Creek PRUD Phase 7a and Phase 7b. Trapper’s Ridge at Wolf Creek PRUD was approved in 2002. The architectural style of the homes in Phase 7a & 7b will mirror those in the previous phases in the Trapper’s Ridge Development. Trappers at Wolf Creek PRUD Phase 7a consists of 10 lots (units) on 3.35 acres. Trappers at Wolf Creek PRUD Phase 7b consists of 10 lots (units) on 4.21 acres. Both Phases 7a & 7b will front and gain access along “Big Horn Parkway”, a public right of way (see Exhibit A & B). Phase 7a includes two common areas. Common Area A is approximately 25,180 square feet and it surrounds the building envelopes of Lots (Units) 130 through 133. Common Area B is approximately 33,604 square feet and it surrounds the building envelopes of Lots (Units) 134 through 139. Phase 7b has one common area, identified as Common Area A, which consists of approximately 154,120 square feet. The developer will provide care for the amenities and common areas within the development by incorporating Phases 7a and 7b into the existing HOA.

The applicant would now like to move forward with the subdivision process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) Title 108 Chapter 5 for consideration and approval of the proposed preliminary subdivision. As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC Title 106, the approved PRUD and the standards in the RE-15 zone in LUC Title 104 Chapter 3 to ensure that the regulations and standards have been adhered to. The proposed subdivision, with the recommended condition listed in this staff report, is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

## Analysis

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

Zoning: The subject property is located in the Residential Estate Zone more particularly described as the RE-15 zone. The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

*"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."*

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." The site development standards for the RE-15 zone require a minimum lot area of 15,000 sq. ft. with a minimum lot width of 100' per LUC §104-3-7. The proposed building envelopes vary in size from 2,742 square feet to 3,554 square feet and the lot widths vary from 42' to 55'. The preliminary plans do not include the minimum yard setbacks due to the developer using building envelopes instead of individual lots. Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lot size are acceptable.

Ogden Valley Sensitive Lands Overlay Districts: The proposed subdivisions fall within the "Important Wildlife Habitat Area" that is part of the Ogden Valley Sensitive Lands Overlay District found in LUC§ 104-28-3. The development of this area will be required to strictly follow the standards that are adopted by Weber County.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain. A geotechnical study has been performed and a report has been prepared by IGES dated November 8, 2017 identified as Project #01855-011. A geologic site reconnaissance has taken place and a report has been prepared by IGES dated May 18, 2017, identified as Project #01855-010. All site development will need to adhere to the recommendations of these reports and a note has been added to the preliminary plan. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a Feasibility Letter from the Wolf Creek Water and Sewer District as part of the preliminary subdivision submittal. A Capacity Assessment and a construct permit or waiver from the Utah State Department of Environmental Quality Division of Drinking Water will be required during the final subdivision process.

Review Agencies: The Weber County Surveyor's Office, the Weber Fire District, and the Weber County Planning Division have reviewed and approved the proposal. The Engineering Division has reviewed the proposal and has provided the applicant with the required information. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the review agencies are strictly adhered to.

Additional design standards and requirements: The applicant has been approved through the PRUD process to have nightly rentals for the owners in the Trapper's Ridge at Wolf Creek PRUD Phase 7a & 7b. Currently the proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary at this time. A note has been added to the preliminary plat to declare this subdivision approved for nightly rentals.

Prior to the application being forwarded to the County Commission, the applicant will need to provide the County with a cost estimate to be reviewed and approved. The applicant will also need to provide to the County with a cash escrow to be held by Weber County for the proposed improvements including the common area amenities prior to receiving final approval of the subdivision. A condition of approval has been added to staff's recommendations to ensure the cost estimate is submitted for review and the adequate funds are deposited prior to the application being forwarded to the County Commission.

Tax clearance: The 2017 property taxes have been paid in full. The 2018 property taxes will be due in full on November 30, 2018.

## Staff Recommendation

Staff recommends approval of preliminary plan for the Trappers at Wolf Creek PRUD Phase 7a and Trappers at Wolf Creek PRUD Phase 7b. This recommendation for approval is subject to all review agency requirements and is based on the following condition:

1. A cost estimate for the subdivision improvements shall be provided to the County Planning and Engineering Departments for review and approval. Upon approval adequate funds will need to be deposited with Weber County prior to receiving final approval from the County Commission.

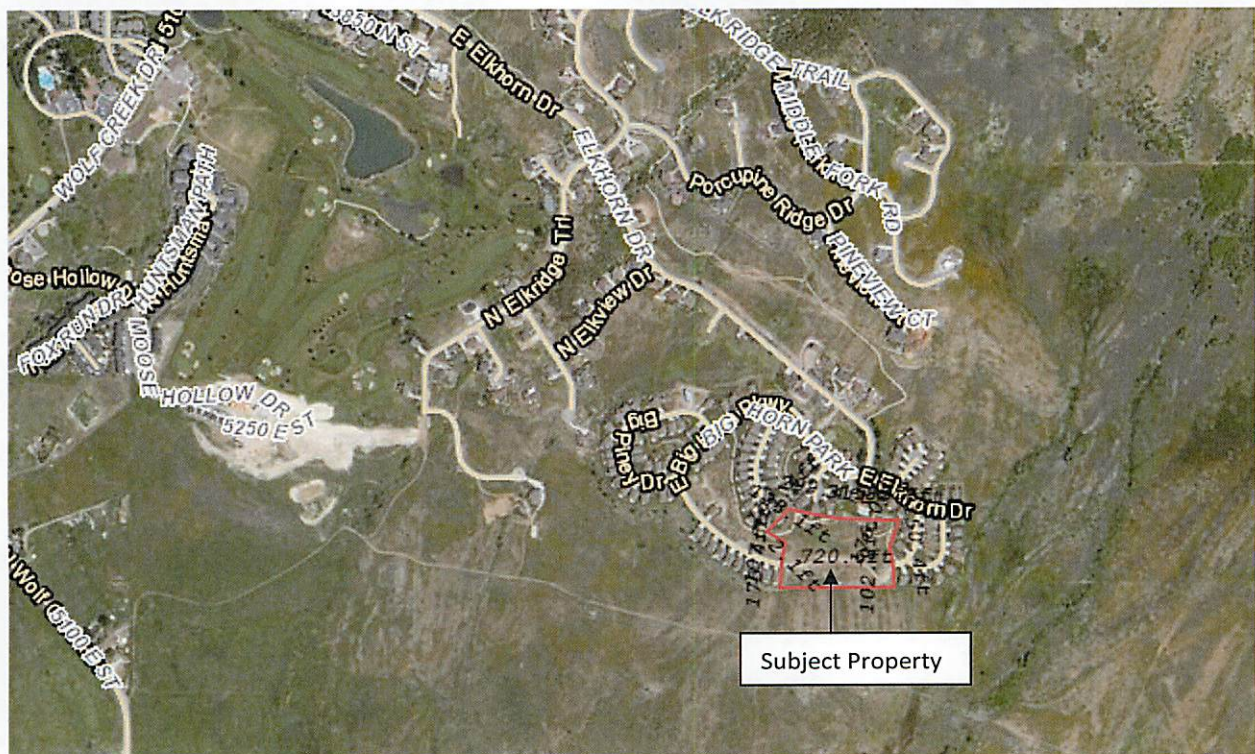
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.

## Exhibits

- A. Trappers at Wolf Creek PRUD Phase 7a
- B. Trappers at Wolf Creek PRUD Phase 7b

## Location Map











# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for the final plat of The Fairways at Wolf Creek PRUD Phase 4 and Phase 5.  
**Type of Decision:** Administrative  
**Agenda Date:** Tuesday, January 23, 2018  
**Applicant:** Fairways @ Wolf Creek, LLC  
**File Number:** UVF091916

### Property Information

**Approximate Address:** 4200 North Sunrise Drive  
**Project Area:** 15.8 acres for Phases 4&5  
**Zoning:** FR-3  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Parcel ID:** 22-017-0017  
**Township, Range, Section:** T7N, R1E, Section 22

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
801-399-8768  
**Staff Reviewer:** Steve Burton

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zones (FR-3)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 10, Chapter 27 Natural Hazards Areas

## Development History

- The Fairways at Wolf Creek PRUD received conditional use approval by the County Commission on April 24, 2004 after receiving a positive recommendation from the Ogden Valley Planning Commission which heard and considered the proposal for 118 dwelling units and two duplex units (for an overall of 122 units) on February 17, 2004 and March 16, 2004.
- The Fairways at Wolf Creek PRUD Amendment 1 received conditional use approval by the County Commission on October 9, 2007 after receiving a positive recommendation for the club house redesign that was heard and approved by the Ogden Valley Planning Commission on September 25, 2007.
- The Fairways at Wolf Creek CUP Amendment 2 including the preliminary subdivision plan was approved by the County Commission on July 18, 2017 after receiving a positive recommendation from the Ogden Valley Planning Commission on June 27, 2017.
- The Fairways at Wolf Creek CUP Amendment 3 including the preliminary subdivision plan was approved by the County Commission on January 2, 2018 after receiving a positive recommendation from the Ogden Valley Planning Commission on November 28, 2017.

## Summary

The Planning Division recommends final approval of The Fairways at Wolf Creek PRUD Phase 4 and Phase 5. The Fairways at Wolf Creek Phase 4 consists of 16 lots on 9.25 acres. Phase 4 proposal includes three common areas sized from 1.343 acres to 0.129 acres. Phase 4 will be able to gain ingress from the current parcel # 22-017-0012 owned by Fairways at Wolf Creek LLC, Sunrise Drive, and Patio Drive (see Exhibit A & B). The developer is planning on improving the future Fairways Drive as the main entrance to Phases 4 & 5 as well as potentially working with the surrounding property owners/developers and the County when the need for an extension of Fairways Drive to 4100 North is necessary. This will allow the residents of the Ogden Valley an alternative access out of the Valley. The Fairways at Wolf Creek Phase 5 consists of 15 lots and will be able to gain ingress the same mentioned above (see Exhibit A). Phase 5 includes four common areas. The developer will provide and care for the amenities and common areas within the development by forming an HOA specific for Phases 4 and 5.

The applicant would now like to move forward with the subdivision process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) Title 108 Chapter 5 for consideration and approval of the proposed final subdivision. As part of the final subdivision requirements, subdivision review process and approval procedure, the proposal has been reviewed against the current subdivision ordinance, the approved PRUD and the standards in the FR-3 zone. The following is staff's analysis of the proposed final subdivision.

## Analysis

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

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

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

**Lot area, frontage/width and yard regulations:** The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." The site development standards for the FR-3 zone require a minimum lot area of 6,000 sq. ft. The proposed lots in Phase 4 vary in size from 9,889 square feet to 22,646 square feet and the lot widths vary from approximately 73 feet to 161 feet. The approved PRUD utilizes the allowed flexibility to create a neighborhood with varying lot sizes and varying lot widths. The final plans that have been submitted include the approved minimum yard setbacks:

- Front Yard: 15 feet
- Side Yard: 10 feet
- Rear Yard: 15 feet
- Side Facing Street (corner lot): 15 feet

Lots 1 through 4 [in Phase 4 and Lots 22 through 26](#) received approval for further reductions to the setbacks during the County Commission approval of Conditional Use Permit Amendment 3. The approved setbacks for ~~Lots 1 through 4~~ [these lots](#) are:

- Front Yard: 10 feet
- Side Yard: 10 feet
- Rear Yard: 10 feet
- Side Facing Street (corner lot): 10 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lot sizes, are acceptable. A "No Access" note and a "No Access Line" have been placed along the northern property lines of Lots 14, 15 & 16 per LUC §106-2-4(c) which prohibits interior lots from having frontage on two streets except where unusual conditions make other design undesirable. These lots are abutting a future right of way parcel owned by Fairways at Wolf Creek (Parcel# 22-017-0012) to ensure that the lots are accessed from Fairways Trail, a public right of way.

Prior to the application being forwarded to the County Commission, the applicant will need to provide the County with a cost estimate to be reviewed and approved. The applicant will also need to provide to the County with a cash escrow to be held by Weber County for the proposed improvements including the common area amenities prior to

receiving final approval of the subdivision. A condition of approval has been added to staff's recommendations to ensure the cost estimate is submitted for review and the adequate funds are deposited prior to the application being forwarded to the County Commission.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain. A geotechnical study has been performed and a report has been prepared by Earthtec Engineering dated March 8, 2016, identified as Project #167003. A geologic site reconnaissance has taken place and a report has been prepared by IGES dated May 19, 2016, identified as Project #01855-007. All site development will need to adhere to the recommendations of these reports and a note has been added to the final plat. Also a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a feasibility letter and a "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District. A construct permit or waiver from the Utah State Department of Environmental Quality Division of Drinking Water will be required for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission.

Review Agencies: The Weber County Engineering Division, the Weber Fire District have reviewed and approved the proposal. The Weber County Surveyor's Office has reviewed the proposal and has provided the applicant with the required information. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the review agencies are strictly adhered to.

Additional design standards and requirements: The applicant has been approved to have nightly rentals as an option allowed in the PRUD ordinance for the owners in The Fairways at Wolf Creek PRUD Phase 4 and Phase 5. The proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary. A note been added to the final plat to declare this subdivision approved for nightly rentals.

Tax clearance: The 2017 property taxes have been paid in full. The 2018 property taxes will be due in full on November 30, 2018.

## Staff Recommendation

Staff recommends approval of the final subdivision for The Fairways at Wolf Creek PRUD Phase 4 and The Fairways at Wolf Creek PRUD Phase 5. This recommendation for approval is subject to all review agency requirements and is based on the following condition:

1. A cost estimate shall be submitted for review and the adequate funds are deposited prior to the application being forwarded to the County Commission.

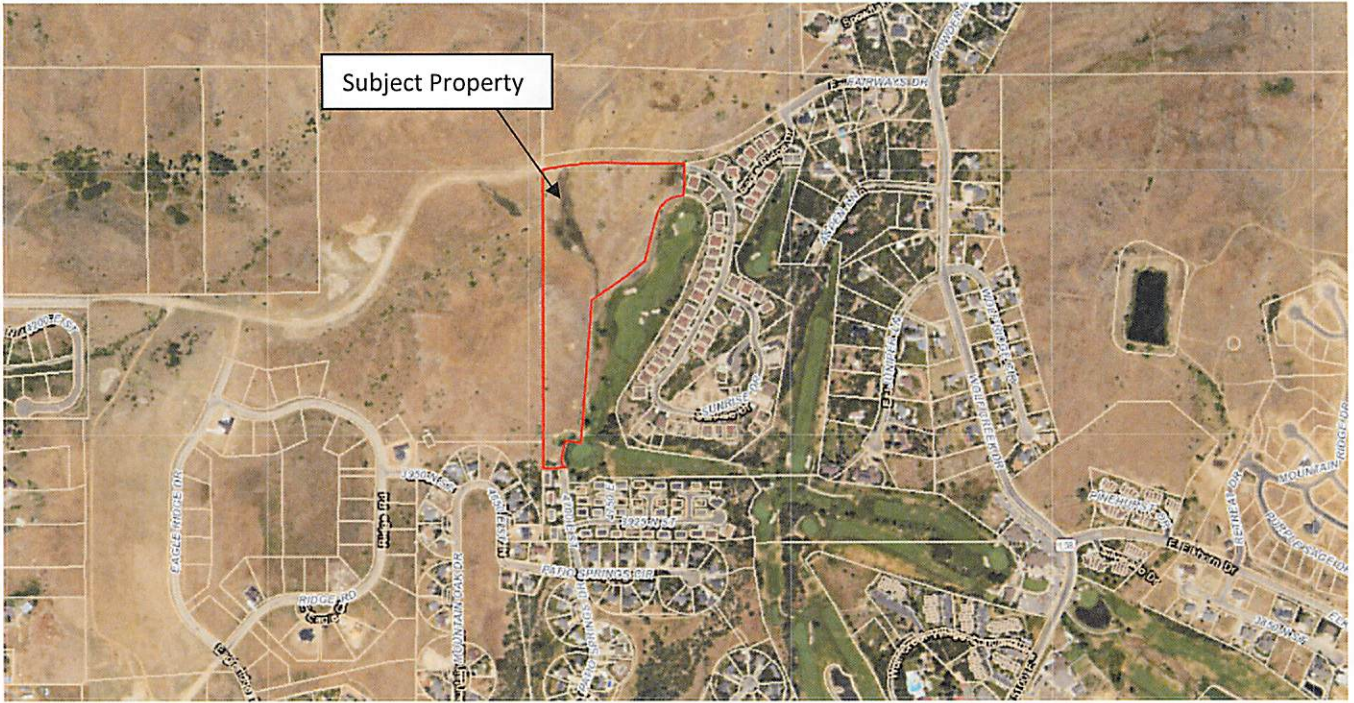
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the final subdivision.

## Exhibits

- A. The Fairways at Wolf Creek PRUD Phase 4
- B. The Fairways at Wolf Creek PRUD Phase 5

# Location Map











# 2018

## JANUARY

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### CALENDAR KEY :

	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1 <sup>st</sup> Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	Tues. January 16th- PC/BOA Annual Dinner
	Agency Review Committee (ARC)

### NOTES

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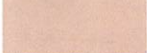


# 2018

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CALENDAR KEY:	
	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1 <sup>st</sup> Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	Elections
	Agency Review Committee Meeting (ARC)

NOTES

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**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**

**A. ORGANIZATION**

**1. Appointment and Removal of Planning Commissioners**

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

**2. Appointment of Chair and Vice Chair**

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

**3. Chair - Duties**

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

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

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

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

**4. Duties of the Vice Chair**

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

**5. Temporary Chair**

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall

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

48 6. Secretary - Duties

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

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

60 **B. CONDUCT OF MEMBERS OF THE COMMISSION**

61 1. Addressing Members

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

63 2. Preparation

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

67 3. Members Shall Attend Meetings

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

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

76 4. Conflict of Interest

77 Near the beginning of each meeting, the Chair shall ask whether any member of the Planning  
78 Commission has any conflicts of interest to disclose. A member who knows that he/she has a  
79 conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of  
80 interest exists. A member who feels that he/she, or any other member of the Commission, *may*  
81 have a conflict of interest on any matter that is on the agenda shall explain the possible conflict  
82 to the Commission, and the Commission shall then vote to decide whether an actual, apparent,  
83 or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of  
84 interest shall not participate in the discussion and voting on that matter, but shall leave the  
85 meeting during the time in which the matter in question is being discussed and voted upon, and  
86 shall not attempt to influence other Commissioners regarding that matter before, during, or  
87 after the meeting, except as allowed in paragraph 4(d) (below).

86 shall not attempt to influence other Commissioners regarding that matter before, during, or  
87 after the meeting, except as allowed in paragraph 4(d) (below).

88  
89 (a) Disqualification

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

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

100 (b) Disclosure of Potential Conflict of Interest

101 Whether or not he/she is disqualified, a public official shall disclose any potential conflict of  
102 interest as required by state law, including Chapter 17-16a of the Utah Code.

103 (c) Ex Parte Contacts

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

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

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

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

125 (d) Planning Commission Members Wishing to Give Comment

126 A member who desires to comment on a matter in which the member has a conflict of interest  
127 may do so only after declaring the conflict, declaring an intent to comment as an interested  
128 member of the public and not in his/her capacity as a member of the Commission, abstaining

129 from voting on the proposal, and vacating the seat and physically joining the audience. When  
130 commenting, the member shall again make full disclosure of his/her position and state that  
131 he/she is commenting in an individual capacity. After commenting, the member shall leave the  
132 Commission Chamber during the time in which the matter in question is being discussed and  
133 voted upon. If a member is an applicant, he/she can fully participate in the matter.

134 (e) Gifts and Favors

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

140 (f) Treatment of Information

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

144 (g) Political Activity

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

151 **C. MEETINGS**

152 1. Place

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

160 2. Regular Meetings

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

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

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

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

176  
177  
178 3. Special Meetings

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

190 4. Meetings - Matters Considered

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

194 5. Quorum

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

202 6. Work Sessions

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

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

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

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

- 216 7. Open Meetings Law
- 217 All meetings of the Planning Commission, including pre-meetings and work sessions, shall be
- 218 open to the public and shall be noticed in conformance with the requirements of the Open and
- 219 Public Meetings Law of the State of Utah.
- 220
- 221
- 222 8. Length of Meetings
- 223 At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items
- 224 remaining to be heard will be forwarded to the next agenda for consideration.
- 225 **D. PROCEDURE - ORDER OF BUSINESS**
- 226 1. Order of Business
- 227 The order of business in the Commission shall be as follows:
- 228 (a) Chair opens the meeting and welcomes those in attendance
- 229 (b) Pledge of Allegiance
- 230 (c) Chair notes absences, and the names of those present and those absent shall be
- 231 entered on the record
- 232 (d) Chair reads opening meeting statement, as needed
- 233 (e) Chair asks commissioners if there have been any ex parte communications or if there
- 234 are any conflicts of interest to disclose
- 235 (f) Approval of minutes of prior meetings
- 236 (g) Consent Agenda
- 237 (h) Petitions, Applications and Public Hearings
- 238 i. Administrative Items
- 239 (1) Old Business
- 240 (2) New Business
- 241 ii. Legislative Items
- 242 (1) Old Business
- 243 (2) New Business
- 244 (i) Public Comment for Items not on the Agenda
- 245 (j) Planning Commission Remarks
- 246 (k) Planning Director Report
- 247 (l) Legal Counsel Remarks
- 248 (m) Chair Adjourns Meeting
- 249 2. Agenda for Meetings
- 250 The secretary shall prepare a written agenda for each meeting as far in advance thereof as
- 251 possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports
- 252 and related documents, to the members of the Commission at least seven (7) days in advance of
- 253 a regular meeting.
- 254 3. Approval of Minutes from Prior Meetings
- 255 The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and
- 256 if there are any additions or corrections. Upon hearing from the Commission, the Chair shall
- 257 declare the minutes approved either as presented or amended. If the Commission has not had
- 258 an opportunity to review the minutes, approval shall be postponed to the next meeting.



- 259 4. Consent Agenda  
260 A consent agenda consists of items that do not require discussion or debate, typically because  
261 they are routine procedural items or because it is believed that they will be non-controversial  
262 and will be unanimously supported. Consent agenda items are approved together, through a  
263 single vote, without discussion. The following procedure shall be used for consent agendas:
- 264 (a) The Planning Director shall determine which items shall be on the consent agenda, list  
265 those items on the consent agenda, and include all supporting reports and documents  
266 with the packet that is delivered to Commissioners before the meeting.
  - 267 (b) Commissioners, as part of their duties in preparing for the meeting, shall become  
268 familiar with all consent agenda items and shall decide whether or not they support  
269 approval of those items, as well as whether or not, in their opinion, each item will  
270 require discussion during the meeting.
  - 271 (c) When the consent agenda comes up during the meeting, the Chair shall read the items  
272 on the consent agenda and ask whether any Commissioner wants any item removed, to  
273 allow that item to be discussed and voted on separately during the meeting.
  - 274 (d) If any Commissioner opposes an item on the consent agenda or believes that the item  
275 requires discussion, the Commissioner shall request that the item be removed from the  
276 consent agenda.
  - 277 (e) If any Commissioner requests that an item be removed from the consent agenda, it  
278 must be removed. The Chair shall decide when the item shall be discussed during the  
279 meeting.
  - 280 (f) When there are no more items to be removed, the Chair shall note, for the record,  
281 which items have been removed and shall call for a vote on approval of the remaining  
282 items on the consent agenda. There shall be no discussion. Approval requires a  
283 unanimous vote.
  - 284 (g) If any person other than a Commissioner asks for a consent agenda item to be  
285 discussed, the Chair shall decide whether or not the item should be removed from the  
286 consent agenda.

- 287 5. Deadline for Agenda  
288 Requests to be on a Planning Commission agenda shall be filed 45 days prior to consideration by  
289 the Planning Commission. The Planning Staff shall certify completeness of requests. Certified  
290 requests which have been filed in a timely manner shall be placed on the agenda. The deadline  
291 may be waived by the Planning Director if he/she determines that good cause exists for waiving  
292 the deadline, the application is complete, and Staff has sufficient time to analyze the request,  
293 adequately prepare a Staff Report and give proper notice.

- 294 6. Special Order of Business  
295 The Commission may suspend the rules as to the order of business, or return to an order already  
296 passed, on a motion supported by a majority of the members present.

297 **E. ORDER AND DECORUM**

- 298 1. Order of Consideration of Items  
299 The following procedure will normally be observed; however, it may be rearranged by the Chair  
300 for individual items, if necessary, for the expeditious conduct of business:
- 301 (a) Chair introduces item;

- 302 (b) Staff orients the project (type of use and decision, criteria and standards to be applied,  
303 location, zoning, etc.);  
304 (c) Applicant or applicant's agent explains the proposal and presents supporting evidence;  
305 (d) Staff reports on staff recommendations;  
306 (e) If it is a public hearing, then other interested people may comment;  
307 (f) Planning Commission members may question staff, applicant, or others on all the above;  
308 (g) Applicant's rebuttal if requested;  
309 (h) Closing of the public hearing, if applicable;  
310  
311 (i) Concluding comments of Staff or Staff summary and recommendations;  
312 (j) The Planning Commission makes its decision, following the processes described below.

313 2. Consideration of Items

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

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

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

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

332 3. Conduct of Persons before the Commission

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

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

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

345 4. Questions and Comments by Commissioners

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

354  
355 **F. PROCEDURE - MOTIONS**

356 1. Motions—Typical Process

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

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

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

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

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

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

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

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

381 i. Voting

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

385 ii. How a Motion Passes

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

388 iii. Tie Votes

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

395 iv. Voting or Changing a Vote After Decision Announced

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

398 v. Commission Members Required to Vote - Late Arrival

399 No member may abstain from voting unless there is a conflict of interest, except  
400 as noted below. A member entering the meeting late, but any time before the  
401 final vote is taken, may vote. A member who has not been present during the  
402 discussion of any matter and feels that he/she has insufficient information on  
403 which to act may abstain.

404 vi. Explaining Vote

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

407 vii. Not to Vote Unless Present

408 No member of the Commission shall vote on any question unless the member is  
409 present when the vote is taken. Voting by proxy shall not be allowed.

410 2. Additional Options After a Motion Is Made

411 (a) Withdraw or Modify a Motion Before the Motion Is Stated

412 i. When a motion has been made but not yet stated by the Chair, whether or not  
413 it has been seconded, it can be withdrawn by the mover by simply notifying the  
414 Chair that he/she withdraws the motion.

415 ii. When a motion has been made but not yet stated by the Chair, whether or not  
416 it has been seconded, the mover can modify his/her motion. To do so, the  
417 mover notifies the Chair that he/she modifies the motion and what the  
418 modification is.

419 iii. Modifying a motion after it has been seconded cancels the second. A new  
420 second is required for the modified motion to proceed to discussion and a vote.

421 iv. Before a motion is stated by the Chair, any member may suggest that the mover  
422 withdraw or modify his/her motion, but only the mover may do so. If the  
423 motion is seconded and not modified or withdrawn, the Chair must state the  
424 motion and call for discussion.

425 v. After the Chair states a motion, it is the property of the Commission. It can be  
426 withdrawn or amended only by an additional motion, as described below.

427 (b) Motions in Order During Debate

428 After a motion has been stated and is open for discussion, no additional motion shall be  
429 received except the following:

430 i. To fix the time to adjourn (requires a second but is not debatable)

431 ii. To adjourn (requires a second but is not debatable)

- 432                   iii.    To postpone to a specified time (requires a second and is debatable)
- 433                   iv.    To withdraw the original motion
- 434                   (1)    Only the member who made the original motion can make this request.
- 435                   (2)    The first step is for the mover to notify the Chair of his/her request to
- 436                   withdraw the motion. The Chair shall announce that the mover has
- 437                   made this request and shall ask for unanimous consent. If no member
- 438                   objects, then the Chair shall declare the original motion withdrawn.
- 439                   (3)    If a member objects, then the request to withdraw is considered denied;
- 440                   however, at that time, the mover may make a formal motion to
- 441                   withdraw the original motion, in which case the Chair shall call for a
- 442                   second. If there is no second, then the motion to withdraw dies, and the
- 443                   discussion of the original motion continues. If there is a second, then
- 444                   the Chair shall state the motion to withdraw and put it to a vote,
- 445                   without debate.
- 446                   (4)    If a request or motion to withdraw is granted, then it is as if the motion
- 447                   had not been made in the first place, so the mover (or any other
- 448                   Commissioner) can make that same motion again at the same meeting.
- 449                   v.     To amend
- 450                   (1)    All amendments must relate to the same subject as the original motion.
- 451                   (2)    A “friendly amendment” is an amendment that makes no substantive
- 452                   changes, but is a minor technical amendment appropriate for
- 453                   clarification or correction. A Commissioner may offer a friendly
- 454                   amendment without a formal motion, and if the Chair determines that
- 455                   no member objects, then the Chair shall declare the original motion so
- 456                   amended. If any member objects to the friendly amendment, then the
- 457                   request dies, although any member may then make the request again
- 458                   through a formal motion, following the procedure described below.
- 459                   (3)    Any amendment other than a friendly amendment must be offered by
- 460                   motion. If the motion to amend is seconded, then the Chair shall state
- 461                   the motion and call for discussion and then a vote on whether or not to
- 462                   amend the original motion. If the motion to amend fails, then the
- 463                   original motion is back under consideration. If the motion to amend
- 464                   passes, then the original motion is superseded, and the amended
- 465                   motion is under consideration and shall be put to a vote after any
- 466                   necessary discussion.
- 467                   (4)    A motion to amend may be withdrawn or tabled without prejudice to
- 468                   the original motion. Likewise, if a motion to amend passes, but the
- 469                   amended motion then fails to pass, then any Commissioner may make
- 470                   the original motion again. In other words, if an attempt is made to
- 471                   amend an original motion, and the Commission does not end up voting
- 472                   in favor of the amended motion, then the original motion may be re-
- 473                   made.
- 474                   vi.    To refer to committee (requires a second and is debatable)

- 475                   vii.     To call the question (i.e., immediately close debate and vote on the motion that  
476                   is before the Commission) (requires a second but is not debatable)  
477                   viii.    To limit or extend limits of debate (requires a second but is not debatable)  
478                   ix.     To take a recess (requires a second but is not debatable)  
479                   x.     To call for orders of the day (i.e., insist that the schedule and agenda be  
480                   followed) (does not require a second and is not debatable)  
481                   xi.     To suspend the rules (requires a second but is not debatable)  
482                   xii.    To appeal rulings by the Chair (requires a second and is debatable except when  
483                   the ruling addresses indecorum, priority of business, or an undebatable  
484                   underlying question)  
485                   xiii.   To reconsider an undebatable motion (requires a second but is not debatable)  
486

487           3.     Additional Rules Regarding Motions

488                   (a)    Motions to Deny

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

491                   (b)    Motion to Reconsider

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

500    G.     DOCUMENTS OF THE COMMISSION

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

508    H.     AMENDMENT

509                   Any person may propose an amendment to these Rules of Order. The person shall present the proposal  
510                   to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning  
511                   Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14  
512                   days after the meeting in which the initial proposal was made. The regular rules for quorums, motions,  
513                   and voting apply.

514    I.     RECORDING OF RULES - COPIES TO BE FURNISHED

515                   These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book  
516                   kept for the recording of such business and shall be furnished to each member of the Commission.  
517

518 Effective Date: \_\_\_\_\_

519 \_\_\_\_\_

520 \_\_\_\_\_

521 \_\_\_\_\_

522 Ogden Valley Planning Commission

Effective Date: \_\_\_\_\_

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Western Weber Planning Commission

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**

**A. ORGANIZATION**

**1. Appointment and Removal of Planning Commissioners**

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

**2. Appointment of Chair and Vice Chair**

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

**3. Chair - Duties**

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

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

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

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

**4. Duties of the Vice Chair**

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

**5. Temporary Chair**

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall



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

48 6. Secretary - Duties

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

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

60 B. CONDUCT OF MEMBERS OF THE COMMISSION

61 1. Addressing Members

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

63 2. Preparation

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

67 3. Members Shall Attend Meetings

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

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

76 4. Conflict of Interest

77 Near the beginning of each meeting, the Chair shall ask whether any member of the Planning  
78 Commission has any conflicts of interest to disclose. A member who knows that he/she has a  
79 conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of  
80 interest exists. A member who feels that he/she, or any other member of the Commission, *may*  
81 have a conflict of interest on any matter that is on the agenda shall explain the possible conflict  
82 to the Commission, and the Commission shall then vote to decide whether an actual, apparent,  
83 or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of  
84 interest shall not participate in the discussion and voting on that matter, but shall leave the  
85 meeting during the time in which the matter in question is being discussed and voted upon, and  
86 shall not attempt to influence other Commissioners regarding that matter before, during, or  
87 after the meeting, except as allowed in paragraph 4(d) (below).

89 (a) Disqualification  
90 No member of the Planning Commission shall participate in the discussion of an application or  
91 vote on an application for any action when any of the following conditions exist:

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

100 (b) Disclosure of Potential Conflict of Interest  
101 Whether or not he/she is disqualified, a public official shall disclose any potential conflict of  
102 interest as required by state law, including Chapter 17-16a of the Utah Code.

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

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

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

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

125 (d) Planning Commission Members Wishing to Give Comment

126 A member who desires to comment on a matter in which the member has a conflict of interest  
127 may do so only after declaring the conflict, declaring an intent to comment as an interested  
128 member of the public and not in his/her capacity as a member of the Commission, abstaining  
129 from voting on the proposal, and vacating the seat and physically joining the audience. When  
130 commenting, the member shall again make full disclosure of his/her position and state that  
131 he/she is commenting in an individual capacity. After commenting, the member shall leave the  
132 Commission Chamber during the time in which the matter in question is being discussed and  
133 voted upon. If a member is an applicant, he/she can fully participate in the matter.

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(e) Gifts and Favors

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

(f) Treatment of Information

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

(g) Political Activity

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

**C. MEETINGS**

1. Place

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

2. Regular Meetings

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

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

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

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

- 178           3.     Special Meetings
- 179           A special meeting may be called at any time by the Chair or by a majority vote of the
- 180           Commission at any regular meeting of the Commission. Notice shall be given to each
- 181           Commission member of the time and purpose of every special meeting of the Commission at
- 182           least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each
- 183           member of the Commission personally, or may be given by telephone to the member of the
- 184           Commission. Such notice may also be given by United States Mail, directed to the member of
- 185           the Commission so to be notified at the member's residence and mailed not less than three (3)
- 186           days prior to the time fixed for such special meeting. It is specifically provided, however, that
- 187           any member may, in writing, waive prior notice of the time, place and purpose of such meeting;
- 188           and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose
- 189           thereof.
- 190           4.     Meetings - Matters Considered
- 191           Any matter pertaining to the affairs of the Planning Commission and falling within the authority
- 192           and jurisdiction of the Commission may be considered and acted upon at any regular or special
- 193           meeting of the Commission.
- 194           5.     Quorum
- 195           Four members of the Commission shall constitute a quorum thereof for the transaction of all
- 196           business except where unanimous consent of all members is required. An abstaining or
- 197           disqualified member of the Planning Commission shall not be counted as if present for purposes
- 198           of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of
- 199           the Commission members present at a meeting shall be required and shall be sufficient to
- 200           transact any business before the Commission. If a quorum is not present, the Chair shall call the
- 201           meeting to order, announce the lack of a quorum, and adjourn the meeting.
- 202           6.     Work Sessions
- 203           Work sessions are meetings in which the Commission may discuss matters at greater length or
- 204           obtain additional background information on issues that will be coming before it. The
- 205           Commission shall take no vote during work sessions, except to give directions to Staff regarding
- 206           the presentation of options for future consideration. Regular work sessions are as follows:
- 207           A regular work session of the Western Weber Planning Commission shall be held on the second
- 208           Tuesday of each month, at the end of the regular meeting.
- 209           A regular work session of the Ogden Valley Planning Commission shall be held on the first
- 210           Tuesday of each month at the hour of 5:00 p.m.
- 211           No pre-meeting is held before a work session. If necessary, a special meeting may be called and
- 212           held together with the regular work session, to allow consideration of an application or other
- 213           matter requiring Commission action. Additional work sessions may be held as part of regular or
- 214           special Commission meetings or may be called separately in the same manner as a special
- 215           meeting.
- 216           7.     Open Meetings Law
- 217           All meetings of the Planning Commission, including pre-meetings and work sessions, shall be
- 218           open to the public and shall be noticed in conformance with the requirements of the Open and
- 219           Public Meetings Law of the State of Utah.
- 220
- 221

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

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

226 1. Order of Business

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

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

249 2. Agenda for Meetings

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

254 3. Approval of Minutes from Prior Meetings

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

259 4. Consent Agenda

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

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

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

287 5. Deadline for Agenda

288 Requests to be on a Planning Commission agenda shall be filed 45 days prior to consideration by  
289 the Planning Commission. The Planning Staff shall certify completeness of requests. Certified  
290 requests which have been filed in a timely manner shall be placed on the agenda. The deadline  
291 may be waived by the Planning Director if he/she determines that good cause exists for waiving  
292 the deadline, the application is complete, and Staff has sufficient time to analyze the request,  
293 adequately prepare a Staff Report and give proper notice.

294 6. Special Order of Business

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

297 **E. ORDER AND DECORUM**

298 1. Order of Consideration of Items

299 The following procedure will normally be observed; however, it may be rearranged by the Chair  
300 for individual items, if necessary, for the expeditious conduct of business:

- 301 (a) Chair introduces item;
- 302 (b) Staff orients the project (type of use and decision, criteria and standards to be applied,  
303 location, zoning, etc.);
- 304 (c) Applicant or applicant's agent explains the proposal and presents supporting evidence;
- 305 (d) Staff reports on staff recommendations;
- 306 (e) If it is a public hearing, then other interested people may comment;
- 307 (f) Planning Commission members may question staff, applicant, or others on all the above;
- 308 (g) Applicant's rebuttal if requested;
- 309 (h) Closing of the public hearing, if applicable;
- 310

- 311 (i) Concluding comments of Staff or Staff summary and recommendations;  
 312 (j) The Planning Commission makes its decision, following the processes described below.
- 313 2. Consideration of Items
- 314 All parties shall have an opportunity to be heard, to present and rebut evidence before an  
 315 impartial tribunal, to have the proceedings recorded, and to have a decision rendered in  
 316 accordance with the facts on record and the law.
- 317 The Chair of the Planning Commission shall have authority to:
- 318 (a) Regulate the course and decorum of the meeting.  
 319 (b) Address procedural requests and similar matters.  
 320 (c) Set reasonable time limits for individual public input, oral presentations, questions,  
 321 rebuttal information, and discussion.  
 322 (d) Question any person appearing, and allow other members to question any such person.  
 323 (e) Waive, at his/her discretion, the application of any rule herein where the circumstances  
 324 of the meeting indicate that it would be expedient and proper to do so, provided that  
 325 such waiver does not act to prejudice or deny any party his/her substantial rights as  
 326 provided herein or otherwise by law.  
 327 (f) Take such other action as authorized by the Planning Commission to appropriately  
 328 conduct the meeting.
- 329 A ruling of the Chair may be challenged by any member of the Planning Commission present at  
 330 the meeting. The challenge must be seconded. A ruling may be reversed by a majority of the  
 331 members present and voting. A tie vote upholds the Chair's decision.
- 332 3. Conduct of Persons before the Commission
- 333 Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or  
 334 exclude from the meeting anyone who:
- 335 (a) Is disorderly, abusive, or disruptive.  
 336 (b) Takes part in or encourages audience demonstrations such as applause, cheering,  
 337 display of signs, or other conduct disruptive to the meeting.  
 338 (c) Comments without first receiving recognition from the Chair and stating his/her full  
 339 name and residence.  
 340 (d) Presents irrelevant, immaterial, or repetitious evidence.
- 341 Persons making presentations or providing comments to the Planning Commission shall address  
 342 the Commission from the podium or microphone and not from the audience; shall address all  
 343 comments to the Planning Commission; and may not directly question or interrogate other  
 344 persons in the audience.
- 345 4. Questions and Comments by Commissioners
- 346 During all meetings, the Chair shall maintain order when Commissioners are discussing items,  
 347 both with each other and with other people. A Commissioner who wants to make a comment or  
 348 ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair  
 349 consents, then the Commissioner may make the comment or ask the question. The Chair may  
 350 choose to allow a continuing line of discussion without the need for Commissioners to seek  
 351 recognition before each question or comment, but the Chair must ensure that discussions  
 352 remain appropriate and relevant to the matter at hand, and may at any time require  
 353 Commissioners to obtain recognition from the Chair before further questions or comments.
- 354

355 **F. PROCEDURE - MOTIONS**

356 **1. Motions—Typical Process**

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

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

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

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

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

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

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

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

381 i. Voting

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

385 ii. How a Motion Passes

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

388 iii. Tie Votes

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

395 iv. Voting or Changing a Vote After Decision Announced

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



- 398 v. Commission Members Required to Vote - Late Arrival  
 399 No member may abstain from voting unless there is a conflict of interest, except  
 400 as noted below. A member entering the meeting late, but any time before the  
 401 final vote is taken, may vote. A member who has not been present during the  
 402 discussion of any matter and feels that he/she has insufficient information on  
 403 which to act may abstain.
- 404 vi. Explaining Vote  
 405 After the vote is taken, any member of the Commission desiring to explain  
 406 his/her vote shall be allowed an opportunity to do so.
- 407 vii. Not to Vote Unless Present  
 408 No member of the Commission shall vote on any question unless the member is  
 409 present when the vote is taken. Voting by proxy shall not be allowed.

410 2. Additional Options After a Motion Is Made

411 (a) Withdraw or Modify a Motion Before the Motion Is Stated

- 412 i. When a motion has been made but not yet stated by the Chair, whether or not  
 413 it has been seconded, it can be withdrawn by the mover by simply notifying the  
 414 Chair that he/she withdraws the motion.
- 415 ii. When a motion has been made but not yet stated by the Chair, whether or not  
 416 it has been seconded, the mover can modify his/her motion. To do so, the  
 417 mover notifies the Chair that he/she modifies the motion and what the  
 418 modification is.
- 419 iii. Modifying a motion after it has been seconded cancels the second. A new  
 420 second is required for the modified motion to proceed to discussion and a vote.
- 421 iv. Before a motion is stated by the Chair, any member may suggest that the mover  
 422 withdraw or modify his/her motion, but only the mover may do so. If the  
 423 motion is seconded and not modified or withdrawn, the Chair must state the  
 424 motion and call for discussion.
- 425 v. After the Chair states a motion, it is the property of the Commission. It can be  
 426 withdrawn or amended only by an additional motion, as described below.

427 (b) Motions in Order During Debate

428 After a motion has been stated and is open for discussion, no additional motion shall be  
 429 received except the following:

- 430 i. To fix the time to adjourn (requires a second but is not debatable)  
 431 ii. To adjourn (requires a second but is not debatable)  
 432 iii. To postpone to a specified time (requires a second and is debatable)  
 433 iv. To withdraw the original motion
- 434 (1) Only the member who made the original motion can make this request.  
 435 (2) The first step is for the mover to notify the Chair of his/her request to  
 436 withdraw the motion. The Chair shall announce that the mover has  
 437 made this request and shall ask for unanimous consent. If no member  
 438 objects, then the Chair shall declare the original motion withdrawn.  
 439 (3) If a member objects, then the request to withdraw is considered denied;  
 440 however, at that time, the mover may make a formal motion to

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

(a) Motions to Deny

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

(b) Motion to Reconsider

A motion to reconsider a previous decision 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, as long as the main motion was debatable. It can be made to a vote that was either affirmative or negative. A motion to reconsider 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.

**G. DOCUMENTS OF THE COMMISSION**

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

**H. AMENDMENT**

Any person may propose an amendment to these Rules of Order. The person shall present the proposal to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14 days after the meeting in which the initial proposal was made. The regular rules for quorums, motions, and voting apply.

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

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

Effective Date: \_\_\_\_\_  
\_\_\_\_\_

Effective Date: \_\_\_\_\_  
\_\_\_\_\_

Ogden Valley Planning Commission

Western Weber Planning Commission