



PLANNING MEETING AGENDA

December 07, 2010
5:00 p.m.

**Pledge of Allegiance*

**Roll Call*

1. Minutes: Approval of the October 26, 2010 meeting minutes

Regular Agenda:

2. Old Business:
ZP 2010-04 Consideration and action on a request to amend the Eden Blacksmith Shop's Conceptual Development Plan within the Zoning Development Agreement that was previously approved as part of Ordinance 2008-17 and amended as part of Contract 2010-100 (Horseshoe LLC, Applicant; Delaney Stevens, Agent)

3. New Business:
3.1. ZO 2010-10 Consideration and action on a request to amend the Commercial Valley Zones (CV-1 and CV-2) by allowing a zero front yard setback. Currently the zoning ordinance requires a 50-foot setback on streets and highways of 80 ft. or wider (Horseshoe LLC, Applicant; Delaney Stevens, Agent)

3-2. ZO 2010-11 Consideration and action to add dog kennel as a conditional use to the Residential Estates RE-15 Zone (Tamara Hart, Applicant)

3.3. CUP 2010-22 Consideration and action on a request for approval of a Conditional Use Permit to establish a Conference/Education Center (ATK Aerospace Systems, Applicant)

4. Public Comments:

5. Planning Commissioner's Remarks:

6. Staff Communications:

6.1. Planning Director's Report:

6.2. Legal Counsel's Remarks:

Adjourn: **Adjourn to Convene a Work Session**

Work Session Agenda Items:

Discussion Planning Commission Handbook/Annual Rules of Order Review

Adjournment

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.
A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



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

Minutes of the Ogden Valley Township Planning Commission meeting held October 26, 2010, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Roll Call.

Present: Greg Graves, Chair, Gary Allen, Jim Banks, John Howell, Kevin Parson, William Siegel. Laura Warburton

Staff Present: Rob Scott, Director, Jim Gentry, Asst. Director, Sean Wilkinson, Planner, Scott Mendoza, Planner, Iris Hennon, Planner, Monette Hurtado, Legal Counsel, Sherri Sillitoe, Secretary

Pledge of Allegiance

Roll Call

Minutes

1. Approval of the October 05, 2010 meeting minutes

Chair Graves declared the October 05, 2010 meeting minutes approved.

Consent Agenda

2-1. CUP 19-2010 Consideration and action on a request for approval of a Conditional Use Permit to establish a private recreation ground for construction of a picnic bowery in the Monte Cristo area; G E Marriott Investment Limited Company, Applicant

MOTION: Commissioner Siegel moved to approve Consent Agenda Item 2-1 subject to all staff and agency recommendations. Commissioner Parson seconded the motion. A vote was taken and Chair Graves indicated the motion carried (7-0).

Regular Agenda

New Business 3-1. CUP 2003-12 Consideration and action on a request to amend the Edgewater Beach Resort PRUD site plan by rearranging several buildings, eliminating one 12-plex and one 6-plex, adding five single family dwelling units, reducing the total number of units from 166 to 153, and changing the approved landscape plan; Celtic Bank, Applicant

Sean Wilkinson presented a report and indicated that The Edgewater Beach Resort PRUD was approved as a conditional use in 2003 (CUP 2003-12). Since that time, the Planning Commission and County Commission have made minor amendments to the original approval. The applicant is now requesting a major amendment to the existing approval. The parking numbers have been reduced based upon the density reduction.

This major amendment resembles the approved site plan, but several buildings are being rearranged, one 12-plex and one 6-plex are being eliminated, five single family dwelling units are being added on the north side of the project, the overall project density is being reduced from 166 to 153, and the number of trees on the landscape plan is being reduced.

With the reduction in density, the parking requirements were reduced. The Zoning Ordinance requires 1.75 spaces per unit which rounds up to 268 required parking spaces. The amended site plan shows a total of 321 spaces (161 underground, 150 open, 10 for single family dwellings) compared to 358 on the approved site plan. The amended number appears to be sufficient for residents, visitors, and commercial uses. All of the buildings have 12 underground parking spaces except for the existing 4-plex, Building 5 which is shown as a 12-plex with open parking, and the single family dwellings which will have their own garages. While the number of parking spaces is sufficient, staff recommends that the open parking spaces be specifically designated for residents or visitors on a site plan as each phase of the project progresses. Each parking space must have a minimum area of 180 square feet exclusive of any sidewalk areas.

A new phasing plan was submitted and the only issue staff had was if the amenities should be located in earlier phases of the project. The approved landscaping plan shows 367 trees compared to 159 trees on the amended site plan, which is a difference of 208. The landscape designer eliminated the trees to retain and improve the views to the reservoir and Snowbasin. The developer's landscape engineer indicated that the main reason for eliminating some of the trees was based on the views.

Sean Wilkinson referred the members to the "Summary of the Planning Commission Considerations" in the staff report.

Staff recommends that the Planning Commission recommend approval of the proposed amendments to the County Commission, if adequate answers are provided to the questions listed under "Summary of Planning Commission Considerations." If adequate answers are not provided, staff recommends tabling this item to allow the applicant time to provide adequate answers to the Planning Commission's questions.

Commissioner Siegel indicated that the pictures do not reflect that probably the lowest part of this is on the north side of the road and then looking across to the south, going up Snowbasin Road becomes a significant grade. The large ridge in the way and probably blocks a significant portion of Mount Ogden. Now if the concern was that they would not be able to see Snowbasin because of Ski Lake, the trees should have been removed then he does not believe that was a good argument for removing the trees.

Commissioner Warburton clarified that it is not an option for the Planning Commission to deny the project as there is already an existing approved site plan.

Commissioner Howell indicated that the fire department was concerned about the dead-end road coming out to the gravel lane and he asked if the gravel lane was large enough for development. Sean Wilkinson replied yes and that it is a county dedicated road.

Brandi Hammond, the real estate representative for Celtic Banks on this project, indicated that the bank has decided to develop with single family dwellings with a reduced maximum height of 25 ft. They are in agreement to reduce some of the grass area. There is a 150 ft. setback, which was not required in the zone, but it is a nice feature. They can do some transitional areas in the project. The surveyor asked if they should vacate 6300 E, which is a dirt road.

Commissioner Warburton stated that with her question is that with any PRUD there is such a risk of it ending up empty and she wonders how feasible it would be to sell 4500 sq. ft. homes next to the condos. Brandi Hammond indicated that lake-front properties are still very desirable. The dwellings will be limited to 25 ft. in height and they will probably increase landscaping to give it more of a privacy feeling. In answer to a question by Commissioner Warburton, Mrs. Hammond indicated that the condotel is included in the last phase. Commissioner Warburton indicated that she would to see a letter from a landscape architect to make sure whatever happens is in compliance with Zoning Ordinance Chapter 18C.

Commissioner Howell asked how large the five lots that face north are and Mrs. Hammond indicated that they are .5 acre.

Commissioner Siegel indicated that they felt the tennis court was an attractive feature in the original approval. With the new plan, there will be a dwelling near Fowers' property and they did not want development near that property. Ms. Hammond indicated that tennis courts do not get much usage so they moved the 6-plex where the tennis courts to get it away from the house and made it an 8-plex but did not increase the height.

Commissioner Banks indicated if they have approved water letters for the units. Brandi Hammond indicated that there are ongoing negotiations and the water both culinary and secondary and sewer issues will be addressed in the future.

Chair Graves indicated that there is a canal which goes through the property that the developer would be required to maintain. Brandi Hammond indicated that they are aware of the canal. Chair Graves said a different type of pipe than what was approved was installed.

Commissioner Warburton asked for further clarification of the road issue. Brandi Hammond indicated that as it stands now, the road is a dedicated road.

No public comment was offered

MOTION: Commissioner Warburton moved to table CUP 2003-12 until they have further information on the road, letter from the landscape architect justifying eliminating the number of trees, that the applicant submits an expanded elevation to the top of the ridge and that the applicant look at the possibility of swapping the 6-plex where the tennis court was eliminated with Building 11 so there is single family dwelling in that spot which would have a smaller footprint. Commissioner Parson seconded the motion

DISCUSSION: Commissioner Graves indicated his concern that the original plan was approved with little development on the west side and with a tennis court proposed as a transition buffer. The new proposal fills that gap with a building and he does not recommend it. The idea was to keep the height limited to 25 ft. and not to create another wall on the west side so there is more of a buffer between this development and the farm next door. He does not want to see them wall the west side.

Commissioner Warburton indicated that hopefully the screening would cover more of the west side. She suspects that the proposal does not meet Chapter 18C and she would like verification that it does. Commissioner Parson agreed with the landscaping used as screening.

Commissioner Warburton asked if a parking lot would be better located in the area where the tennis court was to be located. Sean Wilkinson indicated that the proposed parking numbers are sufficient. Chair Graves indicated that one possibility is to switch Building 11 so there is single family dwelling in that spot which would have a smaller footprint. Commissioner Parson agreed with Chair Graves.

Concern is to move higher density on the west side to the east side. Chair Graves indicated that his preference is to keep the proposed trees and possibly move them to the east side as a screen. In addition, he would like to see a commitment that the applicant adds the amenities in the second phase or third phase.

Monette Hurtado indicated that the Fire District would not approve BBQ's on the individual patios.

Chair Graves indicated that he would suggest that the applicant looks at concentrating the sod in the property's interior and transition to the outside with native grasses.

Commissioner Howell indicated that a picnic pavilion could be located in the eliminated tennis court area.

VOTE: A vote was taken and Chair Graves indicated that the motion carried (7-0) with Commissioners Allen, Banks, Howell, Parson, Siegel, Warburton and Chair Graves all voting aye.

3-2. UVS 082807 Consideration and action on a request for final approval of The Sanctuary (6 Lots), located east of Green Hill Country Estates Phase 6 past the end of Maple Drive; Timothy Charlwood, Applicant

Sean Wilkinson presented a staff report and indicated that while each of the lots The Sanctuary consists of 6 lots on 521 acres and lies in an F-40. While each of the lots has at least 40 acres, the majority of the property is steep and unable to be developed. Each of the lots has a building pad for a dwelling and an accessory building shown on the plat. These building pads exceed the 75 x 100 foot requirement, but several of the building pads do not meet the setback requirements. On lots 2 and 6 the accessory building pad needs to be at least 40 feet from the side property line, which can easily be done. On Lot 1 both of the building pads need to be moved to meet lot and stream corridor setbacks. A 75 x 100 foot building pad for the dwelling could fit within the required setbacks, but the accessory building pad would have to be significantly reduced or eliminated. If the building pads cannot be shown on this lot, it will be designated as a restricted lot and the future structures will be required to go through a hillside review process. The Planning Commission should ask the applicant to decide what will be done with this issue. The building pads on lots 3, 4, and 5 meet the necessary requirements.

The Planning Commission may want to discuss fencing provisions for the subdivision. Staff recommends final approval of The Sanctuary, subject to review agency requirements. Sean Wilkinson indicated that only one home would be built on each lot.

Commissioner Siegel indicated he had a concern about Lot 4 where the building envelope would be located due to the contour lines. He believes that the best location for the envelope is where the contour lines reduce. Sean Wilkinson indicated that if the building envelope falls within the ridgeline restrictions, the home could still be built there with additional restrictions.

Commissioner Warburton asked what guarantees do they have that future owners would not change things that could cause an avalanche. What guarantee do they have that there would not be fences or gates along the trails. Sean Wilkinson indicated that the trails would be private trails. The applicant's CC&R's could address fencing of trails. The length of the cul-de-sac can be discussed by the Planning Commission because it is in a mountainous area.

Commissioner Siegel indicated Building Lot on top of Lot 4, which is right on the top of the hill, is a concern to him. Tim Charlwood, applicant, indicated that Lot 4 is a huge lot and he does not perceive any issues with the proposed building area. Commissioner Siegel asked if the wind could be a problem for Lot 4 and Mr. Charlwood indicated that he did not believe so.

Elsa Spencer indicated that she has done a lot of hiking in the area. Her concern is that the building on Lots 4, 5 & 6 that they hold to the Sensitive Lands Ordinance of keeping earth tones, not have reflective glass, etc. to keep with the rural atmosphere.

MOTION: Commissioner Parson moved to approve subject to all staff and agency recommendations. Commissioner Banks seconded the motion

VOTE: A vote was taken and Chair Graves indicated that the motion carried (7-0) with Commissioners Allen, Banks, Howell, Parson, Siegel, Warburton and Chair Graves all voting aye.

3-3. ZO-2010-09 Consideration and action to amend Chapter 34 Home Occupation of the Weber County Zoning Ordinance

Iris Hennon presented a staff report, which answered the questions the Ogden Valley Planning Commission and the Western Weber County Planning Commissions have had.

The Western Weber County Township Planning Commission felt that a resident with homegrown produce should be allowed to do so without the application of a business license.

Regarding home occupations in the garage, the Building Official indicated that it changes the occupancy of the garage and would require upgrade costs.

Ms. Hennon handed out an article in the Monday, October 18, 2010 newspaper regarding a home occupation request in North Ogden City for auto body repair in a single-family home garage.

The County Commission would like to see 34-3-12 language remain with one additional sentence.

Western Weber County Township Planning Commission asked staff to research allowing employees with home occupations. The consensus of numerous Utah Planners was "No," employees should not be allowed other than the residents of the home. In addition, interior alterations shall be subject to building inspection requirements.

Commissioner Warburton indicated that farmers markets are not allowed in the CV-1 and CV-2 Zone at present. Iris Hennon indicated that staff could propose amending those zones to allow a farmers market.

Staff has revamped the home occupation section of Chapter 34. They have also included and categorized temporary vendors with accompanying regulations.

Commissioner Warburton asked various questions for better understanding of the proposed ordinance amendments.

Monette Hurtado said she has a concern of stating "the average neighbor" as there is no case law to back the requirement. They do not like to add discretionary language in their ordinance.

Commissioner Parson and Commissioner Siegel thanked Ms. Hennon for her research in drafting the proposed changes.

Steve Clarke indicated his question has to do with the definition of home occupation and tradesman who park their work trailers at their homes. Ms. Hennon indicated that they have a lot of contractor's operating their business from their homes. Under 34-B-12 they have allowed them one vehicle on their site to store their equipment. Mr. Clarke indicated that he calls them a tradesperson who works at the direction of a contractor. He is concerned that work trailers would not be allowed to be parked at a subcontractor's home. Chair Graves indicated they could state "trailer limited to that which can be pulled by the one-ton truck." Also, wording could be added that no more than a double axel trailer that could be pulled by the one allowed vehicle.

MOTION: To recommend to the County Commission to approve ZO – 2010-09 as presented by staff and subject to the proposed language amendments as discussed in this meeting. Commissioner Banks seconded the motion. A vote was taken and Chair Graves indicated that the motion carried (6-1) with Commissioners Banks, Howell, Parson, Siegel, Warburton and Chair Graves voting aye and Commissioner Allen voting nay.

4. Public Comments

5. Planning Commissioner's Remarks

6. Staff Communications

6-1. Planning Director's Report

The County Commissioners held a public hearing for the Snowbasin Zoning Petition and they requested that staff work with the legal department and Snowbasin for a zoning development agreement.

The next work session is scheduled for 5:00 p.m. on November 2, 2010. The next regular meeting is tentatively scheduled for November 30, 2010.

6-2. Legal Counsel's Remarks

7. Adjourn - There Being No Further Business, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request to amend the Eden Blacksmith Shop's Conceptual Development Plan within the Zoning Development Agreement that was previously approved as part of Ordinance 2008-17 and amended as part of Contract 2010-100.
Agenda Date:	Tuesday, December 07, 2010
Applicant:	Delaney Stephens; Agent, representing Horseshoe LLC
File Number:	ZP 2010-04

Property Information

Approximate Address:	2145 North 5500 East
Project Area:	1.31 acres
Zoning:	Commercial Valley-2 (CV-2)
Existing Land Use:	Single-family dwelling and historic blacksmith shop
Proposed Land Use:	Professional office and retail space
Parcel ID:	22-047-0040
Township, Range, Section:	T7N R1E Section 34

Staff Information

Report Presenter:	Sean Wilkinson swilkinson@co.weber.ut.us 801-399-8765
Report Reviewer:	JG

Background

The applicant is requesting an amendment to the Blacksmith Village Conceptual Development Plan that is part of a Zoning Development Agreement (ZDA) previously approved as Weber County Ordinance #2008-17 and amended as Contract #2010-100. See Exhibit "D" for the current ZDA, renderings, conditions of approval, and exhibits. The proposal was initially submitted in July of 2007 and heard by the Ogden Valley Planning Commission on August 28, 2007 and again on March 25, 2008. The Weber County Commission, after receiving a favorable recommendation from the Planning Commission, approved the rezone and original Zoning Development Agreement on May 6, 2008. Approval of an amended conceptual development plan for the ZDA was recommended by the Planning Commission on April 27, 2010 and granted by the County Commission on May 11, 2010. A site plan for Phase 1-A including the blacksmith shop, the new building attached to the blacksmith shop, and the parking lot was approved by the Planning Commission on May 25, 2010. The required completion date for the overall Blacksmith Village development is June 23, 2013.

Since the approval of Contract #2010-100 for the amended conceptual development plan and the Phase 1-A site plan earlier this year, the owner of the property has identified certain design elements that he feels should be changed within the project to improve the design of the first phase and give better design options for future development. The proposed amendments require a recommendation from the Ogden Valley Planning Commission to the Weber County Commission, which acts as the Land Use Authority for zoning decisions. The proposed amendments are listed below:

1. Building B, also known as the "sister building" to Building A (attached to the blacksmith shop) will now be built as part of Phase 1. The applicant believes that these two buildings together will complement the Eden Park, create a town center concept, and act as a traffic calming element. Both buildings are shown with a minimal front yard setback from the street.

Planning Staff Analysis: Including Building B in Phase 1 is a better design than the current conceptual plan. This new design creates a desirable entry into the Blacksmith Village development and brings the project closer to completion in the first phase. This new design will increase walkability between this development, the Eden Park, and the other commercial businesses nearby. The minimal front yard setback is still an issue at this time, but the applicant has submitted a zoning ordinance amendment application that would allow zero front yard setbacks for certain commercial areas in the Ogden Valley. This application will also be reviewed by the Planning Commission on December 7th. If the

Planning Commission agrees with the amended ordinance language, then this portion of the amended conceptual site plan should be approved.

2. The plaza area to the rear of the blacksmith shop will be reduced in size to accommodate a new 10 stall parking area.

Planning Staff Analysis: Staff does not support completely eliminating the plaza area behind the blacksmith shop from the site plan. The applicant has addressed staff's concerns by maintaining a smaller plaza area with a pergola as a gathering place. The plaza will be connected to Building C by a pathway on the northern edge of the new parking area.

Although the new parking area reduces the size of the plaza, it is necessary to provide adequate parking for Building B in Phase 1. Due to the added cost of constructing Building B as part of Phase 1, the applicant wants to provide adequate parking, but does not want the expense of constructing the entire parking lot for the project. This new parking area could also be expanded to the north property line as access to the adjacent parcel if future development were to take place there.

3. Building C has been increased in size by approximately 300 square feet and no longer has a rectangular design. The new conceptual plan shows more of a square building with several prominent features. The south facing (front) portion of the building is shown in Exhibit C. The building was moved further to the west to accommodate the new parking area for Building B.

Planning Staff Analysis: The new design of Building C is similar to Buildings A and B and the planning staff has no concerns with its new location. Appropriate setbacks from the north property line will be required at the site plan design review.

Phasing for the project is now proposed in two phases. Phase 1 is requested to include renovation of the blacksmith shop, construction of the building attached to the south side of the blacksmith shop (Building A), construction of the "sister building (Building B) and installation of Phase 1's landscaping and parking. Phase 2 is requested to include construction of the restaurant building (Building C) located west of the blacksmith shop and new parking area, and the remainder of the parking and landscaping. Parking for the overall project has been reduced from 56 to 46 stalls with 18 located in Phase 1. Adequate parking for the uses in the buildings will be addressed at the site plan design review.

Summary of Planning Commission Considerations

- Is the project layout and Building C design consistent with the character of this historic site?
- Is the revision compatible with adjoining properties?
- Does the Ogden Valley Planning Commission consider the above described revisions to be an improvement and/or more desirable than the previously approved conceptual development plan?

Conformance to the General Plan

The Ogden Valley General Plan has specifically identified the Blacksmith Shop as a historical resource that contributes to Ogden Valley's charm, character and rich cultural heritage; therefore, an amendment to the Conceptual Development Plan that is historically compatible and supports the preservation of the Blacksmith Shop, is in conformance to the General Plan.

Conditions of Approval

- Conditions, limitations and uses as listed in Exhibit "C" of the Amended Zoning Development Agreement. The Amended Zoning Development Agreement has been recorded in the Office of the Weber County Recorder as Entry #2472161.
- All building control systems and mechanical equipment shall be located within or on top of new commercial buildings.
- All new buildings shall be constructed in a location that meets all applicable setback standards in place at the time of construction. The proposed Concept Development Plan shows Building B, located to the south of the Blacksmith Shop, as encroaching into the current front yard setback.
- In the event that future commercial development occurs on adjacent properties, the petitioner agrees to provide a "cross access" easement through the rear parking area and the new parking area in Phase 1. A "cross access" easement can provide safe and convenient vehicular/pedestrian traffic circulation.

Staff Recommendation

The Weber County Planning Staff recommends approval of the revised concept development plan; however, this recommendation for approval does not include the request for an unlimited timeframe for project completion. The Planning Staff is recommending that the expiration contained in the original Zoning Development Agreement be retained. The project completion date is June 23, 2013.

Exhibits

- A. Petitioner's Request Letter
- B. Amended Conceptual Development Plan
- C. Existing Conceptual Development Plan
- D. Existing Zoning Development Agreement

Map

Adjacent Land Use

North: Single-Family Residence
East: Eden Park

South: Vacant Parcel
West: Agricultural Land

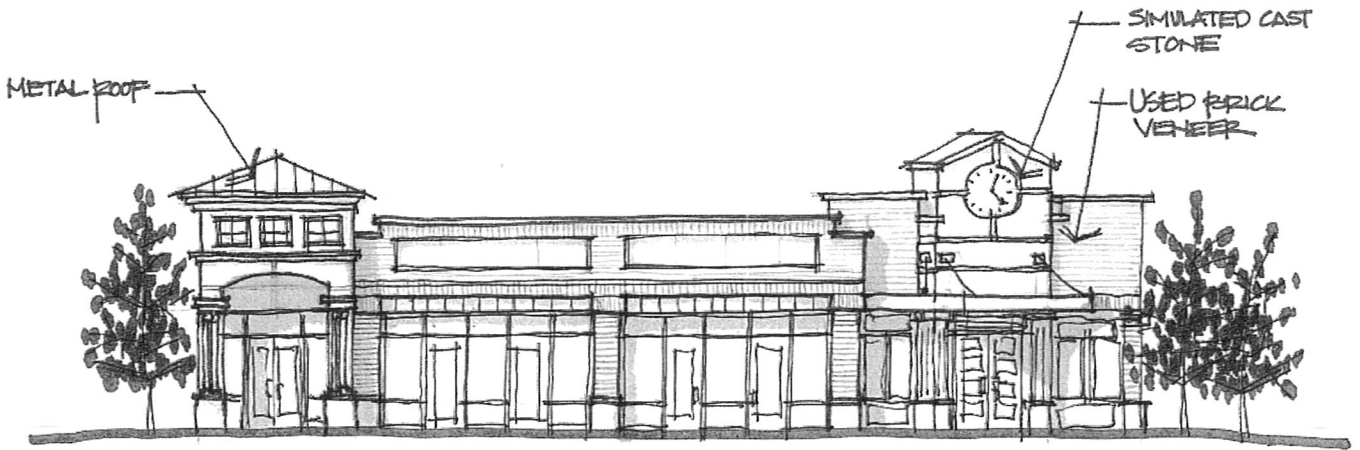
Image 1: Approximate location of Blacksmith Village located at 2145 North & 5500 East



Image 2: Proposed Blacksmith Shop, Addition (Building A), and "Sister Building" (Building B)



Image 3: Proposed Elevation of Building C



SCHEMATIC ELEV. BLDG. C-PHASE II
BLACKSMITH VILLAGE
EEDEN, UTAH
VANZEBEN ARCHITECTURE



October 25, 2010

Weber County Planning Department
Attn: Ben Hatfield
2380 Washington Ave.
Ogden, Utah 84401

SUBJECT: Blacksmith Village
Revisions to Site Plan and setback modification request

Dear Ben,

This letter is in response to our request to modify the zoning map to allow a change of the setbacks for the Blacksmith Village, revisions to the site plan for the Blacksmith Village, and new phasing plan. These revisions modify the plan originally submitted with the approved zoning change. As the design process has continued we believe that these changes improve the design of this Phase of the project and give better design options for future considerations.

The modifications to the site plan include construction of Building A (adjacent to the blacksmith shop), renovation of the blacksmith shop, and construction of Building B, which is the "sister" building to building A. The construction of both buildings in phase 1 allows the completion of the street side of the development on State Road 166 (5500 East) facing Eden park.

The revised site plan design gives more consideration to the park and the existing commercial areas around the park. If in the future, as we have discussed, and as development in the upper valley proceeds, we believe the conceptual site plan is consistent with the original layout of the park and the general plan's commercial node at the park. We believe the layout of the revised plan is consistent with the original intent of the town center concept, focused on a city park, with a vibrant, walking, commercial area. Orienting the fronts of building to the street and park allow compatible building designs on all sides, while increasing the potential for traffic calming elements in this area.

The revised site plan is contained in the current approved commercial zoning, and gives due consideration to potential future expansion.

We are proposing a **ph**ased development. Consistent with the **re**quirements of the zoning approval we are proposing Phase 1 to include construction of the office building (Building A) attached to the south side of the blacksmith shop, renovation of the blacksmith shop, and construction of Building B, and associated site work including parking and landscaping required for these buildings. Phase 2 will include the construction of the new building (Building C) west of the Blacksmith shop with connected gathering areas at the Blacksmith shop and Building C, and the balance of the site parking and landscaping.

In order to construct Building B, which location was previously approved by the planning commission a modification of the setback in this area and zone is required. Refer to application for description and justification of setback modification.

We appreciate the positive conversations we have had with the planning staff and your consideration of this revised site plan.

Sincerely,

VanZeben Architecture

A handwritten signature in black ink, appearing to read 'Dan J. VanZeben', written over a horizontal line.

Dan J. VanZeben, AIA
Principal Architect

Exhibit B



PROJECT NO: 07035
 NUMBER: TCC-343-VY
 CHECKED BY: DJV
 REVISIONS:

OWNER: HORSESHOE LLC
 PROJECT: BLACKSMITH VILLAGE PHASE 1
 LOCATION: 2145 NORTH 5500 EAST, EDEN, UT 84701
 © 2016 ManGreen Architecture. This drawing shall not be reproduced without consent of ManGreen Architecture, nor shall it be used for any project other than the originally intended project.

SITE PLAN

SHEET NUMBER: AS101
 DATE: 7/30/10

ZONING & PARKING REQUIREMENTS			
ZONING: PHASE I			
ZONING CODE: (MODIFIED BY DEVELOPMENT AGREEMENT)			
BUILDING USE:			
ENTRANCES:			
	YARD	OFFICE / RETAIL	DISTANCE
	FRONT		
	REAR		
	SIDE		
MAX. BLDG. HT:			35 FT.
COVERAGE PHASE I:	AREA	% REQ.	% OF LOT
TOTAL LOT AREA OF PHASE I & II	1.31 ACRES		
TOTAL AREA OF PHASE I	25,095 sq. ft.		4%
EXISTING BLACKSMITH SHOP TO BE RENOVATED	809 sq. ft.		7%
NEW BUILDING A	1,876 sq. ft.		10%
NEW BUILDING D	2,612 sq. ft.		30%
LANDSCAPING	7,387 sq. ft.		49%
PAVING	12,289 sq. ft.		
COVERAGE PHASE II:	AREA	% REQ.	% OF LOT
TOTAL AREA OF PHASE II	32,989 sq. ft.		10%
NEW BUILDING C	3,500 sq. ft.		5%
LANDSCAPING	17,058 sq. ft.		50%
PAVING	12,431 sq. ft.		37%
PARKING MATRIX			
BUILDING AREA			1,876 SQ. FT.
USE:			REQ. STALLS
OFFICE (1,876)	1 PER 200 SQ. FT.		7
RETAIL (1,876)	1 PER 200 SQ. FT.		4
ICE CREAM PARLOR / SANDWICH SHOP (1,200)	1 PER 200 SQ. FT.		5
STALLS REQUIRED			16
STALLS PROVIDED			16

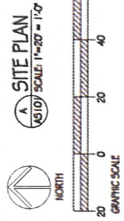
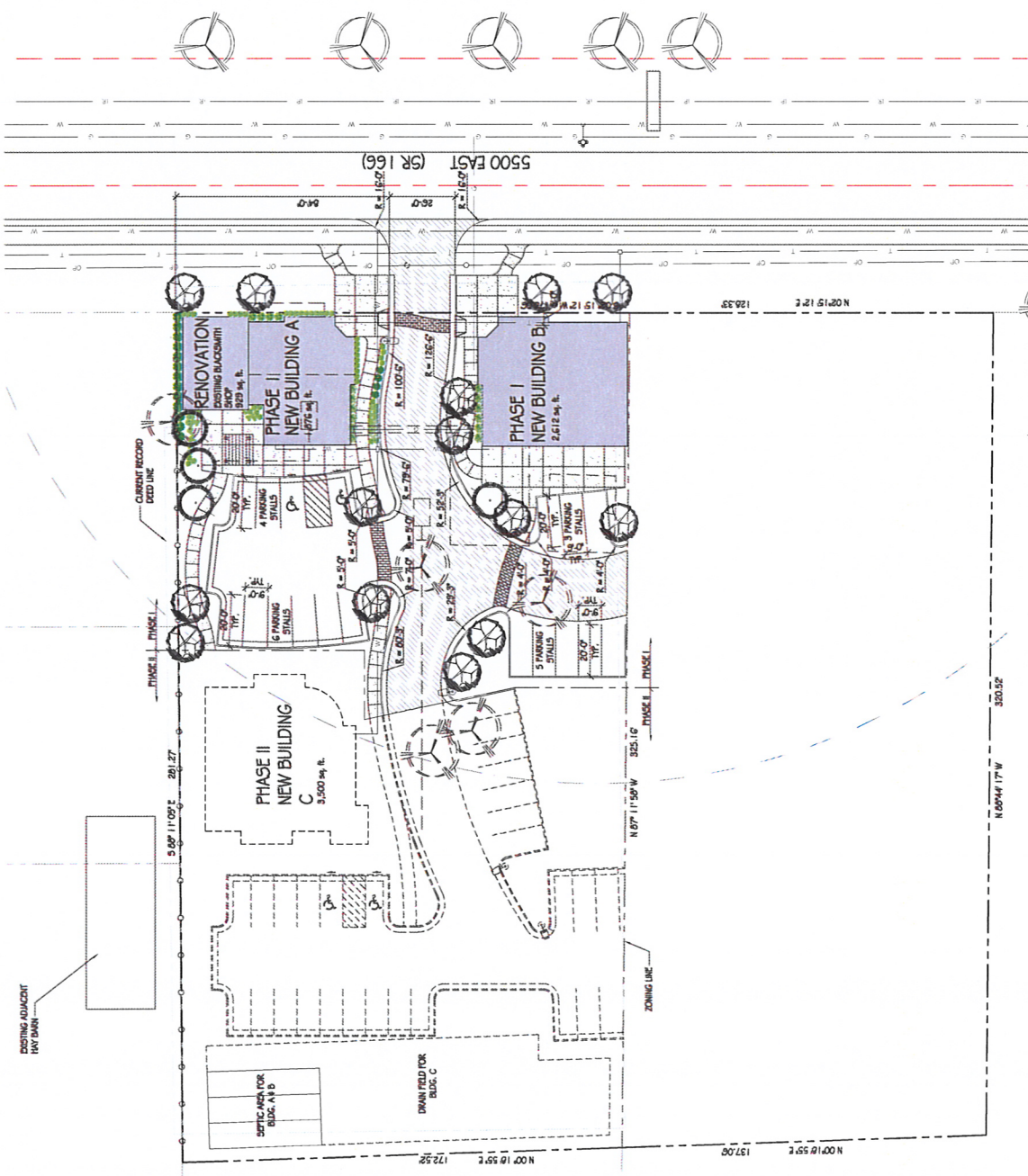
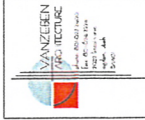


Exhibit C



PROJECT NO: 07035
 DRAWING NO: TCC303JTY
 CHECKED BY:
 REVISIONS:

OWNER: HORSESHOE LLC
 LOCATION: EDEN, UTAH
 PROJECT: BLACKSMITH VILLAGE PHASE 1

PRELIMINARY SITE PLAN
 SHEET NUMBER: AS102
 DATE: 1/12/10



SCALE 1/8" = 1'-0"



Exhibit D

C2010-100
WEBER COUNTY



W2472161

5-11

ZONING DEVELOPMENT AGREEMENT
(AMENDED CONCEPT DEVELOPMENT PLAN)

EN 2472161 PG 1 OF 11
ERNEST D ROWLEY, WEBER COUNTY RECORDER
12-MAY-10 303 PM FEE \$.00 DEP KKA
REC FOR: WEBER COUNTY PLANNING

PARTIES: The parties to this Zoning Development Agreement (Agreement) are Horseshoe LLC ("the petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement will be the date that rezoning approval is granted as outlined below by the Weber County Commission ("the Commission").

RECITALS: Whereas, the petitioner seeks to rezone property generally located at 2145 North and 5500 East within the unincorporated area of Weber County, Utah from Agricultural Valley - 3 (AV-3) and Commercial Valley - 1 (CV-1) to Commercial Valley - 2 (CV-2) for the general purpose of retail and professional space which property consists of approximately 1.31 acres and is more particularly described in EXHIBIT A attached hereto and incorporated herein by this reference ("the property"); and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing the adopted General Plan of all or part of the County; and

WHEREAS, petitioner has requested that certain property be rezoned for purposes of allowing him or his designees to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the petitioner considers it to his advantage and benefit for the County to review his petition for rezoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's General Plan and for the area and the existing land use surrounding the property to be rezoned as described in Exhibit A; and

WHEREAS, the County is desirous of rezoning the property for the purpose of developing the property in the manner outlined to the county but does not feel that the property should be rezoned unless the development that the petitioner contemplates is commenced and completed on the property within an agreed upon reasonable time; and

WHEREAS, it is in the best interests of both the petitioner and the County that in the event the petitioner's project is not commenced, constructed and completed within a reasonable time that the zoning of the parcel described in Exhibit A be rezoned back to the zoning that existed prior to granting petitioners initial rezoning request.

NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will rezone the property described in Exhibit A from Agricultural Valley - 3 (AV -3) and Commercial Valley - 1 (CV-1) to Commercial Valley - 2 (CV-2) for the purpose of allowing the petitioner to construct his conceptually pre-designed project on the subject property.

2. The petitioner will develop the subject property based on the Concept Development Plan and the approved Conditions and Limitations attached hereto and marked as Exhibits B and C respectively. The attached site plan may be refined and modified but the general concept of the plan will not be changed without prior formal approval of the County. The petitioner will begin construction on the designated project described in Exhibit B within 2 years of the date on which final approval of the rezoning petition is granted and will complete the project within 5 years of the rezoning approval date.

3. Petitioner acknowledges that, if the project has not begun or has not been completed within the time frames outlined above, he will request that the property be rezoned from Commercial Valley-2 (CV-2) to Agricultural Valley-3 (AV-3) and Commercial Valley-1 (CV-1) and this document will serve as his request that the property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as depicted in Exhibit B and within the time frame outlined in this agreement.

4. The petitioner agrees that only uses approved as part of this agreement, and more particularly described in EXHIBIT C, will be allowed on the petitioned property as part of a more specific and more detailed Site Plan. No other uses will be approved.

5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed, shall constitute a covenant and restriction, running with the land and shall be binding upon the petitioner/owner his assignees and successors in interest, and shall be recorded in the Office of the Weber County Recorder.

6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.

7. The County will review more detailed development plans and approve/ issue Land Use or Conditional Use Permits based only those uses referred to in item # 4 and site design standards that comply with the Zoning Ordinance provisions.

8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:

a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain Land Use/Conditional Use and Building Permits and complete construction within the time periods specified in this Agreement.

b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.

c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.

9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.

In such a case, the County shall examine the reasons for the default and lack of progress or proposed major change of plans, and either approve an extension of time or major change to the concept plan or initiate steps to revert the zoning designation to its former zone.

10. The parties may amend or modify the provisions of this Agreement and/or the concept development plan only by written instrument and after considering the recommendation of the County Planning Commission which may hold a public hearing to obtain public input on the proposed amendment or modification if deemed warranted.

11. This Agreement with any amendments shall be in full force and effect according to this approved Zoning Development Agreement until the property covered herein has been reverted to its former zone designation as a result of default.

12.Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.

13.In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.

14.This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Documents Attached:

- Exhibit A (Commercial Zoning Description)
- Exhibit B (Concept Development Plan)
- Exhibit C (Conditions, Limitations and Uses)

Approved by the parties herein undersigned this 12 day of May, 2010.



 Developer

INDIVIDUAL ACKNOWLEDGMENT

State of Utah)
ss
County of Weber)

On the _____ day of _____ A.D. 20__

personally appeared before me _____

the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

Notary Public

Residing at: _____, Utah

**

CORPORATE ACKNOWLEDGMENT

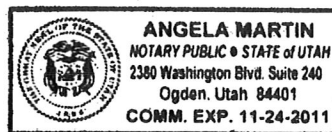
State of Utah)
ss
County of Weber)

On the 12 day of May A.D. 2010

personally appeared before me Dehney Stephens duly sworn, did say that he/she is the Representative of Horse Shoe LLC, the corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.

Angela Martin
Notary Public

Residing at:



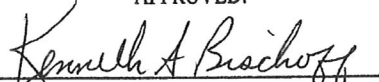
APPROVED AS TO FORM:

Richard L. [Signature] 5/11/10
Weber County Attorney Date

Zoning Development Agreement

Page 5

APPROVED:



Chairperson, Weber County Commission

ATTEST:



Weber County Clerk

Exhibit A

Parcel #: 22-047-0040
Blacksmith Shop Commercial Zoning Description:

BEGINNING AT A POINT 13.05 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 0.09 CHAINS; THENCE SOUTH 88D30' EAST 0.83 CHAINS; THENCE SOUTH 1D30' WEST 171.00 FEET; THENCE NORTH 88D30' WEST 5 CHAINS; THENCE NORTH 1D30' EAST 176.94 FEET; THENCE SOUTH 88D30' EAST 4.17 CHAINS TO, MORE OR LESS, THE POINT OF BEGINNING.

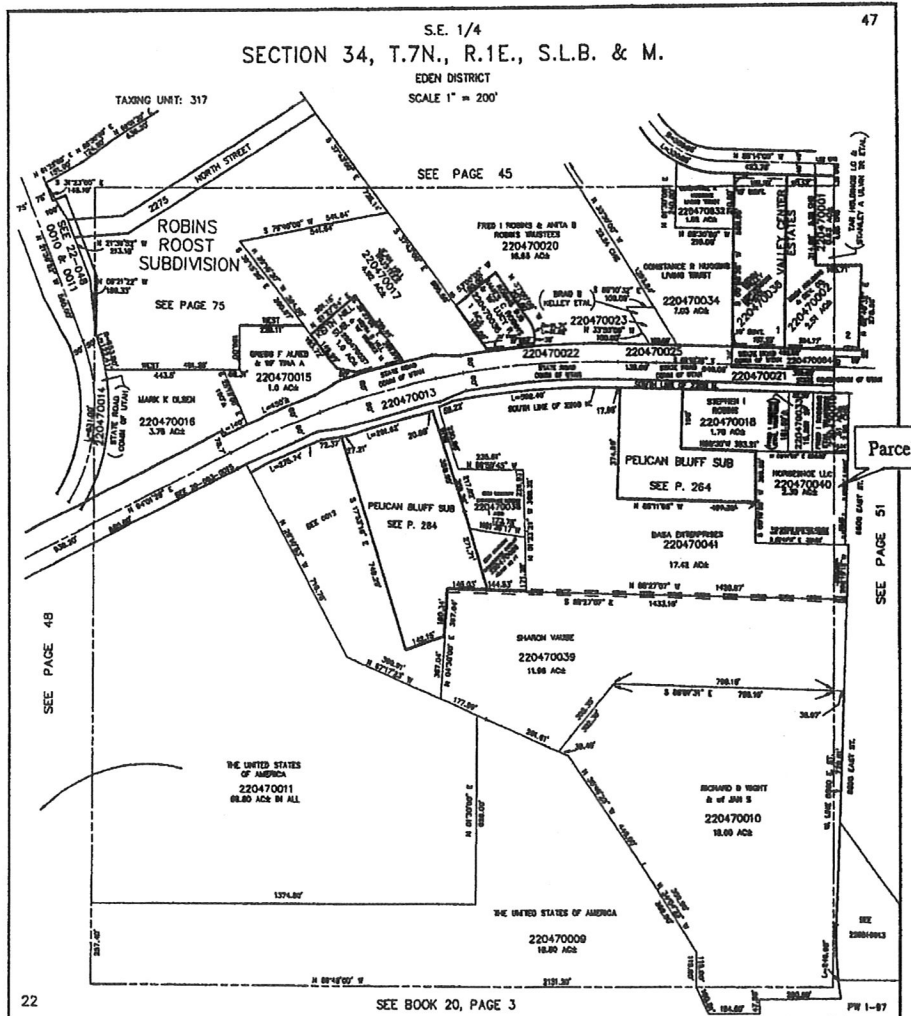
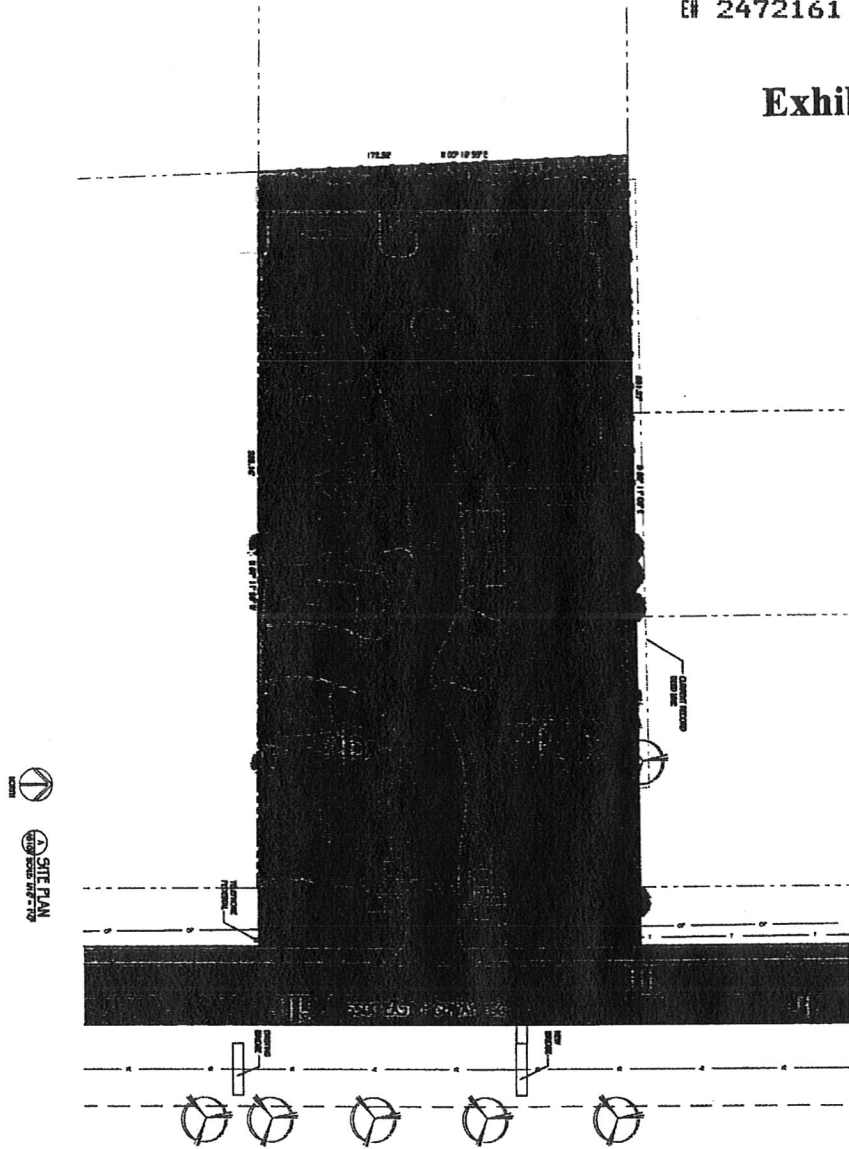


Exhibit B 1/2



	VICINITY MAP	
PRELIMINARY SITE PLAN	OWNER: HORSESHOE LLC	
SHEET NUMBER: AS102	PROJECT: BLACKSMITH VILLAGE PHASE 1	
DATE: 1/18/16	LOCATION: BIRDA, UTAH	
	<small>© 2016 HOK Inc. All rights reserved. This drawing shall not be reproduced without the prior written permission of HOK Inc. or used for any other project without the express written consent of HOK Inc.</small>	

Exhibit B ½



Exhibit C

Conditions, Limitations and Uses

Conditions:

- 1) The Blacksmith Shop will be placed and maintained on the National Register of Historic Places once the restoration of the Blacksmith Shop is complete.
- 2) The project will develop according to the approved site plan.
- 3) The Blacksmith Shop's interior and exterior will be restored according to the National Register Standards.
- 4) The Blacksmith Shop will be structurally protected simultaneously with any initial improvements to the property.
- 5) The Blacksmith Shop will be completely restored within five (5) years of the rezone approval. Progress for the restoration of the Blacksmith Shop shall be reported with each Commercial Site Plan or Conditional Use Permit application.
- 6) The Blacksmith Shop will retain a blacksmith shop theme or motif.
- 7) The Blacksmith Shop, once restored, will offer an educational element such as a walking tour, brochure or signage explaining its history and historical importance.
- 8) All new commercial buildings will project similar architectural styles and use similar materials to that of the Blacksmith Shop and the existing residence on site.
- 9) The property owner or developer will provide for the cost of additional traffic safety signs and cross-walk, as necessary for the Blacksmith Village development, if deemed appropriate by the County Engineer and/or County Commission.
- 10) The northeast corner of Blacksmith Village Concept Plan is update to show landscaping.
- 11) Year round landscape or other permanent screening will be used along all project boundaries that are adjacent to parcels with existing homes.
- 12) The developer acknowledges that prior to rezoning, a majority of the Blacksmith Village and all of adjacent properties are zoned Agricultural Valley - 3 (AV-3) which lists "agriculture" as the preferred use in agricultural zones. The developer also acknowledges that agricultural operations, as specified in the Zoning Ordinance for a particular zone, are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of the future Blacksmith Village commercial development.

Limitations:

- 1) All new structures are limited to one or single story.
- 2) All structures are limited to the square footage footprint as indicated on the approved site plan.
- 3) No drive-thru services allowed.
- 4) Any Bed & Breakfast Inn or Bed & Breakfast Hotel is limited to 4 guest rooms.

Uses:

- Antique/ souvenir shop (P)
- Art/artist supply store (P)
- Automobile (Antique Only) Sales/Service* (C)
- Bakery limited to goods prepared on site (P)
- Bank or financial institution (P)
- Barber/Beauty shop (P)
- Bath and massage establishment (P)
- Bed and Breakfast Inn/Hotel (C)
- Bicycle sales and service (P)
- Book Store (P)
- Bookbinding (C)
- Blacksmith shop (P)
- (P)
- Café (P)
- Camera Store (P)
- Carpet or Rug Service (P)
- China, crystal and silver shop (P)
- Christmas tree sales (P)
- Clothing and accessory store (P)
- Convenience store (no gas service) (P)
- Day care center (P)
- Dairy product store(cheese shop) (P)
- Delicatessen (P)
- Drapery/curtain store (P)
- Dry cleaning pick-up station (P)
- Electronic equipment sales/service (P)
- Employment agency (P)
- Fabric/textile shop (P)
- Florist shop (P)
- Fruit store or stand (P)
- Furniture sales/repair (P)
- Garden supplies and plant materials (P)
- Gift store (P)
- Green house/nursery (P)
- Gunsmith (P)
- Laboratory (medical or dental) (P)
- Leather goods, sales and service (P)
- Legal offices (P)
- Library (P)
- Linen store (P)
- Locksmith (P)
- Luggage store (P)
- Meat, fish and seafood store (P)
- Medical/dental office (P)
- Museum (P)
- Music store (P)
- Needlework, embroidery or knitting store
- Novelty store (P)
- Optometrist, optician or oculist (P)
- Paint or wallpaper shop (P)
- Pet and pet supply store (P)
- Pie manufacturer (P)
- Pharmacy (P)
- Photo studio and supplies (P)
- Popcorn or nut shop (P)
- Professional office (P)
- Plumbing shop (P)
- Real estate agency (P)
- Recreation center (C)
- Restaurant (P)
- Seed and feed store, retail (P)
- Sewing machine sales/service (P)
- Shoe repair or shoe shine shop (P)
- Tailor shop (P)
- Taxidermist (P)
- Toy store, retail (P)
- Travel agency (P)
- Upholstery shop (P)

Health food store (P)
Health club (P)
Hobby and craft store (P)
Hardware store (P) w/no outside storage

Vegetable store or stand (P)

Ice cream parlor (P)
Insurance agency (P)
Interior decorator/design (P)

Jewelry store sales and service (P)

* In addition other Planning Commission conditions imposed at the time of Conditional Use Permit approval, the following restrictions shall apply as follows:

1. At close of business, all cars will be stored within showroom.
2. No more than fifteen (15) antique automobiles on display at any given time.
3. Blacksmith facilities used for the restoration of classic automobiles are limited to no more than two (2) bays with all work being conducted shall be within a completely enclosed building.
4. Automobiles are limited to antique and classics defined as follows:
 - a. At least twenty-five (25) years old and no longer depreciating in value.
 - b. Are suitable and desirable for collecting.
 - c. They have special value or appeal because of their uniqueness and/or beauty.
 - d. As a guide, these automobiles should be of a similar vintage to those frequenting the original service station and/or Blacksmith Shop.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Zoning Ordinance Chapter 18-B

Application Request: The petitioner is requesting to amend the Commercial Valley Zones (CV-1 and CV-2) by allowing a zero front yard setback. Currently the zoning ordinance requires a 50 foot setback on streets and highways of 80 ft or wider.

Agenda Date: Tuesday, November 09, 2010

Applicant: Delaney Stephens

File Number: ORD 12-10

Land Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Commercial Valley Zones (CV-1 and CV-2)

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel Identification Number: Not Applicable

Township, Range, Section: Not Applicable

Staff Information

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

Report Reviewer: RS

Adjacent Land Use

North: Not Applicable **South:** Not Applicable

East: Not Applicable **West:** Not Applicable

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 18-B Commercial Valley Zones (CV-1 and CV-2)

Background

The petitioner is requesting a text amendment to Chapter 18 B Commercial Valley (CV-1 and CV-2) of the Weber County Zoning Ordinance, which would allow a zero front yard setback when buildings are located on either side of a road surrounding the Eden Park. The petitioner is the property owner of the Black Smith Shop. This area was rezoned to Commercial CV-2 to help preserve the historic Black Smith Shop. The new concept plan shows the new commercial buildings with a zero front yard setback to match the existing Black Smith Shop. The petitioner states that the zero foot setbacks in this area will allow traffic calming near Eden Park. A zero front yard setback would allow this developer to build the new buildings matching the setback on the existing building. The petitioner also states that other buildings in this area that were built prior to zoning have a zero foot setback.

The existing 50 foot setback on streets and highways of 80 feet or more in width was added in 1989. In 1989 the Planning Division was reviewing a site plan for a new post office in the Ogden Valley and was concerned about the different setback requirements in the Forest FR-1, FRC-1, CR-1, and the commercial and manufacturing zones. The Zoning Ordinance was changed to read "Minimum Yard Setbacks Front 20 ft. on streets of less than 80 feet in width; 50 feet on streets and highways of 80 ft. or more in width" to be consistent in all chapters. No other explanation was given for this change. When the zoning was changed in the Ogden Valley in 1998 and new chapters created, these standards was transferred to the new chapters.

The Planning Commission should understand why setbacks are required. Residential setbacks from roads, property lines, drainfields, critical areas, and other structures are designed to protect the public health and safety by providing for fire protection, protection of drinking wells from pollution and septic drainfields from damage, allowing sufficient light and spatial separation, and adequate area for the expansion of road right-of-way. A zero setback in a commercial area can create a street wall that helps define and enclose the street corridor. That adds to a sense of activity and intensity and

fosters an interactive relationship between the pedestrian on the sidewalk and the commercial activities within the building. Setbacks help accommodate utility easements and clear views of intersections and driveways.

Road widening is addressed in the Weber County Zoning Ordinance Chapter **23-10.Required Building Setback from Designated Collector or Arterial Streets** states *“Where a street is designated on the Master Street Plan of Weber County as a collector or arterial (major) street and where the existing street right-of-way requires widening to meet the right-of-way standards of such collector or arterial (major) street, the minimum front and side yard setback for all buildings shall be based upon the future designated right of way width as shown on the Weber County Master Plan and shall be measured from the future lot line of the collector or arterial (major) street designated right-of-way instead of the existing lot line of the present street right-of-way”.*

Utility easements are required as part of a subdivision and can be located on the front, side, and rear property line. If a property is not part of a subdivision, then the property owner will have to negotiate with the utility companies on locating a utility easement.

A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility. A complete street in the Ogden Valley could include a 10-foot hard surface path with street trees for shade and pedestrian lighting with the path tying into the parking area and any business court yards. The edge of the pathway near the street can be finished with a rolled gutter or high back gutter. The clear view of intersections or driveway is accommodated by the placement of buildings and walking paths. Complete street concepts apply to rural, suburban, and urban areas. Should this concept be applied to other commercial areas within the Ogden Valley?

The engineering office responded with the following comments concerning the proposed change. There may be problems with utilities which would typically be buried in easements beyond the street ROW. If the zero front yard setback is adopted, the width of the ROW may need to be adjusted. Currently we have a park that is used for snow storage with a 4-foot wide sidewalk next to the ROW line. In a commercial area there is a hope for additional foot traffic which may require additional width of the sidewalk to accommodate those walking and people coming in and out of stores and shops.

The Building Officials has reviewed the request for a zero front yard setback in the commercial valley zones and stated that the building codes may restrict buildings to different setbacks based on criteria in the building code, such as occupancy, height, size, and frontage width.

There is one other minor unrelated change to Chapter 18-B Commercial Valley Zones that need to be made. This change is to section **18-B5 Uses Vendor, Short Term**. Staff is changing this use to a permitted use instead of a conditional use to be consistent with other chapters of the zoning ordinance. Other sections of the ordinance talk about short vendors as a design review. As a permitted use, a design review application is required, but the application can be approved administratively.

Chapter 18 C Architectural, Landscape and Screening Design Standards Needs to be amended because of section 5 **Minimum Standards and Guidelines - General Landscaping** number 2 states *“All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width”.* This section will be changed to read as follows *“All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way **unless a zero foot setback and the applicant meeting the requirements of complete streets** within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width.”*

Summary of Planning Commission Considerations

- Do the changes that have been proposed make sense?
- Should the complete street design be embraced?
- Should this proposal be expanded to all commercial zones?

Conformance to the General Plan

One goal in the General Plan is “Trails in the Valley should be designed to provide a variety of recreational experiences as well as offer Valley residents with alternative transportation options. Multi-use trails (pedestrian, bicycles and horses) along roadways are supported as part of roadway alteration projects.” A complete street design will promote safe travel and alternative means for travel to commercial areas. Complete streets will help facilitate new trails and paths in commercial zones.

Having a safe place for people to walk along major roads near commercial areas promotes traffic calming, since most people have a tenancy to slow down around foot traffic.

Conditions of Approval

Not applicable

Staff Recommendation

The petitioner’s request is to allow a zero front yard setback when buildings are located on either side of a road surrounding the Eden Park.

Staff recommendation is to remove the requirement for a 50-foot setback on streets that are 80 feet and wider, and to allow a zero front yard setback in all Ogden Valley commercial zones with a requirement that a complete street design, which includes a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, safe street crossings for pedestrians, is included as part of the application submittal.

The recommendation is to include Vendor, Short Term as a permitted use instead of a conditional use, and a change to Chapter 18 C Architectural, Landscape and Screening Design Standards section 5 **Minimum Standards and Guidelines - General Landscaping** number 2 as noted below.

Proposed Changes

18B-2. Site Development Standards

	<u>CV-1</u>	<u>CV-2</u>
1. Minimum Lot Area	none	none
2. Minimum Lot Width	none	none
3. Minimum Yard Setbacks		
a. Front	20 ft. <u>however, zero where a complete street design is submitted that includes a 10-foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians.</u> -on streets of less than 80 ft. in width;	
b. Side	50 ft. on streets and highways of 80 ft. or more in width None, except 10 feet adjacent to residential zone boundary	
c. Side facing street on corner lot	20 feet <u>however, zero where a complete street design is submitted that includes a 10-foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians.</u> 20-feet	
d. Rear	None, except 10 feet where building rears on a residential zone	
4. Building Height		
a. Minimum	one story	one story
b. Maximum	35 feet	Conditional Use required if over 35 feet
5. Maximum Lot Coverage	Not over 60% of lot area by buildings or accessory buildings	

18B-5. Uses

20.	Vegetable store or stand	N	P
	Vendor, Short Term (see definition under 1-6)	N	C <u>P</u>

Chapter 18 C Architectural, Landscape, and Screening Design Standards section 5 **Minimum Standards and Guidelines - General Landscaping** number 2:

*“All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way **unless a zero foot setback and the applicant meeting the requirements of complete streets** within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width”*



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and/or action to add Dog Kennel as a conditional use to the Residential Estates RE-15 Zone

Agenda Date: Tuesday, December 07, 2010

Applicant: Tamara Hart

File Number: Zoning Ordinance 2010-11

Property Information

Approximate Address: N/A

Project Area: N/A

Zoning: Residential Estates RE-15, Residential Estates RE-20

Existing Land Use: N/A

Proposed Land Use: N/A

Parcel ID: N/A

Township, Range, Section: N/A

Adjacent Land Use

North:	N/A	South:	N/A
East:	N/A	West:	N/A

Staff Information

Report Presenter: Justin Morris
 jmorris@co.weber.ut.us
 801-399-8763

Report Reviewer: SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 3 (Residential Estates Zones RE-15, RE-20)

Background

The applicant is requesting a text amendment to Chapter 3 (Residential Estates Zones RE-15, RE-20) of the Weber County Zoning Ordinance. This request is to add a "Dog Kennel" on a minimum of five acres to the list of conditional uses.

The Residential Estate RE-15 and RE-20 Zones already allow agriculture, a corral, and private stables on 15,000 and 20,000 square foot lots, respectively. In addition, both zones allow farms devoted to the raising of chickens, turkeys, fowl, rabbit, fish, frogs, beaver, horses, cattle, sheep, and goats on five acres or more as a permitted use. The Planning Division views a dog kennel as a use that is less intense than those previously listed. The five acre minimum will help to alleviate or eliminate possible concerns relating to noise and ordors.

Chapter 23 (Supplementary and Qualifying Regulations) Section 8 (Setbacks for Animals and Fowl) addresses setbacks for animals and fowl; animals may not be kept closer than 40 feet from any dwelling and 75 feet from any dwelling on an adjacent lot. Furthermore, any building being used for animals must be 100 feet from a street and 25 feet from any lot line.

The Western Weber Planning Commission recommended adding a private dog kennel, for non-commercial use with no boarding, or sales, five acres or more with no more than ten dogs.

Summary of Planning Commission Considerations

1. Should there be a distinction between private and commercial kennels? What separates these two?
2. Should a private dog kennel be allowed in the RE-15 Zone, and if so, should it also be allowed in the RE-20 Zone?
3. How many dogs should be allowed?
4. Is a minimum area of five acres sufficient?
5. What additional design standards or restrictions should be placed on a conditionally allowed dog kennel?

6. Are the setbacks set forth by Chapter 23 adequate for a dog kennel? Are they excessive for a dog kennel? Should the setbacks from the dwelling on the same lot not apply? Will these setbacks alleviate or eliminate concerns relating to noise and odor?

Planning Division analysis of Summary of Planning Commission Considerations:

1. A distinction between private and commercial kennels should be made. Private kennels should be defined as kennels which are for non-commercial purposes, with no boarding or sales of dogs or puppies.
2. A private dog kennel, as outlined above, should be a conditionally allowed use in both the RE-15 and RE-20 Zones.
3. A maximum of ten dogs should be allowed, as recommended by the Western Weber Planning Commission.
4. It is recommended that a minimum of five acres be required. This requirement will be consistent with the five acre minimum required for the other more intense uses in the RE-15 and RE-20 Zones.
5. A private kennel should have no more than ten dogs.
6. The setbacks in Chapter 23 (Supplementary and Qualifying Regulations) Section 8 (Setbacks for Animals and Fowl) should be modified when addressing private dog kennels. The 40 feet from any dwelling should be removed, as to allow the private kennel to abut an attached garage, or the home itself. The other setbacks should remain effective.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the County Commission adding a "Private Dog Kennel" as a conditional use in the RE-15 and RE-20 Zones subject to the Planning Division analysis above.

Exhibits

- A. Application

Weber County General Plan or Text Amendment Application

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

Date Submitted

Received By (Office Use)

Added to Map (Office Use)

Property Owner Contact Information

Name of Property Owner(s)

Tamara L Hart

Mailing Address of Property Owner(s)

2988 N. 2575 W.
Farr West, UT 84404

Phone

801-732-0564

Fax

Email Address

thart9174@gmail.com

Preferred Method of Written Correspondence

Email Fax Mail

Ordinance Proposal

Ordinance to be Amended

Describing the amendment and/or proposed changes to the ordinance:

I am requesting zoning RE-15 be amended to allow conditional use permits for dog kennels. The present zoning allows stables and corrals for horses and other farm animals, along with fowl and animals for food production. The zoning also allows household pets. I propose the same principals apply and should include an allowance for kennel permits, so a larger number of household pets is allowed, along with the possibility of quality dog breeding kennels for show dogs, dogs used for sportsmanship and training and businesses which involve larger numbers of dogs than typically kept as pets. If you consider the number of dogs which would be allowed in the same size 5 acre piece of ground under zoning for much smaller size building lots, the number of dogs on the same acreage would still be less, if the RE-15 zoning were amended to allow a kennel permit to be issued.

Ordinance Proposal (continued...)

Kennels are checked at least annually by Weber County Animal Control. This ensures compliance with all vaccination and licensure requirements, as well as ensures the dogs are properly cared for.

Applicant Affidavit

I (We), Tamara Hart, depose and say that I (we) am (are) the interested member(s) of 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.

Tamara Hart
(Signature)

(Signature)

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

(Notary)

Authorized Representative Affidavit

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

(Property Owner)

(Property Owner)

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

(Notary)



Text

Weber County Zoning ~~Map~~ Amendment Application

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

Date Submitted 10-4-10	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Tamaral Hart		Mailing Address of Property Owner(s) 2988 N 2575 W Far West, UT 84404	
Phone 801-644-9898	Fax		
Email Address thart9174@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name		Current Zoning	Proposed Zoning
Approximate Address		Land Serial Number(s)	
Total Acreage	Current Use	Proposed Use	

Project Narrative

Describing the project vision.

Request amendment to zoning ordinance ~~RE-15~~ to allow RE-15 a kennel permit to be issued as a conditional use permit on property with minimum of 5 acres. The present zoning allows stables and corrals for horses, animals and feed for food production and household pets. It seems natural to allow a conditional use permit be issued for a dog kennel license, when other types of farm animals are already allowed. If the 5 acre lots allowed in this zoning were subdivided into smaller building lots, the number of dogs allowed in the same size acre parcel would far exceed the number of dogs approved through a kennel license. Please consider this text amendment.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

The change is in compliance with the overall plan as other types of animals in large numbers are already allowed.

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

This proposal allows kennel permits to be issued to people who wish to raise dogs on large parcels of land.

Project Narrative (continued...)

How is the change in the public interest?

A kennel permit on a zone RE-15 parcel allows quality breeders and dog trainers to practice their hobby and/or business and live in areas with this zoning. It seems a natural fit for these uses to coincide with larger land parcels within zoning such as RE-15.

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

I can only speak to my personal circumstance, as I don't have knowledge of others. I purchased an almost 10 acre parcel in unincorporated Weber County with the full intention of obtaining a kennel permit. I worked with the Weber County Planning & Zoning office all along and always believed a kennel license could be issued as a conditional use permit. It was only after I turned in the conditional use permit application, I became aware the permitted uses for zone RE-15 did not allow a kennel license. I have eight dogs at present. Most of them have been show dogs and two have been used as therapy dogs. I want to move to my property with my dogs. I have had a kennel license in Weber County for over ten years in my present home.

Project Narrative (continued...)

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

~~The~~ Allowing a kennel license on property within the RE-15 zones allows the dogs to be cared for and housed in large lots with more room and keeps from having close neighbors, who may object to larger numbers of dogs. The kennel is checked at least annually by Weber Animal Control so the public is ensured the dogs are all licensed, vaccinated and properly cared for.

Property Owner Affidavit

I (We) *Samantha Zwart*, 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.

Samantha Zwart
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 12th day of October 2010.

Sherril Sillitoe
(Notary)





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of a Conditional Use Permit to establish a Conference/Education Center.

Agenda Date: Tuesday, December 07, 2010

Applicant: ATK Aerospace Systems

File Number: CUP 2010-22

Property Information

Approximate Address: 890 Ogden Canyon

Project Area: Approximately 46 acres

Zoning: Forest Residential Zone (FR-1)

Existing Land Use: Private Conference Center

Proposed Land Use: Public Conference/Education Center

Parcel ID: 20-017-0009

Township, Range, Section: T6N, R1E, Section 16

Adjacent Land Use

North:	Forest/ Residential	South:	Forest
East:	Forest	West:	Forest/ Residential

Staff Information

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

Report Reviewer: SW

Applicable Ordinances

- Zoning Ordinance Chapter 12 Forest Residential Zone (FR-1)
- Zoning Ordinance Chapter 18C Ogden Valley Architectural, Landscape and Screening Standards
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 24 Parking and Loading Space, Vehicle Traffic and Access Regulations
- Zoning Ordinance Chapter 28 Nonconforming Buildings, Uses, and Parcels
- Zoning Ordinance Chapter 32B Ogden Valley Signs
- Zoning Ordinance Chapter 36 Design Review

Background

The applicant is requesting approval of a Conditional Use Permit to establish a Conference/Education Center. A Conference/Education Center is listed as a conditional use in the FR-1 Zone. The proposed site area contains approximately 46 acres and has access from Highway 39 in the Ogden Canyon.

The lodge on this property was first constructed in 1904. For the first 40 years this property has had a variety of uses such as a resort hotel, summer home, restaurant, and tavern. Since 1960 the property has been used by the current owners (ATK Aerospace Systems) as a conference center for company events. The owners would like to continue hosting private corporate events and open up the opportunity for the public to reserve and host events at the lodge as well. The ATK Conference Center has a variety of meeting rooms where training and instruction can be given. It also has a large dining area where meals are served.

Due to this properties history there are many nonconformities related to the lodge and the sites conditions. Staff did have concerns for the parking needs associated with having public using the facilities. Staff has determined that the nearest parking standard for this use would be 30 spaces (Reception Center). The applicant has indicated on the site plan and from past experience that the parking area can accommodate 39 parking spaces. Staff has determined through a series of aerial photos that and scale of the site plan that the site can comply with the requirement.

Staff does have a concern for public safety regarding parking on a portion of the property across the highway from the lodge. Staff suggests one condition to the permit to be, that this area not be used as a parking area for public events due the safety concerns with pedestrians crossing the highway.

There are no concerns from the Weber County Health Department, Building Inspection Department, or the Weber Fire District. The applicant is working with the Engineering Division to resolve their concerns.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

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

Chapter 22C-4

Criteria for Issuance of Conditional Use Permit: Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

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

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

1. Because this site has operated as a private conference center for many years, and the only change is to now allow the public to host events. No new reasonably anticipated detrimental effects need to be further mitigated, other than not allowing public parking on property across the highway.
2. The proposed use meets the use, area, lot width, and setback requirements of the FR-1 Zone.

Conformance to the General Plan

This use does not affect the Ogden Valley General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- No public parking being allowed on property across the highway

Staff Recommendation

Staff recommends approval of CUP 2010-22 for a Conference/Education Center with one additional condition, of public parking not being allowed on property across the highway. This recommendation is subject to the requirements of staff and other review agencies. This recommendation is based on:

- The proposed use being permitted in and meeting the requirements of the FR-1 zone,
- The historic location, existing nonconformities, and site plan, being in compliance with applicable County Ordinances as listed in the staff report.

Exhibits

- A. Site plan
- B. Applicant's narrative and application

Map 1



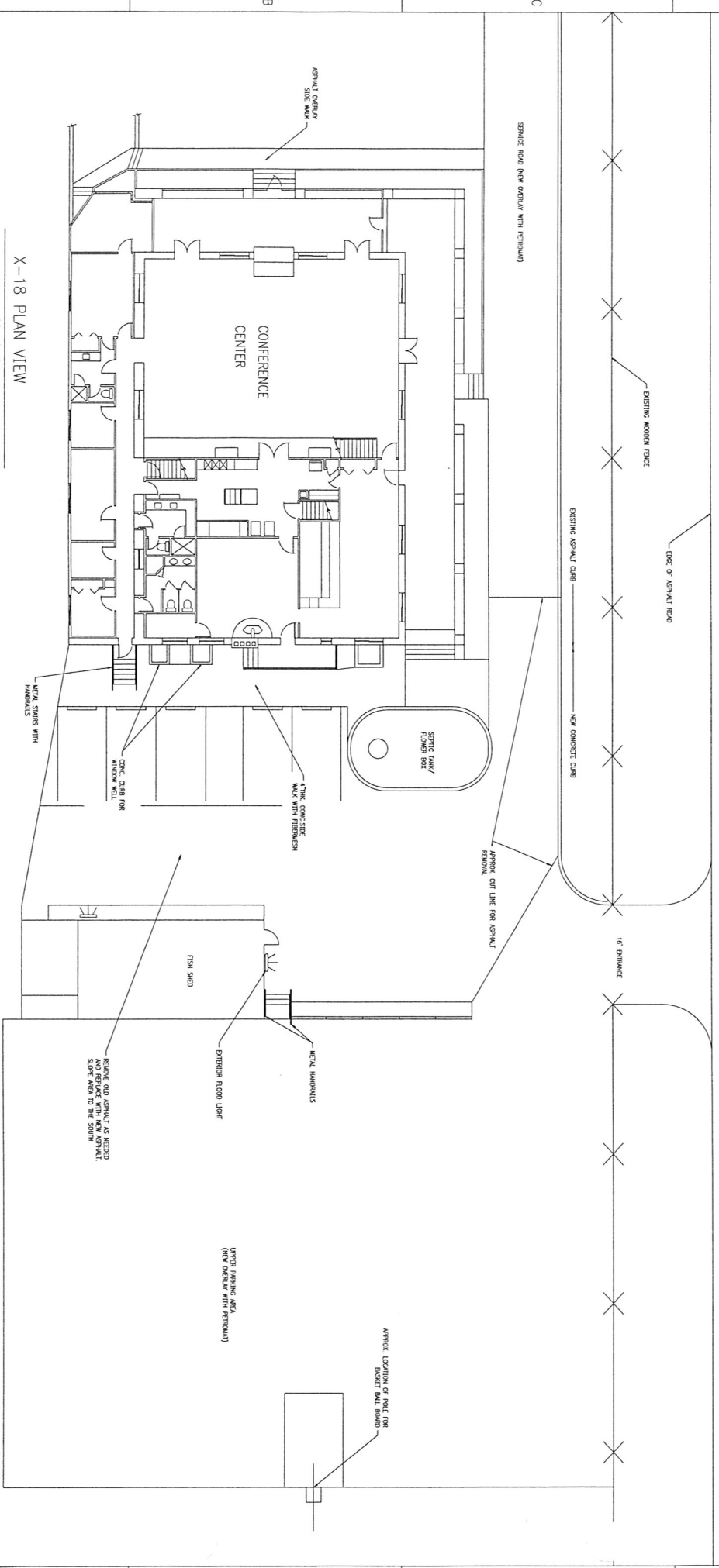
Map 2



Parking 34 Slats



890 OGDEN CANYON ROAD



X-18 PLAN VIEW

SCALE: 1/8" = 1'-0"

NO.	DATE	DESCRIPTION	BY	CHK'D	APP'D
1	11/18/11	NOTED X18			
2	11/18/11	NOTED X18			
3	11/18/11	NOTED X18			
4	11/18/11	NOTED X18			

NO.	DATE	DESCRIPTION	BY	CHK'D	APP'D
1	11/18/11	NOTED X18			
2	11/18/11	NOTED X18			
3	11/18/11	NOTED X18			
4	11/18/11	NOTED X18			

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NO.	DATE	DESCRIPTION	BY	CHK'D	APP'D
1	11/18/11	NOTED X18			
2	11/18/11	NOTED X18			
3	11/18/11	NOTED X18			
4	11/18/11	NOTED X18			

Thiokol
Proportion

REPAIRS TO PARKING
AND DRAINAGE AREA

11/18/11

NOTED X18
G-14

Weber County Conditional Use Permit Application

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

Date Submitted / Completed November 1, 2010	Fees (Office Use) \$225 ⁰⁰	Receipt Number (Office Use) 20208	File Number (Office Use) CUP 2010-22
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Property Owner Contact Information

Name of Property Owner(s) ATK Aerospace Systems		Mailing Address of Property Owner(s) ATK Conference Center 890 Ogden Canyon Ogden, UT 84401-0952	
Phone 435-863-6500	Fax 801-621-7204	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address Ray.marston@atk.com			

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) David Sebahar		Mailing Address of Authorized Person PO Box 707 Brigham City, UT 84302-0707	
Phone 435-863-2920	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address david.sebahar@atk.com			

Property Information

Project Name ATK Conference Center	Total Acreage 66.36	Current Zoning FR-1
Approximate Address 890 Ogden Canyon Ogden, UT 84401-0952	Land Serial Number(s) 20-017009	

Proposed Use
Provide meeting place and catering for events such as conferences, training sessions, business meetings and recognition dinners. Suitable for 10-100 guests.

Project Narrative

There is no construction associated with this project. We are applying for a conditional use permit so that we may make the ATK Conference Center available for non-ATK events.

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

The proposed use of the ATK Conference Center—hosting non-ATK events—is a service that will benefit the community by providing a unique location for holding business and social events at a historic facility located in scenic Ogden Canyon. We often receive requests from members of the community to use the ACC, and many businesses have expressed interest in holding employee or customer meetings there.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

The ATK Conference Center was built in 1904. The historic character of the building has been maintained, and its use is carefully monitored to be compatible with the surroundings. The use of this facility is not in any way detrimental to health, safety or general welfare.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

The proposed use of the ATK Conference Center will comply with the regulations and conditions specified in the "Uniform Land Use Ordinance of Weber County, Utah."

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The proposed use promotes the convenience, prosperity and welfare of present and future inhabitants of Weber County by protecting the tax base, fostering economic development in the county, and enabling community members to enjoy the character of scenic Ogden Canyon through events they host or attend at the ATK Conference Center.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, it will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

The operation of the ATK Conference Center as described in this application will not negatively impact the environment in any way. ATK believes that forward-looking, proper, and cost-effective stewardship of our air, land, and water resources is key to our long-term success. Our commitment is reflected in our environmental stewardship objectives that ensure that we conduct our business in an environmentally responsible manner.

Property Owner Affidavit

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

(Property Owner)

(Property Owner)

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

(Notary)

Authorized Representative Affidavit

I (We), ATK AEROSPACE SYSTEMS, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), DAVID A. SEBAHAR, 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.

David A. Sebahar
(Property Owner)

(Property Owner)


Dated this 1st day of November, 20 10, personally appeared before me David A. Sebahar, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Melanie Sandall
(Notary)



Weber County Planning Division

Date: November 30, 2010
To: Ogden Valley Planning Commission
From: Robert O. Scott, AICP 
Planning Director
Subject: Planning Commissioners Handbook / Annual Rules of Order Review

Commissioners,

Staff has developed a Planning Commissioners Handbook. This will be handed out and reviewed at the work session. It is intended to assist planning commissioners by providing them information on the role of the Planning Commission and adopted process information, e.g., the Planning Commission Rules of Order, Planning Commission Expectations, opening meeting statement, and Planning Commission chair script. There is space provided to allow you to place work session and other materials in the binder. Please let us know if this information is helpful.

Each year the Planning Commission devotes one work session to a review of the adopted Rules of Order. This is generally an opportunity to be reminded how the Planning Commission operates, but it is also an opportunity to recommend changes. Earlier this year it was pointed out that a clarification should be made to section F. Procedure Motions 3. Motions in Order During Debate:

(c) To continue, table, or postpone indefinitely or to a specified time; by inserting the word or as shown.

A second minor change is recommended to clarify section 7 under F. Procedure Motions to insert the word it as shown below.

7. Amendments

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

There are no other suggested changes.

A specific request for this work session was to review how to make motions. Attached is an excerpt from the Rules of Order with some examples regarding making motions. After reviewing the motion section Staff will lead a discussion on other sections of the Rules of Order.

MOTION EXAMPLES

PROCEDURE - MOTIONS

1. Making of Motions

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

***Example:** I move to approve project x with the requirements as outlined in the staff report including the finding that project x complies with the Weber County zoning ordinance.*

Or

In addition to the findings within the staff report on this project we find that the access for this lot is acceptable based upon the information provided by the transportation engineer.

2. Withdrawing or Modifying a Motion

(a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, *“Chair, I withdraw the motion.”*

(b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.

***Example:** I move to approve project x with the requirements as outlined in the staff report including the finding that project x complies with the Weber County zoning ordinance. Second from another commissioner. Mover of the motion: Chair I would like to modify my motion to include that a condition be added to require a fence around the perimeter of the storage area. Second is asked if he/she agrees.*

(c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.

(d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

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

(a) To fix the time to adjourn;

(b) To adjourn;

(c) To continue, table, or postpone indefinitely or to a specified time;

(d) To amend; to substitute;

- (e) Refer to committee;
- (f) Previous question (immediately close debate);
- (g) Limit or extend limits of debate;
- (h) Take a recess;
- (i) Call for orders of the day;
- (j) Suspension of the rules;
- (k) Appeal rulings by the Chair;
- (l) Reconsider an undebatable motion.

4. Motion must be Germane

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

Example: *A subdivision is before the PC for consideration. I move that the previous item be reconsidered.*

5. Motions to Deny

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

Example: *Once a request for denial has been defeated a new motion needs to be made, e.g., I move approval of this item or table this item.*

6. Substitute Motions

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

Example: *I move that conditions A and B in the staff report be eliminated.*

7. Amendments

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

Example: *I move to amend the conditions to require the completion date be x rather than y. Second. Vote on the amendment, if passed the amendment is placed in the original motion and voted upon. If defeated the original motion stands.*

8. Friendly Amendments

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

Example: *I would like to make a friendly amendment that the applicants stipulation be accepted that his project sign will be 6 feet tall. Chair, does anyone object, if none then the amendment is inserted into the original motion.*

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by yeases and nos given by members of the Commission individually on roll call, except motions to adjourn, table, common consent, continue, proceed out of order, or receive for study may be done by voice vote. The names of the members on such roll call shall be called alphabetically, in rotation, except that the Chair shall be called last. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

***Example:** This section shows which motions can be conducted by voice vote vs. roll call. The consent calendar is sometimes referred to as common consent. The motion to proceed out of order revises the order on the established agenda. A motion to receive for study would be where an information item or study was presented to the commission. All these can be approved by voice vote.*

2. Voting or Changing Vote Before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

***Example:** Chair I would like to change my vote. The Chair asks if there is any objection. If there is none the commissioner can change his/her vote. If there is an objection then a vote needs to be taken to allow the change.*

3. Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.