



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

REGULAR AND WORK SESSION AGENDA

**December 06, 2011
5:00 p.m.**

❖ *Pledge of Allegiance*

❖ *Roll Call*

Agenda Item(s):

1. **STA 2011-02** Discussion and action on an amendment to Chapter 4 (Subdivision Improvements Required) of the Weber County Subdivision Ordinance
2. **Policy** Discussion and action on Submitting Information to a Planning Commission Policy
3. **Public Comments:**
4. **Planning Commissioner's Remarks:**
5. **Staff Communications:**
 - 5-1. Planning Director's Report
 - 5-2. Legal Counsel's Remarks: Therapeutic Schools
6. **Adjourn to Convene a *Work Session***

W1 Discussion Annual Rules of Order Review

**A pre-meeting will be held at 4:30 p.m. in Room 108 where no decisions are made*

The work session will be held in the Weber County Commission Chambers unless otherwise noted, Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.



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



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Amendment to Chapter 4 (Subdivision Improvements Required)
Agenda Date: Tuesday, December 06, 2011
Applicant: Weber County Planning Division
File Number: STA 2011-02

Property Information

Approximate Address: [Click here to enter text.](#)
Project Area: [Click here to enter text.](#)
Zoning: [Click here to enter text.](#)
Existing Land Use: [Click here to enter text.](#)
Proposed Land Use: [Click here to enter text.](#)
Parcel ID: [Click here to enter text.](#)
Township, Range, Section: [Click here to enter text.](#)

Adjacent Land Use

North: [Click here to enter text.](#) **South:** [Click here to enter text.](#)
East: [Click here to enter text.](#) **West:** [Click here to enter text.](#)

Staff Information

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

Applicable Ordinances

- Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required)

Background

Consistent with the Planning Division work program staff is proposing several amendments to the Weber County Subdivision Ordinance Chapter 4 (Subdivision Improvements Required). This chapter list improvements (such as water and waste water) that are required as part of a subdivision.

The Planning Commission heard this item on November 22, 2011 and recommended this item be tabled to make changes to 26-4-2a:

"Where the construction of a ~~County trunk~~ sewer trunk line is required to serve the subdivision, the ~~subdivider~~ applicant shall be required to construct ~~such the~~ trunk line in accordance with plans and specifications approved by the County and Sewer Improvement District as ~~part of the normal subdivision improvements~~. ~~Such~~ The new trunk line shall be designed with sufficient capacity ~~for the service to serve the entire drainage area~~ as determined by the County Engineer. ~~with The subdivider applicant may being entitled to reimbursement for such the oversized costs through impact fee or development agreement additional sewer connection fee assessments to developing properties within said the drainage service area for a period of ten (10) years from the date of acceptance by the County."~~

The reference to "drainage area" was change to "service area" and the reimbursement for the oversized cost is through impact fee dor development agreement.

Summary of Planning Commission Considerations

- Are there additional amendments that should be addressed at this time?
- Are there any of the proposed amendments that should not be made at this time?

Conformance to the General Plan

N/A

Staff Recommendation

Staff recommends approval of the proposed amendments to Chapter 4 of the Subdivision Ordinance. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

Exhibits

- A. Proposed ordinance

CHAPTER 4

SUBDIVISION IMPROVEMENTS REQUIRED

November 3, 2011

(Amd. Ord #11-2005, 8/16/05; #95-31, 11/11/95; 2009-32, 12/22/09)

- 26-4-1 Owner of Subdivision Responsible for Costs
- 26-4-2 Improvements Required
- 26-4-3 Guarantee of Improvements
- 26-4-4 Inspection of Improvements

26-4-1 Owner of Subdivision Responsible for Costs.

The owner of any land to be platted as a subdivision shall at his own expense install or provide an escrow with Weber County for the following improvements prior to recording the final plat ~~or except as provided in Section 26-4-2(b) below~~, according to the specifications and standards contained in Exhibit A attached to these regulations and titled the "Public Work Standards and Technical Specifications" adopted January 26, 1982 and under the inspection of the County Engineer, ~~except for~~ Septic tanks which must shall be installed according to the specifications and under the inspection of the County Health Officer.

(Amd. Ord. #3-82, 1/26/82)

I. Water Supply.

- a. Public System: Where an approved public water supply is reasonably accessible or procurable, the subdivider applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. ~~The subdivider shall furnish to the County Health Officer plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made.~~ Water lines and fire hydrants shall be operational before building permits are issued for any structures. ~~Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber Fire District. The County Health Officer or State of Utah Department of Environmental Quality Division of Drinking Water shall determine the adequacy of the existing water system to provide culinary water.~~

Capacity Assessment letter is required prior to final approval from the Planning Commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission. (Amd. Ord. #2-73, 2/15/73; #2002-11, 6/18/02)

Comment [J1]: Moved from chapter 1

- b. New System: Where an approved public water supply or system is not reasonably accessible nor procurable, the subdivider applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the State Board of Health Utah Division of Drinking Water and/or the Weber Morgan Health Department, rules and regulations relating to public water supplies and ~~with the approval of the County Health Officer, provided that the Planning~~

Commission shall permit the water supply to be provided by means of individual wells if in its determination, the subdivision is not an extension or continuation of an existing or approved subdivision of related property and the subdivision is in a location where water supply pollution is not considered to be a significant problem or factor as follows: (Amd. Ord. #6-73, 4/17/73)

- 1) In subdivisions of ten (10) or more, but less than twenty (20) lots where each lot has a minimum area of two (2) acres and a minimum width of three hundred (300) feet; or (Amd. Ord. #2002-11, 6/18/02)
- 2) In subdivisions of less than ten (10) lots, evidence shall be submitted to the Planning Commission prior to the final approval of the subdivision that an adequate water supply meeting State Board of Health requirements is available in sufficient quantity to serve the subdivision.

(Amd. Ord. #15-71, 12/9/71)

- c. Wells: If individual well permits will be are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:

- 1) that a well permit must be obtained;
- 2) the time it may take to obtain the permit;
- 3) the well must be drilled;
- 4) water quality to be satisfactory; and
- 5) water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained from the Weber County Building Inspector. (Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02)

If well permits cannot be obtained, the lot will no longer be deemed a buildable lot as herein defined.

- d. In subdivisions where new water systems and reservoirs are to be built, a letter of feasibility shall be required from the State of Utah Department of Environmental Quality Division of Drinking Water for Preliminary Approval. A Construct permit from State of Utah Department of Environmental Quality Division of Drinking Water shall be required prior to final approval by the Planning Commission.

(Amd. Ord. #2002-11, 6/18/02)

2. Sewage Disposal.

- a. Where a public sanitary sewer is within three hundred (300) feet from the property line or is close enough in the opinion determination of the County Health Officer and Planning Commission to require a connection, the subdivider applicant shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision Sewer systems shall be approved by the County Health Official, and connections shall comply with the regulations and Public Work Standards of the County; and shall be approved by the County Engineer.

Where the construction of a County-trunk sewer trunk line is required to serve the subdivision, the subdivider applicant shall be required to construct such the trunk line in accordance with plans and specifications approved by the County and Sewer Improvement District as part of the normal subdivision improvements. Such The

~~new trunk line shall be designed with sufficient capacity for the service to serve the entire drainage area as determined by the County Engineer, with The subdivider applicant may being entitled to reimbursement for such the oversize costs through impact fee or development agreement additional sewer connection fee assessments to developing properties within said the drainage service area for a period of ten (10) years from the date of acceptance by the County.~~

(Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02)

- b. ~~Where a public sanitary sewer is not reasonably accessible, the subdivider applicant shall obtain approval from the County Health Officer for individual sewage disposal for each of the lots. Subdividers shall furnish to the County Health Officer a report of percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Department of Public Health governing individual sewage disposal systems. Copies of the subdivision plan showing appropriate contours shall accompany the report and showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the County. Written approval from the County Health Officer shall be submitted to the Planning Commission Division at the time the subdivision application is submitted before consideration of the final plat.~~

~~Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for Preliminary Approval and a Construct Permit from the State is required before final approval can be granted by the Township Planning Commission.~~

3. Storm Water.

The County Engineer shall require the subdivider applicant to dispose of storm water, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider applicant to acquire such easements.

When drainage structures such as storm water detention and/or retention facilities are required by the County Engineer, the County, at its option, may require the facility to be dedicated or otherwise transferred to Weber County or it's designate. Weber County may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes proposed in the subdivision with Articles of Incorporation and By-Laws filed with the Utah Secretary of State Department of Commerce. Provision shall be made in said Association for the contracting with the County Engineer to do periodic inspections and maintain the drainage facilities. ~~The County Engineer shall approve such inspection schedules.~~ The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the County Engineer. In such cases, the County shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.

(Amd. Ord. #3-82, 12/6/82; #2002-11, 6/18/02)

4. Street Grading and Surfacing. All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the Public Work Standards and rules and regulations of the County Engineer.

5. Curbs and Gutters. Curbs and gutters shall be installed on existing and proposed streets by the subdivider applicant. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the subdivider applicant in subdivisions along the abutting Utah State Highways, if required by Utah State Department of Transportation.

(Amd. Ord. #19-90, 10/24/90; #11-2005, 8/16/05)

6. Sidewalks. Sidewalks shall be required by the Planning Commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance as established by the School District. Deferrals for sidewalk will be required for lots in the Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the County Commission. Approved walking paths may be substituted for sidewalks. (Amd. Ord. #19-90, 10/24/90; #2002-11, 6/18/02)
7. Street Monuments. Permanent street monuments shall be accurately set ~~and established~~ at such points ~~as are necessary to definitely establish all lines of the street.~~ Street Monuments shall be of a type specified ~~and approved by the County Surveyor.~~
(Amd. Ord. #4-86, 3/10/86; #11-2005, 8/16/05)
8. Street Trees. Street trees shall be planted by the subdivider applicant when so required by the Planning Commission and of a variety and location as approved by the Planning Commission.
9. Street Signs. Street signs shall be installed by the subdivider applicant at all locations as designated by the County Engineer. ~~Such signs shall be of such a type and of such material as shall be prescribed by the County Engineer. The County Commissioners shall have the option to install such signs and charge such the costs to the subdivider applicant.~~
10. Fencing or piping of Canals, etc. A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Planning Commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of Canals etc. shall not be required on subdivisions of four (4) or fewer lots, or where canals, are located six-hundred (600) ft. from the homes. ~~The Planning Commission may also recommend to the County Commission that the ditch be piped, with the size of the pipe to be determined by the irrigation company and the County Engineer.~~
(Amd. Ord. #2002-11, 6/18/02)
11. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners ~~so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished performed and confirmed by the surveyor's office before the subdivision is recorded.~~
(Amd. Ord. #2002-11, 6/18/02)

 - (a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length and visibly marked or tagged with the registered business name or the letters P.L.S. followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.
 - (b) If the monument is set by a public officer, it shall be marked with the official title of the office.
12. Peripheral Fencing. The Planning Commission may require ~~appropriate type~~ fencing along the periphery of a subdivision in an agricultural zone ~~so as to provide protection to adjacent farming lands from the adverse affects of residential living and vice versa.~~
(Amd. Ord. #3-82, 1/26/82)
- 13a. Secondary Water. "Secondary Water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed ~~covering real property which is located within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the Planning Commission shall, as part of the approval of the subdivision, require the subdivider~~

Comment [J2]: Moved as part of revision to chapter 1

applicant to furnish adequate secondary water and also to install a secondary water delivery system to the lots in said the subdivision sufficient to conform to the public works standards of Weber County, if such water district or company files or has filed a written statement with the Weber County Planning Commission Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the subdivider applicant, a certified copy of the minutes of the Board of Trustees of such water district or company showing the enactment of such policy must be furnished to the Planning Commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the subdivider applicant shall install a secondary water system in accordance with the provider's requirements or standards. (Amd. Ord. #3-82, 1/26/82; #2002-11, 6/18/02; #11-2005, 8/16/05)

- 13b. Where the County, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the Subdivider applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the Planning Commission.

- a. The Subdivider applicant shall ~~cause to be~~ form a lot Owners Association as a non-profit corporation for the purpose of owning the irrigation water rights or stock for the lots in the subdivision. The Subdivider applicant shall transfer to the Association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The Articles of Incorporation of the Association shall provide, in addition to the Association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the Association, ~~that he is entitled to a pro rata share of irrigation water, that he is subject to a water distribution schedule and procedure established by the Association, and that he is responsible for his share of the costs of ditch and system maintenance and assessments as made by the Association from time to time, or~~
- b. The Subdivider applicant shall provide the County with evidence that ~~he holds~~ sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, ~~he the developer/property owner~~ shall record a covenant to run with the land in the subdivision, ~~acknowledging that he holds sufficient irrigation water rights or shares for the lots in the subdivision; that these rights or shares will not be disposed of except to the lots in the subdivision and that with the sale of each lot, he will a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.~~

(Amd. Ord. #22-87 12/14/87)

14. Fire Protection. A letter from the Weber Fire District approving the fire protection method shall be provided prior to final approval of the subdivision ~~by the Planning Commission~~. Before a Building or a Land Use Permit is issued, the approved fire protection method shall be operational, and a letter to that affect will be required from the Weber Fire District.

(Amd. Ord. #4-86, 3/10/86; #2002-11, 6/18/02)

15. Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Covenants, Conditions, and Restrictions on Wildfire mitigation as outlined by the Weber County Fire District.

(Amd. Ord. #17-91, 8/27/91; #2002-11, 6/18/02)

26-4-3 Guarantee of Improvements.

1. All improvements shall be installed prior to issuance of any ~~Building and/or~~ Land Use Permit within a newly approved subdivision. The only improvement that may not be required prior to construction of a dwelling is the asphalt, ~~chip and seal, landscaping, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk on the road.~~ All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and include requirements for special backfill and asphalt replacement.

(Amd. Ord #11-2005, 8/16/05)

The ~~subdivider applicant~~ shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow which will allow the recording of a subdivision. The recording of the subdivision will allow the developer to sell the lots, but not allow Building and/or Land Use Permits to be issued until all improvements are installed, except as listed above for the asphalt and chip and seal on the road. (Amd. Ord #2009-32, 12/22/09)

The ~~subdivider applicant~~ shall furnish and file with the County Commission the escrow of the Weber County Engineer in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the County Engineer, to assure the installation of such improvements within two (2) years. ~~The escrow shall be approved by the County Commissioners and County Attorney.~~ (Amd. Ord #2009-32, 12/22/09)

Comment [J3]: The county commission would have to sign off if over xxx amount of money (10,000)

Upon the developer's completion of the construction of roads and utility lines, the developer's Engineer shall prepare and submit as built plans for all improvements for the approval of the County Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars prior to the County acceptance for maintenance of roads.

Comment [J4]: Moved from chap 1

2. Upon completion of all improvements, ten percent (10%) of the approved financial guarantee shall be retained by Weber County for a period of one (1) year at which time, upon recommendation of the County Engineer, the roads may be accepted for maintenance by the County.
3. ~~The Planning Commission is authorized to prescribe by administrative rule or regulations, forms and procedures to insure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the guarantee of improvements in strict compliance with the requirements of this Ordinance.~~ (Amd. Ord. #2002-11, 6/18/02)
- 4 3. Whenever the ~~subdivider applicant~~ develops a subdivision a portion phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time herein before specified. The ~~subdivider applicant~~ shall be responsible for coordinating the installation of utility, street, water lines, fire hydrants, and all other required improvements with the buyers of lots. (Amd. Ord. #2002-11, 6/18/02)
- 5 4. The County Engineer is ~~authorized, at the request of the subdivider applicant, to execute a release of portions of the escrow agreement when all obligations as to which have been fully performed by the~~ installation of the improvements. (Amd. Ord. #3-85, 4/17/85; #2002-11, 6/18/02; #2009-32, 12/22/09)
- 6 5. The ~~subdivider applicant~~ shall deposit with the County Engineer at the time of Final Plat approval, an amount of money equal to the estimated cost of purchase and installation of the Traffic Control and Street Name signs ~~required for proper completion of subdivision traffic direction.~~ (Amd. Ord. #13-91, 6/26/91; #11-2005, 8/16/05)
6. The ~~subdivider applicant~~ shall sign a Survey Monumentation Improvement Agreement and pay applicable fees associated prior to the County Surveyor signing the final subdivision plat mylar, deposit with the County Surveyor at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision. The subdivider's surveyor shall install such monuments within one year time period, after the asphalt is installed. (Amd. Ord. #13-91, 6/26/91; #11-2005, 8/16/05)
- 8 7. New subdivisions having to utilize a road that is substandard in road right of way width and/or improvements ~~Development on roads that are substandard to county road width requirements shall not~~

be consider for approval or extension allowed to extend the road, until the entire substandard road is fully improved to County Public Work Standards county road width and standards.

(Amd. Ord #11-2005, 8/16/05)

26-4-4 Inspection of Improvements.

The County Engineer, Building Inspector, County Surveyor, and County Health Officer shall inspect ~~or cause to be inspected~~ all buildings, structures, streets, street monuments, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or back-filled until such installations ~~shall~~ have been approved by the County Engineer, or utility owner's representative. If any ~~such~~ installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the County Engineer.

(Amd. Ord. #3-82, 6/26/82; #2002-11, 6/18/02; #11-2005, 8/16/05)



Weber County Planning Division

Date: November 29, 2011
To: Ogden Valley Planning Commission
From: Robert O. Scott, AICP *RS*
Planning Director
Subject: Submitting Information to a Planning Commission Policy

The attached draft policy on submitting comments to a Planning Commission is provided for your consideration. Changes reflecting the discussion held on November 22 have been made. Staff has contacted the Western Weber Planning Commission and from an e-mail response they are in agreement.

Staff recommends that the Ogden Valley Planning Commission adopt the Planning Commission Comment Policy.

Planning Commission
Public Comment Policy
November 28, 2011

- The Planning Commission is interested in receiving public input. All Planning Commission agenda items allow for comment in writing or comments in person.
- The Planning Division is Staff to the Planning Commission. The Planning Division Staff is responsible for processing applications and submitting Staff Reports to the Planning Commission.
- Anyone wishing to give verbal comments will follow the policy entitled, Commenting at Public Meetings and Public Hearings.
- Anyone wishing to submit written information to the Planning Commission is subject to the following timeline and procedures:
 - All written materials must be received no later than eight days (Monday at 5:00 PM) prior to the Planning Commission meeting in order for the information to be included in the Staff Report. This may or may not give the Staff or the applicant sufficient time to address the written comments. Any materials submitted after Monday will be given to the Planning Commission at the pre-meeting on the day of the Planning Commission meeting.
 - The Staff Report will be provided to the applicant at the same time it is submitted to the Planning Commission.
 - Comments submitted by e-mail must be received by 3 PM on the day of the Planning Commission meeting. A paper copy of the e-mail will be given to the Planning Commission in the pre-meeting. E-mail submittals will be required to include the following contact information, i.e., name, mailing address, e-mail address, and phone number of the commenter.
 - Staff Reports will be placed on the Planning Division and State websites once the Planning Commission agenda is completed.
 - Planning Staff is available to answer questions regarding any project.



Weber County Planning Division

Date: November 28, 2011
To: Ogden Valley Planning Commission
From: Robert O. Scott, AICP *RS*
Planning Director
Subject: Annual Rules of Order Review

Each year the Planning Commission adopts the Ogden Valley Planning Commission Rules of Order. Each year both planning commissions hold a work session to review suggested amendments to the Rules of Order. (See attached Rules of Order)

The deliberations on the policy on receiving information from the public has necessitated various changes to the rules of order. In addition the section on ex parte communications has been clarified. There will also be some overall training and review of the rules of order.

It is recommended that the Ogden Valley Planning Commission give direction on the proposed changes in order to allow for the Rules of Order amendments to be drafted and considered for adoption on January 24, 2012.

RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
January, 2012

A. ORGANIZATION

1. Appointment of Chair and Vice Chair

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

2. Chair - Duties

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

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

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

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

3. Duties of the Vice Chair

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

4. Temporary Chair

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

5. Secretary - Duties

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

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

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

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

2. Preparation

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

3. Members Shall Attend Meetings

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

Planning Commission members shall attend required training.

4. Conflict of Interest

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

matter in question is being discussed and voted upon.

(a) Disqualification

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

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

(b) Disclosure of Potential Conflict of Interest

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

(c) Ex Parte Contacts

~~The Planning Commission has adopted rules regarding outside contacts otherwise known as ex parte communications. Commissioners are not to engage in communications outside of the public meeting regarding administrative applications. If you desire to speak to Commissioners on these matters it should be done at a regular meeting so your comments, concerns, and evidence are on the public record.~~

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

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

(d) Planning Commission Members Wishing to Give Testimony Comment

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

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

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

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

C. MEETINGS

1. Place

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

2. Regular Meetings

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

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

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

3. Special Meetings

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

4. Meetings - Matters Considered

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

5. Quorum

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

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held on the third Tuesday of each month at the hour of 5:00 p.m.

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

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

7. Open Meetings Law

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

8. Length of Meetings

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

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business

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

- (a) Pledge of Allegiance
- (b) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (c) Approval of minutes of prior meetings
- (d) Consent Agenda
- (e) Petitions, Applications and Public Hearings
- (f) Chair reads hearing statement
- (g) Old Business
- (h) New Business
- (i) Public Comment for Items not on the Agenda
- (j) Remarks from Planning Commissioners
- (k) Report of the Planning Director
- (l) Remarks from the County Attorney
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

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

3. Deadline for Agenda

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

4. Special Order of Business

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

E. ORDER AND DECORUM

1. Order of Consideration of Items

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

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

2. Consideration of Items

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

The Chair of the Planning Commission shall have authority to:

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

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

3. Time Limits

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

4. Conduct of Persons before the Commission

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

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

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

F. PROCEDURE - MOTIONS

1. Making of Motions

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

2. Withdrawing or Modifying a Motion

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

3. Motions in Order During Debate

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

- (a) To fix the time to adjourn;
- (b) To adjourn;

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

4. Motion must be Germane

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

5. Motions to Deny

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

6. Substitute Motions

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

7. Amendments

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

8. Friendly Amendments

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

G. PROCEDURE - RECONSIDERATION

1. Motion to Reconsider

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

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yeses) and nay (no's) given by members of the Commission individually on roll call, except motions to adjourn, table, common consent, continue, proceed out of order, or receive for study may be done by voice vote. The names of the members on such roll call shall be called alphabetically, in rotation, except that the Chair shall be called last. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Minute Approval

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

3. Voting or Changing Vote Before Decision Announced

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

4. Voting or Changing Vote After Decision Announced

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

5. Commission Members Required to Vote - Late Voting

No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.

6. Tie Votes

If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.

7. Explaining Vote

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

8. Not to Vote Unless Present

No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

J. DOCUMENTS OF THE COMMISSION

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

K. AMENDMENT

These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

L. RECORDING OF RULES - COPIES TO BE FURNISHED

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

Effective Date:

Kevin Parson, Chair
Ogden Valley Planning Commission

Douglas Hansen, Chair
Western Weber Planning Commission