

## SOUTH WEBER PLANNING COMMISSION AGENDA

Watch Live or at your convenience: [https://www.youtube.com/channel/UCRspzALN\\_AoHXhK\\_CC0PnbA](https://www.youtube.com/channel/UCRspzALN_AoHXhK_CC0PnbA)

PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in an electronic meeting on Thursday April 8, 2021 streamed live on YouTube, commencing at 6:00 p.m.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission.)

1. Pledge of Allegiance: Commissioner Davis
2. Electronic Meeting Declaration
3. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date. Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)
  - a. Individuals may speak once for 3 minutes or less.
  - b. State your name and address.
  - c. Direct comments to the entire Commission
  - d. Note Planning Commission will not respond during the public comment period.
4. Approval of Consent Agenda
  - a. PC2021-03-18 Minutes
5. Public Hearing & Action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive. (Continued from 3/18/2021)
6. Public Hearing & Action on an ordinance repealing South Weber City Code 10-5-2, Article A, "Agricultural, Aircraft Hazard Zone (A-10)", and amending South Weber City Code 10-5-2, Article H, "Commercial Highway Zone (C-H)
7. Planning Commission Bylaws
8. Planning Commission Comments (Boatright, Davis, Losee, Johnson, Walton)
9. Adjourn

In compliance with the Americans With Disabilities Act, individuals needing special accommodations

during this meeting should notify the City Recorder, 1600 East South Weber Drive,  
South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE: March 28, 2021**

**DEVELOPMENT COORDINATOR: Kimberli Guill**

**ORDER ON PUBLIC MEETINGS OF THE  
SOUTH WEBER CITY PLANNING COMMISSION**

I, Gary Boatright Jr., as the Chair of the South Weber City Planning Commission, do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the *Utah Open and Public Meetings Act*, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the *Utah Open and Public Meetings Act*;

**NOW THEREFORE, BASED UPON THE FOREGOING,**

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by virtual means without an anchor location.

DATED this 1 day of April, 2021.

By: 

Gary Boatright Jr., Chair

ATTEST:



Lisa Smith  
City Recorder

## **SOUTH WEBER CITY PLANNING COMMISSION MEETING**

**DATE OF MEETING:** 18 March 2021

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** Electronic Meeting through Zoom

**PRESENT: COMMISSIONERS:**

Gary Boatright  
Jeremy Davis  
Wes Johnson  
Julie Losee  
Taylor Walton

**CITY PLANNER:**

Shari Phippen

**CITY ENGINEER:**

Brandon Jones

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Blair Halverson

City Planner, Shari Phippen called the meeting to order.

**1.PLEDGE OF ALLEGIANCE:** Commissioner Johnson

**2.Read Electronic Meeting Declaration:** City Planner, Shari Phippen

### **Order on Public Meetings of the South Weber City Planning Commission**

With recent turnover, the South Weber City Planning Commission is without a Chairperson. The Planning Commission will elect a Chairperson at its next regularly scheduled meeting. This will occur before the Planning Commission takes action on any matter.

In the meantime, I, Shari Phippen, have been asked to organize this meeting. As the de facto chair of this meeting, and in keeping with the protocol the Planning Commission was following prior to the recent changes in membership, I do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the Utah Open and Public Meetings Act, presents a substantial risk to the health and safety of those who may be present at the anchor location; and

2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and

3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the Utah Open and Public Meetings Act;

**NOW THEREFORE, BASED UPON THE FOREGOING,**

For thirty days from the date of this Order, meetings of the South Weber City Council shall be conducted by electronic means without an anchor location. DATED this 18 day of March, 2021.

**3. Swearing in of New Planning Commission Members: Jeremy Davis, Julie Losee & Taylor Walton: City Recorder Lisa Smith conducted the swearing in of Jeremy Davis, Taylor Walton, and Julie Losee.**

**4. Appointment of Chair & Vice Chair:** Commissioner Boatright, Commissioner Walton, and Commissioner Johnson volunteered to serve as the chairperson. City Planner Shari Phippen made a point of order to remind everyone that the proper procedure is to make a motion.

**Commissioner Walton moved to serve as Chairperson for the South Weber City Planning Commission. The motion died due to lack of a second.**

**Commissioner Walton moved to serve as Chairperson for South Weber City Planning Commission. The motion died due to lack of a second.**

Commissioner Walton stated he has been heavily involved on the Code Committee. He has served for the past five years on the Planning Commission.

Commissioner Boatright expressed he has served on the Planning Commission for the last year and it has been a year of drama. He feels he can improve the efficiency of this group. He is levelheaded and reasonable.

Commissioner Johnson explained he has had experience serving on the Planning Commission and has served on the Parks and Recreation Committee. He feels meetings can be shortened.

**Commissioner Davis moved to appoint Gary Boatright as Planning Commission Chairperson. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**Commissioner Johnson moved to appoint Taylor Walton as Planning Commission Vice Chairperson. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**5. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date.**

**Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)**

- a. Individuals may speak once for 3 minutes or less.**
- b. State your name and address.**
- c. Direct comments to the entire Commission**
- d. Note Planning Commission will not respond during the public comment period.**

Emailed public comments were received from the following individuals:

- Paul Sturm, 2527 Deer Run Drive, South Weber, UT
- Joel Dills, 7749 S. 2100 E., South Weber, UT

## **6. Approval of Consent Agenda**

- **14 January 2021 Planning Commission Minutes**
- **11 March 2021 Planning Commission Minutes**

Commissioner Boatright moved to approve the consent agenda. Commissioner Walton seconded the motion. Commissioner Boatright called for the vote. Commissioners Boatright, Johnson, and Walton voted aye. Commissioner Johnson abstained from approval of the 14 January 2021 as he was excused from the meeting. The motion carried.

Commissioner Losee moved to open the public hearing on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approximately 128 E. South Weber Drive. Commissioner seconded the motion. Commissioner Johnson called for the vote. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

\*\*\*\*\* PUBLIC HEARING \*\*\*\*\*

## **7. Public Hearing & Action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive**

**City Engineer Brandon Jones memo of 12 March 2021 is as follows:**

Our office has completed a review of the Final Plat for the Public Works Subdivision, dated March 12, 2021.

### **BACKGROUND**

South Weber City is under contract to potentially purchase property for a new Public Works Facility. The property is located to the north of the South Weber Soccer Facility and to the south & east of the Heather Cove Subdivision. The City is currently in the due-diligence period prior to closing on the property; and is investigating all aspects of the property to assess the viability of the property for its desired future use. One part of the city's due diligence is to create the surveyed lot in the configuration desired by the City for purchase, with access to South Weber Drive. The purchase of the property is the first phase. No improvements are proposed at this time, as there is no current funding to build the facility. A Sketch Plan meeting was held on March 2, 2021. Comments by staff were given and revisions made to the plat. The City Code allows preliminary and final to be combined for minor subdivisions (1 to 10 lots). This

subdivision only has two lots and is therefore considered a minor subdivision. The proposed plat is the final plat.

### **PLAT**

E1. No comments.

### **IMPROVEMENT PLANS**

E2. No improvements are required until the City moves forward with plans for the Public Works Facility. All improvements required by City Code will be implemented.

### **STAFF ASSESSMENT**

E3. The plat meets all requirements of City Code. The future intended use of the property as a Public Works Facility in the Commercial Recreation (C-R) Zone is a conditional use and will have to be approved as such when the city is ready to build the facility.

Commissioner Boatright asked if there was any public comment. There was none.

**Commissioner Johnson moved to close the public hearing on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approximately 128 E. South Weber Drive. Commissioner Losee seconded the motion. Commissioner called for the vote. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED\*\*\*\*\***

City Engineer Brandon Jones explained the plat in the packet is what is being worked on. There has been a minor change concerning access approval from UDOT onto South Weber Drive. UDOT is requesting it be consolidated with access to the west and become one. The city is working with Ray family. City Planner Shari Phippen suggested the Planning Commission discuss this item but continue it to the next Planning Commission meeting.

Commissioner Johnson asked if the city is planning to install sidewalk, curb, and gutter along Kingston Drive. Brandon explained an amendment to the general plan will need to take place before the city does anything. He discussed Harper connection being necessary, but not Kingston. Commissioner Johnson asked if adjacent landowners have been contacted. Brandon pointed out they were all sent a public notice for this meeting. Kim has not received any public comment concerning this item; however, she did receive a couple of phone calls. Commissioner Boatright received an email from Kathy Williams. Commissioner Losee wishes there were more public comment. She questioned if it is smart to have a preliminary and final all in one meeting. Shari explained most subdivisions are big enough and need a longer process with infrastructure, etc. Years ago, the State of Utah came up with an option for 10 lots or less, because there may not be the need for much infrastructure. She stated just because the preliminary and final plat are on the same meeting, they still must be compliant with city code. This is also a significant cost savings for individuals doing small projects. Commissioner Losee asked what will happen to Kingston Drive and whether it would become a cul-de-sac. Brandon stated if the city does not intend to connect it through the property, then the general plan will need to be amended. Shari explained it may not be a cul-de-sac, but the fire code may allow for the stub. Chief Tolman and the City Engineer will look at the length of Kingston Drive and the fire code will dictate whether



it is to be a cul-de-sac, etc. Commissioner Losee asked about the multiple points of access required. Brandon discussed the city recognizes the need for access onto South Weber Drive which will help eliminate the city driving through neighborhoods.

Commissioner Walton does not like the city code allowing for preliminary and final plat together and would recommend bringing that to the City Councils attention. He asked where the Smith & Edwards Subdivision is being amended. Brandon explained the property was owned by Elite Training Facility. Lot 1 is the soccer facility, and it goes all the way to the west property line. Because of the access onto South Weber Drive, the Smith and Edward Subdivision needs to be amended. Brandon recognized this being preliminary and final and asked if there is any concern with what is presented. Commissioner Losee would like to allow for more public comment. She is concerned in the future; citizens will be impacted by the South Weber Public Works Department. Brandon expressed the city is not trying to hide the fact that this will be for Public Works. Shari pointed out this item has been heavily discussed with the City Council. The city has been completely transparent about the intended use of that property. Commissioner Boatright expressed from his experience there has not been a lack of public comment for the citizens. Commissioner Walton would like the opportunity to look at the city code and how the city got to 10. Shari will investigate how the city came up with the 10.

Commissioner Walton asked about Hill Air Force Base contour lines. Brandon replied it incorporates the entire property.

**Commissioner Walton moved to continue the Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approximately 128 E. South Weber Drive to the 8 April 2021 Planning Commission Meeting. Commissioner Losee seconded the motion. Commissioner Boatright called for the vote. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.**

### **8. Planning Commission Bylaws**

Commissioner Boatright explained the City Council recently updated City Code related to the Planning Commission requiring the adoption of Planning Commission Bylaws. Staff has drafted Bylaws based on research from other cities' bylaws and bring them forward to the Planning Commission for consideration.

City Planner Shari Phippen explained the City Council feels it is up to the Planning Commission to dictate their bylaws. She understands a couple of public comment emails have been submitted. She revealed the bylaws are a tool to help the Planning Commission function properly.

Commissioner Walton asked about paragraph #2 concerning a "silent vote" and asked for clarification. It was stated the silent vote takes place if there is more than one commissioner nominated. This helps eliminate awkwardness.

Commissioner Walton requested the entire Planning Commission have the opportunity to review the agenda. Shari pointed out that would be a violation of the Open and Public Meetings Act, but she will ask the City Attorney. Commissioner Walton suggested it would be an opportunity for more eyes to review it, because there are times when agenda items are not ready to be on an agenda. Commissioner Boatright disagreed with Commissioner Walton because he leans heavily

on the city staff. Kim pointed out the agenda is posted two weeks in advance, but the packet information is not necessarily available until approximately a week before the meeting.

Commissioner Walton addressed item #5 and suggested changing the language from “the Chair shall have the right”. He also questioned item #9. Shari suggested rewording the sentence. Shari reminded the Planning Commission if there are items that each individual Planning Commission member would like to address, please contact her.

Commissioner Losee asked if there is a point when the Planning Commission is appointed to committees and does it make sense to include that in the bylaws. Commissioner Boatright has not seen a sub-committee with just Planning Commission members. Commissioner Johnson commented the information from Joel Dills was not received until later this afternoon. He would suggest Shari review it and then come back to us with comments. Shari stated she has reviewed all of it and the Planning Commission does not reference committees. Commissioner Boatright suggested the Planning Commissioners review the bylaws and submit recommended amendments to Shari Phippen.

Commissioner Boatright addressed C. item #2 concerning the vice chair reporting to the City Council. Shari recommended the vice chair send a report to the City Council verses requiring the vice chair attend City Council meetings. Commissioner Davis asked if there is something specific the City Council is looking for. Blair Halverson, City Council member, discussed him being appointed as the liaison and how difficult it has been in the past for the City Council to know what is going on. Commissioner Losee suggested the vice chair be responsible for reporting to the City Council. Commissioner Boatright discussed the importance of minutes and the opportunity to review the meeting on YouTube. Commissioner Walton sees this as the vice chair providing an executive summary through email. Shari discussed various ways minutes can be used, providing executive summaries, quarterly joint City Council/Planning Commission meetings, etc. She recommended trying something and if it does not, then change the process.

Commissioner Walton questioned if C. Public Hearings item #2C needs to be included in the bylaws. Shari replied there are already items in place in the city code, but she will discuss this item with the City Attorney.

It was decided the Planning Commission members will send a copy of their amendments to the City Planner Shari Phippen by 26 March 2021. She reminded the Planning Commission they can email copies to each other but should not engage in conversations.

## 9. City Code Title 10 Definitions

Commissioner Walton reported the Code Update Committee has been reviewing all the approved uses in City Code Title 10 and the accompanying definitions of those uses. Prior to adoption of any land use code changes, the Planning Commission has a chance to review and recommend changes.

The Code Update Committee will bring its work product to the Planning Commission as various pieces are completed, the first of which is an update to code section 10-1-10 Definitions. Planning Commission will be able to review the suggested changes and recommend those changes to City Council or amend the changes and recommend the changes they see fit.



City Planner Shari Phippen discussed the definitions and land use chart and expressed just because it is in the definition does not mean it will be in the land use chart. Commissioner Boatright commended Commissioner Taylor and the Code Update Committee for their hard work on this, and he does not have any questions or concerns. Commissioner Losee questioned why a tiny home is considered a recreational vehicle because it is not constructed to travel on the road. Commissioner Walton the intent is to state a tiny home is recreational because it is moveable by definition. Shari stated she has seen tiny homes put in the back of a truck bed. Commissioner Losee suggested further defining it. Shari reported tiny homes are not considered an accessory dwelling unit and did not survive the conversation at the Legislature.

Commissioner Davis does not have any concerns with what was written. Commissioner Walton thanked everyone who has been involved with these updates. He suggested if anyone has questions, please do not hesitate to reach out to him. Shari will put more context into tiny homes. She informed everyone over the next several months all of Title 10 will be reviewed and amended. If the Planning Commission is okay with the definitions, this will not come back to the Planning Commission until there is a packet to be voted on. The Planning Commission agreed.

### **REPORTS:**

#### **10. Planning Commission Comments (Boatright, Davis, Losee, Johnson, Walton)**

**Commissioner Boatright:** expressed his appreciation to Rob Osborne and Tim Grubb for their service on the Planning Commission.

**Commissioner Losee:** discussed removing gender on the Planning Commission Bylaws. She asked when the Planning Commission meetings will be held in person. Shari replied after April 10<sup>th</sup> the mask mandate will no longer be required. Commissioner Boatright suggested the next meeting on 8 April 2021 be held electronically.

**Commissioner Johnson:** The Parks and Recreation Committee met, and the dog park will open on 28 May 2021. The underpass under Highway 89 will start next summer.

**Commissioner Walton:** suggested including remote locations in the bylaws. Shari will contact Jayme to see if there is anything to prevent that. He has not heard anything about HAFB compatible use plan. He would like to know where they are in the study. Brandon will work with Shari on that. He has not received any updates.

**ADJOURNED:** Commissioner Losee moved to adjourn the Planning Commission meeting at 8:00 p.m. Commissioner Davis seconded the motion. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Chairperson: Gary Boatright

\_\_\_\_\_  
Transcriber: Michelle Clark

\_\_\_\_\_  
Attest: Development Coordinator, Kimberli Guill

**From:** [Paul](#)  
**To:** [Public Comment](#)  
**Subject:** Planning Commission Bylaws  
**Date:** Thursday, March 18, 2021 1:45:56 PM

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SWC Planning Commission,

After a review of the proposed PC Bylaws in the packet for the 18Mar21 meeting, I noticed something that I believe should be changed.

I first noticed it while reading Packet Page 28 of 71 in Section II Meetings - Subsection C. - Subparagraph b) - "A spokesman for...." should not be gender-specific. I suggest that the word "spokesman" should be replaced by "spokesperson" and similar changes made throughout the document. Since the document is an embedded pdf, it was not searchable.

Thank you,

Paul Sturm  
2527 Deer Run Drive  
801-920-1428 (C)

**From:** [joel.dills@gmail.com](mailto:joel.dills@gmail.com)  
**To:** [Public Comment](#)  
**Subject:** Planning Commission Public Comment - March 18 2021  
**Date:** Thursday, March 18, 2021 4:54:49 PM  
**Attachments:** [Planning Commission Bylaw Changes.pdf](#)

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Joel Dills  
7749 s 2100 e

Commissioners,

One of the items on the agenda for the upcoming Planning Commission is the consideration of a set of bylaws relating to the organization and procedures of the planning commission. The planning commission provides citizen review and recommendations on planning-related matters to the City Council. Staff has created a very thorough starting point for the discussion, but I thought it would be appropriate if I added some recommendations for our Planning Commission to consider adding.

I outlined in red what I thought unnecessarily complicated Conflicts of Interests by requiring a peer to publicly challenge the their fellow commissioner, instead of just making it an automatic step of a simple vote of the commission. I highlighted in yellow my additions and followed them with a brief explanation of the intent behind it.

Thank you for considering my additions.

Joel



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Planning Commission Bylaws

### I. ORGANIZATION

#### A. Appointment of the Chair and Vice Chair

1. According to City Code section 10-3-4, during February of each year, the Commission shall appoint a Chair and Vice Chair for the next year. Appointees shall assume their duties upon selection.
2. Appointment of the Chair and Vice Chair shall be done separately through open nomination for appointment from any Commissioner. If only one Commissioner is nominated for appointment for either position, an approval vote of the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee.
3. The term of the Chair and Vice Chair is determined in City Code.

#### B. Duties of the Chair

1. Review and approve agendas prior to Commission meetings;
2. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
3. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the Commissioners;
4. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
5. Inform the Commission, when necessary, on any point of order to practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;
6. Authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;
7. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
8. Recognize speakers and Commissioners prior to receiving comments and presentations; and
9. Ensure the legal due process to all items and people involved in each item of each meeting agenda.
10. The Chair shall appoint all committees and their respective chairs; Prior to making such appointments, the Chair shall solicit interest from Commissioners as to service.
12. The Chair may delegate duties to other Commissioners with the consent of the Planning Commission. *(These allow the Chair to set up formal committees to tackle specific tasks before the entire Commission is required to act. One such committee would be the General Plan Amendment Committee, which would be tasked with recommending amendments to the current General Plan. Another Committee could be tasked with Land Use and Zoning Policy*

*recommendations to the CC and City Code. We need one to help draft a noise ordinance, ADU guidelines, etc.)*

C. Duties of the Vice Chair

1. The Vice Chair shall have and perform all the duties and functions of the Chair in the absence of the Chair.

2. Provide regular, report to City Council on all acts, findings, orders, and proceedings of the Commission;

3. Provide report and Commission recommendation to City Council on City Code-related concerns identified by the Commission during project reviews;

4. Attend City Council Meetings, where an official decision of recommendation or recommendation with conditions of the Planning Commission is discussed. In this role, the Vice Chair, or a member delegated, may be available to answer specific questions from the City Council, concerning its decision. When the representing the Planning Commission, the Vice Chair must support and advocate the official position of the Planning Commission, not a personal viewpoint. *(During a recent City Council meeting where changes to the Planning Commission was discussed, the importance of having a member present the Commission's decision in an effort to improve communication between the two groups)*

D. Temporary Chair

1. In the event of the absence or disability of the Chair and Vice Chair, and with a proper quorum present, a temporary Chair shall be appointed to conduct business prior to any agenda item to serve as the temporary Chair until the return of the either the Chair or Vice Chair.

2. The temporary Chair shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chair.

E. Quorum

1. The number of Commissioners of necessary to constitute a quorum is three (3) or more. No action of the Commission shall be official or have any effect except when a quorum of the Commissioners is present.

2. Any Commissioner choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum.

3. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.

4. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of



time for a quorum to arrive, through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Commission meeting.

#### F. Placing Items on the Agenda

1. A request for an item to be on a Commission meeting agenda may be initiated by the Chair, three Commissioners, City staff with the support of the Chair, or an applicant that has submitted a complete application.

2. No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the City Planning Coordinator or designee, as hereafter provided, or which was not initiated by motion of the Planning Commission.

3. City Staff or the Chair may, however, place housekeeping and non-action items on the agenda.

4. Any person desiring to appear before the Planning Commission shall complete an application and submit all required materials and fees to the Planning Department. An application that does not include all of the required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant. *(The intent here is to prevent projects and plans from being unofficially submitted. For example; Applicants wishing to make a zoning change would have to submit full plans with specific changes providing the Commission with enough information to make a recommendation – anything else is wasting the Commission's time and resources. Fees are required as part of the process, to offset the cost of our city staff including the Planning Coordinator, the City Engineer, The City Planner and the City Attorney, all of which may be called upon to provide input.)*

## II. MEETINGS

#### A. Meeting Schedule

1. At one of the last regularly scheduled meetings of each year, the Commission shall have an agenda item to determine the general meeting schedule for the following year. Except for those meetings rescheduled or cancelled, meetings of the Commission are typically held on the 2nd Thursday of each month, are to begin promptly at 6:00 p.m., and are to be held in the City Council Chambers of South Weber City Hall. Alteration to the time of day or place a meeting is to be held may be made through notice and advertisement of the meeting which states the specific alteration(s).

2. The determination of the general meeting schedule shall take into consideration the dates for which meetings will be scheduled and the possibility of special meetings or the cancellation of meetings to avoid conflicts.

3. Every meeting of the Commission is to be open to the public and conducted in accordance with the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).

4. Pending minutes, approved minutes, and a recording of a public meeting are public records under [Title 63G, Chapter 2, Government Records Access and Management Act](#).

5. As per State law, A public body that is not a state public body or a specified local public body shall:

(i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes, make the approved minutes available to the public; and

(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

#### B. Procedure of Consideration of Agenda Items

The following procedure will normally be observed for all agenda items, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:

1. Introduction of the item by the Chair;
2. Staff presentation and analysis;
3. Presentation of the proposal by the applicant;
4. Public Hearing (as applicable)
5. Commission discussion.

The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff or the applicant(s); and

#### 6. Motion and Vote.

The Chair may outline the possible actions of approval, approval with conditions, tabling, or denial prior to entertaining a motion. Voting shall be in accordance with section F below.

#### 7. Written Decision / Recommendation.

The City Council depends on the recommendations of the Planning Commission for its decision-making process. At the conclusion of a meeting or hearing where the Commission has voted upon a recommendation to the City Council, the Commission shall authorize the Chair to prepare and sign on the Commission's behalf a written decision that shall set forth the Commission's findings, conclusions and recommendations on the matter.

Any dissenting Commission member may prepare a dissenting decision individually or together with other dissenting Commission members.

A brief History of any and all previous interactions and decisions pertaining to decision or recommendation, shall accompany the written decision.

The City Planning Coordinator or designee shall distribute copies of the written decision together with any dissenting decisions to the City Council, Commission members, and interested parties. *(The intent here is to provide the City Council with not only the decision, but the*

*questions, comments and concerns brought up by the Commission in it's decision making process. This prevents duplication of work when it gets up to the City Council and provides a permanent record of the Commissions due diligence. in an easily to digest format)*

## C. Public Hearings

### 1. Procedure

a) Opening of the public hearing by the Chair;

b) Roll Call.

Commissioners are noted as Present, Absent - Excused, or Absent - Unexcused. If a Commissioner is late, they are changed to Present. To be classified as Absent - Excused, a Commissioner must notify either the Chair, Vice Chair or Planning Coordinator or designee, at least 1 hour prior to the start of the meeting. (A formal record must be kept of the who is present, which give the Commission the authority of a quorum needed to conduct business. This also allows the Mayor, City Council and Commission members a way to track required attendance of meetings)

c) Review and amend Agenda as needed.

d) Public declaration of Conflicts of Interests as defined below

e) Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;

f) Rebuttal and concluding comments by the applicant, as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;

g) Closure of the public hearing by the Chair.

### 2. Comments During Public Hearings

a) Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three minute timeframe. All public comment shall be directed toward the Commission.

b) A spokesman for a group of citizens wishing to make similar comments regarding the agenda item may be allowed a reasonable amount of additional time by the Chair.

c) Public comment submitted via email, is a valid form of communicating with the Planning Commission and shall be distributed to each member of the Planning Commission as it is received, up to 4 hours before the scheduled meeting time. It is the obligation of each Commissioner to respect and read these comments before the meeting is called to order. (Public Comment is permitted through a city email address, and there needs to be a reasonable expectation that those comments will be heard before a decision is made)

d) The Chair shall have the ability to discontinue the receipt of an individual commenting at his/her discretion if the commentary and testimony becomes, disrespectful, rude, or otherwise rowdy and if the person willfully disrupts the meeting to the extent that orderly conduct is

**seriously compromised.** *(This was changed from giving the power to close all public comment to just stopping the individual acting in a rowdy way. All public comment should not be shut down because of the actions of one individual. The Public has a legal right to comment. I also used the state's wording for "willfully disrupts" the meeting, making it intentional and "seriously compromised" making it more than simply the discretion of the chair.*

### 3. Commission Action.

No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but **may** not be responded to by the Commission during the public hearing. **A commissioner may request further clarification of comments or ask for sources cited which would allow the commentor an additional 2 minutes to respond.** *(If a commissioner wishes to respond or follow up with questions, the commissioner should be allowed to do so)*

### D. Continuance of Agenda Items

Review of any agenda item being held or noticed to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

### E. Motions

#### 1. Making a Motion.

Any Commissioner, including the Chair, may make or second any motion.

#### 2. Findings.

Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion.

#### 3. Motions repeated.

Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.

#### 4. Legal Counsel.

Any Commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.

#### 5. Second Required.

Each motion of the Commission must be seconded.

#### 6. Withdrawing a Motion.

After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to vote. Withdrawal of a second shall become automatic with the withdrawal of the motion.

#### 7. Motion to Table.

A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further information review, and whenever possible, a specific date for which the issue would be reheard.

8. Amending Motions.

When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second to amend a motion. Amendments to an amended motion shall be handled in the same manner as the original motion (motion to amend/second/vote of Commission).

9. Dead Motions.

In the event that a seconded motion does not carry due to the lack of an adequate sustain vote, the motion is determined to be dead.

10. Motion to Adjourn.

A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting.

F. Voting

1. Changing a Vote.

No Commissioner shall be permitted to change his/her vote once the Chair has declared the result of the decision.

2. Abstention.

Any commissioner may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table but do not participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken but must be disclosed as part of the Commissioner's declaration of abstention to ensure that no conflict of interest has occurred.

3. Roll Call Vote.

A roll call vote shall be held to vote on motions made regarding:

- a) The approval of an agenda item where the commission is the designated approving body; or
- b) Recommendations to the City Council regarding ordinances, amendments to the City Code, or adoption or amendment of the General Plan.

**III. RIGHTS AND DUTIES OF THE COMMISSIONERS**

#### A. Meeting Attendance

Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any Commissioner expecting to be absent from a meeting of the Commission shall notify the Chair and the City development staff a minimum of 24-hours before the meeting, except in the case of an emergency.

#### B. Not to Vote Unless Present

No Commissioner shall be permitted to vote on any question, matter or business, or agenda item unless the Commissioner is present at the meeting in which the vote is taken in person or electronically and the result is announced regarding the issue. No Commissioner shall give his/her proxy to any other person to vote on any issue.

#### C. Conflict of Interest

Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business. If any Commissioner has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard.

1. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner.

2. In the event the Commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask **if any Commissioner wishes to** request a vote on the conflict.

**a) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.**

**b) If a request is made, the Commissioner making the request shall detail his/her request including any request to have the commissioner step down and/or withdraw from discussion or voting.** The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance. **The vote and justification for the decision shall be recorded in the meeting notes.** (The change here is remove the requirement for a member to ask for a vote. This should just be part of the process and not put the onus or pressure on a fellow commissioner to call for it.

3. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare such feelings. Such declarations shall be determined and handled as in Section III. C herein.



4. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner regarding the agenda item in question.

5. A Commissioner may appear before the Commission through his/her employment or as an advocate or agent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.

6. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by stating an ability to influence Commission decision or based on being a Commissioner.

7. A Commissioner must not use his/her appointed office as a Commissioner to seek or obtain any special advantage.

8. Members who fail to disclose a conflict of interest may be asked to resign immediately by the Mayor or majority vote of the City Council. *(This should go without saying, but the those who hold the public's trust must be held to a high standard)*

9. Members should avoid any contact with individuals or organization who have submitted agenda items for decisioning. *(City Staff works with the applicant during the initial phases of seeking Council approval. There should be no reason for the applicant to meet with Commissioners before their application formally comes before the Commission. In a small town such as ours, this may not always be possible, but in such cases the Commissioner should discourage talking about the application. This will also provide protection to the reputation of our Commissioners, who are already under public scrutiny and may prevent the appearance of undue influences)*

10. No member may, directly or indirectly, give or receive any compensation, gift, gratuity, or reward from any source, except the municipality, for a matter connected with or related to business of the Planning Commission. This includes meals, drinks, tickets to events, travel or leisure activities and discounts on products or services.

9. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. *(This was also discussed in the City Council meeting and should be included in the bylaws)*

#### IV. ORDER AND DECORUM

##### A. General Decorum

The atmosphere of a Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings.

##### B. Commissioner Decorum

At no time shall any Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

C. Public Clamor

Public Clamor shall not be allowed in any meeting of the Planning Commission, or during any portion of any meeting. Things and actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated and persons conducting this behavior shall be subject to removal from the hearing;

D. Due Process

The Chair shall conduct each meeting in such a manner so as to afford due process throughout the proceedings.

E. Chair's Authority

It shall be the authority and discretion of the Chair to order the removal of any individual member of the general public present at a Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.

F. Chair's Adjournment

In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section IV.E here in, it shall be the authority and discretion of the Chair to promptly adjourn any meeting of the Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

**V. Application to the Planning Commission**

A. Submission of Applications

All site plans, revisions to site plans, surveys, plots, documents, reports, supporting statements, or other material to be presented in support of an application shall be submitted to the Secretary not later than 10 calendar days prior to the meeting of the Planning and Zoning Commission at which the 8 application is to be presented or heard. This requirement may be waived by the Chairman only upon a showing of good cause therefor by the applicant.

B. Failure to Appear

If an applicant, his agent or attorney shall fail to appear for the meeting which the application is scheduled for public hearing, the application shall be denied or recommended for denial for failure by the applicant to present a record in support of the application. Any reconsideration of

an application denied under these circumstances shall be scheduled as though it is a newly filed matter; no scheduling preference shall be given unless permitted by the Commission.

## **V. SUSPENSION OF RULES**

### **A. Non-Exclusive Rules**

The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or circumstances for the purposes of orderly and effective conduct of the affairs of the City.

### **B. Amendment and Adoption of Commission Bylaws**

Amendments and adoption of Commission bylaws to supersede those contained herein shall follow the same procedure as the adoption of these bylaws. A motion may be made by any Commissioner to review the bylaws for amendment at any time following their inception. A sustaining vote shall be required to open the review of the bylaws for amendment.

## **VI. RECORDING OF BYLAWS**


A. These bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the City development staff.



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**MEMORANDUM**

TO: South Weber City Planning Commission

FROM: Brandon K. Jones, P.E.  
South Weber City Engineer 

CC: Shari Phippen – South Weber City Planner

RE: **PUBLIC WORKS SUBDIVISION PLAT**  
**Engineering Review (Preliminary and Final)**

Date: April 6, 2021

---

Our office has completed a review of the Final Plat for the Public Works Subdivision, dated April 6, 2021.

**BACKGROUND**

South Weber City is under contract to potentially purchase property for a new Public Works Facility. The property is located to the north of the South Weber Soccer Facility and to the south & west of the Heather Cove Subdivision. The City is currently in the due diligence period prior to closing on the property; and is investigating all aspects of the property to assess the viability of the property for its desired future use. One part of the city's due diligence is to create the surveyed lot in the configuration desired by the City for purchase, with access to South Weber Drive. The purchase of the property is the first phase. No improvements are proposed at this time, as there is no current funding to build the facility. A Sketch Plan meeting was held on March 2, 2021. Comments by staff were given and revisions made to the plat. The City Code allows preliminary and final to be combined for minor subdivisions (1 to 10 lots). This subdivision only has two lots and is therefore considered a minor subdivision.

*-Update-*

As part of the city's due diligence, the City submitted an application to UDOT for an access permit to South Weber Drive. One of the requirements for approval of the permit was to locate the access at or near the current driveway access just west on the Ray property. This necessitated the need to acquire additional property from the Rays, to be included as part of Lot 2 of the Public Works Subdivision. The City has been working with a representative of the Ray property and the developer that is currently under contract with the Rays (Nilson Homes). A Property Exchange Agreement has been created. This agreement will exchange the property that the City needs from the Rays (for access to South Weber Drive) for the property that the Rays will need for a future road connection to Harper Way. This Agreement is included for reference and will need to be approved by the City Council as part of the approval of the plat.

PUBLIC WORKS SUBDIVISION PLAT  
Engineering Review (Preliminary and Final)  
April 6, 2021

Page 2 of 2

**PLAT**

- E1. No comments.

**IMPROVEMENT PLANS**

- E2. No improvements are required until the City moves forward with plans for the Public Works Facility. All improvements required by City Code will be implemented.

**STAFF ASSESSMENT**

- E3. The plat meets all requirements of City Code. The future intended use of the property as a Public Works Facility in the Commercial Recreation (C-R) Zone is a conditional use and will have to be approved as such when the city is ready to build the facility.



# Public Works Subdivision

Also Amending Lot 1, Smith and Edwards Subdivision  
South Weber City, Davis County, Utah  
A Part of the Southwest Quarter of Section 20,  
Township 5 North, Range 1 West, Salt Lake Base & Meridian  
March 2021

## SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Act; and I have completed a survey of the property described on this Plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby subdivided said tract into two (2) lots, know hereafter as Public Works Subdivision which is an amendment to the Smith and Edwards Subdivision located in South Weber, Davis County, Utah, and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said Subdivision, based upon data compiled from records in the Davis County Recorder's Office and from said survey made by me on the ground. I further hereby certify that the requirements of all applicable statutes and ordinances of South Weber City Concerning Zoning Requirements regarding lot Measurements have been Complied with.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

K. Greg Hansen P.L.S.  
Utah Land Surveyor License No. 167819



## BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER LOCATED 112.03 FEET NORTH 89°07'28" WEST (NORTH 89°28'27" WEST BY RECORD) ALONG SAID SOUTH LINE FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;

RUNNING THENCE NORTH 89°07'28" WEST (NORTH 89°28'27" WEST BY RECORD) 206.23 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH WEBER DRIVE (STATE ROAD 60); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES; (1) NORTH 45°50'41" WEST 69.57 FEET; (2) NORTHWESTERLY TO THE LEFT ALONG THE ARC OF A 891.50 FOOT RADIUS CURVE, A DISTANCE OF 57.77 FEET, CHORD BEARS NORTH 47°42'04" WEST 57.76 FEET, HAVING A CENTRAL ANGLE OF 03°42'46"; (3) NORTH 49°33'27" WEST 298.71 FEET; (4) NORTHWESTERLY TO THE RIGHT ALONG THE ARC OF A 853.00 FOOT RADIUS CURVE, A DISTANCE OF 230.27 FEET, CHORD BEARS NORTH 41°49'27" WEST 229.57 FEET, HAVING A CENTRAL ANGLE OF 15°28'01"; (5) NORTH 34°05'26" WEST 125.79 FEET; AND (6) NORTHWESTERLY TO THE LEFT ALONG THE ARC OF A 710.50 FOOT RADIUS CURVE, A DISTANCE OF 23.38 FEET, CHORD BEARS NORTH 35°02'00" WEST 23.38 FEET, HAVING A CENTRAL ANGLE OF 01°53'07" TO THE EAST BOUNDARY LINE OF THE LARRY D. RAY PROPERTY, TAX ID. NO. 13-005-0036; THENCE ALONG THE BOUNDARY LINE OF SAID LARRY D. RAY PROPERTY THE FOLLOWING TWO COURSES; (1) SOUTH 01°47'17" WEST 22.33 FEET TO THE NORTH LINE OF SOUTH WEBER DRIVE; AND (2) NORTH 40°50'48" WEST 143.84 FEET ALONG SAID NORTH LINE; THENCE NORTH 43°28'16" EAST 31.61 FEET; THENCE NORTHEASTERLY TO THE LEFT ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE, A DISTANCE OF 219.43 FEET, CHORD BEARS NORTH 22°31'02" EAST 214.57 FEET, HAVING A CENTRAL ANGLE OF 41°54'29" TO AN EXISTING FENCE LINE DESCRIBED OF RECORD IN THAT CERTAIN BOUNDARY LINE AGREEMENT FILED AS ENTRY NO. 1343702 IN THE FILES OF THE DAVIS COUNTY RECORDER; THENCE ALONG SAID EXISTING FENCE LINE NORTH 01°33'47" EAST 32.99 FEET; THENCE ALONG SAID EXISTING FENCE, BEING THAT FENCE LINE AS DESCRIBED IN SAID BOUNDARY LINE AGREEMENT THE FOLLOWING SIX (6) COURSES; (1) NORTH 01°33'47" EAST 6.66 FEET; (2) NORTH 01°25'33" EAST (NORTH 01°04'34" EAST BY RECORD) 147.09 FEET; (3) NORTH 02°05'38" EAST (NORTH 01°44'39" EAST BY RECORD) 179.99 FEET; (4) NORTH 01°59'07" EAST (NORTH 01°38'08" EAST BY RECORD) 190.72 FEET; (5) NORTH 01°48'36" EAST (NORTH 01°27'37" EAST BY RECORD) 100.08 FEET; AND (6) NORTH 00°06'20" WEST BY RECORD) 503.61 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 84; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 88°56'01" EAST 169.35 FEET TO THE NORTHWEST CORNER OF HEATHER COVE SUBDIVISION FILED AS ENTRY NO. 1329957 IN THE FILES OF THE DAVIS COUNTY RECORDER; THENCE ALONG THE BOUNDARY LINE OF SAID SUBDIVISION THE FOLLOWING EIGHT (8) COURSES; (1) SOUTH 00°21'23" WEST (SOUTH 00°00'24" WEST BY RECORD) 412.53 FEET; (2) SOUTH 63°49'03" EAST (SOUTH 64°10'02" EAST BY RECORD) 260.28 FEET; (3) SOUTH 89°37'19" EAST (SOUTH 89°58'18" EAST BY RECORD) 219.31 FEET; (4) NORTH 67°30'54" EAST BY RECORD) 64.32 FEET; (5) SOUTH 02°34'03" EAST (SOUTH 02°55'02" EAST BY RECORD) 639.19 FEET; (6) SOUTH 01°44'25" EAST 490.70 FEET; (7) SOUTH 01°01'09" EAST 258.87 FEET; AND (8) SOUTH 02°30'46" EAST 152.02 FEET TO THE POINT OF BEGINNING. CONTAINING 24.70 ACRES.

## OWNER'S DEDICATION

Known all men by these presents that the undersigned owners of the above described tract of land, having caused same to be subdivided into lots, as shown on this plat, to be hereafter known as Public Works Subdivision, do hereby dedicate, grant, and convey to Utah Department of Transportation, all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate, grant and convey to South Weber City, Davis County, Utah, all those certain strips designated as public utility easements for public utility and drainage purposes, as shown hereon. The same to be used for the installation, maintenance, and operation of public utility service lines including for irrigation and drainage purposes. The plat notes shown hereon are hereby declared effective and binding.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

Elite Training Centers LLC by Craig James Smith, Registered Agent

Jolene C. Sjoblom, Mayor of South Weber City

## LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me, Craig James Smith, who being by me duly sworn did say and acknowledge that he is a Registered Agent of Elite Training Centers, LLC, a Utah Limited Liability Company ("LLC"), which LLC is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the LLC, and that said authorization to sign on behalf of the LLC came pursuant to a Resolution of the Managers, the Certificate of Organization, and/or the Operating Agreement of the LLC.

Notary Public

DAVIS COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

FILED FOR RECORD AND

RECORDED \_\_\_\_\_, AT

IN BOOK \_\_\_\_\_ OF OFFICIAL

RECORDS, PAGE \_\_\_\_\_

DAVIS COUNTY RECORDER

BY \_\_\_\_\_

DEPUTY RECORDER

## NARRATIVE

The Purpose of this survey was to establish and set the property corners of the two lot subdivision as shown and described hereon. This Survey was ordered by Brandon Jones of Jones & Associates, acting as City Engineer for South Weber City. The control used to establish the property corners was the Smith & Edwards Subdivision, the Heather Cove Subdivision along with the existing Davis County Surveyor Monumentation surrounding Section 20, Township 5 North, Range 1 West, S.L.B.&M. The basis of bearing is the South line of the Southwest Quarter of said Section which bears North 89°07'28" West, Utah North, State Plane, Calculated N.A.D.83 Bearing, (North 89°28'27" West, Davis County Bearing).

Notary Public

SOUTH WEBER CITY ATTORNEY

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

BY THE SOUTH WEBER CITY ATTORNEY.

SOUTH WEBER CITY ATTORNEY

SOUTH WEBER CITY ENGINEER'S APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

BY THE SOUTH WEBER CITY ENGINEER.

SOUTH WEBER CITY ENGINEER

## CORPORATE ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF DAVIS )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, Jolene C. Sjoblom personally appeared before me, the undersigned Notary Public in and for said County of Davis, in the State of Utah, who duly acknowledged to me that she is the Mayor of South Weber City Corporation and that she signed the above owner's dedication freely and voluntarily and for the uses and purposes therein mentioned.

SOUTH WEBER CITY COUNCIL APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

BY THE SOUTH WEBER CITY COUNCIL.

ATTEST:

CITY RECORDER MAYOR

## LEGEND

- Subject Property Line
- Interior Lot Lines
- Adjoining Property Line
- Centerline
- General Utility Easement (GUE)
- Fence Line (Wire)
- Roadway Dedication - Cont. 2,288 S.F. or 0.053 Acres
- Existing Street Monument
- Street Monument to be set
- Found rebar set by others
- Set 5/8"x24" Rebar With Cap
- Section Corner

## NOTE:

- 1 - All General Utility Easements (G.U.E.) are 10.0 foot wide unless otherwise noted.
- 2 - Rebar and cap set on all back lot corners with curb nails set in top back of curb and gutter on all side yard projections.
- 3 - Utah Power & Light Easement, Entry No. 20597 situated in the East 1/2 of the Southwest 1/4 of Section 20. May Affect Subject Property.

SOUTH WEBER PLANNING COMMISSION APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

BY THE SOUTH WEBER CITY PLANNING COMMISSION.

CHAIRMAN, SOUTH WEBER CITY PLANNING COMMISSION

Southeast Corner of Section 20,  
T. 5 N., R. 1 W., S.L.B.&M.  
Found GLO Brass Cap Monument.

(C1)  $\Delta = 3^{\circ}42'46''$   
 $R = 891.50'$   
 $L = 57.77'$   
 $LC = 57.76'$   
 $N 47^{\circ}42'04'' W$

(C2)  $\Delta = 15^{\circ}28'01''$   
 $R = 853.00'$   
 $L = 230.27'$   
 $LC = 229.57'$   
 $N 41^{\circ}49'27'' W$

(C3)  $\Delta = 1^{\circ}53'07''$   
 $R = 710.50'$   
 $L = 23.38'$   
 $LC = 23.38'$   
 $N 35^{\circ}02'00'' W$

(C4)  $\Delta = 41^{\circ}54'29''$   
 $R = 300.00'$   
 $L = 219.43'$   
 $LC = 214.57'$   
 $N 22^{\circ}31'02'' E$

(C5)  $\Delta = 14^{\circ}34'20''$   
 $R = 225.00'$   
 $L = 57.23'$   
 $LC = 57.07'$   
 $N 8^{\circ}50'51'' E$

(C6)  $\Delta = 0^{\circ}35'49''$   
 $R = 789.74'$   
 $L = 8.23'$   
 $LC = 8.23'$   
 $N 41^{\circ}25'18'' W$

**Lot 1**  
Containing 12.50 Acres  
128 E. South Weber Drive

**Lot 2**  
Containing 12.15 Acres  
104 E. South Weber Drive

**Raymond**

**Heather Cove Subd.**  
(Entry No. 1329957)

**Project Location**

**Vicinity Map**



**HANSEN & ASSOCIATES, INC.**  
Consulting Engineers and Land Surveyors  
538 North Main Street, Brigham, Utah 84302  
Visit us at [www.haies.net](http://www.haies.net)  
Brigham City Ogden Logan  
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Celebrating over 60 Years of Business



## PROPERTY EXCHANGE AGREEMENT

This **PROPERTY EXCHANGE AGREEMENT** (“Agreement”) is made and entered into as of the \_\_\_\_ day of April, 2021, by and among **SOUTH WEBER CITY**, A Utah municipal corporation, hereinafter referred to as the “City”; **NILSON LAND DEVELOPMENT, LLC**, hereinafter referred to as “Nilson”; and the **LARRY D. RAY REVOCABLE TRUST** under Declaration of Trust Dated December 29, 1997, as amended, and the **SUZANNE A. RAY REVOCABLE TRUST** under Declaration of Trust dated December 29, 1997, as amended, hereinafter referred to collectively as “Ray.” City, Nilson, and Ray are sometimes referred to collectively herein as the “Parties,” and individually as a “Party.”

### RECITALS:

A. The City has entered into a Real Estate Purchase and Sale Agreement (“REPSA”) with Elite Training Centers, LLC (“Elite”), to purchase a portion of parcel numbers 13-005-0037 and 13-315-001, approximately 11.92 acres, located in South Weber City, Utah. The real estate the City has contracted to buy is located at approximately 128 East South Weber Drive, South Weber City, Utah, hereinafter referred to as the “Property Purchase Area,” and is identified as item one (1) in Exhibit A, a copy of which is attached hereto and incorporated herein by reference.

B. Nilson has a contract to purchase real property from Ray (the “Ray Property”). The Ray Property is identified as parcel number 13-005-0036 and abuts South Weber Drive and the Property Purchase Area described in paragraph A above.

C. The Ray Property is owned by the Larry D. Ray Revocable Trust and the Suzanne A. Ray Revocable Trust as tenants in common with each owning an undivided ½ interest.

D. For the Property Purchase Area to serve the City as a site for its future maintenance facility, the City must establish access from the Property Purchase Area to South Weber Drive. To this end, a condition of the REPSA between City and Elite is preliminary approval of an access permit for South Weber Drive from the Utah Department of Transportation (“UDOT”).

E. From South Weber Drive, the existing access point to the Property Purchase Area crosses the Ray Property.

F. It is the City’s understanding that UDOT will not approve a second access point from South Weber Drive to the Property Purchase Area.

**AGREEMENT:**

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The Recitals set forth above are fully incorporated herein by this reference.
2. City Access to South Weber Drive. To provide the City access from the Property Purchase Area to South Weber Drive, Ray and Nilson agree to convey to the City fee simple title to approximately 0.26 acres of property identified as two (2) and three (3) in Exhibit A to this Agreement. Such conveyance shall be executed and duly recorded prior to April 15, 2021, either by deed or by signing the Public Works Subdivision Plat.
3. Extension of Harper Way. To allow for the future extension of Harper Way, the City agrees to convey approximately 0.24 acres of property necessary for a seventy-foot (70') right-of-way across the Property Purchase Area. The right-of-way is identified as four (4) in Exhibit A to this Agreement. Conveyance of the right-of-way shall be executed if and when Ray, Nilson, or their successors or assigns petition the City for approval to develop the Ray Property. One-hundred percent (100%) of the cost of constructing the future extension of Harper Way shall be borne by Ray, Nilson, or their successors or assigns. The future extension of Harper Way shall be constructed according to City standards in effect at the time of the development application.
4. Abandonment of existing access to South Weber Drive. Upon approval and construction of a new access road to-from the Property Purchase Area and South Weber Drive ("Future Access Road"), Ray and Nilson agree to abandon the existing driveway access from the Ray Property to South Weber Drive.
5. Cross-Access Easement. Upon approval and construction of the Future Access Road, the City shall provide a cross-access easement along the Future Access Road to the west, adjacent Ray Property. The City shall provide this cross-access easement at the time the old access is abandoned and the Future Access Road is constructed.
6. Future improvements to future access road. If and when the Ray Property is developed for a use other than the current agricultural use, Ray, Nilson, and their successors and assigns agree to make all required improvements to the Future Access Road. Such improvements shall be constructed in accordance with City standards and may include curb, gutter, drainage infrastructure, asphalt/concrete paving, among other things.
7. Additional access to South Weber Drive. This agreement shall not preclude Ray, Nilson, or their successors or assigns from seeking additional access to

South Weber Drive if such access becomes necessary to support development of the Ray Property. The City shall support such additional access to the Ray Property insofar as the additional access is consistent with the City's General Plan, permitted by UDOT, and is not precluded by law. In the event that UDOT refuses to grant a second street access to the Ray Property in a location consistent with the General Plan, the City agrees to allow a future public street to cross the property in this Agreement in order to access the current access point. Ray and Nilson would be responsible for the cost of relocating the City's access to the new public street.

8. Notices. Any notice required or desired to be given pursuant to this Agreement shall be delivered personally or mailed by certified mail, return receipt requested, postage prepaid, to the parties as follows:

City:	South Weber City Attn: City Manager 1600 East South Weber Drive South Weber, Utah 84405
Ray:	Larry D. Ray Revocable Trust Attn: Lynn J. Wood, Trustee 2490 Wall Ave. Ogden, UT 84401
Nilson:	Nilson Land Development, LLC Attn: Steve Bingham, Manager 5617 South 1475 East South Ogden, UT 84403

The Parties may change their addresses by notice given as required above.

9. Default. In the event any Party fails to perform its obligations hereunder, or to comply with the terms hereof, within thirty (30) days after giving written notice of said default, and if the defaulting Party has failed to take reasonable steps to remedy the default, the non-defaulting Party, at its election, shall have the following remedies.

9.1 All rights and remedies available as law and in equity, including injunctive relief, specific performance and/or damages;

9.2 The rights and remedies set forth hereinabove shall be cumulative. Any legal actions commenced or file in connection the with Property or any matters contained herein shall be filed in the Second Judicial District Court in and for Davis County, Utah.

9.3 If any action at law or in equity, or any special proceeding (including bankruptcy proceedings and appeals from lower court rulings) be instituted by any Party against another Party to enforce this Agreement or any rights arising hereunder, or in connections with the subject matter hereof, the

Prevailing Party shall be entitled to recover all costs of suit and reasonable attorneys' fees. For purposes of this paragraph, the term "Prevailing Party" shall, in case of a claimant, be the Party who is successful in obtaining substantially all of the relief sought, and in the case of the defendant or respondent, the Party who is successful in denying substantially all of the relief sought by the claimant; and

9.4 The rights and remedies of any of the Parties stated herein are not intended to be exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provisions. Each of the Parties confirms that damages at law may be an inadequate remedy for a breach or threatened breach of any provision hereof. The respective rights and obligations hereunder shall be enforceable by specific performance, injunctions, or other equitable remedy, but nothing herein contained is intended to or shall limit or affect any rights at law or by statute or otherwise of any Party aggrieved as against the other Party for a breach or threatened breach of any provision hereof, it being the intent of this paragraph to make clear the agreement of the Parties that the respective rights and obligations of the Parties hereunder shall be enforceable in equity as well as at law or otherwise.

10. Time of the Essence. Time is expressly made of the essence for each and every provision of this Agreement.

11. No Partnership or Joint Venture. The Parties hereto expressly disclaim and disavow any partnership, joint venture, fiduciary, agency or employment status or relationship among them and expressly affirm that they have entered into this Agreement as part of an "arms-length" transaction. No Party hereto has the authority to make any representation or warranty or incur any obligation or liability on behalf of any other Party hereto, nor shall it make any representation to any third party inconsistent with this provision.

12. Counterparts. This Agreement may be executed in any number of duplicate counterparts, each of which shall be deemed an original, and when taken together shall constitute one and the same original Agreement, which shall be fully binding upon each Party who executes the same.

13. Interpretation. Section titles and captions to this Agreement are for convenience only and shall not be deemed part of this Agreement and in no way define, limit, augment, extend, or describe the scope, content, or intent of any part of this Agreement. This Agreement has been arrived at through negotiation between the Parties. As a result, the normal rule of contract construction that any ambiguities are to be resolved against the drafting Party shall not apply in the construction or interpretation of this Agreement.

14. Applicable Law. This Agreement shall be construed in accordance and governed by the laws of the State of Utah.

15. Run with the Land/Successors. This Agreement shall run with the land, and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the Parties, their successors and assigns. Any party shall have the right to sell, assign, or transfer its rights under this Agreement as it deems appropriate.

16. Integration. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining thereto. No covenant, representations or condition not expressed in this Agreement shall affect or be deemed to interpret, change, or restrict the express provision hereof. Any amendment or modification to this Agreement shall be in writing and signed by authorized agents or officers of the Parties.

17. Waiver. No failure by any Party to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any rights or remedy for a breach of this Agreement shall constitute a waiver of any such breach or of such right or remedy or of any other covenant, agreement, term or condition.

18. Authorization. Each Party to this Agreement represents and warrants that it has taken all appropriate actions and steps necessary (including, without limitation, obtaining all requisite and/or applicable approvals, consents, and authorizations) to ensure that this Agreement shall be binding upon such Party and the individual executing this Agreement for each respective Party represents that he/she has all requisite authority to execute the same for and on behalf of the party for which it is aligning.

19. No Public Use/Dedication. The Developer Property, the Property, and until dedicated, the Right-of-Way Property, are and shall at all times remain the private property of Developer, and neither the City, nor its successors or assigns, nor the public shall acquire nor be entitled to claim or assert any rights to all or any portion of the Developer Property, and until dedicated, the Right-of-Way Property, beyond the express terms and conditions of this Agreement. The use of the Developer Property, the Property and the Right-of-Way Property is permissive and shall be limited to the express purposes contained herein.

20. Non-Liability of City Officials, Employees and Others. Except for claims relating to authorization as may arise in Section 8, no officer, employee, representative or agent of the City shall be personally liable to Ray, Nilson, or their successors or assignees in the event of any default or breach by the City, or for any act or omission arising out of, or connected to, any of the matters set forth herein, or for any amount which may become due to Haws or any obligation arising under the terms of this Agreement.

21. Re-conveyance of Access to South Weber Drive if REPSA Fails. If City and Elite do not transact the sale contemplated in the REPSA, the City will re-convey to Ray and Nilson title to the approximately 0.26 acres of access property described in section four (4) of this Agreement, and all other provisions of this Agreement shall become null and void.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

CITY: **SOUTH WEBER CITY,**  
a municipality of the State of Utah

By: \_\_\_\_\_

Name: David Larson

Its: City Manager

Attest:

\_\_\_\_\_  
City Recorder Lisa Smith

STATE OF UTAH                    )  
  :ss  
COUNTY OF DAVIS            )

On the \_\_\_\_\_ day of April 2021, personally appeared before me David Larson, who being duly sworn, did say that he is the City Manager of SOUTH WEBER CITY, a municipal corporation of the State of Utah, and that the foregoing instrument was signed on behalf of the City by authority of its governing body and said David Larson acknowledged to me that the City executed the same.

\_\_\_\_\_  
Notary Public for Utah



LARRY D. RAY REVOCABLE  
TRUST:

By: \_\_\_\_\_

Name: Lynn J Wood

Its: Trustee

STATE OF UTAH                )  
  :ss  
COUNTY OF DAVIS         )

On the \_\_\_\_ day of April, 2021, personally appeared before me Lynn J. Wood, known or satisfactorily proved to me to be the Trustee of the LARRY D. RAY REVOCABLE TRUST, who acknowledged to me that he/she signed the foregoing instrument as Trustee for the LARRY D. RAY REVOCABLE TRUST, and signed in their behalf.

\_\_\_\_\_  
Notary Public for Utah

SUSAN A. RAY REVOCABLE  
TRUST:

By: \_\_\_\_\_

Name:

Its: Trustee

STATE OF UTAH                )  
  :ss  
COUNTY OF DAVIS         )

On the \_\_\_\_ day of April, 2021, personally appeared before me Lynn J. Wood, known or satisfactorily proved to me to be the Trustee of the SUZANNE A. RAY REVOCABLE TRUST, who acknowledged to me that he/she signed the foregoing instrument as Trustee for the SUZANNE A. RAY REVOCABLE TRUST, and signed in their behalf.

\_\_\_\_\_  
Notary Public for Utah

NILSON LAND DEVELOPMENT,  
LLC:

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

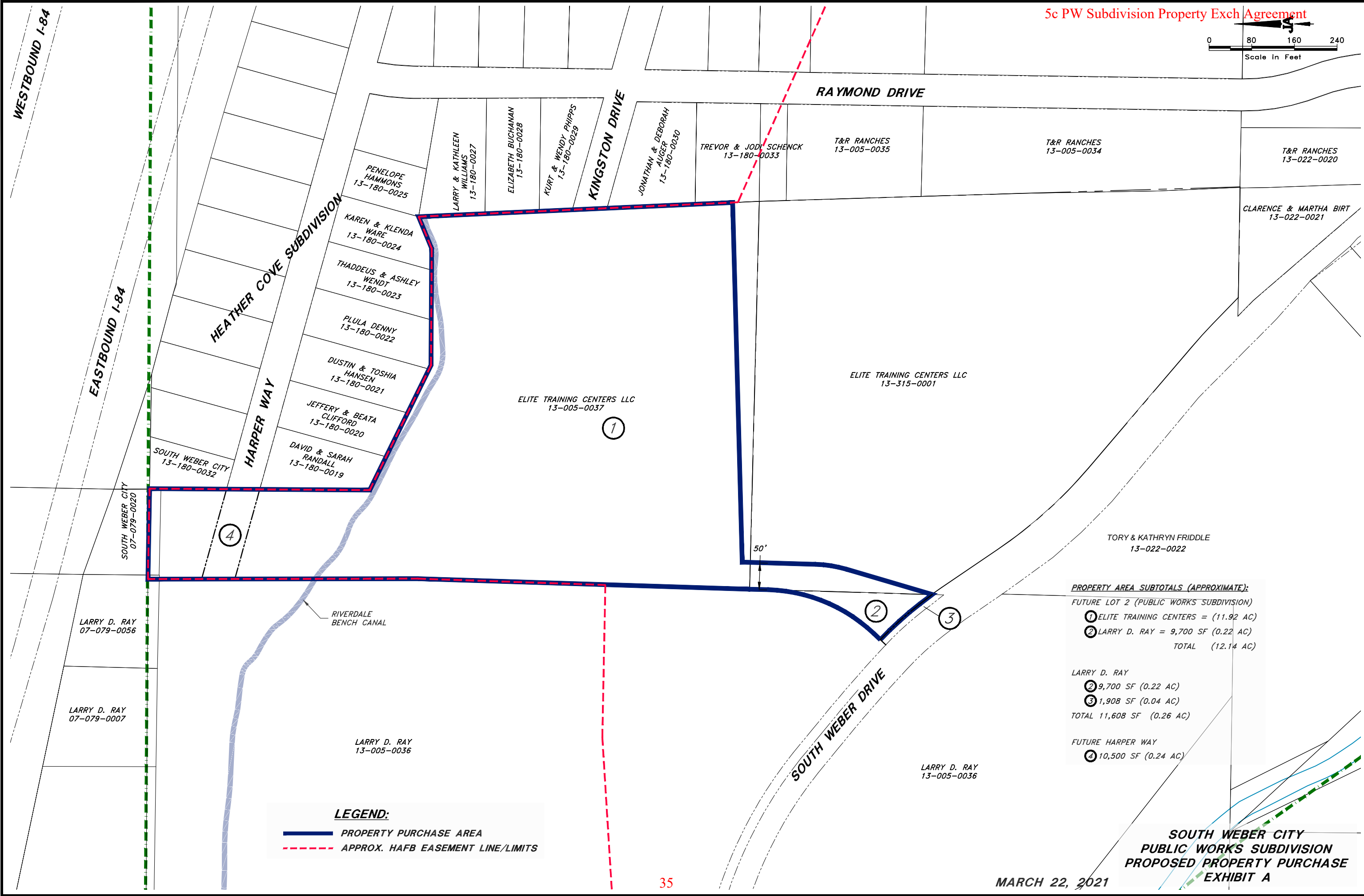
Name: \_\_\_\_\_

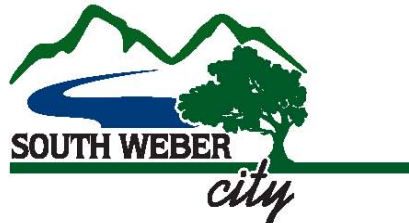
Its: \_\_\_\_\_

STATE OF UTAH                    )  
  :ss  
COUNTY OF DAVIS            )

On the \_\_\_\_\_ day of April 2021, personally appeared before me  
\_\_\_\_\_, known or satisfactorily proved to me to be the  
\_\_\_\_\_ of NILSON LAND DEVELOPMENT, LLC, who acknowledged  
to me that he/she signed the foregoing instrument as \_\_\_\_\_ for NILSON  
LAND DEVELOPMENT, LLC and in its behalf.

\_\_\_\_\_  
Notary Public for Utah



<b>Planning Commission</b> Meeting Date: <b>April 8, 2021</b> Agenda Item: <b>An Ordinance repealing SWC Code 10-5-2, Article A, Agricultural Aircraft Hazard Zone (A-10)</b> Staff Review by: <b>Shari Phippen, City Planner</b>	
<b>Project Name: Agricultural Aircraft Hazard Zone Revocation</b>	
<b>Request:</b> See below under “Required Commission Action(s)” and “Executive Summary”	
<b>Property Address:</b> N/A	
<b>Applicant:</b> N/A	
<b>Governing Document(s):</b> South Weber City General Plan, South Weber City Code 10-5-2, Article A	
<b>Required Commission Action(s):</b> Review the proposed revocation of the Agricultural Aircraft Hazard Zone (A-10). Make a recommendation on the proposed revocation to the South Weber City Council.	

### **Executive Summary**

South Weber City is in the process of reviewing a large portion of its city code and making needed adjustments, based on a variety of factors. Those factors include, but are not limited to changes in state code, recommendations from the recently updated South Weber City General Plan, and goals, policies and priorities of the City Council and Planning Commission.

As part of this process, the City determined to amend the permitted, conditional and not permitted land uses in each of the City’s zones. The first step in this process was the creation of a code committee, which is composed of elected and appointed officials, as well as City staff.

As part of that review, there was discussion on the A-10 zone. There are no current uses of this zone within City boundaries, and the City does not anticipate using the zone in the future, as it does not appear anywhere on the City’s future land use map and is not referenced in the General Plan.

The Department of Defense creates easements and hazard zones for those areas surrounding their bases and properties that could potentially be hazardous. Additionally, they have created guidelines to use when evaluating proposed land uses. While they do not supersede the City’s ability to regulate land uses, they are a useful tool the City can use in those areas to ensure a balance is struck with the rights and responsibilities of the property owner, the City and the DoD.

Because the DoD has those measures in place, the Code committee feels that it is more appropriate to have uses be conditional in those areas identified by the DoD as potentially

hazardous, rather than creating an additional zone. Part of the revision of code will be creating DoD references in our conditional use guidelines. Based on those factors, the revocation of the A-10 zone is before the Commission for consideration.

#### **Request Approval Standards**

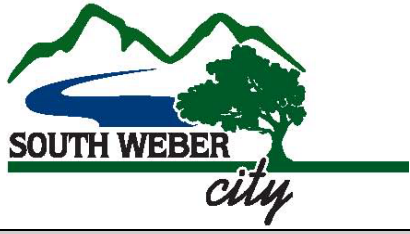
Generally speaking, there are no specific requirements in code that are used to evaluate a land use amendment. However, there are requirements as to the noticing of the public hearing required as part of the review and recommendation process. City code defers to Utah State Code as to the noticing requirements of public hearings. Notice of public hearing is required a minimum of ten (10) days prior to the public hearing, as per Utah State Code 10-9a-205. Required notices of the public hearing were posted and the proposed documents were made available on March 28, 2021, more than 10 days prior to the hearing.

#### **General Plan Analysis**

Section 3 of the South Weber City General Plan states: *“Citizen recommendations and sound planning principles are integrated with physical and cultural constraints to project the most beneficial uses for the community. In most cases, these recommendations are general in nature and will be subject to refinement by the City as proposed changes in land use or zoning are made.”* Review, revision and revocation of land use ordinances is an integral part of that refinement and this action complies with the General Plan.

#### **Staff Analysis**

South Weber City Code 10-3-5 empowers the Planning Commission with the duty to make recommendations to the City Council on land use ordinances. Accordingly, this ordinance is before the Commission before its review.

<b>Planning Commission</b> Meeting Date: <b>April 8, 2021</b> Agenda Item: <b>An Ordinance amending SWC Code 10-5-2, Article H, Commercial Highway Zone</b> Staff Review by: <b>Shari Phippen, City Planner</b>	
<b>Project Name: Commercial Highway Zone Amendment</b>	
<b>Request:</b> See below under “Required Commission Action(s)” and “Executive Summary”	
<b>Property Address:</b> N/A	
<b>Applicant:</b> N/A	
<b>Governing Document(s):</b> South Weber City General Plan, South Weber City Code 10-5-2, Article H	
<b>Required Commission Action(s):</b> Review the proposed changes to the permitted and conditional uses in the South Weber City code related to those areas zoned Commercial Highway. Make a recommendation on the proposed changes to the South Weber City Council, with any amendments the Commission feels are appropriate to accomplish the goals and purposes of the Commercial Highway zone.	

### **Executive Summary**

South Weber City is in the process of reviewing a large portion of its city code and making needed adjustments, based on a variety of factors. Those factors include, but are not limited to changes in state code, recommendations from the recently updated South Weber City General Plan, and goals, policies and priorities of the City Council and Planning Commission.

As part of this process, the City determined to amend the permitted, conditional and not permitted land uses in each of the City’s zones. The first step in this process was the creation of a code committee, which is composed of elected and appointed officials, as well as City staff.

The code committee has completed its review and made recommendations on the land uses. While there will be subsequent public hearings and discussions on all of the land zones, the committee feels it would be appropriate for the Planning Commission to review and amend the Commercial Highway zone at this time.

South Weber City Code 10-3-5 empowers the Planning Commission with the duty to make recommendations to the City Council on land use ordinances. Accordingly, this ordinance is before the Commission before its review.

### **Request Approval Standards**

Generally speaking, there are no specific requirements in code that are used to evaluate a land use amendment. However, there are requirements as to the noticing of the public hearing

required as part of the review and recommendation process. City code defers to Utah State Code as to the noticing requirements of public hearings. Notice of public hearing is required a minimum of ten (10) days prior to the public hearing, as per Utah State Code 10-9a-205. Required notices of the public hearing were posted and the proposed documents were made available on March 28, 2021, more than 10 days prior to the hearing.

#### **General Plan Analysis**

Section 3 of the South Weber City General Plan states: *“Citizen recommendations and sound planning principles are integrated with physical and cultural constraints to project the most beneficial uses for the community. In most cases, these recommendations are general in nature and will be subject to refinement by the City as proposed changes in land use or zoning are made.”* Review and revision of land use ordinances is an integral part of that refinement and this action complies with the General Plan.

#### **Staff Analysis**

The code committee recognizes the advisability of including definitions for those uses that are proposed for this revised CH zone. The Commission was previously presented with the definitions prepared and reviewed by the code committee. While not specifically part of this ordinance, in reviewing the ordinance revision and recommending it to the City Council, the Commission may also recommend that the Council amend the definitions for the land uses proposed in the CH zone.

Both staff and the code committee have reviewed the uses and finds that they are in compliance with the goals, policies and believe this draft ordinance complies in all significant respects with the General Plan goals and City priorities. It is ready for the Commission to discuss and make a recommendation to the City Council.

ARTICLE H. HIGHWAY-COMMERCIAL ZONE (C-H)

SECTION:

10-5H-1: Purpose

10-5H-2: Development Over One Acre

10-5H-3: Architectural Site Plan Review

10-5H-4: Permitted Uses

10-5H-5: Conditional Uses

10-5H-6: Building Lot Requirements

10-5H-7: Location Of Structures

10-5H-8: Maximum Structure Height

10-5H-9: Off Street Parking

10-5H-10: Permitted Signs And Lighting

10-5H-11: Special Provisions And Limitations

10-5H-12: Landscaping Requirements

10-5H-1: PURPOSE:

To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities and other appropriate highway related activities.

10-5H-2: DEVELOPMENT OVER ONE ACRE:

Development over one acre must follow the conditional use permit procedure of chapter 7 of this title. (

10-5H-3: ARCHITECTURAL SITE PLAN REVIEW:

All proposed C-H development shall meet the requirements of chapter 12 of this title.

10-5H-4: PERMITTED USES:

[Accessory Building](#)

[Accessory Use](#)

[Agriculture](#)

[Agricultural Buildings](#)

[Beauty & Barber Services](#)

[Business Services & Professional Offices](#)

[Medical, Dental & Related Health Services](#)

[Personal Care Services](#)

[Public Building](#)

[Quasi-Public Uses](#)

[Recreational Vehicle Sales & Rental](#)

[Restaurants](#)

[Retail Sales & Services](#)



Retail Sales & Services (Community Commercial)  
Retail Sales & Services (Regional)

~~Accessory uses and buildings.~~

~~Dwellings, single-family, only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises.~~

- ~~—Eating establishments, including drive-ins.~~
- ~~—Gasoline and diesel service stations.~~
- ~~—Laundry and dry cleaning services.~~
- ~~—Mobile businesses.~~
- ~~—Public buildings and public utility buildings and uses.~~
- ~~—Retail sales.~~
- ~~—Transient lodging.~~

~~Uses judged by the Planning Commission to be similar and compatible with the purposes of this article. (1989 Code § 12-9-004; amd. Ord. 96-7, 12-10-1996, eff. 1-10-1997; Ord. 16-21, 9-13-2016)~~

#### 10-5H-5: CONDITIONAL USES:

The following uses are allowed as conditional uses in Highway- Commercial (C-H) Zoning Districts provided they are located on more than one acre in site area:

- ~~Amusement and recreation activities.~~
- ~~—Electronic communications facilities.~~
- ~~—Excavations of over two hundred (200) cubic yards, as allowed by section 10-6-2 of this title.~~
- ~~—Small wind energy systems.~~
- ~~—Temporary businesses not to exceed ninety (90) days in length. (Ord. 19-09, 3-12-2019)~~

Communications Tower

Drive-Through Facility

Dry-cleaning Services

Electronic Communications Facilities And Equipment

Farmer's Market

Gasoline Service Stations

Gun Range, Indoor

Hotel

Medical Laboratory

Mobile Business

Nursery, Garden Center

Recreation Center

Service Station

Temporary Building Incidental To Construction

Vehicle And Equipment Repair (Major)

Vehicle And Equipment Repair (Minor)

Vehicle And Equipment Sale And Rental

**10-5H-6: BUILDING LOT REQUIREMENTS:**

The provisions of this section pertain to all buildings, except those exempted in chapter 11 of this title.

- A. Lot width: No particular requirements, as approved by the Planning Commission.
- B. Lot area: No particular requirements, as approved by the Planning Commission.

**10-5H-7: LOCATION OF STRUCTURES:**

Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	50 feet	No requirement, except 20 feet minimum for sides fronting on street. Where any wall has no windows exposed on that side, then no side setback shall be required, except that 10 feet shall be provided where the lot line is coterminous with any residential boundary	10 feet from other zones, 20 feet from residential zones
Temporary structures	30 feet	10 feet	10 feet

**10-5H-8: MAXIMUM STRUCTURE HEIGHT:**

Main buildings and structures, two and one-half (2 1/2) stories or thirty five feet (35').

Temporary structures, one story

**10-5H-9: OFF STREET PARKING:**

The provisions of chapter 8 of this title shall apply and shall be in full force and effect in this zone, except in the case of a bona fide temporary use.

**10-5H-10: PERMITTED SIGNS AND LIGHTING <sup>1</sup> :**

Class 5 signs shall be permitted

**Notes**

- <sup>1</sup> 1. See also chapter 9 of this title.

**10-5H-11: SPECIAL PROVISIONS AND LIMITATIONS:**

Where accessory living quarters are provided as permitted herein, no window shall be permitted in any wall of the same which is located within eight feet (8') of a side property line.

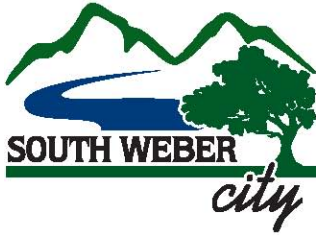
**10-5H-12: LANDSCAPING REQUIREMENTS:**

A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of chapter 15 of this title. For use of exceptional design and materials, as

determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard shall be required between the C-H Zone and all residential zones and shall meet the requirements of chapter 15 of this title.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of chapter 15 of this title.



## Agenda Item Introduction

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**Commission Meeting Date:** 4/8/2021

**Name:** David Larson

**Agenda Item:** Planning Commission Bylaws \*\*\*UPDATED\*\*\*

**Background:** City Council recently updated City Code related to the Planning Commission requiring the adoption of Planning Commission Bylaws. Staff has drafted Bylaws based on research from other cities' bylaws and bring them forward to the Planning Commission for consideration.

**Summary:** Consider Planning Commission Bylaws \*\*\*UPDATED\*\*\*

**Budget Amendment:** N/A

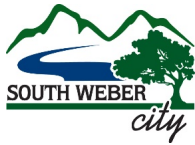
**Procurement Officer Review:** Budgeted amount \$ N/A      Bid amount \$ N/A

**Committee Recommendation:** N/A

**Planning Commission Recommendation:** N/A

**Staff Recommendation:** N/A

**Attachments:** Planning Commission Bylaws



## Planning Commission Bylaws

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### I. ORGANIZATION

#### A. Appointment of the Chair and Vice Chair

1. According to City Code section 10-3-4, during February of each year, the Commission shall appoint a Chair and Vice Chair for the next year. Appointees shall assume their duties upon selection.
2. Appointment of the Chair and Vice Chair shall be done separately through open nomination for appointment from any Commissioner. If only one Commissioner is nominated for appointment for either position, an approval vote of the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee.
3. The term of the Chair and Vice Chair is determined in City Code.

#### B. Duties of the Chair

1. Review and approve agendas prior to Commission meetings;
2. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
3. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the Commissioners;
4. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
5. Inform the Commission, when necessary, on any point of order to practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;

**Commented [SP1]:** Commissioner Losee asked whether it is necessary to specify a silent vote, particularly in light of how meetings have been conducted over the past year. After the 4/8 meeting, we will be returning to in-person meetings, and the provision for a silent vote (although the nomination of chair/vice chair id done by motion) eliminates the awkwardness that can sometimes arise when commissioners are, for lack of a better term, voting on each other.

6. Authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;
7. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
8. Recognize speakers and Commissioners prior to receiving comments and presentations; and
9. Ensure the ~~legal due process to all items and people involved in each item of each meeting agenda~~ due process rights of all applicants and agenda items are protected.

**C. Duties of the Vice Chair**

1. The Vice Chair shall have and perform all the duties and functions of the Chair in the absence of the Chair.
2. Provide regular report to City Council on all acts, findings, orders, and proceedings of the Commission. Such report shall be prepared by staff and reviewed by the Chair and Vice-Chair prior to being presented to the Council;
3. Provide report and Commission recommendation to City Council on City Code-related concerns identified by the Commission during project reviews;

**D. Temporary Chair**

1. In the event of the absence or disability of the Chair and ~~Vice Chair~~, and with a proper quorum present, a temporary Chair shall be appointed to conduct business prior to any agenda item to serve as the temporary Chair until the return of the either the Chair or Vice Chair.
2. The temporary Chair shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chair.

**E. Quorum**

1. The number of Commissioners of necessary to constitute a quorum is three (3) or more. No action of the Commission shall be official or have any effect except when a quorum of the Commissioners is present.

**Commented [SP2]:** Commissioner Losee supports the VC providing a report to the Council. The report can be worked on with staff, but the VC should be available to the Council when that report is presented.

Additionally, Commissioner Johnson made the suggestion to add this last sentence.

**Commented [SP3]:** Commissioner Boatright asked a question as to whether #2 and #3 are saying the same thing. The distinction here is that item #3 is specifically talking about code related items that the Commission notices a problem with a certain part of code that they believe the City should work on revising.

**Commented [SP4]:** Commissioner Losee raises the question as to who appoints a temporary chair. Any commissioner present may make that nomination.

2. Any Commissioner choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum.

3. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.

4. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of time for a quorum to arrive, through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Commission meeting. No meeting can be held nor agenda items considered without a quorum of members present. In the event a quorum is not present within fifteen (15) minutes after the scheduled start time for a meeting, it shall be cancelled. No vote is required to cancel a meeting for lack of a quorum, but a record shall be made stating that the meeting was cancelled for lack of a quorum.

**Commented [SP5]:** A couple commissioners raised the question as to what exactly this is saying. I have proposed alternative wording that I believe clarifies the intent of this section. No motion is required to cancel a meeting.

I am of the opinion that in order to protect the integrity of the review process, if a quorum is not present, then no discussion should be undertaken and agenda items should automatically be forwarded to the next agenda.

**F. Placing Items on the Agenda** A request for an item to be on a Commission meeting agenda may be initiated by the Chair, three Commissioners, City staff with the support of the Chair, or an applicant that has submitted a complete application.

**Commented [SP6]:** The suggestion was made by resident Joel Dilles that agenda items not come to the Commission prior to a complete application being submitted. I'm not sure if there have been specific issues in the past, but items do not come to the Commission until they are ready for Commission review. The requirement of a complete application is already stated here, so I don't know that there would be a benefit to restating that requirement. If staff needs to be better at ensuring that practice is followed through, we can certainly do that.

## II. MEETINGS

### A. Meeting Schedule

1. At one of the last regularly scheduled meetings of each year, the Commission shall have an agenda item to determine the general meeting

schedule for the following year. Except for those meetings rescheduled or cancelled, meetings of the Commission are typically held on the 2<sup>nd</sup> Thursday of each month, are to begin promptly at 6:00 p.m., and are to be held in the City Council Chambers of South Weber City Hall. Alteration to the time of day or place a meeting is to be held may be made through notice and advertisement of the meeting which states the specific alteration(s).

2. The determination of the general meeting schedule shall take into consideration the dates for which meetings will be scheduled and the possibility of special meetings or the cancellation of meetings to avoid conflicts.

3. Every meeting of the Commission is to be open to the public and conducted in accordance with the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).

**B. Procedure of Consideration of Agenda Items** The following procedure will normally be observed for all agenda items, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:

1. Introduction of the item by the Chair;
2. Staff presentation and analysis;
3. Presentation of the proposal by the applicant;
4. Public Hearing (as applicable)
5. Commission discussion. The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff or the applicant(s); and

6. Motion and Vote. The Chair may outline the possible actions of approval, approval with conditions, tabling, or denial prior to entertaining a motion. Voting shall be in accordance with section F below.

6-7. a

**C. Public Hearings**

1. Procedure

**Commented [SP7]:** A couple of commissioners referenced public comment made by Mr. Dills. Regarding those suggestions, I would hesitate to put something in the bylaws specifying a report on dissenting votes. While individual dissenting commissioners may choose to follow up with the Council on their own, the majority vote and recommendation for/against an item is the official vote of the Commission and that is what should be presented.

The draft meeting minutes are available to the Council for detailed review of the Commission's discussion. As those become the official record of the City, they should be relied on for the expanded details of the discussion. Staff will work with the Chair & Vice Chair on the findings/executive summary that gives the Council the substance and record of the Commissions discussions/decisions.

**Commented [SP8]:** Commissioner Losee asked whether a roll call vote should be taken so that it is on the record that there is a quorum present to hear/consider items. This is a good suggestion- it typically happens at the beginning of the meeting when the Chair is calling the meeting to order and welcoming those in attendance. I would recommend it happen at that time.



~~a) Opening of the public hearing by the Chair; Public hearings shall be opened by motion and vote of the Commission.~~

**Commented [SP9]:** Commission Boatright made the suggestion that the public hearings be opened and closed by motion. I think that is an excellent suggestion.

~~b)a) Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;~~

~~c)b) Rebuttal and concluding comments by the applicant, as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;~~

~~c) Closure of the public hearing by the Chair. Upon conclusion of the closing comments, the public hearing shall be closed by motion and vote of the Commission.~~

### 3.2. Comments During Public Hearings

**Commented [SP10]:** Commissione Losee made the excellent suggestion that there be rules of conduct established for public hearings. Those would not be included here in the bylaws, but staff can certainly work on drafting those to present to the Commission.

As to her suggestion that we set a deadline for public comment prior to a meeting, I have reached out to our attorney to find out whether that is a possibility. I will report back when I have heard from him on this issue.

a) Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three-minute timeframe. All public comment shall be directed toward the Commission.

b) A spokesman for a group of citizens wishing to make similar comments regarding the agenda item may be allowed a reasonable amount of additional time by the Chair.

c) The Chair shall have the ability to discontinue the receipt of public comment at his/her discretion if the commentary and testimony becomes repetitious, disrespectful, rude, or otherwise rowdy.

### 4.3. Commission Action. No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but not responded to by the Commission during the public hearing.

**Commented [SP11]:** The question has been asked about whether Commissioners can ask clarifying questions of the public while they are commenting during a public hearing. It is unusual for Commissioners to engage with the public while they are speaking, particularly where comments are time limited (usually 3 minutes). It is not uncommon for Commissioners to make notes of comments which may need clarification and then to discuss that after the formal public hearing has concluded.

**D. Continuance of Agenda Items** Review of any agenda item being held or noticed to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

**E. Motions**

1. Making a Motion. Any Commissioner, including the Chair, may make or second any motion.
2. Findings. Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion.
3. Motions repeated. Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.
4. Legal Counsel. Any Commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.
5. Second Required. Each motion of the Commission must be seconded.
6. Withdrawing a Motion. After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to vote. Withdrawal of a second shall become automatic with the withdrawal of the motion.
7. Motion to Table. A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further information review, and whenever possible, a specific date for which the issue would be reheard.
8. Amending Motions. When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second to amend a motion. Amendments to an amended motion shall be handled in the same manner as the original motion (motion to amend/second/vote of Commission).
9. Dead Motions. In the event that a seconded motion does not carry due to the lack of an adequate sustain vote, the motion is determined to be dead.

10. Motion to Adjourn. A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting.

**F. Voting**

1. Changing a Vote. No Commissioner shall be permitted to change his/her vote once the Chair has declared the result of the decision.
2. Abstention. Any commissioner may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table but do not participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken but must be disclosed as part of the Commissioner's declaration of abstention to ensure that no conflict of interest has occurred.
3. Roll Call Vote. A roll call vote shall be held to vote on motions made regarding:
  - a) The approval of an agenda item where the commission is the designated approving body; or
  - b) Recommendations to the City Council regarding ordinances, amendments to the City Code, or adoption or amendment of the General Plan.

**III. RIGHTS AND DUTIES OF THE COMMISSIONERS**

**A. Meeting Attendance** Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any Commissioner expecting to be absent from a meeting of the Commission shall notify the Chair and the City development staff a minimum of 24-hours before the meeting, except in the case of an emergency.

**B. Not to Vote Unless Present** No Commissioner shall be permitted to vote on any question, matter or business, or agenda item unless the Commissioner is present at the

meeting in which the vote is taken in person or electronically and the result is announced regarding the issue. No Commissioner shall give his/her proxy to any other person to vote on any issue.

**C. Conflict of Interest** Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business. If any Commissioner has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard.

1. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner.
2. In the event the Commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask if any Commissioner wishes to request a vote on the conflict.
  - a) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.
  - b) If a request is made, the Commissioner making the request shall detail his/her request including any request to have the commissioner step down and/or withdraw from discussion or voting. The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.
3. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare

**Commented [SP12]:** While it would certainly be appropriate for Commissioners with a conflict to recuse themselves from the vote, it is not legally required.

This paragraph allows the Commission as a whole to require the Commissioner with the conflict to step down, if a majority of the remaining Commissioners feel the conflict is significant enough that the conflicted Commissioner should not participate in the discussion/vote.

such feelings. Such declarations shall be determined and handled as in Section III.C herein.

4. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner regarding the agenda item in question.

5. A Commissioner may appear before the Commission through his/her employment or as an advocate or agent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.

6. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by stating an ability to influence Commission decision or based on being a Commissioner.

7. A Commissioner must not use his/her appointed office as a Commissioner to seek or obtain any special advantage.

~~7.8. a~~ Notwithstanding any of the foregoing sections, all Commissioners shall adhere to and are governed by Utah State Code 10-3-301, also known as the Municipal Officers and Employees Ethics Act.

**Commented [SP13]:** I appreciate Mr. Dills comments on conflicts of interest. This is actually covered already by Utah State Code 10-3-1301, the Municipal Officers & Employees Ethics Act. I would recommend adding in the reference to this code.

#### IV. ORDER AND DECORUM

**A. General Decorum** The atmosphere of a Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings.

**B. Commissioner Decorum** At no time shall any Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

**C. Public Clamor** Public Clamor shall not be allowed in any meeting of the Planning Commission, or during any portion of any meeting. Things and actions such as booing,

hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated.

**D. Due Process** The Chair shall conduct each meeting in such a manner so as to afford due process throughout the proceedings.

**E. Chair's Authority** It shall be the authority and discretion of the Chair to order the removal of any individual member of the general public present at a Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.

**F. Chair's Adjournment** In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section IV.E here in, it shall be the authority and discretion of the Chair to promptly adjourn any meeting of the Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

## V. SUSPENSION OF RULES

**A. Non-Exclusive Rules** The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or circumstances for the purposes of orderly and effective conduct of the affairs of the City.

**B. Amendment and Adoption of Commission Bylaws** Amendments and adoption of Commission bylaws to supersede those contained herein shall follow the same procedure as the adoption of these bylaws. A motion may be made by any Commissioner to review the bylaws for amendment at any time following their

inception. A sustaining vote shall be required to open the review of the bylaws for amendment.

**VI. RECORDING OF BYLAWS**

A. These bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the City development staff.