

HOOPER CITY PLANNING COMMISSION AGENDA APRIL 11, 2024 7:00PM COUNCIL CHAMBERS

5580 W. 4600 S. Hooper, UT 84315

Notice is hereby given that the Hooper City Planning Commission will hold a work meeting and their regularly scheduled meeting on Thursday, April 11, 2024, starting at 7:00pm at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

Work Meeting – 6:30pm

1. Discussion on Agenda Items

Regular Meeting – 7:00pm

- 1. Meeting Called to Order
- 2. Opening Ceremony
 - a. Pledge of Allegiance
 - b. Reverence
- 3. <u>Consent Items</u>
 - a. Motion Approval of Minutes dated March 14, 2024.
- 4. Action Items
 - a. Review of Conditional Use Permit Request for Tyler Larkin for an oversized structure totaling 3,087 square feet located at 6690 W 5100 S
 - b. <u>Reviewing Ordinance 10-5C; Establish an Appeal Authority for Hooper City.</u>
 - i. Enter a public hearing to receive public input on request.
 - ii. Close the public hearing and proceed with the regular meeting.
 - iii. Planning Commission Discussion and/or Motion on request
 - c. Discussion Annual Review on General Plan
- 5. <u>Strategies Review & Discussion</u>
 - a. **Strategy No. 42**: Adopt development standards for signage, landscaping, street improvements, and city entryways that promote and protect the city's rural character.
 - b. **Strategy No. 44**: Implement land use regulations that protect vegetation in buffer areas between developed areas and sensitive wetlands and waterways.
 - c. **Strategy No. 45**: Investigate an appropriate buffer distance for development around wetlands, rivers, streams, etc.
 - d. **Strategy No. 46:** Consider all new developments as an opportunity to develop the city's pathways and trails as generally delineated on the Parks, Trails, and Open Space Map.
 - e. **Strategy No. 49:** Encourage home occupations that are not disruptive to neighborhoods or the community at large through partnerships, entrepreneur training opportunities, and revisiting municipal code.
 - f. **Strategy No. 50:** Encourage natural features to be incorporated and preserved in the design of new developments. Promote use of landscaping techniques that incorporate species native to the area and conserve water.
 - g. **Strategy No. 51:** Promote land use practices that protect water quality, conserve land, and accommodate development.
- 6. <u>Citizen Comment (Resident(s) attending this meeting will be allotted 3 minutes to express a concern about any</u> *issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue presented.)*
- 7. <u>Adjournment</u>

Morghan Neoman

Morghan Yeoman, City Recorder

In compliance with the American with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 801-732-1064 or admin@hoopercity.com at least 48 hours prior to the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice has been posted at the Hooper City Civic Center; the Utah Public Meeting Notice website; and hoopercity.com on or before April 11, 2024.



HOOPER CITY PLANNING COMMISSION MEETING MINUTES THURSDAY, MARCH 14, 2024, 7:00PM

COUNCIL CHAMBERS 5580 W. 4600 S. Hooper, UT 84315

The Hooper City Planning Commission held a work meeting at 6:30pm and their regular meeting at 7pm on March 14, 2024, at the Hooper City Civic Center located at 5580 W. 4600 S, Hooper, UT 84315.

PLANNING COMMISSION MEMBERS PRESENT:

Mary Simpson – Chair Sheldon Greener – Vice Chair Amanda Prince Bryce Widdison Blake Cevering <u>CITY STAFF & CITY COUNCIL PRESENT:</u> Morghan Yeoman – City Recorder COMMISSION MEMBERS EXCUSED:

<u>AUDIENCE PRESENT:</u> Kamie Hubbard, Bryce Wilcox, Lori Jo Wilcox, Mike Elmer, Efrain Perez, Tyler Larkin, Scott Fowers, Sheri Bingham

6:30PM WORK MEETING

1. Discussion on Agenda Items

The Planning Commission held a work session where agenda items were discussed.

7:00PM REGULAR MEETING

1. Meeting Called to Order

At 7:00pm Commissioner Simpson called the meeting to order.

- 2. Opening Ceremony
 - a. <u>Pledge of Allegiance</u>

Commissioner Cevering led in the Pledge of Allegiance.

b. <u>Reverence</u>

Commissioner Widdison offered reverence.

- 3. <u>Consent Items</u>
 - a. Motion Approval of Minutes dated February 8, 2024

COMMISSIONER GREENER MOTIONED TOAPPROVE THE MINUTES DATED FEBRUARY 8,2024. COMMISSIONER PRINCE SECONDED THEMOTION. VOTING AS FOLLOWS:COMMISSIONER:VOTE:GREENERAYEPRINCEAYEWIDDISONAYEMOTION PASSED.

- 4. Action Items
 - a. <u>Conditional Use Permit Request for Tyler Larkin for an oversized structure</u> totaling 3,087 sq ft located at 6690 W 5100 S.
 - i. <u>Applicant and/or Staff presentation(s)</u>

Morghan Yeoman, our city recorder gave a presentation. Explained that the structure will be 3,087 sq ft. Explained that the structure will be used for storage.

Commissioner Cevering has a problem with the greenhouses that are on the property. Feels that there needs to be a permit pulled for those. Commissioner Prince stated that she would like him to comply.

ii. Enter a public hearing to receive public input on request

Scott Fowers, located at 4880 S 6700 W stresses his concern for both the oversized structure and the greenhouses. Scott is upset that there was a stop order placed on the permit and the work continued. Commissioner Simpson feels like they need to have more of an understanding of what needs to happen if things like this circumstance happens.

Sheri Bingham, located at 4452 S 5500 W mentioned that Scott Fowers took her on a field trip around the city. She mentioned that there are some things happening in the city that need to be brought to our code enforcement's attention. Commissioner Cevering asked if our building inspector, Nate Tolman, checks if is a home, accessory, etc. Correct. Commissioner Simpson feels that there needs to be a three-step process, 1. Enforcement. 2. Fines 3. Misdemeanor.

Tyler Larkin, located at 6690 W 5100 S asked if he could answer any of their questions. Commissioner Greener asked if he lived in Hooper, Tyler confirmed that he does not live in Hooper, he lives in Bountiful. Tyler explained what happened with the building permit process. Commissioner Prince asked if the structure will be used for a business? Tyler confirmed that it will not be used for business but will be used for an agricultural business. Commissioner Cevering asked Tyler what he has done with the existing home on the property? Tyler talks about the updates and plans with the home. Commissioner Prince is concerned that there was a stop order placed but the work continued. Tyler explained that he was out of town when the stop work order was placed on the permit. However, the work continued because his workers did not understand what the stop order was for.

iii. Close the public hearing and proceed with the regular meeting

Commissioner Cevering read of HCC 10-5-8. Commissioner Simpson would like to see if the penalty applies, and we will continue the discussion next month.

COMMISSIONER GREENER MOTIONED TO TABLE THE CONDITIONAL USE PERMIT FOR TYLER LARKIN FOR AN OVERSIZED STRUCTURE TOTALING 3,087 SQ FT LOCATED AT 6690 W 5100 S. **UNTIL APRIL 4. STOP WORK ORDER WILL STAY INTO EFFECT. COMMISSIONER PRINCE SECONDED THE MOTION. VOTING AS FOLLOWS: COMMISSIONER:** VOTE: GREENER AYE PRINCE AYE **WIDDISON** AYE **CEVERING** AYE **MOTION TABLED.**

b. <u>Conditional Use Permit Request for Bryce Wilcox for an oversized structure</u> totaling 3,200 sq ft located at 4152 S 5350 W. Morghan Yeoman, our city recorder gave the presentation. Explained that the structure will be 3,200 sq ft. Explained that the structure will be used for storage right now. Morghan explained that the homeowner received vacated easement letters from Rocky Mountain Power, Hooper Irrigation, Taylor West Weber Water, and Dominion Energy.

Bryce Wilcox located at 4152 S 5350 W explained what the structure will look like. Bryce also explained that there will be no power, sewer, or water as of right now. Will look into adding an ADU into the structure in the future.

ii. Enter a public hearing to receive public input on request

No public comment.

iii. Close the public hearing and proceed with the regular meeting

COMMISSIONER GREENER MOTIONED TO APPROVE THE CONDITIONAL USE PERMIT REQUEST FOR BRYCE WILCOX FOR AN OVERSIZED STRUCTURE TOTALING 3,200 SQ FT LOCATED AT 4152 S 5350 W. COMMISSIONER CEVERING SECONDED THE MOTION. VOTING AS FOLLOWS:

COMMISSIONER:	<u>VOTE:</u>
WIDDISON	AYE
GREENER	AYE
PRINCE	AYE
CEVERING	AYE
MOTION PASSED.	

- c. Reviewing and updating the Ordinance 10-5-4; Zoning Amendment Process
 - <u>Applicant and/or Staff presentation(s)</u> Commissioner Prince goes over the changes and revisions that were discussed in the last meeting. Discussion was done between commissioners.
 - ii. <u>Enter a public hearing to receive public input on request</u> No public comment.

iii. Close the public hearing and proceed with the regular meeting

COMMISSIONER PRINCE MOTIONED TO RECOMMEND TO CITY COUNCIL THE PROPOSED ZONING AMENDMENT REVISION 10-5-4 AND HAVE IT ON APRIL 4, 2024 CITY COUNCIL MEETING. COMMISSIONER WIDDISON SECONDED THE MOTION. VOTING AS FOLLOWS:

COMMISSIONER:	VOTE:
WIDDISON	AYE
GREENER	AYE
PRINCE	AYE
CEVERING	AYE
MOTION PASSED.	

- d. Discussion- Annual Review on the General Plan
 - i. Commissioner Simpson asked for this to be moved to the April 11 meeting due to not having our attorney present. Our city attorney will bring in new information on the new legislature what was passed.

5. <u>Strategies Review</u>

- a. **Strategy No. 39**: Require adequate transportation to be built to support new housing and enhance street connectivity.
 - i. Reviewed and discussed. Commissioner Greener stated that there was discussion in the City Council Meeting for speed studies and speed signs. Commissioner Simpson and Prince talk about the ULCT guides.
- b. **Strategy No. 41**: Encourage commercial/industrial development that is compatible with the rural atmosphere and that will not have an adverse impact on surrounding properties and land uses.
 - i. Reviewed and discussed. Commissioners discussed that they would like to get resident feedback on what they would like to see commercial development to look like.
- c. **Strategy No. 42**: Adopt development standards for signage, landscaping, street improvements, and city entryways that promote and protect the city's rural character.
 - i. Reviewed and discussed.
- d. **Strategy No. 43**: Update Hooper's zoning ordinances to support the future land use map.
 - i. Reviewed and discussed.
- e. **Strategy No. 44**: Implement land use regulations that protect vegetation in buffer areas between developed areas and sensitive wetlands and waterways.
 - i. Reviewed and discussed. Commissioner Simpson would like to review this Strategy again at our next meeting.

- f. **Strategy No. 45**: Investigate an appropriate buffer distance for development around wetlands, rivers, streams, etc.
 - i. Reviewed and discussed. Commissioner Simpson would like to review this Strategy again at our next meeting.

The commissioners discuss what strategies will be discussed in April.

6. Citizen Comment

(Resident(s) attending this meeting will be allotted 3 minutes to express a concern about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue presented.)

No citizen comments.

7. Adjournment

AT APPROXIMATELY 8:31 PM, COMMISSIONER GREENER MOTIONED TO ADJOURN THE MEETING. COMMISSIONER WIDDISON SECONDED THE MOTION. VOTING AS FOLLOWS:

COMMISSIONER:	<u>VOTE:</u>
WIDDISON	AYE
GREENER	AYE
PRINCE	AYE
CEVERING	AYE
MOTION PASSED.	

Date Approved:	Date	Approved:
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Morghan Yeoman, City Recorder

Hooper City 5580 W. 4600 S. Hooper, UT 84315 Office 801-732-1064 A Mailings \$23.00 A Fee: \$200.00 Date Submitted <u>1</u>24/24

Conditional Use Permit: Oversized Structure

Print Applicant Name: Arkin	
Address: 6690 m 5100 s Hooper, UT 84315	
Phone #:	
Day Time Phone #:Email:	
Provide site plan drawings including all of the following: (Site plan must be to scale).	0
 Map of property showing adjacent streets 	
• Building dimensions and distance from other structure	x
• Distance from property lines. (The drip edge must be at least 5 feet from property lines. If	you are on a corner lot
or have easements attached to your property it may be more than the 5 feet.)	
• List any easements on property	
• Roof pitch, roof height, roofing material and drip line distance to other structure and prope	erty lines
• Concept drawing of what structure will look like	
• Building materials	HOOPERCITY
 Driveway materials 	PAD
• Landscaping design Existing structure: 1800 cafe	287 105, 724 105042186
• Landscaping design Existing structure: 1800 saft Silage pit: 1287 saft Total: 3087 saft	JAN 2 4 2024
Total Sq. footage of Structure:	Amt 223.00 Int. MY
Height of Structure: $16^{1} 2^{-3}/4$	Check C CC Cash
	Check a CO Cash a
" What will the structure be used for? Warehouse, Store tool's and supplys	
□ Will any plumbing be installed in the structure? Yes No	
\square Will any electricity be installed in the structure? Yes \checkmark No	
$\Box \text{Will structure be used for a business?} \qquad \text{Yes} \checkmark \text{No}$	
If yes, have you applied for a business license with Hooper City? Yes No. γ	
Explain: _NO, Agriculture business needse with hooper city? Tes NO	
The State requires all property owners within 600 feet from your parent property (front, si	1
notified. There will be an additional fee of \$1.00 for every notice that is sent out.	des and back) to be
Please address these issues on the back of this application.	
Traffic problems Safety issues Noise Parking	
Fencing Pollution Odors Design	
Business operation Use of structure Easements	
I hereby certify that the above information is accurate to the best of my knowledge. I certify that I	I will comply with all
state and local requirements before and after building this structure. I understand that if condition	al use does not start
within (12) months and also if the conditional use is discontinued for (12) consecutive months, the	e Conditional Use Permit
will expire. If my conditional use changes I will notify Hooper City for a Conditional Use Permit	review. I or a
representative will be present at the Planning Commission Meeting.	
Signature: Date: D	
***************************************	****
Approval Date: Disapproval Dat	te:
Planning Commission Chairman	
Comments/Conditions:	

Completed application, fee and all other documents must be submitted three weeks before a Planning Commission Meeting which is the 2nd Thursday of the month unless otherwise specified.



	© Copyright 2024 Creations West This plan is the property of Creations West and duplicated in any form or used as the basis for a	shall not be ny new plans.
	The builder/general contractor (construction profe carefully and thoroughly verify dimensions, validity integrity of the plans. In the event of a discrep construction, Creations West shall be contacted for the time of construction, Creations West is relieved the builder/general contractor assumes full responsib	y, and overall bancy, prior to clarification. At of liability and
		LARKIN, TYLER Addition 6690 W. 5100 S. Hooper, utah
		PLANNED FOR:
		Ammon Idaho 83406 208.525.9555 2m
FINISHED GRADE		$ \begin{array}{c c c c c c c c c c c c c c c c c c c $
		REATIONS WEST
	NOTE: VERIFY ALL DIMENSIONS ON SITE	DATE: JAN. 23 24 SHEET: 1
		37-24UE

<u>ATTIC VENTILATION NOTES:</u> The net free ventilation area shall not be less than l/300th. Given that at least 50% of the area is provided by ventilators located in the upper portion of the space to be ventilated, the other to be provided by vented soffit system.

<u>GENERAL NOTES:</u>

Compliance with codes and ordinances governing the work shall be made and enforced by the general contractor. General contractor shall verify all existing conditions and dimensions prior to construction. Note that all written dimensions take precedence over

scale. Manufacturers specifications for installation of any and all materials shall be followed. Workmanship throughout shall be of the best quality of the trade involved and the general contractor shall coordinate the work of the various trades to expedite the job in a smooth and continuous process.

Exterior wall finishes must be listed, labeled, and installed per manufacturer's installation and instruction guide. All installers must be approved by the manufacturer.

EXCAVATION NOTES: All footings shall bear on natural, undisturbed soil.

Footings shall be excavated to a minimum depth so as to provide frost protection. (Verify local frost depth).

The grade adjacent to all foundation walls shall slope a MINIMUM of 6 inches within the first 10 feet (5%). R401.3 Landings, ramps, patios, porches or decks, are required to be level or can have a MAXIMUM slope of 1/4" per foot for drainage away from walls. All other impervious surfaces within 10 feet of the foundation walls must slope a MINIMUM of 1/4" per foot away from walls.

<u>VALIDITY OF PERMIT:</u> The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violations of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdictions shall not be valid.

The issuance of a permit based upon plans,

specifications and other data shall not prevent the building official from thereafter requiring the correction of errors on said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or any other ordinances of this jurisdiction.

<u>WINDOWS NOTES:</u> Bedroom windows to have a finished clear opening height MAXIMUM of 44" from floor. Windows to have 20" MINIMUM clear width and 24" MINIMUM clear height. Bedroom windows to be a MINIMUM of 5.7 sq. ft. clear

opening for egress. Windows to be sized at I/IOth of the sq. ft. for glass size lighting requirements and I/2Oth of the sq. ft. for ventilation requirements. Windows within 18" of the floor to be tempered glass.

NOTE:

BEAMS ON ELEVATIONS WERE DESIGNED BEFORE ENGINEERING AND ARE SHOWN @ 12" IN SIZE.

SEE FRAMING PAGES FOR ENGINEERING CALL OUTS FOR ACTUAL BEAM SIZES

FINISHED GRADE



GENERAL NOTE KEY: ONLY APPLICABLE IF CIRCLE NOTE IS CALLED OUT ON PLANS

30" min. width for the water closet and 24" clear in front
4. Temp. wall and door
5. Vent dryer to outside with 4" metal ducting sealed and secured every 12', termination cap.

9. N/A IO. Enclosed usable space under stairways shall have the walls \sharp soffits protected on the enclosed side with 1/2" gyp. wall board

around all electrical equipment. 8.20 minute fire rated door

surfaces.

followed.

with 5/8" gyp. brd.

continuous ventilation.

surface in accordance with IRC R307

listing showing EPA compliance. (IRC RIOO4.1)

6.Ufer ground 7. Sufficient access and working space (30" x 36") shall be provided

ENERGY NOTES: IECC R402.2.4- The attic access door and crawlspace door from the conditioned space to unconditioned space shall be weather stripped and insulated to a level equivalent to the insulation on the surrounding

<u>GENERAL NOTES:</u> Compliance with codes and ordinances governing the work shall be made and enforced by the general contractor. General contractor shall verify all existing conditions and dimensions prior to construction. Note that all written dimensions take precedence over scale.

Norkmanship throughout shall be of the best quality of the trade involved and the general contractor shall coordinate the work of the various trades to expedite the job in a smooth and continuous

process. All exterior doors shall have a floor or landing on each side of the

the landing shall not exceeded 8" from top of threshold. All landings shall be not less than 36" wide, measured in the direction of travel.

<u>FIRE PROTECTION:</u> Provide 1/2" type "x" gyp. brd. on all the walls and ceilings of garage if no habitable space above. Provide 5/8" type "x" gyp. brd. on all the walls and ceilings of garage, if habitable space above garage. Nail \odot 6" o.c.. All beams and structural members shall be protected with 5/8" garage.

Door between garage and house shall be 20 minute rated, solid core wood or "B" labeled door not less than 1 3/4" w/ self closer and self-latching. IRC R302.5

Protect enclosed usable space under stairs with 5/8" gyp. brd. Provide fire resistant construction on the underside of the stairs in accordance with IRC R302.6

Windows considered to be 0.35 U-Factor typical. U-Factors shall be be determined by testing in accordance with NFRC 100 and labeled as such by the manufacturer per section 102.1.3 of the 2021 IECC.

Bottom of operable windows on upper floor to be no closer than 24" from floor in accordance with IRC R312.2.1

<u>GENERAL BATHROOM NOTES:</u> Shower compartments shall have at least 900 sq. in. of floor area and be of sufficient size to inscribe a circle with a dia. not less than

30 in. Hinged shower doors shall open outward and have a minimum width of 22". The wall area above built-in tubs having installed

shower heads and in-shower compartments shall be constructed as per Section RTO2.4. Such walls shall form a watertight joint with each other and with either the tub, receptor or shower floor. Bathrooms,

water closet compartments, and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 sq. ft. one half of which must be openable. (if no windows, a mechanical ventilation system shall be req.. The min. ventilation rates shall be 50 cfm. for

Showers ¢ tubs shall have temperature-limiting device complying with IRC P2708.3

FIREPLACES: Where a factory-built chimney assembly incorporates offsets, no part of the chimney shall be at an angle of more than 30 degrees from vertical at any point in the assembly and the chimney assembly shall not include more than four elbows.

Chimneys shall extend at least 3 feet above the highest point where

they pass through a roof of a building and at least 2 feet higher then any portion of a building within a horizontal distance of IO feet.

mechanical inspection. In the event of a wood burning fireplace, submit

<u>APPLIANCES IN ATTICS</u>: Attics containing appliances requiring access shall have an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches high and 22 inches wide and not more then 20 feet long when measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring in accordance with chapter 5 not less then 24 inches wide. A level service space at least 30 inches deep and 30 inches wide shall be present along all

least 30 inches deep and 30 inches wide shall be present along all

<u>CONDENSATE DISPOSAL:</u> Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge into a street, alley or other areas so as to cause a nuisance. I.R.C. MI411.3

A secondary drain or auxiliary drain pan shall be required for each

cooling or evaporator coll where damage to any building components will occur as a result of overflow from the equipment drain pan or

EXHAUST SYSTEM NOTES: Dryer exhaust systems shall convey the moisture to the outdoors and shall terminate on the outside of the building. Screens shall not be installed at the duct terminal. Ducts shall have a back draft damper.

The max. length of clothes druer exhaust duct shall not exceed 25feet from the dryer location to the wall or roof termination. The max. length of the ducts shall be reduced 2.5 feet for each 45 degree bend and 5 feet for each 90 degree bend. Metal ducting shall be sealed and secured every 12 feet.

<u>DRYER DUCT:</u> Dryer duct shall terminate outdoors and shall not exceed a total combined horizontal and vertical length of 35'. Maximum length of duct shall be reduced 2-1/2' for each 45° bend or 5' for each 90° bend. Duct shall be a min. nominal size of 4". I.R.C. MI502.4.4

<u>BACKWATER VALVE:</u> Backwater valve required

stoppage in the condensate drain piping. Drain piping shall be a minimum of 3/4" nominal size. I.R.C. MI411.3.1

sides of the appliance where access is required the clear access opening dimensions shall be a minimum of 20 inches by 30 inches,

where such dimensions are large enough to allow removal of the largest appliance. I.R.C. MI305.1.3

isting for any fireplace show on plans shall be provided a

Hose connection back flow preventer shall be installed on the discharge side a hose threaded outlet.

Toilet, bath and shower areas to be finished with a nonabsorbent

Fire blocking at stud cavities that are greater than 8'-0".

Need to fire block all flue's, chases and dropped ceilings.

door. The floor or landing at a door shall not be more than 1.5 inches lower than the top of the threshold. If the door is not a req. exit door

Manufacturer's specifications for installation of materials shall be

Location, if shown, is approximated. 3. Exhaust fan, 60 CFM run exhaust duct to the outside. # Provide



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Lí T.O. SUPPORT		SIZE	REINF. SPACING	WALL SIZE SI	PACING	SIZE AND REINF.	NOTES	U.N.O., SEE PLAN ⁵ (MIN. 7" EMBEDMENT)		
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Tyler Larkin Address: 6690 W 5100 S, Hooper, UT Permit Number: plan24-012 Shop extension



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Tyler Larkin Address: 6690 W 5100 S, Hooper, UT Permit Number plan24-012 Article C Board Of Adjustment 10-5C-1 Establishment Of The Board Of Adjustment 10-5C-2 Appointment, Terms Of Office And Vacancies 10-5C-3 Organization And Procedures 10-5C-4 Board Of Adjustment, Process, Powers And Duties 10-5C-5 Court Review

10-5C-1 Establishment Of The Board Of Adjustment

Pursuant to the provisions and requirements of the Utah Code § 10-9-701, Municipal and Use Development and Management Act, the Hooper City Board of Adjustment is hereby established.

10-5C-2 Appointment, Terms Of Office And Vacancies

- A. The board of adjustment shall consist of five members and whatever alternate members the Mayor considers appropriate.
- B. The Mayor shall appoint the members and alternate members with the approval of the City Council for a term of five years.
- C. The Mayor shall appoint members of the first board of adjustment to terms so that the term of one member expires each year.
- D. No more than two alternate members may sit at any meeting of the board of adjustment at one time.
- E. The City Council shall make rules establishing a procedure for alternate members to serve in the absence of members of the board.
- F. The Mayor may remove any member of the board of adjustment for cause if written charges are filed against the member and provided to the Mayor. The Mayor shall provide the member with a public hearing if requested by the member.
- G. The Mayor, with the approval of the City Council, shall fill any vacancy. The person appointed shall serve for the unexpired term of the member or alternate member whose office is vacant.

10-5C-3 Organization And Procedures

The Board of Adjustment shall:

- A. Organize and elect a chairperson from its members.
- B. Adopt rules or by-laws that comply with ordinances adopted by the City Council.
- C. Meet at the call of the chairperson and at any other times that the board of adjustment determines.
- D. Comply with the requirements of Utah Code 52-4, Open and Public Meetings at all board meetings.
- E. Keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact and keep records of its examinations and other official actions.
- F. File its records in the office of the board of adjustment. All records in the office of the board of adjustment are public records.

- G. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- H. The concurring vote of three members of the board of adjustment is necessary to reverse any order, requirement, decision, or determination of any administrative official or agency or to decide in favor of the appellant.
- I. Decisions of the board of adjustment become effective at the meeting in which the decision is made unless a different time is designated in the board's rules or at the time the decision is made.
- J. The City Council may fix per diem compensation for the members of the board of adjustment based on necessary and reasonable expenses and on meetings actually attended.

10-5C-4 Board Of Adjustment, Process, Powers And Duties

A. Appeals:

- 1. The board of adjustment shall hear and decide appeals from decisions applying the zoning and subdivision ordinance as set out in HCC 10-5-3 paragraph B.
 - a. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or in the interpretation of the zoning ordinance.
 - b. Any officer, department, board, or bureau of the City affected by the grant or refusal of a building permit or by any other decision of an administrative officer in the administration or interpretation of the zoning ordinance may appeal any decision to the board of adjustment.
 - c. The board of adjustment shall hear and decide appeals from planning commission decisions regarding conditional use permits.
- 2. The person or entity making the appeal has the burden of proving that an error has been made.
- 3. Only decisions applying the zoning and subdivision ordinance may be appealed to the board of adjustment.
- 4. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments.
- 5. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.
- B. Routine and uncontested matters:
 - 1. The Mayor may appoint an administrative officer to decide routine and uncontested matters brought before the board of adjustment.
 - 2. The board of adjustment shall designate which matters may be decided by the administrative officer; and establish guidelines for the administrative officer to comply with in making decisions.
 - 3. Any person affected by a decision of the administrative officer may appeal the decision to the board of adjustment as provided in this part.

C. *Special exceptions:* The board of adjustment shall hear and decide special exceptions as set out in HCC 10-5-3B.

- D. Variances:
 - 1. The board of adjustment shall bear and decide variances from the terms of the zoning ordinance as set out in HCC 10-5-3B.
 - 2. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the board of adjustment for a variance from the terms of the zoning ordinance.
 - 3. Factors to be considered in granting a variance:
 - a. The board of adjustment may grant a variance only if:
 - literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - (2) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (5) the spirit of the zoning ordinance is observed and substantial justice done.
 - b.
- (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under paragraph D,3,a, the board of adjustment must find that the alleged hardship:
 - (A) is located on or associated with the property for which the variance is sought; and
 - (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - (2) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under paragraph D,3,a, the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- c. In order to determine that there are special circumstances attached to the property under paragraph D,3,a, the board must find that the special circumstances:
 - (1) relate to the hardship complained of; and
 - (2) deprive the property of privileges granted to other properties in the same zone.
- d. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- 4. Variances run with the land.
- 5. The board of adjustment nor any other body may grant use variances.

- 6. In granting a variance, the board of adjustment may impose additional requirements on the applicant that will:
 - a. mitigate any harmful affects of the variance; or
 - b. serve the purpose of the standard or requirement that is waived or modified.

10-5C-5 Court Review

- A. Any person adversely affected by any decision of a board of adjustment may petition the district court for a review of the decision as set out in Utah Code § 10-9-708.
- B. The board of adjustment shall provide information to the court as provided for in the Utah Code.

Regulatory	Land Use	landsc entryw	opt development standards for signag aping, street improvements, and city ays that promote and protect the city's haracter.		Planning Commission, Staff, City Council		Long-term		\$	Municipal ordinances.		Design Standards Code example from Clearfield, Utah;		
Regulatory	Land Use	vegeta	plement land use regulations that prot ation in buffer areas between develope and sensitive wetlands and waterways	d	Commission		Long-term \$		\$	ordinances	Jordan River Commission: Example Riparian Protectio Ordinances			
Regulatory	Land Use, Open Space	for dev stream design and th an est requiri develo	vestigate an appropriate buffer distance velopment around wetlands, rivers, ins, and other natural water features nated by the National Wetlands Invento e National Hydrography Database. We ablished buffer, adopt an ordinance ing additional studies before opment as well as structural standards evelopment.	ory ith Planning Commission, Staff, City Council			Long-term \$		\$	ordinances. Lakes in		linance: tlands and	Example Ordinance: Regulatory Wetlands in Lower Paxton, PA	
Regulatory	Trails		46: Consider all new development as an opportunity to develop the city's pathways and trails as generally delineated on the Parks, Trails, and Open Space Map.	Planning Commission		Long- term		\$	Negotiations with developers include consideration of building new trails and/or connecting t existing trails.		<u>American Trails: Tails an value to new homes</u>			
Regulatory, Outreach & Education	Economic Opportunities		49: Encourage home occupations that are not disruptive to neighborhoods or the community at large through partnerships, entrepreneur training opportunities, and revisiting municipal code.	Planning Commission, Staff, City Council		Long- term		\$	ord trai	Aunicipal ordinances. Business raining opportunities occur.		<u>Ogden-</u> Weber Chamber of Commerce	West Davis Chamber of Commerce	
Regulatory, Outreach & Education	Land U	50: Encourage natural features to be incorporated and preserved in the design of new developments. Promote use of landscaping techniques that incorporate species native to the area and conserve water.		Planning Commission		Long- term		\$	inco fea wat	ew developments corporate natural atures and use ater-wise leasures.		Waterwise Landscaping example from Lehi, Utah		
Regulatory, Outreach & Education	Land U	lse	51: Promote land use practices that protect water quality, conserve land, and accommodate development.		anning mmission	Lor terr	-	\$		nicipal inances.		Connect our F Conservation	<u>uture:</u> Development	