

**SOUTH WEBER CITY PLANNING COMMISSION AGENDA**

**PUBLIC NOTICE** is hereby given that the **Planning Commission of SOUTH WEBER CITY**, Utah, will meet in a **REGULAR** public meeting on **Thursday, November 14, 2019** at the **South Weber City Council Chambers, 1600 East South Weber Drive**, commencing at **6:00 p.m.**

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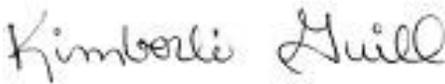
**THE AGENDA FOR THE REGULAR MEETING IS AS FOLLOWS\*** :

1. Welcome, Pledge of Allegiance—Commissioner Johnson
2. Public Comment:
  - a. State your name and address
  - b. Each person may speak one time
  - c. Keep public comments to 3 minutes or less per person
  - d. Address the entire Planning Commission
  - e. Planning Commission will not respond during the public comment period
  - f. No comments allowed from the audience
3. Approval of Consent Agenda
  - a. Minutes 2019-10-10
  - b. Minutes 2019-10-23
4. **Public Hearing & Action on General Plan: Moderate Income Housing Recommendation**
5. **Public Hearing & Action on ORD 19-16 Amending South Weber City Code Title 10 Chapter 5 Article C: (R-H) Residential High-Density Zone**
6. Planning Commissioner Comments (Grubb, Walton, Pitts, Johnson, Osborne)
7. Adjourn

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THE UNDERSIGNED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED OR POSTED TO THOSE LISTED ON THE AGENDA ALONG WITH THE FOLLOWING:

City Office Building	www.southwebercity.com	Family Activity Center
Utah Public Notice website ( <a href="http://www.utah.gov/pmn">www.utah.gov/pmn</a> )	South Weber Elementary	Each Member of The Planning Commission



DATE November 1, 2019

\_\_\_\_\_  
KIMBERLI GUIL, DEVELOPMENT COORDINATOR

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY KIMBERLI GUIL, 1600 EAST SOUTH WEBER DRIVE, SOUTH WEBER, UTAH 84405 (801-479-3177) AT LEAST TWO DAYS PRIOR TO THE MEETING.

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\* Agenda are flexible and may be moved in order or sequence to meet the needs of the Commission.

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 10 October 2019

**TIME COMMENCED:** 6:02 p.m.

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT:** **COMMISSIONERS:**

Tim Grubb  
Debi Pitts (excused)  
Rob Osborne  
Wes Johnson  
Taylor Walton

**CITY PLANNER:**

Barry Burton

**CITY ENGINEER:**

Brandon Jones

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Mike Ford, Franz Fisher, Glen Poll, Nate Reeve, Lacey Westbroek, Stan Cook, Kathy Devino, Verl Byram, Blair Halverson, Paul Sturm, Lynn Poll, Kaila Alvey, Betti Wilson, Brent Poll, Darrell Byram, Darrell Alvey, Sally Roberts, Devon Baldwin, Michael Grant, Lisa Sweatfield, Marlene Poore, Haley Alberts, Amy Mitchell, Natalie Browning, Missy Fisher, Ryan Harris, Tammy Long, and Amy Hayes.

**Commissioner Osborne welcomed those in attendance and excused Commissioner Pitts from tonight's meeting.**

**Pledge of Allegiance—Commissioner Osborne**

## **PUBLIC COMMENT**

- a. State your name and address**
- b. Each person may speak one time**
- c. Keep public comments to 3 minutes or less per person**
- d. Address the entire Planning Commission**
- e. Planning Commission will not respond during the public comment period**
- f. No comments allowed from the audience**

**Brent Poll, 1375 E.7605 S.**, discussed the property located at approximately 7200 S. and South Weber Drive. He voiced his concern with the Hill Air Force Base pollution on the property and feels a new development will put people at risk. He reported HAFB dumped hazardous materials in this area. He discussed HAFB recommending homeowners install vapor intrusion systems. He feels this should be a red flag for individuals. He feels the Planning Commission should not approve this because it can't be justified, they will be putting people at risk.

**Michael Grant 2622 Deer Run Drive** expressed his concerns and frustration from citizens who are having a hard time completing the general plan survey on the City's website. It is time consuming and took him two days to complete. He suggested delaying the general plan survey feedback or the City staff should help citizens complete it.

**Lynn Poll, 826 E. South Weber Drive**, discussed the Knoll's at Valley View Subdivision on tonight's agenda and its reference to South Bench Drive. He opined 90% of the residents in the City have lost faith in the City Council and Planning Commission and no one is listening. He feels nobody likes what is going on with South Bench Drive.

**Michael Grant, 2622 Deer Run Drive**, pointed out the survey does not ask for a name or address and feels it should.

**Amy Hayes, 7267 S. Skyhaven Cove**, representing the Ray Peek family, stated it is their family farm that is being invaded. She mentions a quote which states, "Sometimes one of the hardest things in life or planning is to take a step backwards so that you can take a step forward in the right direction". She feels the Planning Commission needs to take several steps back and look at the people being affected. Her family has eight generations of people in South Weber. She is concerned about how many people this is affecting. She opined people have been lied to. She has always had so much faith and love for this City. She remarked she has friends who are considering moving because they don't like the direction the City is going. She pointed out South Weber has always been unique, and it has been unique for a reason. She feels if you want to see a lot of rooftops and a lot of roads, move somewhere else.

**Lisa Sweatfield, 851 S. Cedar Court**, referenced Orem City being in the news and rental units not having enough parking. She suggested requiring rental units put enough parking for how many bedrooms are in the unit or how many driving. She is against the road connection to Layton City and the high amount of traffic it will create. She agrees with comments made against this road.

**CONSENT AGENDA:**

**a. Minutes 2019-09-12**

**b. Minutes 2019-09-26**

**Commissioner Taylor moved to approve the consent agenda. Commissioner Johnson seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.**

**Commissioner Grubb moved to open the public hearing. Commissioner Taylor seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.**

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

**A preliminary subdivision approval referred to as “The Knolls at Valley View” located at approx. 7200 S/ South Weber Drive (parcels 13-020-0017, 0028, 0030), approx. 43.02 acres by developer Mike & Diane Ford (Fords Inc.): Mike Ford, 1110 South Weber Drive,** approached the Planning Commission.

**Commissioner Osborne asked for public comment**

**Michael Grant, 2622 Deer Run Drive,** attended the Planning Commission when this was discussed. He feels the site looks good. He stressed if there is anything devious going on to let the public know.

**Haley Alberts, 7560 S. 1740 E.,** discussed the suggestion from Peifen Tamashiro, environmental Engineer at HAFB, concerning the installation of vapor air sampling systems in the homes in the Knolls Subdivision. She lived in a home where such a system was installed and HAFB came to her home twice a year to do testing. She pointed out Peifen Tamashiro recommends property owners be made aware of the vapor air sampling systems. Haley suggested making sure the City follow through with this and help property owners understand why the testing is needed etc.

**Paul Sturm, 2527 Deer Run Drive,** attending the Planning Commission meetings concerning this subdivision, and was very impressed with the design and concept. According to Mr. Ford he has a letter from HAFB stating this development is not in a restricted zone for HAFB. He suggested the City obtain a copy of this letter. He said other than that this subdivision is in a great location, low density, great view, and great concept.

**Lynn Poll, 826 E. South Weber Drive,** voiced his concern with the road coming out between two houses onto South Weber Drive and could be a hazard. He explained there is limited site distance and should be a safety concern.

**Kurt Weber, representing GCS who has been appointed by Second District Court of Davis County on behalf of the reported owner of the property,** was informed by Mr. Ford that this isn't the final Planning Commission meeting in regard to this development. If that is true, then we have no objections but if not, then there is a concern for the court to have enough time to get information.

**Barry Burton, City Planner's, review of 8 October 2019 is as follows:**

This review has been revised from the original 10.2.19 review based on additional information received from the applicant.

**Plat/Layout:**

This proposed development is a 16 lot PUD. The two lots nearest South Weber Drive have existing homes on them, but the existing lots are being reconfigured in such a way as to better fit in with the new lots. This subdivision includes a short section of Street A as it is currently anticipated. There is a new private road proposed to intersect with Street A that would provide access to all the 14 new lots. This private road would be approximately 1500' long from Street A to the end cul-de-sac. It would be closer to 2000' from South Weber Drive.

**Site Conditions:**

The site is a total of 43 acres of which approximately 1/2 of the property are in a HAFB noise zone easement. By our ordinance, we cannot include any of the noise easement property in the project density calculation. With a net acreage of 20, the density is still approximately .8 units per acre.

A portion of this property may be affected by OU1 pollution plume. Another portion may be affected by OU2, but this would be in the noise zone area where there will be no homes. We have received a map showing the impact of OU1 and an email from Peifen Tamashiro, environmental Engineer on base, indicating, there is a potential for vapor intrusion and that indoor air sampling will be needed on those homes built on the affected lots and that the developer offered to install passive ventilation pipes in those homes, if necessary. She also recommends informing potential owners of the site conditions.

According to the National Wetlands Inventory Map, there may be some wetlands on the property. If the map is correct, it would impact one or two of the proposed lots. This property has been cultivated for many years, so whether wetlands actually exist is questionable. This is a recent discovery on the part of the staff and developers have not previously been appraised of this potential problem.

The Geotech study indicates shallow ground water is present on the lower part of the property as well as some soils with low bearing capacity. It recommends a geotechnical engineer observe excavations for footings to determine if suitable soils are present or if additional measures must be taken to assure foundation stability. There may need to be some basement restrictions due to the shallow ground water.

**Zoning Provisions:**

This property is in the A zone which allows .9 dwelling units per acre. The development would be in compliance with the allowed density. This would be a PUD and that would require Conditional Use approval. The proposed private street does not meet the code in two ways. The width is proposed with 28' of asphalt with a 2' concrete apron on either side for a total drivable surface of 32'.

Our ordinance requires 41' back of curb to back of curb for 40' of drivable surface. There would be no curbs on the private road. Our ordinance also sets a maximum length of a dead-end road at 400'. It does not distinguish between public and private streets in this provision. This proposed private street is about 1500' long. The terrain and adjacent property circumstances make it very difficult to provide access to this property in any other way.

Developers are aware of these points of non-compliance and are asking that they be allowed to enter into a development agreement that would supersede the ordinance in those issues.

**Recommendation:**

This is a very low-density development in an area where that is what has been recommended in the general plan. This is the very type of development many in the community hope for as it will be an upscale neighborhood. With regards to the pollution plumes, the developers have indicated they have a project approval letter from the HAFB. We have not seen that letter and we need to prior to approval.

Also, the potential wetlands issue needs to be cleared up with a letter from the Army Corps of Engineers. We need to know officially if there are any wetlands and, if so, can the developers mitigate. Since wetland potential is a recent discovery and developers have had no time to investigate the issue, it is recommended Corps approval be provided prior to final plat approval. The applicant understands that they are proceeding at their own risk with respect to this issue.

Developers have held an access permit pre-application meeting with UDOT and though some changes were recommended (and implemented), we do not believe there will be an issue receiving the permit. It will not be possible to receive the permit until development plans have been advanced to final plat/construction drawing stage.

There is also the issue of complying with the ordinance. This would be a private street with drainage swales and the City would not be required to maintain either the road or the storm drainage system. I have seen a similar, although higher density, PUD in Farmington. After about 10 years the residents of that PUD were tired of dealing with the drainage swales and the roads and put enough political pressure on the City to get them to agree to take ownership of the roads. The City then had to put in curb and gutter and a storm drain system and pick up road maintenance in perpetuity.

If you feel that South Weber can withstand that kind of pressure, or that that pressure may never materialize, then this could be a very nice addition to the City. If you think that kind of thing could happen here, then perhaps they should be required to comply with the ordinance so far as the road width and construction are concerned. I don't think there is any way for them to develop if they stick to the maximum dead-end street requirement.

I recommend approval of the preliminary plan with the conditions that prior to final plat approval developers will provide an official letter of approval from HAFB with regards to the contamination mitigation provisions, they provide an access permit from UDOT and an official approval from the US Army Corps of Engineers concerning the wetlands issue. I would also recommend the Planning Commission give the developers guidance concerning the private road and what deviations from the ordinance, if any, will be acceptable on the private road.

**Brandon Jones, City Engineer's, review of 8 October 2019 is as follows:**

This memo is revised from the original memo dated October 2, 2019 due to additional information provided by the developer.

Our office has completed a review of the Preliminary Plans for The Knolls at Valley View. The plans were received on September 20, 2019. We recommend preliminary approval subject to the following comments and items being addressed prior to final approval.

**GENERAL**

1. Geotechnical Report. A geotechnical study was performed by CMT Engineering and a report dated September 4, 2019 was submitted. The following should be noted on the plat and/or grading plan that will be included with the final plans.
  - a. Imported Backfill. Imported trench backfill will be required on all trenches in the roadway or under structures. The material must be Type A-1a.
  - b. Groundwater. Shallow groundwater was found in the majority of the test pits with stabilized depths between 5' to 7'. We would recommend that the lots be restricted ("R") on the plat, and a basement depth table be provided by CMT Engineering once the final design is complete. No land drain system can be provided, since no drainage outlet/facility is available on or near the property.
  - c. City Standards. The City Standards govern over any other recommendations.
2. Outside Entity Approval.
  - a. Davis & Weber Counties Canal Company (DWCCC) has provided a Will Serve letter for secondary water service. Once final plans are completed, they must be submitted to DWCCC for their review and approval. An approval letter from the DWCCC will be required.
  - b. UDOT. The developer and the developer's engineer have met with UDOT to get direction on the placement of the road needing access to South Weber Drive (SR60). We have been provided a copy of the notes and requirements from the meeting. The developer must comply with UDOT's requirements. The City will require documentation of final approval from UDOT for the proposed access and improvements to South Weber Drive.
  - c. Hill Air Force Base. The developer and the developer's engineer have met with HAFB to get direction on requirements relative to potential contamination and noise mitigation. We've received an email from Peifen Tamashiro, Environmental Engineer at HAFB. This email outlines guidance and requirements that should be implemented into the plat and improvement plans. Once final plans are completed, they must be submitted to HAFB for their review and approval. We also recommend that the Staff meet with HAFB to get a clear understanding of what is expected and to determine if additional study or testing should be required and what type of testing should be pursued, including mitigation measures identified. Ultimately, an approval letter from HAFB will be required.
  - d. Army Corps of Engineers (Wetlands). According to the National Wetlands Inventory, there appears to be potential wetlands located on a portion of the property. The developer is required to delineate the presence of any potential wetlands, determine whether they are jurisdictional, or prove that none exist. The results of this investigation will need to be shared with the City and implemented into the development, as required.

- e. Rocky Mountain Power. There are large power lines that run through the development. We would recommend putting a signature block on the plat as an acknowledgement and approval of their easement as shown.
  - f. Weber Basin Water Conservancy District. There is a large transmission line that crosses the property running roughly parallel with the canal. We would recommend putting a signature block on the plat as an acknowledgement and approval of their easement as shown.
3. Retention / Drainage / LID. See Development Agreement.
  4. South Weber Drive / Street A. See Development Agreement.
  5. Fire Flow. Our office will model a theoretical fire flow based on elevations, but home sizes will be restricted by the fire code depending on the actual fire flow once the system is constructed.

**DEVELOPMENT AGREEMENT** There are two main elements of this proposed development that do not comply with City Code and City Standards; the street cross section and the length of the road. Therefore, a Development Agreement is required to specifically allow what is being proposed. The following is a summary of the items addressed. A draft of the DA will be provided at a subsequent meeting.

6. Street Cross Section. City Code 10-71-4H requires that "Private streets shall be a minimum of forty one feet (41') in width with the same construction standards as required for a public street, in the city subdivision standards, from the back of curb to back of curb." The DA would allow for total drivable surface of 32' (28' asphalt and 2' flat concrete curb). However, in order to accommodate fire truck access, on-street parking would have to be restricted on one side of the road.
7. Length of Dead-End Street: City Code 11-4-4A.4 requires that "A development that extends more than one thousand eight hundred feet (1,800') from a connecting street will have a second ingress/egress." The DA would allow for this road, which extends approximately 2,000' from South Weber Drive to the end of the upper cul-de-sac, to terminate without a second ingress/egress. This is specifically being allowed by the Fire Department, or the AHJ (Authority Having Jurisdiction).
8. Private Right-of-Way. City Code 10-11-6C.1 only allows for 2 lots to be built on a Private Right-of-Way. The DA would allow for up to 16 lots. City Code 10-11-6C.4 does not allow a Private Right-of-Way to "be located where proposed roads are shown on the city's general plan." The current General Plan identifies a local road crossing this property and connecting to the Cook property on the north. Due to topographic challenges and the recognition that a local road connection in this area is not needed for long-term connectivity reasons, the DA would allow for the master planned road not to be constructed.
9. Access Road. City Code 10-14-10 addresses any "structure which lies farther than one hundred fifty feet (150') from a public street." 10-14-10A.5 does not allow for the access road to greater than 8% unless allowed by the Fire Chief and the City Engineer. The DA would allow a 10% grade on the portion of the road needed to access the upper four lots.
10. Retention / Drainage / LID. No drainage outfall infrastructure is available in this area. Thus, the DA would allow for the use of retention (all storm water stays on site), rather than detention (storm water is slowly released off site) to address the drainage needs. The narrower street section, retention ponds, and the use of drainage swales, rather than curb and gutter, also support Low Impact Development (LID) efforts which are targeted at trying to reduce the environmental changes that occur when land develops.
11. South Weber Drive / Street A. The developer will be required to dedicate an 80' ROW on South Weber Drive and a 78' ROW on Street A. The required improvements (curb, gutter, sidewalk, asphalt, etc.) would not be installed at this time, due to the lack of adjacent infrastructure and drainage facilities to tie into. However, the cost of these improvements would be paid to the City for use of constructing those improvements when adjacent infrastructure is constructed.

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The following comments are provided in preparation of the Final Plats and Improvement Plans.

### **PLATS**

12. The streets need to be given names or coordinates
13. Addresses for the lots will be provided by our office.
14. The following note should be added: "All lots are subject to the requirements of the Geotechnical Report prepared by CMT Engineering, dated September 4, 2019."
15. All easements, in general, need to be verified and shown with bearings and distances in order to locate them exactly in reference to the proposed lots.

16. All lots will need to be shown as restricted "R" with an associated note listing the restriction of basements (or depth of lowest floor slab relative to the groundwater elevation).

**IMPROVEMENT PLANS**

- 17. The culinary water must connect to the existing system above the PRV in order to maintain sufficient pressure. The location of this line will need to be where the future roads are anticipated and minimize crossing private property.
- 18. Fire hydrant locations must be approved by the Fire Department.
- 19. The long-range sewer master plan is to take the sewer north, rather than west down South Weber Drive. The lines should be constructed in such a way as to minimize reconstruction efforts in the future.

**Commissioner Johnson moved to open the public hearing. Commissioner Taylor seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.**

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

Commissioner Osborne understands Lot 8 or Lot 9 has a high-water table and when the sampling was conducted was there any HAFB chemicals in that water.

Nate Reeve, of Reeves and Associates, explained in the last two years they have met with representatives from the Army Corp of Engineers who have review this site and compiled lots of data on the plume. He understands the City should have a copy of the letter giving the green light for development. The vapor intrusion system that they are recommending is for naturally occurring radon that happens in the western United States. He said HAFB encourages all of us to do vapor intrusion systems even if we are not located next to a plume. He said the CC&R's, which is a recordable document, will include the vapor intrusion instructions and guidance for those to be installed in the home. The cost is approximately \$900 to install inside a home and strongly recommend it for radon. He explained HAFB is aware of this subdivision plan and has given their approval.

Commissioner Osborne asked Mr. Reeve when they tested was there any HAFB chemicals present. Nate explained he did drink the water but did physically look into the hole and there was no physical evidence of contamination. The highest level of documentation of the plume in this area is 26 ft. deep and he wouldn't anticipate anything at 8 ft.

Commissioner Walton asked Mr. Reeve he would like to share anymore about his discussions with HAFB that might shed some light on with understanding the contamination in the area. Nate explained two years ago that was our number one concern. They have documentation from all the meetings held with HAFB and Corp of Engineers stating there is not an issue, even if you didn't install vapor intrusion systems. Commissioner Walton asked if the State Department of Environmental Quality has given their approval. Nate said the approval through HAFB also includes State of Utah approval. Commissioner Walton asked if the Planning Commission has a copy of the letter from the Corp of Engineers. Barry pointed out there isn't a letter from the Corp of Engineers but a letter from Peifen Tamashiro, Environmental Engineer at HAFB. Commissioner Walton stated he saw that letter, but this is the first time he has heard the Corp of Engineers mentioned. Nate explained Mark Roginski of HAFB, and others associated with the Army Corp of Engineers have information. Commissioner Walton asked if there would be opposition with recording a statement on the final plat stating there is close proximity of

contamination of these parcels associated with Operable Unit #1. Nate stated in talking with legal counsel (for the development) they suggest a note be placed on the final plat that references to the CC&R's for the subdivision. He explained the CC&R's will contain the information concerning the vapor intrusion system and other issues that are happening. Commissioner Grubb suggested including in the CC&R's what the legal description is going to be. Nate explained the other advice he was given is since the plume is shrinking in size, they recommended putting this information on the final recorded plat because the plat will last the test of time and the plume will not. The estimated plume life is 19 years additional from now and the preference is to not have that information on the final plat.

Nate explained they have met with UDOT concerning site distance, radius, location, etc. He said Street A is the developments connection to South Weber Drive. He said UDOT is comfortable with that location and access to this residential development only. He explained he will get a letter from the Army Corp of Engineers concerning the wetlands. He stated there is no concern, but they will get official documentation. Nate reported both existing homes will be remaining. Commissioner Grubb would like to see documentation with more specifics on UDOT's site distance approval.

Commissioner Johnson reviewed the CC&R's and said he doesn't see anything about the vapor ventilation system. Nate said it will be added to the CC&R's.

Commissioner Osborne is concerned about the smaller road size. He asked if the developer can accommodate the city code. Nate discussed 32 ft. of drive-able surface. He explained the City street standard is 36 ft. He doesn't feel there is a dramatic difference from city code requirement. He said there has been a change in globally roadway sections decreasing. He would not recommend this size of road for 30 homes, but it does work well with smaller subdivisions. He said the road is built to City standard even if it is a modified section.

Commissioner Johnson asked about the grade on Lot 15. Nate said there are no grades greater than 10%.

Commissioner Grubb discussed north of Lots 14 and 15 concerning the Bigler parcel of land. He said they are confused as to why they haven't been approached and would like to see a stub to five acres of their property. Nate explained to extend that through is difficulty with topography and will bring more property to a development that they are trying to keep restricted. He said the Bigler's front onto a private roadway that no one beside residents that front that roadway have legal access. Commissioner Grubb feels that should be looked at since it was on previous master plans. He feels sitting down with the property owner would be appropriate. Mike Ford said he will be happy to do that.

Commissioner Osborne queried if there is a fence planned around this development. Nate said there is not because they would like an open country feel. Nate explained the extra land will be owned by the Homeowners Association and will be a private reserve.

Commissioner Osborne questioned the need for escrow for sidewalk, curb, and gutter. Barry said there is no storm drain in the vicinity and that is why Brandon recommends the escrow. Nate said it would need to be channeled and inlets installed because there is not an outlet. Commissioner Osborne asked about the undeveloped property and if there is a possibility it

could be developed. Commissioner Johnson asked if the Homeowner's Association would consider a conservation easement.

Barry mentioned as far as the cross section and road width, he has discussed the need to post one side of that road no parking. He said this will allow for fire truck access. Nate said there will be off-street parking stalls.

Commissioner Osborne commented the City Manager is requesting the City know who the owner of the will be and how the transfer is going prior to final plat approval. Mike Ford said he will get that done in the next month.

Commissioner Walton is concerned about how the streets will line up with the general plan on both sides of South Weber Drive. Nate explained the site distances and functionality of South Weber Drive and feels if this road were to extend north everything does comply. He said the conversation with UDOT include a T-intersection and not a 4-way intersection, but the road will work with both. He said UDOT did review both sides of the road for possible future connections. Commissioner Walton said that is not an approval but would be another application for connection on the north side. Nate said the roadway classification is a 6 which requires 350 ft. to the next road on either side of the street. Commissioner Grubb asked how about the impact of roads on wetlands. Barry said they look at how much land is being filled and whether it needs to be mitigated somewhere else.

Commissioner Grubb referenced the HAFB letter concerning contamination sampling and vapor intrusion system. Nate explained the homeowner will need to install a \$900 vapor intrusion system. If they conclude through sampling an intrusion system is needed, HAFB will install it and recommend the piping is installed in the beginning and then come back to install a blower.

**Commissioner Grubb moved to approve the preliminary subdivision referred to as "The Knolls at Valley View" located at approx. 7200 S/ South Weber Drive (parcels 13-020-0017, 0028, 0030), approx. 43.02 acres by developer Mike & Diane Ford (Fords Inc.) subject to the following conditions:**

- 1. Addition of restrictions on the deed as described in CC&R's for contamination vapor testing.**
- 2. Notes on the plat for vapor intrusion testing.**
- 3. Need UDOT standard requirements for site distance for Street A.**
- 4. Hear back from Barry Bigler family concerning their development access onto this property.**
- 5. Escrow for all improvements on dedicated public roads.**
- 6. Require conservation easement over open space areas.**
- 7. Barry Burton letter of 8 October 2019.**
- 8. Brandon Jones letter of 8 October 2019.**
- 9. Direction regarding ownership of the seller for this property.**

**Commissioner Walton seconded the motion. Commissioners Grubb, Osborne, and Walton voted aye. Commissioner Johnson voted no. The motion carried 3 to 1.**

Commissioner Johnson voted no because he doesn't feel the Biglers need to be involved until their road is brought up to city standard. Commissioner Grubb wants to make sure there is connectivity and look at options. He understands there is no requirement that a connection be made.

**PLANNING COMMISSION REPORTS:**

**Commissioner Grubb:** Joint meeting with City Council and Planning Commission will be 22 October 2019. Blair Halverson said the affordable housing plan needs to be discussed as soon as possible. Barry commented the plan needs to be tied to that mixed use. The Planning Commission needs to know if there is any use for mixed use in the city or not. Discussion took place regarding what should be discussed at this meeting and how to break it up into sections.

**A special Planning Commission Meeting will be held on 23 October 2019 short term rental conditional use permit will be reviewed.**

**Commissioner Walton:** Requested discussing transportation and land use after discussion on affordable housing.

**Commissioner Johnson:** Attended a trails and parks committee meeting. There will be some noticeable improvements on the parks. Mayor Sjoblom attended a meeting with the Forest Service concerning Bonneville Shoreline Trail connection to Job Corp. Barry will send web-site link to Kim to be put on city website. He felt second day of Open House went well and appreciated comments and input received.

**Barry Burton, City Planner:** He agreed that the Open House went really well. He appreciated the opportunity to discuss concerns with individuals.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 7:32 p.m. Commissioner Taylor seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Chairperson: Rob Osborne

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

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

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 23 October 2019

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

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT: COMMISSIONERS:**

Tim Grubb  
Debi Pitts  
Rob Osborne  
Wes Johnson  
Taylor Walton (excused)

**CODE ENFORCER:**

Chris Tremea

**CITY PLANNER:**

Barry Burton

**CITY ENGINEER:**

Brandon Jones

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Clay Simpson, Corinne Johnson, Bridgette Hadlock, Tom Wright, Hilary Bench, Kathy Devino, Joan Turner, Bill Turner, Blair Halverson, Sandra Layland, Haley Alberts, Paul Sturm, Kathryn Hansen, Chris Hansen, Matt Smith, Chris Pope, Ember Davis, Mike Sampson, Michael Grant, Misti Lopez, Tammy Long, Mindi Smith, Jeff Bench, Jan Ukena, Amy Mitchell, Linda Marvel, Natalie Layland, WonAe Mier & Dustin Shiozaki.

**PLEDGE OF ALLEGIANCE:** Commissioner Pitts

**Commissioner Johnson moved to open the public hearing for action on Short Term Rental Conditional Use Permit Revocation: Cobblestone Resort located at 1923 E Canyon Drive South Weber UT 84405 (Parcel ID# 13-184-0030) 1.14 acres. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Osborne, and Johnson voted aye. The motion carried.**

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

**Public Hearing (show-cause) and Action on Short Term Rental Conditional Use Permit Revocation: Cobblestone Resort located at 1923 E Canyon Drive South Weber UT 84405 (Parcel ID# 13-184-0030) 1.14 Acres:** Tanner Clagett, attorney in Bountiful, explained he was contacted this week by Dustin Shiozaki to represent him. Commissioner Osborne explained recently the City passed an ordinance allowing for short term rentals within the City with the

approval of a conditional use permit. This property owner has received three strikes. Tanner voiced he has received copies of the three strikes and has expressed to Dustin it is within his interest to comply with the city code. He understands this. One of the reasons he hired Tanner is to get in compliance and make sure he is doing what he needs to do. Tanner has spoken to Dustin about Strike #3. He understands Dustin is involved in a boudoir business. He informed him that somewhere along the line the property address came to be on that website. He said that has been removed and there is no operation of a business that falls under a sexually oriented business by the city's definition. He understands there has been off street parking. He said Dustin tries very hard to inform renters of the parking restrictions. Tanner explained Dustin has expressed an interest to comply and work with the City.

Chris Tremea, Code Enforcer, discussed the short-term rental committee who helped draft the short-term rental ordinance which was adopted on 8 August 2019. Prior to August, Chris communicated with Dustin because he received a lot of normal nuisance complaints, even outside of the short-term rental. He reported parking in the street and on the grass has been an issue as well as there were several noise complaints. During this process the upstairs was being used with the downstairs being under construction. The conditional use permit allowed for either upstairs or downstairs being rented but not both. He pointed out there have been times when as many as 50 vehicles are at this short-term rental with vehicles blocking resident's driveways. He said all these complaints have been discussed with Dustin. He said there have been times when the Davis County Sheriff's Department has been contacted. He voiced there have been numerous warnings given and nuisance violations.

Chris explained Strike #2 included parking violations; noise afterhours, and pool use afterhours. He described a time where there were 36 people going in and out over a weekend time frame. He then discussed Strike #3. He said there was an incident in late June or early July in which a blue tarp was put up around the pool. There was someone taking pictures of a topless lady in the pool. This was seen by a resident. Chris did talk to a renter who said a photo shoot was going on. He explained a resident texted him concerning information received on the internet concerning a boudoir business that was being advertised at the short-term rental. He and a deputy reviewed information received, and it was obvious this business was operating as a sexually oriented business.

Chris discussed the events of a couple of weekends ago in which the Davis County Sheriff's Department was involved with and has documentation. Chris said he did not give a Strike #4. He said attempt for compliance has been deceitful, and non-compliant by both the property owner and the business owner. He knows there are a lot of citizens who are extremely concerned for their property. Tanner asked about one floor only being used. Chris said there is only one rental agreement with one party up to 18 people. Commissioner Osborne said the number 18 came from the Planning Commission and discussion with the owner concerning what would be a fair number. He explained the Planning Commission looks at number of square footages, parking, and number of beds to come up with the occupancy number. Tanner commented he hopes that by him being here is evidence that Dustin is trying to address some of these issues. He said Dustin has provided a memo of what his obligations are to be. He did discuss the boudoir photography with Dustin and there is no longer photography going on. Chris explained he asked Dustin specific questions about the photography and he said they were not aware of the photography. He feels there was deceit.

Commissioner Osborne asked if there was any public comment.

**Jeff Bench, 1916 East Canyon Drive**, wishes no ill-will on anyone, but the situation has not improved. He expressed his frustration after last weekend he had to clean up beer bottle and cans from his yard. He doesn't see that anything will adjust and change. He doesn't see any positive to the City of South Weber, neighbors, or community for this to continue. He encouraged the Planning Commission to revoke the license.

**Thomas Wright, 1934 East Canyon Drive**, stated there is a lot of documentation over the problems at this property. He expressed this is similar to a cancer invading your life. He pointed out if this was in front of your house you would do everything you could to get rid of it.

**Misti Lopez, 1191 East Canyon Drive**, explained there are other VRBO's in the City that don't have these issues. She knows they can be run respectfully. She commented just because there is something happening in one, doesn't mean that is happening everywhere. She expressed there are ways to run a business and be successful.

**Sandra Layland, 7294 S. 1950 E.**, understands there are well ran VRBO's in the City. She has attended meetings when they were granted, and she wished they were next to her home verses the existing short-term rental next to her home. She has attended many City Council and Planning Commission meetings. She has proof that Dustin has information on the Air B&B website and VRBO that advertises a lower level apartment. She also has reviews from someone who rented the basement while there was someone else renting the upstairs. She explained how difficult it is for the neighbors who live in this area. She said there is also a new subdivision going in next to this short-term rental. She feels the owners have had enough chances. She said we have reported violations and presented information to the City. She asked for the Planning Commission to revoke the conditional use permit because their pattern of behavior is not to be honored. **(SEE ATTACHED)**

**Paul Sturm, 2527 Deer Run Drive**, explained when the application for conditional use permit for this short-term rental was being discussed at the Planning Commission meeting on 8 August 2019, there were also other applicants for short term rentals on the same agenda. He feels the Planning Commission treated each one of them fairly.

**Commissioner Grubb moved to close the public hearing for action on Short Term Rental Conditional Use Permit Revocation: Cobblestone Resort located at 1923 E Canyon Drive South Weber UT 84405 (Parcel ID# 13-184-0030) 1.14 acres. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Osborne, and Johnson voted aye. The motion carried.**

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

Sergeant Pope, of Davis County Sheriff's Department, reported the following activity at the Cobblestone Resort:

**April 25<sup>th</sup>** unknown guest with argument back and forth with owners and contractors

**June 8** lewdness – topless in pool

**June 27<sup>th</sup>** vandalism to pool

**Sept 23<sup>rd</sup>** victim was burglarized

**Sept 25<sup>th</sup>** request for extra patrol

**Oct 3** agency assist

**Oct 12** multiple police vehicles arrived for underage drinking/ 11 citations were given for illegal consumption/21 offenders/ 10 officers responded

**Commissioner Grubb moved to revoke immediately the Short Term Rental Conditional Use Permit for Cobblestone Resort located at 1923 E Canyon Drive South Weber UT 84405 (Parcel ID# 13-184-0030) 1.14 acres based on non-compliance of the conditional use permit issued on 8 August 2019, namely parking, occupancy, multiple unlicensed businesses & contracts, activity not appropriate with a business in a residential neighborhood, and continued lack of effort to comply or conform with the South Weber City ordinances. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Osborne, and Johnson voted aye. The motion carried.**

Commissioner Johnson recommended the City staff send a letter to Air B&B stating the conditional use permit has been revoked. Commissioner Grubb stated the property owner can always reapply for another conditional use permit, but if they continue use, it will become a civil matter.

#### **PLANNING COMMISSION ITEMS:**

**Commissioner Grubb:** pointed out last night's meeting was nice. He attended a nice workshop today. Hopefully, Wasatch Front and UDOT listened to what we said.

**Commissioner Johnson:** thanked the citizens who showed up at last night's meeting.

**Commissioner Osborne:** discussed how much he appreciates the communities help with this agenda item.

**Chris Tremea:** appreciates the patience the citizens have had in this process and he thanked them for being able to work with them.

**Sergeant Cope:** thanked the citizens for not taking it into their own hands. He appreciated the community coming together and their patience.

A joint City Council and Planning Commission meeting will be held on 12 November 2019.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 6:58 p.m. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Osborne, and Johnson voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date**

**Chairperson: Rob Osborne**

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

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

1 **South Weber City**  
2 **Moderate Income Housing Plan**  
3 **2019**  
4 **A Part of the South Weber General Plan**

5  
6  
7 **WHAT IS MODERATE INCOME HOUSING**

8  
9 In accordance with section 10-9a-403 Utah Code Annotated, South Weber is providing  
10 reasonable opportunities for a variety of housing including housing which would be  
11 considered moderate income housing to meet the needs of people of various income  
12 levels living, working, or desiring to live or work in the community, and to allow people  
13 with various incomes to benefit from and fully participate in all aspects of neighborhood  
14 and community life.

15  
16 Moderate income housing is defined in the Utah Code as:

17  
18           Housing occupied or reserved for occupancy by households with a gross  
19           household income equal to or less than 80% of the median gross income  
20           for households of the same size in the county in which the city is located.  
21

22 According to this definition, any dwelling occupied by an individual or family with  
23 income equal to or less than 80% of the median income of the county would qualify as  
24 moderate income housing, regardless of the circumstances under which the dwelling is  
25 occupied. For instance, it could be that the house was inherited and though valued at  
26 something far more than a family of moderate income could afford to purchase; it is  
27 nevertheless, occupied by a family whose income is below 80% of the regional median.  
28 That house, therefore, is a moderate-income house by definition. The same could be  
29 said for homes that have been in the same ownership for a long time and for which the  
30 mortgage was established prior to many years of inflation and rising housing costs.  
31 The occupants might be able to afford what, if mortgaged today, would be far out of  
32 their financial reach.  
33

34 This type of Moderate-Income Housing is the least quantifiable type. Without extensive  
35 surveys and analysis of household incomes and home values, we have no way of  
36 knowing what existing single-family housing units fall into this category. We can,  
37 however, deduce how many of this kind of dwelling units there are. According to the  
38 U.S. Census Bureau 24% of South Weber Residents fall into the moderate-income  
39 category. We know that approximately 5% of existing housing is currently being rented

40 at a rate that would qualify it as moderate-income housing. This tells us that 79% of  
41 the current moderate-income households are in dwellings of this type.

42  
43

44 **WHAT IS MODERATE-INCOME IN SOUTH WEBER:**

45

46 According to the U.S. Census Bureau, the 2017 median household income for Davis  
47 County is \$75,961 (\$95,000 for South Weber City). Eighty percent of that County  
48 median income is then \$60,768. Information extrapolated from the Utah Affordable  
49 Housing Manual indicates that a household with this income level could afford to  
50 purchase a dwelling which has a maximum purchase price of 3.1 times the annual  
51 income. In the case of South Weber that translates **to a maximum purchase price**  
52 **of \$188,380**. The same manual indicates that 27% of the monthly income could be  
53 spent on rent which would mean a **maximum monthly rent of \$1,367**.

54  
55

56 **PRESERVING AND ENCOURAGING MODERATE INCOME HOUSING:**

57

58 There are many factors that affect the cost of housing. It is the duty and responsibility  
59 of the City to take necessary steps to encourage moderate income housing.

60

61 Utah Code Annotated 10-9a-403 (2) (b) (iii) requires the City to choose at least three  
62 from a list of 23 ways, A through W, in which it can and will pursue the encouragement  
63 of moderate-income housing in the next five years. South Weber chooses the following:

64

65 *(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the*  
66 *construction of moderate-income housing;*

67

68 South Weber is currently in Phase One of a multi-year plan that will  
69 increase the sewer system capacity which will handle potential future  
70 multi-family and mixed-use developments in this area.

71

72 *(L) preserve existing moderate-income housing;*

73

74 South Weber will take no action that would put the continued existence of  
75 moderate-income housing at risk. Existing housing areas will not be  
76 rezoned in such a way as to jeopardize their status as legal permitted  
77 uses. The zoning ordinance will not be modified in any way that  
78 jeopardizes their continued existence as legal permitted uses. South  
79 Weber will make every effort to keep costs of municipal services to these  
80 dwellings within reasonable bounds.

81

82 *(U) apply for or partner with an entity that applies for programs administered by a*  
83 *metropolitan planning organization or other transportation agency that provides*  
84 *technical planning assistance;*

85  
86 South Weber plans on utilizing Wasatch Front Regional Council grants  
87 wherever possible. We have partnered and applied for planning assistance  
88 in the past, have received great value, and intend to partner and apply  
89 again.

90  
91

92 **MODERATE-INCOME HOUSING NEEDS:**

93  
94 An analysis the existing housing and household incomes using available information  
95 leads to some reasonable conclusions as to need.

96

97	Number of Dwelling Units 2017 .....	1724
98	2017 Population .....	7310
99	Persons Per Household 2017 .....	4.24
100	2017 Median Davis County Annual Household Income .....	\$75,961
101	2017 Annual Household Moderate Income .....	\$60,768

102

103 Once again by extrapolating from information contained in the Utah Affordable Housing  
104 Manual, we find that a household with this income level could afford a mortgage of  
105 approximately 3.1 times the annual income or could afford to spend 27% of their  
106 monthly income on rent.

107

108	Maximum Purchase Price .....	$\$60,768 \times 3.1 = \$188,380$
109	Maximum Monthly Rent .....	$\$60,768/12 = \$5,064 \times .27 = \$1,367$

110

111 It appears that rental units are the most attainable type of new moderate-income  
112 housing likely to be established in South Weber. There are currently 87 rental units in  
113 the City, 60 being in one apartment complex and the rest are basement type  
114 apartments. Rental units comprise 5% of the existing housing stock in the City.

115

116 As previously stated, 79% of current moderate-income households are residing in  
117 existing single-family dwellings; 326 dwelling units. It is reasonable to expect that, as  
118 existing residents age in-place (stay in their current homes as they move into higher  
119 age categories), there will be a significant number of owner-occupied dwellings that  
120 transition into moderate-income housing. The number of dwellings that will do this is  
121 difficult to predict, but if the current percentages persist, there would be an additional  
122 257 additional owner-occupied dwellings move into moderate-income status within the  
123 next 20 years for a total of 583 such dwellings.

124

125 It is estimated there will be a total of 3,076 dwelling units in South Weber at build-out.  
126 If 24% of them are moderate-income, there will be 738 such units. There are currently  
127 87 rental units and 326 owner occupied moderate-income households; a total of 413  
128 units. Of a total build-out need for 738 moderate-income units, 413 are existing and an  
129 expected 257 additional units will be owner occupied. This means there will be a need  
130 for an additional 68 rental units at build-out in 20 years. That would be an additional 17  
131 rental units needed in the next five years.

132

133

**134 RECOMMENDATIONS:**

135

136 If current trends continue, owner-occupied housing, both single-family and multi-family  
137 dwellings, will be the primary type of moderate-income housing. Multi-family rental  
138 units will play a smaller part in meeting future demand.

139

140 It is a given that South Weber will need to increase its stock of moderate-income  
141 housing as the population grows. It seems likely that the bulk of the future demand will  
142 be met by existing dwellings as the occupants age in-place. There will be a limited  
143 demand for rental type dwellings. It is very realistic to believe the City will be able to  
144 accommodate the estimated need of 68 additional rental units.

145

146 It is recommended that South Weber continue to support the existing moderate-income  
147 housing by finding appropriate locations for the needed rental units.

148

**R-H ZONE AMENDMENTS MEMO**  
**By Barry Burton 11.8.19**

**Purpose:**

The reason this proposal is before the Planning Commission is two-fold. One is to give the zone a new name; one that will be more descriptive of what the zone allows and one that is less controversial than “*high density*.” Many cities name their zones based on the minimum lot size allowed; R-1-10 for a zone allowing one dwelling per lot and requiring a minimum of 10,000 sq. ft. etc. Those cities have a lot size-based ordinance. Our ordinance is density based. That is to say, the minimum lot size allowed in any zone is far less than the average lot size must be achieved in order to meet the maximum density. For instance; The minimum lot size in the R-M zone is 9,000 sq. ft. while the maximum density is 2.8 dwellings per acre. In order to meet that density requirement, the average lot size would be closer to 12,000 sq. ft. So, naming the zone R-1-9 would be somewhat confusing.

Another option would be to name the zone based on the maximum density; R-1-2.8 instead of R-M. Or, R-M-13 instead of R-H. In this instance the M stands for multi-family and 13 the density. We could also simplify all the zones to something like R-1, R-2, R-3, where the number simply designates a different residential zone and has nothing to do with the lot size allowed or the type of residential units allowed.

The other purpose in amending the R-H zone is to designate a density that is less than the 13 dwelling units per acre now allowed. We can recommend any number you choose. I will have visual examples of various residential densities for you to consider at the meeting.