

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 8 April 2021

TIME COMMENCED: 6:07 p.m.

LOCATION: Electronic Meeting through Zoom

PRESENT: COMMISSIONERS:

Gary Boatright
Jeremy Davis
Wes Johnson
Julie Losee
Taylor Walton

CITY PLANNER:

Shari Phippen

CITY ATTORNEY:

Jayme Blakesley

CITY ENGINEER:

Brandon Jones

DEVELOPMENT COORDINATOR:

Kimberli Guill

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Blair Halverson

- 1. PLEDGE OF ALLEGIANCE:** Commissioner Davis
- 2. Read Electronic Meeting Declaration:** Commissioner Boatright

Order on Public Meetings of the South Weber City Planning Commission

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

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

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by electronic means without an anchor location. DATED this 1 day of April 2021.

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

Comments will also be accepted at publiccomment@southwebercity.com

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

A public comment email was received 8 April 2021 from Terry George at 7825 S. 2000 E.

4. Approval of Consent Agenda

- Planning Commission Minutes of 18 March 2021**

Commissioner Johnson moved to approve the consent agenda. Commissioner Taylor seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

Commissioner Walton moved to open the public hearing for action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive. (Continued from 3/18/2021). Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

******* PUBLIC HEARING *******

5. Public Hearing & Action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive. (Continued from 3/18/2021):

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

Update

Brandon expressed as part of the city's due diligence; the City submitted an application to UDOT for an access permit to South Weber Drive. One of the requirements for approval of the permit was to locate the access at or near the current driveway access just west on the Ray property. This necessitated the need to acquire additional property from the Rays, to be included

as part of Lot 2 of the Public Works Subdivision. The City has been working with a representative of the Ray property and the developer that is currently under contract with the Rays (Nilson Homes). A Property Exchange Agreement has been created. This agreement will exchange the property that the City needs from the Rays (for access to South Weber Drive) for the property that the Rays will need for a future road connection to Harper Way. This Agreement is included for reference and will need to be approved by the City Council as part of the approval of the plat.

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

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

Commissioner Johnson moved to close the public hearing for action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive. (Continued from 3/18/2021). Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

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

Commissioner Johnson questioned how steep the access road will be because this section of the road is often times shaded. Brandon replied there will be some challenges, but he doesn't know what the exact grade will be at this point. From South Weber Drive to the location of the gate will be approximately 300 ft. Commissioner Johnson expressed this property is just for the Public Works building. Commissioner Davis asked about the type of fencing. Brandon replied the fencing required will follow city code. A conditional use permit will be required when plans are developed. City Planner Shari Phippen addressed in the last meeting Commissioner Losee queried why the preliminary and final plat is taking place at the same time and not separately. Shari explained following her research she found the elements of combining the preliminary and final plat has been in places approximately 25 years. The ordinance that allows for this has been in place over a decade. Typically, the city staff has the discretion as to whether they are combined. The staff is responsible for reviewing and checking off the list of requirements for a preliminary plat and a final plat. Commissioner Losee questioned if the preliminary plat and final plat can be separated on the agenda. It was decided Commissioner Losee will discuss this item further with Shari. Commissioner Walton, who currently serves on the code committee, was directed to present this item to the committee for further review.

Commissioner Johnson voiced his concern with the language in Resolution 21-19 in the City Council packet stating, *"the Planning Commission held a public hearing and reviewed all the supporting documents on the 18th of March 2021 which was continued to April 8, 2021 and gave a favorable recommendation for approval by the City Council."* He expressed the City Council is assuming the Planning Commission approved the resolution before the meeting was held and a motion was made. Brandon explained a resolution is typically written with approval language so that if it is approved, then it is ready to be signed. He continued the Planning Commission can make whatever decision they want, and then the City Council can take it and change the language or not and move to change the language in the resolution. Shari agreed the language of

the resolution can be amended to reflect the decision of the Planning Commission. She expressed it is not binding the Planning Commission to act one or another. City Attorney Jayme Blakesley explained if the Planning Commission acts to not recommend, then the resolution presented to the City Council would need to be modified. Brandon reported there is a purchase agreement with a closing date and to provide time for recordation of the document, there was a change in the schedule. Commissioner Boatright acknowledged timing is of the essence and documents prepared for that reason.

Commissioner Walton referred to Title 11, Chapter 1, Section 3 applicably of subdivisions. Under final plat approval lots shall not be transferred or sold until improvements have been constructed. He is not sure if that is applicable to what we are doing here. Brandon explained if there is a particular improvement that is being proposed for a subdivision, then those need to be reviewed. But at this time there is not a specific development on this property being proposed. Commissioner Walton suggested this portion of the code needs to be reviewed and possibly amended. Commissioner Boatright noted the language for Title 11, Chapter 1, Section 3 is to be reviewed for possible modification by the code committee.

Commissioner Losee discussed Paul Sturm's concerns with the language in the property exchange agreement. Jayme commented he has received Mr. Sturm's technical edits which will be reviewed following approval as they do not change the substance of the agreement in any way.

Commissioner Taylor moved to recommend the City Council for the approval Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

Commissioner Walton moved to open the public hearing for action on an ordinance repealing South Weber City Code 10-5-2, Article A, "Agricultural, Aircraft Hazard Zone (A-10)", and amending South Weber City Code 10-5-2, Article H, "Commercial Highway Zone (C-H). Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

******* PUBLIC HEARING *******

6. Public Hearing & Action on an ordinance repealing South Weber City Code 10-5-2, Article A, "Agricultural, Aircraft Hazard Zone (A-10)", and amending South Weber City Code 10-5-2, Article H, "Commercial Highway Zone (C-H)

City Planner Shari Phippen's executive summary of 8 April 2021 regarding SWC Code 10-5-2, Article A, Agricultural Aircraft Hazard Zone (A-10) is as follows:

Executive Summary

South Weber City is in the process of reviewing a large portion of its city code and making needed adjustments, based on a variety of factors. Those factors include, but are not limited to

changes in state code, recommendations from the recently updated South Weber City General Plan, and goals, policies and priorities of the City Council and Planning Commission.

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

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

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

Because the DoD has those measures in place, the Code committee feels that it is more appropriate to have uses be conditional in those areas identified by the DoD as potentially hazardous, rather than creating an additional zone. Part of the revision of code will be creating DoD references in our conditional use guidelines. Based on those factors, the revocation of the A-10 zone is before the Commission for consideration.

Request Approval Standards

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

General Plan Analysis

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

Staff Analysis

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

City Planner Shari Phippen's executive summary of 8 April 2021 regarding an ordinance amending SWC Code 10-5-2, Article H, Commercial Highway Zone is as follows:

Executive Summary

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

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

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

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

Request Approval Standards

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

General Plan Analysis

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

Staff Analysis

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

Both staff and the code committee have reviewed the uses and finds that they are in compliance with the goals, policies and believe this draft ordinance complies in all significant respects with

the General Plan goals and City priorities. It is ready for the Commission to discuss and make a recommendation to the City Council.

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

Commissioner Walton moved to close the public hearing for action on an ordinance repealing South Weber City Code 10-5-2, Article A, "Agricultural, Aircraft Hazard Zone (A-10)", and amending South Weber City Code 10-5-2, Article H, "Commercial Highway Zone (C-H)". Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

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

Commissioner Walton commented the code committee is requesting the Planning Commission's opinion on hotels, transient lodging, and wholesale trade or distribution. Commissioner Johnson questioned the removal of wind energy systems. Commissioner Walton replied the code committee felt they do not belong in a commercial highway zone. The Planning Commission reviewed the future land use map which identifies the commercial highway zone. Commissioner Johnson asked if any development will be grandfathered as a permitted use. Shari replied the city has not received an application on the Stephens property. Commissioner Losee asked if there is a way, in the future, to have the definition of the uses more accessible in the packets. Shari replied the entire matrix and definitions will be coming before the Planning Commission at the next meeting. Commissioner Johnson asked the difference between gasoline service station verses service station. Commissioner Boatright asked the Planning Commission their opinions on hotels. Commissioner Losee feels the definition needs to be further defined or removed because the general plan survey expressed people not wanting a hotel. Commissioner Walton understands it is difficult because of feedback from the citizens but opined the city should allow the use by binding it to help maintain the character of the city. Commissioner Losee expressed the need to make sure a conditional use is appropriate for the city. She feels the code needs to protect the city. Commissioner Walton discussed there are certain uses the code committee did not want to entertain in any of the zones, but there is a line that needs to be considered. Commissioner Walton would like to see more regulations in the zone. Blair Halverson, City Council member, discussed the main reason this topic is up for discussion right now is because the code does allow for a truck stop, which could be more detrimental for the city. Jayme suggested clearly defining a service station, gas station, and truck stop. Shari explained the definition of a gas station and the truck stop is the amenities. Commissioner Losee recommended removing it from the uses and the developer can petition the city to amend the code to allow a certain use. Commissioner Johnson suggested adding a section for encouraging xeriscaping. Commissioner Walton reminded everyone tonight we are only reviewing permitted and conditional uses. Shari explained since the pending ordinance has been enacted, the city does have some time. Legally, the city has 180 days before they are required to act on an application. Commissioner Boatright asked the difference between hotel verses motel. He pointed out there are different types of hotels. Commissioner Walton explained motel was not even considered. Shari read the definition of a hotel. Commissioner Walton suggested removing hotels until there is a conversation where it can be defined. Commissioner Losee agreed hotels need to be removed until it is clearly defined. She explained there are different types of hotels. Jayme suggested before allowing uses, define the conditional uses. Commissioner Davis

suggested removing any vagueness and be a little more specific in the city code, which will address others concerns. It was questioned why Recreational Vehicle Sales & Rental is not a conditional use, but Vehicle and Equipment Sale and Rental is a conditional use. Commissioner Walton recommended they both be conditional uses.

Commissioner Walton suggested for A-10 to strike any reference of The Department of Defense (DoD) to State of Utah.

Commissioner Losee moved to recommend to the City Council approve an ordinance repealing South Weber City Code 10-5-2, Article A, "Agricultural, Aircraft Hazard Zone (A-10)". Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

Commissioner Losee moved to continue discussion on amending South Weber City Code 10-5-2, Article H, "Commercial Highway Zone (C-H)" to the next Planning Commission meeting. Commissioner Walton seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

7. Planning Commission Bylaws

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

Commissioner Boatright asked if anyone has questions or concerns. Commissioner Losee feels there are trust issues in the community with the Planning Commission. She feels the bylaws need to have teeth, especially when it comes to conflict of interests. She recommended more time for the public to review the packet. Shari replied the Planning Commission does have the opportunity to continue discussions on items. Commissioner Boatright asked Jayme Blakesley his opinion on conflict of interest. Jayme replied there is a process for removing a commissioner, but it is not related to ethical conflict of interest. He pointed out the Planning Commission can make a recommendation to remove a planning commission member. Shari explained the Mayor and City Council make the final decision. Discussion took place regarding conflict of interest with planning commission members not meeting with developers outside of a meeting process. Commissioner Walton expressed the difficulty when a property owner/citizen approaches us. He suggested recommending them to city staff.

REPORTS:

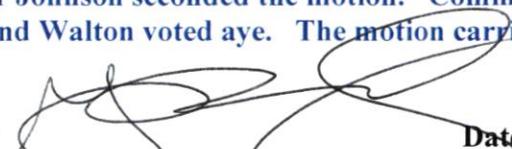
8. Planning Commission Comments (Boatright, Davis, Losee, Johnson, Walton)

Commissioner Boatright: Next month's meeting will be in City Hall.

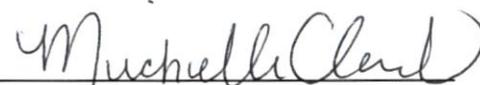
Commissioner Johnson: Tomorrow at 3:00 p.m. Utah Trails will be meeting at angler access for transplants.

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

APPROVED:



Date
Chairperson: Gary Boatright



Transcriber: Michelle Clark



Attest: Development Coordinator, Kimberli Guill

From: [Terry George](#)
To: [Public Comment](#)
Subject: Planning commission 8 apr21 Terry George 7825 S. 2000 E.
Date: Thursday, April 8, 2021 4:58:14 PM

Esteemed Planning Commission:

Short and sweet: We as a city can control a lot with our codes. Specific codes versus vague codes are key. When writing codes look at from the perspective of the developer and every loophole they will look for. Then write the code to close the loopholes and ensure the development is done the way the citizens would want it done.

Thank you.

Terry George
7825 S. 2000 E. South Weber

From: [Kevin Nielsen](#)
To: [Public Comment](#)
Subject: PC Public comments
Date: Tuesday, April 6, 2021 11:06:50 PM

All,

Personally, I don't want any hotels, commercial, or HDH. I'd like to see the city move back to .35 acre lots or greater as the minimum.

I'd like to see something done with the Old Gas Station property that protects and enriches the history of South Weber and of South Weber Drive as part of the Lincoln Highway. Could we not buy the land back from the developer, build a new City Hall with a small wing dedicated to this very history, and even perhaps make it big enough to double as an events center to bring in more revenue?

Then the city could sell the land that old City hall is on back to the developer to put in housing, etc.

This idea of historical preservation would also work for the historical site on the land east and south on 84 on 475, though the history of the Lincoln Highway seems more unique.

I obviously don't have the whole plan figured out, but I would love to hear feedback on this and at least know it was considered.

I know you all are looking out for the city, but I just want to ask that we slow down a little bit and consider how cramped, congested, and crowded we want South Weber to be.

Respectfully,
Kevin Nielsen

From: [JR](#)
To: [Public Comment](#); [Hayley Alberts](#)
Subject: Fwd: PC - No hotels in CH zones; Poll Property retain zoning as agriculture
Date: Friday, April 9, 2021 3:43:38 PM

Julie Losee and "Kim from the City office" made mention on a Facebook page that my letter was not received by the Planning Commission, so I'm resending it to you, with some slight edits.

If you would please make sure that it is received in time for the next meeting, I would greatly appreciate it. Thank you.

Esteemed Committee,

Commercial Highway

Please add my voice to the record *against* the construction of hotels in Commercial Highway or any other zones within the city of South Weber.

Having traveled extensively across the US throughout my career and spending countless nights in hotels I can attest that they bring very little in the way of a positive element, garnering instead a largely more undesirable one, into the "home" of our city. Under no circumstances should a hotel be built next to HighMark Charter School (or any school). It puts our children and staff at very high risk of transient child and sex trafficking, abductions, abuse, prostitution, as well as drug use and trafficking. It also exposes our neighborhoods to increased burglary, larceny, vandalism, auto theft, etc.

*At least 35 percent of Chula Vista motel managers indicated they had experienced the following problems in the prior month: theft, guest's refusal to leave, loud party, suspected drug dealing, and vandalism/graffiti (Bichler, Christie, and McCord 2003)

*Motel managers in Sandy City, Utah, were forced to prevent drug dealers from setting up methamphetamine labs in their motel rooms by informing them that the cost of cleaning up and rebuilding a motel room after a drug lab explosion could be as high as \$25,000. This had a moderate effect, but did not eliminate the problem altogether.

--ASU Center for Problem-oriented Policing.

Poll Property

If not yet outside the realm of possibility, I would make a case that it remains zoned as Agriculture or changed to Very Low Density Housing.

South Weber has thrived as a community for generations without large commercial space and infrastructure. The open, "country" feel is (or was) what made our community so beloved. It was a place to drop our shoulders and exhale after visiting the always-bustling, crowded, and white-knuckle commercial centers of Layton, Riverdale, and South Ogden. The view of our quiet valley as we drop down the dugways or around the western bend of I-84 always brings a sense of relaxing peace we love to come home to. Do we really want to ruin that for future generations through continued development? I suggest that we may have already crossed over that boundary. A good litmus test on whether we have or not are Western Meadowlarks. They are to development what Canaries were to coal mines. They require a breeding ground of open native grassland or pastures of approximately 6 acres and are extremely sensitive to human disturbance during the breeding season. I can recall hearing Western Meadowlarks not so many

years ago on morning and evening walks through our little valley. I no longer hear them. Do you?

(Meadowlark call: <https://www.youtube.com/watch?v=fRgU4xS06sM>)

Thank you for your thoughtful consideration.

--

J Ralls

ralls.j@gmail.com

From: [Bart Boren](#)
To: [Public Comment](#)
Subject: Hotels in South Weber
Date: Tuesday, April 6, 2021 1:45:13 PM

I would like to voice my opinion for the record. I work for a Sheriff's Office and see the types of activity that happen at the local hotels in our jurisdiction. There is a high rate of theft and prostitution. Also an increased rate of drug activity and domestic situations. I vote an big NO to hotels in South Weber city.

Sincerely,

Emily Boren