

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 9th of August, 2018 at the **South Weber City Council Chambers, 1600 East South Weber Drive**, commencing at **6:30 p.m.**

A WORK MEETING WILL BE HELD PRIOR TO THE REGULAR PLANNING COMMISSION MEETING AT 6:00 P.M. TO DISCUSS
AGENDA ITEMS, CORRESPONDENCE, AND/OR FUTURE AGENDA ITEMS

THE AGENDA FOR THE REGULAR MEETING IS AS FOLLOWS*

1. Welcome, Pledge of Allegiance—Commissioner Pitts
2. Approval of Consent Agenda
 - a. Minutes June 14, 2018
 - b. Minutes July 12, 2018
3. **Public Hearing and Action on Home Preschool/Daycare Approval Process.**
4. **Action on Amending Code Ordinance 11.04.130 Fencing**
5. **Action on Amending Code Ordinance Changing Buffer Yard Requirements.**
6. Public Comments – Please keep public comments to 3 minutes or less per person
7. Planning Commissioner Comments (Grubb, Walton, Pitts, Johnson, Osborne)
8. Adjourn

THE UNDERSIGNED DEPUTY RECORDER 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
(www.utah.gov/pmn)

Each Member of The Planning Commission



DATE: 07-26-2018

LISA SMITH, PLANNING COORDINATOR

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

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

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 14 June 2018

TIME COMMENCED: 6:01 p.m.

PRESENT: COMMISSIONERS:

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

CITY ENGINEER:

Brandon Jones

CITY PLANNER:

Barry Burton

PLANNING COORDINATOR:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Bruce Nilson, Merrilee Gorringer, Dustie Sanders, Blair Halverson, Brent Poll, and Kody Holker.

Approval of Consent Agenda—Commissioner Pitts

- **Minutes May 10, 2018**

Action on Conditional Use CU18-03: Application for Home Grown Preschool at 2252 E 7875 S by applicant Merrilee Gorringer: This Conditional Use Permit is for a preschool at 2252 E. 7875 S for Merrilee Gorringer. The property has a rear yard that is completely fenced and it sits on a knuckle in the road which will help get traffic out of the travel path. If this home has received and passed an inspection by the fire marshal, Barry Burton sees no issues with approval. Commissioner Grubb asked if the city has a list of standards for preschools. Barry stated he isn't aware of a list. Commissioner Johnson said the state does have standards. Lisa Smith will research to see if there are any city standards available. Lisa said she hasn't received any information that a fire inspection has been completed.

Public Hearing and Action on Final Subdivision: Application for Ford 1 Lot located at approx. 400 E 6650 S (Parcels 13-023-0199/0200) of approx. 1.6 acres by applicant Mike Ford: This one lot is .662 acres in area and is the remnant of the property purchased for the Old Maple Farms Subdivision. It is the only part of that property that has frontage on 6650 S. There was a home on part of this property that has since been torn down. There are existing homes on both sides and across the street from this parcel, as well as approved building lots behind. It is not proposed that the street improvements (curb, gutter and sidewalk) be installed at this time as there are no such improvements on the north side of 6650 S.

Brandon reviewed his memo of 7 June 2018. He said there are items that need to be addressed for the plat. He said a land drain easement will need to be provided by the owner of Lot 101 in Old Maple Farms Phase 1 Subdivision. Commissioner Grubb asked if the dedication of property for the street on the plat represents a 50' right of way. Barry said it does. Brandon said it has been discussed at length but the only thing that seemed at all approvable for improvements was a 50' right of way. He said it is similar to 1250 East, which is also a 50' right of way.

Public Hearing and Action on Preliminary Subdivision: Application for Cook property at approx. 725 E 6640 S (62 lots), (Parcels 13-275-0005/0006), on approx. 23.439 acres by applicant Bruce Nilson: Barry Burton, City Planner, stated this property has been recently rezoned from A to R-P (9.84 acres) and R-M (13.59 acres). The subdivision therefore, will include both patio homes and traditional single-family homes. Both zone areas of the subdivision contain well below the allowed density. After having gone through a few different layouts of roads and lots, this one works quite well, provided the access to the west into Riverside Place Subdivision is in place before or as part of Phase 1.

Barry stated this access is the only one into Phase 1 and it is our understanding that the phase of Riverside that includes this access will not be approved or constructed prior to construction of this subdivision. This plat includes a portion of road in Riverside Place that will provide a connection to an existing public road. All improvements and utilities will need to be installed in this section of road and property owners will need to sign the subdivision plat.

Barry explained that the same Development Agreement establishes the terms under which South Bench Drive will be constructed. The City will be constructing the road with developer participation. By this agreement, the City will be required to complete the road in 2019. This will be a part of the project that takes South Bench Drive out to 475 East.

The geotechnical report indicates there were 9 test pits dug to a depth of 11 feet. There was ground water in 3 of the pit at between 8.3' and 9.8'. The report recommends basements be kept at least 3' above ground water level.

Brandon suggested if this is approved, it be subject to the development agreement. Commissioner Johnson said the trees will be taken out along the posse grounds for the retention basin. Brandon said that is correct. Commissioner Johnson asked about the width of the walking path. Brandon said it is 10'. Commissioner Grubb asked about the two accesses and if the city required that. Brandon said the two accesses allowed for more lots, and the city didn't require it.

Blair Halverson asked about a strip of property that is jointly shared by the Cooks and Gordon Watts. Brandon said there should be an agreement in place. Blair suggested making sure that is worked out. Barry suggested the developer pick out a name for this subdivision soon. Mr. Nilson said they are in process of deciding between several names.

Public Hearing on Revised Preliminary Plat and Action on Final Subdivision, phase 3: Application for revision of preliminary plat for Hidden Valley Meadows and final approval for phase 3 (6 lots), (Parcels 136-023-0118/0183) on approx. 3.03 acres by applicant Bruce Nilson. Barry Burton stated the preliminary plat has been revised by adding Phase 3 which is in two parcels on either side of a connector road to 475 East that is part of Phase 2. Phase 3 consists

of 6 additional lots ranging in size from just over 10,000 square feet to almost 20,000. The lots are in conformance with zone requirements.

Barry said all the improvements necessary for this phase were actually approved as part of Phase 2. This property was rezoned in February to R-LM in preparation for Phase 3. The only recommendation he would make is that the developer be required to establish a maximum basement depth chart as was done in the other phases as the land drain depth allows and as approved by the City Engineer.

Public Hearing on Amending Code Ordinance: 11.04.130 Fencing: Commissioner Johnson asked about the height of the fencing. Barry Burton, City Planner, said amending this ordinance will help with fire protection as well as safety from Interstate 84 traffic. Brandon Jones questioned if the ordinance addresses type of fencing materials. Commissioner Grubb suggested adding a minimum of chain link fence.

Public Hearing on Amending Zoning Codes removing Buffer Yards: Changes will affect Sections 10.5.C.11, 10.5G.12, 10.5I.6, 10.5L.6, 10.5M.6, 10.5N.12, 10.5O.6, 10.5P.10, 10.07.050, 10.15.050 and 10.15.070. (No discussion on this item)

Public Hearing and Action on Rezone RZ18-04: Application for property located at approx. 850 E South Weber Drive (Parcel 13-020-0040) of approx. 13.48 acres from Agriculture (A) to Residential Low Density (R-L) by applicant MS Financial LLC. 11. (No discussion on this item)

Report by Barry Burton regarding city locations with both Arterial and Collector Roads: (No discussion on this item)

ADJOURNED: 6:35 p.m.

APPROVED:

Chairperson: Rob Osborne Date

Transcriber: Michelle Clark

Attest:

Planning Coordinator: Lisa Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 14 June 2018

TIME COMMENCED: 6:33 p.m.

PRESENT: COMMISSIONERS:

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

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

PLANNING COORDINATOR:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Grubb

ATTENDEES: Kody Holker, Merrilee Gorringer, Dustie Sanders, Val M Byram, Brent Poll, Louise Cooper, Cheryl Bambrough, Cymbre Rowser, Mike Ford, James Cook, Stan Cook, Paul Fifield, Shawn Byram, Darrell Alvery, Darrell Byram, La Vera Byram, Mike Bastian, Angie Petty and Mike Szymanski.

APPROVAL OF THE AGENDA: Commissioner Grubb moved to approve the agenda as written. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

APPROVAL OF CONSENT AGENDA: Commissioner Osborne

- Minutes of 10 May 2018

Commissioner Grubb moved to approve the consent agenda as written. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: (None)

Action on Conditional Use CU18-03: Application for Home Grown Preschool at 2252 E 7875 S by applicant Merrilee Gorringer.

Merrilee Gorringer stated this is a day care/preschool. She said there will be a small group of children and estimated under 8. She has one person who will help with the preschool and she will have an emergency substitute. Barry stated the day care will require a state license. Merrilee said once she gets the conditional use permit she will get the state license. She said the day care will be maximum of 8 children. She said for preschool she is looking at three additional kids. She said she is a one on one person and prefers working with smaller groups. She has a neighbor who will help her with the preschool. She anticipates 10 or fewer kids for day care and preschool. Barry said the state will have guidelines for the day care.

Commissioner Johnson moved to approve the Conditional Use CU18-03: Application for Home Grown Preschool at 2252 E 7875 S by applicant Merrilee Gorringer subject to Barry Burton's letter of 7 June 2018 and the state license requirements. Commissioner Grubb seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Public Hearing and Action on Final Subdivision: Application for Ford 1 Lot located at approx. 400 E 6650 S (Parcels 13-023-0199/0200) of approx. .624 acres by applicant Mike Ford: Commissioner Pitts asked if there was any public comment.

Brent Poll, 7605 S. 1375 E., said anyone west of here is a potential human receptor of the Hill Air Force Base pollution. He said the pollution is still active and will be that way until sometime in the 2040's. He would like to know how the city is justifying what they are doing. He said the city is putting people at risk because the pollution hasn't been cleaned up. He would like to know if the city has a defense, because he doesn't think there is one. He would like the warning to be included in the minutes (See attached).

Barry Burton asked if Brent Poll has any affects from the pollution since he lives in this area. Mr. Poll said he has a skin disorder that is directly affected by the pollution.

Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

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

Mike Ford, 1110 E. South Weber Drive, said the city required this to come in as a subdivision, of which he feels this could have been done through a building permit, but they have paid their dues and feels this is a safe place to live. He requested approval.

Barry said there is the issue of shallow groundwater that is identified in Brandon Jones letter.

Commissioner Grubb moved to recommend approval of the Final Subdivision: Application for Ford 1 Lot located at approx. 400 E 6650 S (Parcels 13-023-0199/0200) of approx. 1.6 acres by applicant Mike Ford subject to the following:

- 1. Complete items listed in Brandon Jones memo of 7 June 2018.**
- 2. Complete items in Barry Burton's memo.**

Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Public Hearing and Action on Preliminary Subdivision: Application for Cook property at approx. 725 E 6640 S (62 lots), (Parcels 13-275-0005/0006), on approx. 23.439 acres by applicant Bruce Nilson. Bruce Nilson said the lots conform to the zoning. He said there is access to the north (South Bench Drive) and the development agreement is in place. He said there is sufficient access. He said the timing is in place for the construction of South Bench Drive in June 2019.

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

Commissioner Johnson moved to close the public hearing. Commissioner Grubb seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Barry Burton said he gathered some data from the adjacent property concerning the monitoring wells on the Canyon Meadows Subdivision. He said some of the wells have received no detection of pollution. He said there are approximately 20 wells and some of the data goes back from 2002. He said there are some pollutants of arsenic and barium that showed up later. He said some of the pollutants that showed up early on have disappeared. He said the levels are far below what is allowed in drinking water. He said the closest any drinking water maximum is arsenic at 4.3 and maximum for drinking water is 10. He said the pollutants are present, but the levels are well below drinking water. He doesn't see that the data supports the dooms day given by Mr. Poll.

Brandon Jones, City Engineer, addressed his memo of 7 June 2018 item #5 concerning the potential contamination. He said HAFB is regulated outside themselves. He said based on the actual data that the city has, he doesn't see a need to do anything more. He said his decisions are based off data and there is no evidence to suggest anything otherwise. He said the Planning Commission can require additional information if they feel it is necessary. Brandon said the

preliminary plans don't show a 6' masonry fence. He would recommend that the Planning Commission decide regarding fencing. Barry discussed the amendments to the fencing ordinance that is on tonight's agenda. Commissioner Grubb doesn't see the need for a masonry fence along South Bench Drive.

Commissioner Johnson discussed the information received from the meeting that was held with HAFB concerning the contamination.

Brandon asked if there are any questions or concerns with the development agreement. He said the Cook property has had several unique challenges in trying to develop the property in a way that implements the City's long-term goals while allowing the property owner to develop their property as they desire. Therefore, it was felt that a Development Agreement would help to establish terms upfront that would accomplish the goals of both parties. The following is a summary of the items addressed. For details, refer to the May 31st draft attached to this memo.

7. **South Bench Drive**. It is proposed that the developer pay their portion (70' ROW City Standard cross section) of South Bench Drive directly to the City; and the City use the money towards construction of the total project (475 East to the east end of the Cook property). The City would be responsible for design and construction of the road. The developer agrees to dedicate the property necessary for the road. The estimated cost proposed is \$465,000. The City agrees to start construction by June 1, 2019.

8. **Trail**. The developer agrees to pay for the trail, and the City will construct it as part of the road construction. The cost for the trail is included in the \$465,000 cited above.

9. **Detention Basin**. The developer agrees to size the detention basin sufficiently to cover all the Cook property south to South Weber Drive and including South Bench Drive.

10. **Ingress-Egress**. City Code requires two means of ingress-egress for any development over 30 lots. The language in the Development Agreement clarifies the timing of approvals, recording plats, and issuing building permits relative to construction of roads, and what will be allowed.

Commissioner Grubb moved to recommend approval of the Preliminary Subdivision: Application for Cook property at approx. 725 E 6640 S (62 lots), (Parcels 13-275-0005/0006), on approx. 23.439 acres by applicant Bruce Nilson subject to the following:

- 1. Complete items listed in Brandon Jones memo of 7 June 2018.**
- 2. Complete items listed in Barry Burton's memo of 7 June 2018.**
- 3. In the interest of the Watts property either deed or sign the plat that is needed.**
- 4. Approval of the development agreement of the city by city council.**
- 5. No requirement of 6' masonry fencing along South Bench Drive.**

Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Public Hearing on Revised Preliminary Plat and Action on Final Subdivision, phase 3: Application for revision of preliminary plat for Hidden Valley Meadows and final approval for phase 3 (6 lots), (Parcels 136-023-0118/0183) on approx. 3.03 acres by applicant Bruce Nilson: Commissioner Pitts asked if there was any public comment. There was none.

Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Commissioner Johnson moved to approve the Revised Preliminary Plat for Hidden Valley Meadows for phase 3 (6 lots), (Parcels 136-023-0118/0183) on approx. 3.03 acres by applicant Bruce Nilson subject to the following:

1. Complete items listed in Brandon Jones memo of 7 June 2018.
2. Complete items listed in Barry Burton's memo.

Commissioner Grubb seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to approve the Final Subdivision for Hidden Valley Meadows and final approval for phase 3 (6 lots), (Parcels 136-023-0118/0183) on approx. 3.03 acres by applicant Bruce Nilson subject to the following:

1. Complete items listed in Brandon Jones memo of 7 June 2018.
2. Complete items listed in Barry Burton's memo.

Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Public Hearing on Amending Code Ordinance: 11.04.130 Fencing: Barry Burton, City Planner, discussed the difficulty with determining fencing codes for agricultural land. He said this amendment helps to clarify. He said this ordinance doesn't specify type of fencing. He said if that is too difficult to administer, he would suggest going back to chain link fence, but when it was chain link fence before, there was other type of fencing requested. He also discussed the amendment to fencing requirements along Highway 84. He stated the Planning Commission does have the authority to waive the fencing requirement if necessary.

Commissioner Pitts asked if there was any public comment.

Val Byram, 7595 S. 1375 E., said he is zoned agriculture. He said when Dan Bridenstine installed the vinyl fencing in Byram Estates Subdivision, it was installed 6" off the property. He said vinyl fence and animals don't mix. He said it should be chain link between livestock and residential.

Michael Poff, 939 South Weber Drive, said the original ordinance allowed for property owners to discuss the type of fencing, and if they can't come to an agreement, then it would go to chain link.

Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Barry discussed the purpose for the fencing is to keep people away from livestock. Barry referred to the ordinance 11.04.130. The suggested amendments are as follows:

11.04.130 Fencing

A. ~~Bordering Agricultural Land: Where land used for agricultural purposes lies adjacent to a subdivision, a six foot (6') high fence is required between the subdivision and the agricultural land.~~ Where land zoned A, Agricultural, lies adjacent to a subdivision, a six foot (6') high fence is required between the subdivision and the Agricultural zoned land. The purpose of the fence is to provide a reasonable barrier so that residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the farm or livestock. Fencing required under this provision is not for the purpose of keeping livestock out of the subdivision. Responsibility for keeping livestock contained on the agricultural property remains the responsibility of the owner of that livestock. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans. Required fences shall be installed entirely within the subdivision property unless a property line fence is agreed to by the owner of the adjoining agricultural property by written agreement signed by all property owners involved. Such agreement shall be provided to the city prior to final plat approval by the city council.

B. Bordering Canals: Where a subdivision borders a canal or canal right of way, a six foot (6') high fence is required between the subdivision and the canal. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans so residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the canal. In order for the barrier to be effective, fencing of other subdivision borders may be required by the city council.

C. Where building lots for any land use are adjacent to Interstate 84 a six-foot (6') masonry fence shall be constructed along the common property line with I-84. This is for safety from wildfire and to provide some protection from auto accidents.

D. The Planning Commission shall have the authority to waive or vary these requirements where it, in their opinion, will not compromise safety and does not accomplish the intent of the fence.

Fences shall be constructed so that individual property owners are responsible for maintaining only their portion of the fence; with posts located at all property corners. Required fencing shall be considered part of the subdivision improvements and subject to bonding requirements. The city council has final approval on fence requirements.

Brandon suggested stating if the type of fence isn't specifically addressed then it will be chain link fence.

Michael Poff, 939 South Weber Drive, said if a developer comes in and presents a plan and removes an existing fence then who is responsible. Barry said a developer needs an agreement with the property owner to remove the fence.

Commissioner Grubb moved to recommend approval of Amending Code Ordinance: 11.04.130 Fencing amended to include in item A "6' chain link fence unless otherwise specified by the Planning Commission." Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Public Hearing on Amending Zoning Codes removing Buffer Yards: Changes will affect Sections 10.5.C.11, 10.5G.12, 10.5L.6, 10.5K.11, 10.5L.6, 10.5M.6, 10.5N.12, 10.5O.6, 10.5P.10, 10.07.050, 10.15.050, 10.15.070: Barry Burton, City Planner, described city buffer yard requirements. He said it has been extremely difficult to enforce buffer yards in the fashion it is written. He suggested replacing the buffer yard with a 6' solid screening fence.

Commissioner Pitts asked if there was any public comment.

Michael Poff, 939 South Weber Drive, asked if the Planning Commission can discuss the soccer complex and why the buffer requirement has been removed. He said it is nice to have some type of buffer.

Mike Bastian, 7721 S. 7150 E., said he has been on the end where he has bought property from a developer, but it is tough when you inherit such requirements. He feels like a fence will provide an adequate barrier.

Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Barry addressed the soccer complex and stated why the amendments. He said there is still a buffer yard requirement between the outdoor soccer fields and the adjacent resident. He said it seems like a fence makes things easier for everyone involved and still accomplish the purpose.

Commissioner Grubb moved to recommend approval of Amending Zoning Codes removing Buffer Yards: Changes will affect Sections 10.5.C.11, 10.5G.12, 10.5L.6, 10.5K.11, 10.5L.6, 10.5M.6, 10.5N.12, 10.5O.6, 10.5P.10, 10.07.050, 10.15.050 and 10.15.070. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Public Hearing and Action on Rezone RZ18-04: Application for property located at approx. 850 E South Weber Drive (Parcel 13-020-0040) of approx. 13.48 acres from Agriculture (A) to Residential Low Density (R-L) by applicant MS Financial LLC:

Commissioner Pitts asked if there was any public comment.

Darrell Byram, 899 E. South Weber Drive, feels developers should have to pay for roads. He said so much of agricultural ground is being developed. He said there are some residents who rely on agricultural ground for a living.

Cymbre Rowser, 985 E. 7375 S., said she has been in this city for 56 years. She has breathing problems from the contamination. She said the city turned this rezone down three years ago and it shouldn't be here now. She stated when Mr. Poll was talking about this, there are people who have died from this.

Shawn Byram, 154 Harper Way, said in 2016 the master plan was amended, and this property is agricultural. He said it is also on the city's sensitive land use map. He would like to know how the contamination is decreasing. He understands HAFB is mitigating the contamination by letting nature take its course. He would suggest denying or tabling until questions are answered.

Michael Poff, 939 E. South Weber Drive, asked about the contamination easement. He said the government does provide for the purchase of easements to maintain agricultural property. He would suggest this might be something to investigate.

Mike Szymanski, 625 W 5300 S SLC, said there is approximately 3.5 acres in southwest corner that is an easement with HAFB and he would like to research that more.

Val Byram, 7590 S. 1375 E., said he owns pasture above this rezone request. He said HAFB has fenced off a spring so that their livestock doesn't drink it.

Darrell Alvey, 853 E. South Weber Drive, said his property is next to this property. He said this request has come up before and denied because of the HAFB easement and contamination. He discussed the access to this property and the fact that there isn't one.

Mike Szymanski, 625 W 5300 S SLC, said this is simply a change in zoning at this time. He is happy to postpone to research some of these issues.

Darrell Byram, 899 E. South Weber Drive, said once a zone is changed it will never go back.

Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

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

Commissioner Grubb appreciates people coming and expressing their concern. He said a landowner has a right to request a change to their property within the laws and ordinances of the city. He said this is a rezone request. The city has a master plan that we like to follow, and this property is zoned agricultural and he doesn't see a need to change the master plan at this time. He isn't hearing a reason or intent for request for rezone from the landowner.

Mr. Szymanski said the agricultural zone doesn't allow for enough lots. He does know that to the east and north of this property the property was rezoned. Commissioner Grubb said that request followed the master plan.

Barry Burton said HAFB owns the easement on all but 1.1 acres. Mr. Szymanski said the property is under restriction, but not a restriction for any change in zoning or development. Barry said the general plan recommends it stay agricultural. He said there is no official alignment of South Bench Drive. He doesn't see any reason to rezone currently. Commissioner Johnson feels the agricultural land is important and would like to see this property preserved through a conservation easement. He said 850 East is a private road so access is difficult. He feels the city needs a map of all the restrictive easements in the city.

Commissioner Grubb moved to recommend to City Council denial of RZ18-04: Application for property located at approx. 850 E South Weber Drive (Parcel 13-020-0040) of approx. 13.48 acres from Agriculture (A) to Residential Low Density (R-L) by applicant MS Financial LLC. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Pitts voted yes. The motion carried.

Report by Barry Burton regarding city locations with both Arterial and Collector Roads:

Barry Burton, City Planner, said at the last Planning Commission meeting we discussed allowing duplexes at intersections of arterial and collector roads. He said we did discuss the location of 1900 East and South Weber Drive as a possible location for a duplex. He then identified locations where major collectors and minor arterials intersect. Commissioner Johnson stated there are residents who don't want to see more duplexes in the city. Commissioner Pitts said the city does currently have duplexes. Commissioner Pitts and Grubb suggested Barry draft an ordinance.

PUBLIC COMMENTS:

Michael Poff, 939 E. South Weber Drive, discussed the natural conservation services. He said the government sets up grants to maintain agricultural property. He said it is under the USDA government web address. He also asked about South Bench Drive. He read from the minutes of 23 September 2014 concerning the plan for transportation in the city. He is also concerned about the need for a second access out of South Weber Elementary. He suggested a mitigation plan for the general plan the next time it is reviewed. This will allow for more options for funding.

Kody Holker, 1900 Canyon Drive, received a notice that his conditional use permit has been suspended. He would like guidance as he looks at the permit that was granted there isn't anything on there with which they are not compliant. Commissioner Grubb said the city has a dust ordinance. He said he is moving a lot of dirt and he is keeping his dust down. He has seen a lot of video footage of dust not being controlled with water at the site in question. He said it is expected of Geneva and Parson. He said there is more dust coming off this project versus them. Kody asked what he needs to do to get the conditional use permit reinstated. Commissioner Grubb suggested Mark Larsen work with Kody Holker.

Commissioner Grubb recommend operation and conditional use permit be reinstated with the approval of Mark Larsen on the dust control. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, and Johnson voted yes. The motion carried.

Planning Commissioner Comments:

Commissioner Johnson: He said the recreational survey is completed. He said trail requests received the highest rating. The second highest rating was trails and purchase land for trails. He thinks the City Council needs to look at accessing the Weber River Trail and pursuing recreation in the city.

Commissioner Pitts: She thanked the city for the new dog park. She has heard nothing but positive comments about it.

ADJOURNED: Commissioner Johnson moved to adjourn the Planning Commission meeting at 9:00 p.m. Commissioner Grubb seconded the motion. Commissioners Grubb, Pitts, and Johnson voted yes. The motion carried.

APPROVED: _____ Date

Vice Chairperson: Debi Pitts

Transcriber: Michelle Clark

Attest:

Planning Coordinator: Lisa Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 12 July 2018

TIME COMMENCED: 6:00 p.m.

PRESENT: COMMISSIONERS:

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

CITY ENGINEER:

Brandon Jones (excused)

CITY PLANNER:

Barry Burton

PLANNING COORDINATOR:

Lisa Smith (excused)

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Blair Halverson, Mike Bastian

Approval of Consent Agenda

- **Minutes June 14, 2018**

Public Hearing and Action on Rezone: Application for property located at approximately 900 Cottonwood Rd (130180021/071090017) of approximately 11.86 acres from Professional Office (P-O) to Commercial Recreation(C-R) by Boulder Ranch:

The proposed use of the property located at approximately 900 East Cottonwood Rd., formerly known as the Frisbee property, is an RV Park. This is the latest and proposed use of the land in a long string of proposals going back many years. Due to the fact that the property is almost entirely within a flood plain, makes it very difficult and expensive to locate permanent buildings on the property. This proposal will require some small buildings to support the primary use, but this is feasible on a small scale.

The General Plan anticipates Commercial Highway with a possible Mixed Use overlay. Though the C-R Zone isn't the same as the C-H Zone, the C-R Zone is commercial and an RV Park is certainly a highway oriented use. An RV Park of this size would be a conditional use in the C-R Zone requiring Planning Commission and City Council approval.

Barry discussed this property being located on the flood plain maps. He said the small buildings will be built up approximately 4 feet.

Public Hearing and Action on Conditional Use Permit CU 18-07: Application for daycare/preschool, Miss Kim's Education Station Preschool, at 7561 S 2050 E by Kimberlee Jensen: This residence at 7561 S. 2050 E. is in the Cedar Cove P.U.D. The

Covenants and restrictions on the lot prevent any home occupation that encourages patrons to come to the residence.

Barry stated though City ordinances don't prevent a preschool and he sees no reason to deny this request on City Code basis, it may be best if the applicant receives and provides written permission from the HOA before the Planning Commission approves such a use. Also he would suggest the applicant should get approval from the Fire Marshall.

Barry recommends tabling this request until we have written approval for a preschool at this address from the HOA and approval from the Fire Marshall. Council Member Osborne feels the city staff should be able to approve without HOA approval. It was suggested Barry draft some language to allow city staff to approve in home day care and preschools.

Public Hearing on Final Subdivision: Application for La Pintana (1 lot) at approximately 1860 E South Weber Drive of 0.26 acres by applicant Kody Holker. (This item will be a public hearing but no action will be taken)

Public Hearing and Action on Final Subdivision: Application for Sun Ray (17 lot) at approximately 1900 W Canyon Drive of 6.64 acres by applicant Rob Edwards: Barry Burton, City Planner, reviewed his memo during the work meeting.

Barry Burton's memo of 5 July 2018 is as follows:

PLAT: There are a couple of problems with the plat that should be corrected. There is a reference to a Parcel B which is not actually within the subdivision, so the reference should be eliminated. There is also a reference to a Parcel A which is part of an existing storm water detention basin. This parcel has also been left out of the subdivision, but should be included. The Owner's Dedication should then be altered to dedicate this Parcel A to the City.

There is a reference on the plat to South Weber Drive Street Dedication, but none of this subdivision extends into South Weber Drive, so the reference should be removed. This issue will be addressed as part of the La Pintana one lot subdivision that is the parcel referenced as Parcel B.

IMPROVEMENT DRAWINGS: Preliminary approval for this subdivision was subject to my and Brandon's review letters. My letter indicated that a minimum of 6' chain link fencing needs to be installed on the east and west sides as well as along the Messerly property. Also there was a fence recommended along the top of the bank of the detention basin and a 6' masonry fence should be installed along the freeway frontage of Lot 16. There is only one reference to new fencing on the drawings and that is a new fence of unspecified type or height at the top of the bank of the detention basin and along the freeway.

STAFF RECOMMENDATION: I recommend the Planning Commission recommend to the City Council approval of the final plat subject to; the plat being amended as described and subject to adding the appropriate fencing requirements to the Construction Drawings before it goes on the City Council agenda.

Brandon Jones, City Engineer's memo of 5 July 2018 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Sun Rays Subdivision received, July 3, 2018. We recommend approval, subject to the following comments and items being addressed prior to final approval from the City Council.

GENERAL

1. Grading and Soils. As a result of the Conditional Use Permit, much grading and production of materials has occurred. All of the soils must meet City Standard gradation specifications if they are to be used. If, during construction, there is any concern related to a geotechnical matter, the geotechnical engineer who provided the study for the project may need to render an opinion or recommendation. This would be at the developer's expense.

PLAT

2. Addresses for the lots will be provided by our office.
3. Parcel A needs to be included in the subdivision boundary and dedicated to the City in the Owner's Dedication. It does not need a separate legal description, but all of the bearings and distances need to be labeled.
4. Parcel B should be labeled as a "remainder parcel" and the legal description removed from the plat, since it does not lie within the subdivision boundary.
5. The South Weber Drive Street Dedication legal description should be removed from the plat, since it does not lie within the subdivision boundary.
6. The South Weber Irrigation Easement legal description is not needed. Since it lies within the subdivision boundary, it just needs bearings and distances labeled and Note 10 should replace Note 6.
7. The Power, Gas, Sewer, Storm Drain and Irrigation easements all need more bearings and/or distances labeled in order to be able to locate them in reference lot lines or ROW's.
8. Lots 3, 4, 5, and 6 should terminate the rear yard PUE at the storm drain easement line.
9. The signature block for the South Weber Water Improvement District should be replaced with a signature block for the South Weber Irrigation Company for acceptance of the new easement shown.
10. For clarification, the Legend and Note 2 should indicate that the setbacks are "not shown."
11. The "blanks" in the Acknowledgement need to be large enough in order for the notary to be able to write in them.

IMPROVEMENT PLANS

12. The four-way intersection needs to have the grade adjusted so that it is not sloping through the intersection. We are aware of the design constraints, but feel that more adjustments can be made.
13. The culinary waterline DIP is to be poly-wrapped.
14. The water meter size must be 1" (not $\frac{3}{4}$ ") – see Note 13 on Sheets 4, 5, 8, 9, and 10.
15. The culinary water needs to have a minimum of 5' cover (not 4').
16. We would recommend a minimum 6' chain link fence be installed on the east, south and west sides of the subdivision; and a 6' masonry fence be installed along the north side. The plans should indicate this.
17. We would recommend moving the street light that is shown between lots 2 and 3, to between lots 8 and 9.

Commissioner Osborne asked why this item is a public hearing. It was his understanding that there was already a public hearing on this. Barry stated the city's ordinance may need to be amended because state statute doesn't require it. Upon further discussion, Barry stated he would like to revise the entire zoning ordinance. Commissioner Walton said he would be willing to help give input on that. Barry said he would like to review two to three chapters at a time. It was stated the general plan is due for review. Barry suggested reviewing commercial areas as well as adding South Bench Drive to the general plan.

Public Hearing and action on Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses presented by Barry Burton: Barry Burton, City Planner, reviewed the amendments. He said it is proposed that the following amendments be made to Title 10 of the South Weber Code:

10.01.100 Definitions

Add the following definition:

MAJOR INTERSECTION: An intersection of a minor arterial street and a major collector street or the intersection of two major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

10.5A.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

10.5B.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

10.5D.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

16. Two-Family Dwelling on a corner lot of a Major Intersection.

10.07 Conditional Uses

Add the following to Chapter 7 Conditional Uses:

Add to the index:

Article L Two-Family Dwellings at a Major Intersection

Add Article L

Article L Two-Family Dwellings at a Major Intersection

10.7L.1 Purpose

10.7L.2 Conditions Required

10.7L.1 Purpose

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

10.7L.2 Conditions Required

A conditional use for a two-family dwelling in certain single-family residential zones may be approved if the following conditions are met.

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveways shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.

Commissioner Johnson is concerned about the safety issue of putting more homes at these intersections adding more traffic. Blair Halverson said the Mayor made the comment that the development would need a hammer head turnaround. Commissioner Johnson suggested the access not be onto a major collector but minor collector. Commissioner Osborne asked why the Planning Commission is doing this. He said the only thing he has heard from Mike Bastian is that he can't develop on the corner of 1900 East and South Weber Drive because it isn't feasible money wise. Mike Bastian said he has done this type of development in other cities and it has worked well. It was stated there are only four areas in the city where this ordinance will work. Commissioner Osborne said if this is the case, then he would suggest contacting the four property owners that this relates too and hold a public hearing.

ADJOURNED: 6:35 p.m.

APPROVED:

Date

Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest:

Planning Coordinator: Lisa Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 12 July 2018

TIME COMMENCED: 6:31 p.m.

PRESENT: COMMISSIONERS:

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

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones (excused)

PLANNING COORDINATOR:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Walton

ATTENDEES: Terry Langford, Jo Prantil, Marsha Frandil, Dwight & Roxanne Probasco, Stan Cook, Margene Bambrough, Kelly Bambrough, Blair Halverson, Dan & Marilyn Pearson, Kimberlee Jensen, and Kody Holker.

APPROVAL OF THE AGENDA: Commissioner Walton moved to approve the agenda as written. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

APPROVAL OF CONSENT AGENDA

- Minutes of 14 June 2018

No quorum available to approve 14 June 2018.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and Action on Rezone: Application for property located at approximately 900 Cottonwood Rd (130180021/071090017) of approximately 11.86 acres from Professional Office (P-O) to Commercial Recreation(C-R) by Boulder Ranch:

The proposed use of the property located at approximately 900 East Cottonwood Rd., formerly known as the Frisbee property, is an RV Park. This is the latest and proposed use of the land in a long string of proposals going back many years. Due to the fact that the property is almost entirely within a flood plain, makes it very difficult and expensive to locate permanent buildings on the property. This proposal will require some small buildings to support the primary use, but this is feasible on a small scale.

The General Plan anticipates Commercial Highway with a possible Mixed Use overlay. Though the C-R Zone isn't the same as the C-H Zone, the C-R Zone is commercial and an RV Park is certainly a highway oriented use. An RV Park of this size would be a conditional use in the C-R Zone requiring Planning Commission and City Council approval.

Commissioner Osborne asked if there was any public comment.

Terry Langford, 975 E. 660 S #126 Cottonwood Estates, feels it is going to take away the sound barrier from the freeway. It will allow people to cross the river and go up into the trailer court. He feels the campground will make a mess of things.

Joe Prantil, 800 E. Cottonwood Drive, said he moved into this area because it is a beautiful, pristine, safe area. He feels there needs to be something compatible with the neighbor, but he is worried about a campground. He is also opposed to high density for this area. He said Cottonwood Road is not good. He said the water pressure is not good in this area. He said there is no secondary water in this location. He is also concerned about the sewer system in this area. He brought up the fact that there is only one egress out of the property.

Marg Bambrough, 750 Cottonwood Drive, is concerned about culinary water. She is concerned about the campers burning campfires that could damage their homes. She brought up the trail plans for that area.

McKay Winkel, applicant, discussed the fire protection and said it is important to them. He understands it is a beautiful site, and he has met with Weber Pathway concerning preserving the trail. He said the site is in a flood plain and an RV Park will work well here. He said according to the City Engineer water is available. He said they will enforce any trespassing rules. He said they will be looking to preserve as much of the vegetation as they can.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Barry understands it is difficult to see property change. He said the property owner does have property rights. He said there have been numerous proposals on this property but all have failed. One of the reason is because of the flood plain issue. He said this proposal, in his opinion, is the most feasible thing for this property and is a good use for the property. It does comply with the general plan. He said the living quarters can be moved at a fairly quick response time in case there is a flood or fire. He would recommend approval. He feels it is the least impactful proposal for this property.

Commissioner Johnson said his mother has lived in the trailer park. He said there have been paint ballers on this property as well as fires. He said this is not a campground but RV Park. He said the trail has been planned for years by Weber Pathway and it will be a nice walking trail from Cottonwood Drive. He feels this use is the best use for this property. He said the amount of traffic is not going to be much of an issue compared to the residents of Uintah using that road.

Commissioner Walton referend 10.5.10.1 concerning the definition of the Commercial Recreation Zone. He said the property is currently in the commercial zone. He feels this rezone matches the area the best.

Commissioner Osborne doesn't feel the kind of folks that come to an RV Park are bad folks, but good people. Commissioner Johnson said all the years his mother lived in this trailer park, no one came out of the river and invaded their private space.

Barry Burton said there is a planned retail commercial on the other side of the freeway and he feels the use on this property will help with the retail commercial for the other side.

Commissioner Johnson moved to recommend approval to the City Council the Rezone Application for property located at approximately 900 Cottonwood Rd (130180021/071090017) of approximately 11.86 acres from Professional Office (P-O) to Commercial Recreation(C-R) by Boulder Ranch. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and Action on Conditional Use Permit CU 18-07: Application for daycare/preschool, Miss Kim's Education Station Preschool, at 7561 S 2050 E by Kimberlee Jensen: Kimberlee stated she will have one session three days a week. She said most of the children live in her neighborhood. She has a background in education. She will have anywhere from eight to fifteen students. She has ten students who have shown interest. She said right now she is the only employer.

Commissioner Osborne asked if there was any public comments. There was none.

It was stated this residence at 7561 S. 2050 E. is in the Cedar Cove P.U.D. The Covenants and restrictions on the lot prevent any home occupation that encourages patrons to come to the residence.

Barry Burton, City Planner, stated though City ordinances don't prevent a preschool and he sees no reason to deny this request on City Code basis, it may be best if the applicant received and provided written permission from the HOA before the city approves such a use. Also the applicant needs approval from the Fire Marshall.

Commissioner Walton moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

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

Kim was asked about living in a Home Owner's Association. Kim said she has verbal approval from the HOA.

Commissioner Walton moved to approve Conditional Use Permit CU 18-07: Application for daycare/preschool, Miss Kim's Education Station Preschool, at 7561 S 2050 E by Kimberlee Jensen. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

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

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

Public Hearing on Final Subdivision: Application for La Pintana (1 lot) at approximately 1860 E South Weber Drive of 0.26 acres by applicant Kody Holker.

Commissioner Osborne asked if there was any public comment.

Dwight Probasco, 1870 South Weber Drive, asked if this is for a single family home. It was stated it is a single family home. Mr. Probasco asked about the setbacks. Barry said the setback requirement is 10 feet.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and Action on Final Subdivision: Application for Sun Rays (17 lot) at approximately 1900 E Canyon Drive of 6.64 acres by applicant Rob Edwards.

Commissioner Osborne asked if there was any public comment.

Stan Cook, 6966 S. 725 E., asked about the address on the agenda because it states 1900 West. It was stated that is a typo and should be 1900 East.

Barry Burton's memo of 5 July 2018 is as follows:

PLAT: There are a couple of problems with the plat that should be corrected. There is a reference to a Parcel B which is not actually within the subdivision, so the reference should be eliminated. There is also a reference to a Parcel A which is part of an existing storm water detention basin. This parcel has also been left out of the subdivision, but should be included. The Owner's Dedication should then be altered to dedicate this Parcel A to the City.

There is a reference on the plat to South Weber Drive Street Dedication, but none of this subdivision extends into South Weber Drive, so the reference should be removed. This issue will be addressed as part of the La Pintana one lot subdivision that is the parcel referenced as Parcel B.

IMPROVEMENT DRAWINGS: Preliminary approval for this subdivision was subject to my and Brandon's review letters. My letter indicated that a minimum of 6' chain link fencing needs to be installed on the east and west sides as well as along the Messerly property. Also there was a fence recommended along the top of the bank of the detention basin and a 6' masonry fence should be installed along the freeway frontage of Lot 16. There is only one reference to new fencing on the drawings and that is a new fence of unspecified type or height at the top of the bank of the detention basin and along the freeway.

STAFF RECOMMENDATION: I recommend the Planning Commission recommend to the City Council approval of the final plat subject to; the plat being amended as described and subject to adding the appropriate fencing requirements to the Construction Drawings before it goes on the City Council agenda.

Brandon Jones, City Engineer's memo of 5 July 2018 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Sun Rays Subdivision received, July 3, 2018. We recommend approval, subject to the following comments and items being addressed prior to final approval from the City Council.

GENERAL

1. Grading and Soils. As a result of the Conditional Use Permit, much grading and production of materials has occurred. All of the soils must meet City Standard gradation specifications if they are to be used. If, during construction, there is any concern related to a geotechnical matter, the geotechnical engineer who provided the study for the project

may need to render an opinion or recommendation. This would be at the developer's expense

PLAT

2. Addresses for the lots will be provided by our office.
3. Parcel A needs to be included in the subdivision boundary and dedicated to the City in the Owner's Dedication. It does not need a separate legal description, but all of the bearings and distances need to be labeled.
4. Parcel B should be labeled as a "remainder parcel" and the legal description removed from the plat, since it does not lie within the subdivision boundary.
5. The South Weber Drive Street Dedication legal description should be removed from the plat, since it does not lie within the subdivision boundary.
6. The South Weber Irrigation Easement legal description is not needed. Since it lies within the subdivision boundary, it just needs bearings and distances labeled and Note 10 should replace Note 6.
7. The Power, Gas, Sewer, Storm Drain and Irrigation easements all need more bearings and/or distances labeled in order to be able to locate them in reference lot lines or ROW's.
8. Lots 3, 4, 5, and 6 should terminate the rear yard PUE at the storm drain easement line.
9. The signature block for the South Weber Water Improvement District should be replaced with a signature block for the South Weber Irrigation Company for acceptance of the new easement shown.
10. For clarification, the Legend and Note 2 should indicate that the setbacks are "not shown."
11. The "blanks" in the Acknowledgement need to be large enough in order for the notary to be able to write in them.

IMPROVEMENT PLANS

12. The four-way intersection needs to have the grade adjusted so that it is not sloping through the intersection. We are aware of the design constraints, but feel that more adjustments can be made.
13. The culinary waterline DIP is to be poly-wrapped.
14. The water meter size must be 1" (not 3/4") – see Note 13 on Sheets 4, 5, 8, 9, and 10.
15. The culinary water needs to have a minimum of 5' cover (not 4').
16. We would recommend a minimum 6' chain link fence be installed on the east, south and west sides of the subdivision; and a 6' masonry fence be installed along the north side. The plans should indicate this.
17. We would recommend moving the street light that is shown between lots 2 and 3, to between lots 8 and 9.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Kody Holker, applicant, said the name of the subdivision is Sun Rays not Sun Ray.

Commissioner Walton moved to recommend approval to City Council for Final Subdivision: Application for Sun Ray (17 lot) at approximately 1900 W Canyon Drive of 6.64 acres by applicant Rob Edwards subject to the following:

1. Items listed in Barry Burton, City Planner's, memo of 5 July 2018.
2. Items listed in Brandon Jones, City Engineer's, memo of 5 July 2018.

Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and action on Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses presented by Barry Burton:

Barry Burton, City Planner, stated the city received a proposal to look at areas in the city that will allow for two-family dwellings at major intersections. He said there are four locations in the city where this could possibly work. He said it is proposed that the following amendments be made to Title 10 of the South Weber Code:

10.01.100 Definitions

Add the following definition:

MAJOR INTERSECTION: An intersection of a minor arterial street and a major collector street or the intersection of two major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

10.5A.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

10.5B.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

10.5D.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

16. Two-Family Dwelling on a corner lot of a Major Intersection.

10.07 Conditional Uses

Add the following to Chapter 7 Conditional Uses:

Add to the index:

Article L Two-Family Dwellings at a Major Intersection

Add Article L

Article L Two-Family Dwellings at a Major Intersection

10.7L.1 Purpose

10.7L.2 Conditions Required

10.7L.1 Purpose

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

10.7L.2 Conditions Required

A conditional use for a two-family dwelling in certain single-family residential zones may be approved if the following conditions are met.

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveways shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.

Barry discussed amending item C to include a provision that states the driveways will be arranged for vehicles to enter and exit in a forward fashion and that the access onto the lot will be allowed from the major collector and not a minor arterial.

Commissioner Osborne asked if there is any public comment.

Mike Bastian, 7721 S. 1750 E., said these intersections are not always desirable for a single family home. He said if built properly, a multi-family unit can be a nice place to live if the area in the back is fenced in. He said this would allow for someone who may not be able to afford a single family home, but still wants to live in the city.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Commissioner Johnson would like residents to be able to see the map where these areas are located. He said those residents living around those areas may want to have input. He said this is also a safety issue with increasing the amount of traffic with two resident's verses one resident. He feels this item should be tabled until surrounding property owners are notified. Discussion took place regarding the difference between a duplex, townhome, and twin home. It was stated the difference is ownership. Commissioner Walton asked about setbacks. Barry stated the setback from 25 feet and the other can be 20 feet. Commissioner Johnson suggested having a map identifying these areas.

Commissioner Johnson moved to table Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses until a map is available identifying the locations and property owners (living near these areas) are notified. This item will be on the September agenda. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

PUBLIC COMMENTS:

Planning Commissioner Comments:

Commissioner Johnson: He discussed the tour the City Council and Planning Commission went on concerning mixed use. He said Sniderville Basin is a great example of this type of use. He would like to know what the next step is for this type of use in the city.

Commissioner Osborne: He will not be in attendance for the Planning Commission meeting in August. He said the master plan identifies a trail from the charter school to View Drive. He said the city needs to get an easement for that because a home is being built in this area. Commissioner Johnson said the city needs to take a look at access from 1350 East to the Weber River Parkway Trail.

Barry Burton, City Planner: He met with Mayor Sjoblom and UDOT concerning access at the Fisherman's Access to the Weber River Parkway Trail. He said the bridge at Hwy 89 needs to be replaced for access to the Bonneville Shoreline Trail. Commissioner Johnson feels the location at 1350 East is more centrally located and the city owns the property.

ADJOURNED: Commissioner Walton moved to adjourn the Planning Commission meeting at 7:36 p.m. Commissioner Johnson seconded the motion. Commissioners Osborne, Johnson, and Walton voted yes. The motion carried.

APPROVED: _____ Date

Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest: Planning Coordinator: Lisa Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 12 July 2018

TIME COMMENCED: 6:31 p.m.

PRESENT: COMMISSIONERS:

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

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones (excused)

PLANNING COORDINATOR:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Walton

ATTENDEES: Terry Langford, Jo Prantil, Marsha Frandil, Dwight & Roxanne Probasco, Stan Cook, Margene Bambrough, Kelly Bambrough, Blair Halverson, Dan & Marilyn Pearson, Kimberlee Jensen, and Kody Holker.

APPROVAL OF THE AGENDA: Commissioner Walton moved to approve the agenda as written. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

APPROVAL OF CONSENT AGENDA

- Minutes of 14 June 2018

No quorum available to approve 14 June 2018.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and Action on Rezone: Application for property located at approximately 900 Cottonwood Rd (130180021/071090017) of approximately 11.86 acres from Professional Office (P-O) to Commercial Recreation(C-R) by Boulder Ranch:

The proposed use of the property located at approximately 900 East Cottonwood Rd., formerly known as the Frisbee property, is an RV Park. This is the latest and proposed use of the land in a long string of proposals going back many years. Due to the fact that the property is almost entirely within a flood plain, makes it very difficult and expensive to locate permanent buildings on the property. This proposal will require some small buildings to support the primary use, but this is feasible on a small scale.

The General Plan anticipates Commercial Highway with a possible Mixed Use overlay. Though the C-R Zone isn't the same as the C-H Zone, the C-R Zone is commercial and an RV Park is certainly a highway oriented use. An RV Park of this size would be a conditional use in the C-R Zone requiring Planning Commission and City Council approval.

Commissioner Osborne asked if there was any public comment.

Terry Langford, 975 E. 660 S #126 Cottonwood Estates, feels it is going to take away the sound barrier from the freeway. It will allow people to cross the river and go up into the trailer court. He feels the campground will make a mess of things.

Joe Prantil, 800 E. Cottonwood Drive, said he moved into this area because it is a beautiful, pristine, safe area. He feels there needs to be something compatible with the neighbor, but he is worried about a campground. He is also opposed to high density for this area. He said Cottonwood Road is not good. He said the water pressure is not good in this area. He said there is no secondary water in this location. He is also concerned about the sewer system in this area. He brought up the fact that there is only one egress out of the property.

Marg Bambrough, 750 Cottonwood Drive, is concerned about culinary water. She is concerned about the campers burning campfires that could damage their homes. She brought up the trail plans for that area.

McKay Winkel, applicant, discussed the fire protection and said it is important to them. He understands it is a beautiful site, and he has met with Weber Pathway concerning preserving the trail. He said the site is in a flood plain and an RV Park will work well here. He said according to the City Engineer water is available. He said they will enforce any trespassing rules. He said they will be looking to preserve as much of the vegetation as they can.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Barry understands it is difficult to see property change. He said the property owner does have property rights. He said there have been numerous proposals on this property but all have failed. One of the reason is because of the flood plain issue. He said this proposal, in his opinion, is the most feasible thing for this property and is a good use for the property. It does comply with the general plan. He said the living quarters can be moved at a fairly quick response time in case there is a flood or fire. He would recommend approval. He feels it is the least impactful proposal for this property.

Commissioner Johnson said his mother has lived in the trailer park. He said there have been paint ballers on this property as well as fires. He said this is not a campground but RV Park. He said the trail has been planned for years by Weber Pathway and it will be a nice walking trail from Cottonwood Drive. He feels this use is the best use for this property. He said the amount of traffic is not going to be much of an issue compared to the residents of Uintah using that road.

Commissioner Walton referend 10.5.10.1 concerning the definition of the Commercial Recreation Zone. He said the property is currently in the commercial zone. He feels this rezone matches the area the best.

Commissioner Osborne doesn't feel the kind of folks that come to an RV Park are bad folks, but good people. Commissioner Johnson said all the years his mother lived in this trailer park, no one came out of the river and invaded their private space.

Barry Burton said there is a planned retail commercial on the other side of the freeway and he feels the use on this property will help with the retail commercial for the other side.

Commissioner Johnson moved to recommend approval to the City Council the Rezone Application for property located at approximately 900 Cottonwood Rd (130180021/071090017) of approximately 11.86 acres from Professional Office (P-O) to Commercial Recreation(C-R) by Boulder Ranch. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and Action on Conditional Use Permit CU 18-07: Application for daycare/preschool, Miss Kim's Education Station Preschool, at 7561 S 2050 E by Kimberlee Jensen: Kimberlee stated she will have one session three days a week. She said most of the children live in her neighborhood. She has a background in education. She will have anywhere from eight to fifteen students. She has ten students who have shown interest. She said right now she is the only employer.

Commissioner Osborne asked if there was any public comments. There was none.

It was stated this residence at 7561 S. 2050 E. is in the Cedar Cove P.U.D. The Covenants and restrictions on the lot prevent any home occupation that encourages patrons to come to the residence.

Barry Burton, City Planner, stated though City ordinances don't prevent a preschool and he sees no reason to deny this request on City Code basis, it may be best if the applicant received and provided written permission from the HOA before the city approves such a use. Also the applicant needs approval from the Fire Marshall.

Commissioner Walton moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

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

Kim was asked about living in a Home Owner's Association. Kim said she has verbal approval from the HOA.

Commissioner Walton moved to approve Conditional Use Permit CU 18-07: Application for daycare/preschool, Miss Kim's Education Station Preschool, at 7561 S 2050 E by Kimberlee Jensen. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

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

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

Public Hearing on Final Subdivision: Application for La Pintana (1 lot) at approximately 1860 E South Weber Drive of 0.26 acres by applicant Kody Holker.

Commissioner Osborne asked if there was any public comment.

Dwight Probasco, 1870 South Weber Drive, asked if this is for a single family home. It was stated it is a single family home. Mr. Probasco asked about the setbacks. Barry said the setback requirement is 10 feet.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and Action on Final Subdivision: Application for Sun Rays (17 lot) at approximately 1900 E Canyon Drive of 6.64 acres by applicant Rob Edwards.

Commissioner Osborne asked if there was any public comment.

Stan Cook, 6966 S. 725 E., asked about the address on the agenda because it states 1900 West. It was stated that is a typo and should be 1900 East.

Barry Burton's memo of 5 July 2018 is as follows:

PLAT: There are a couple of problems with the plat that should be corrected. There is a reference to a Parcel B which is not actually within the subdivision, so the reference should be eliminated. There is also a reference to a Parcel A which is part of an existing storm water detention basin. This parcel has also been left out of the subdivision, but should be included. The Owner's Dedication should then be altered to dedicate this Parcel A to the City.

There is a reference on the plat to South Weber Drive Street Dedication, but none of this subdivision extends into South Weber Drive, so the reference should be removed. This issue will be addressed as part of the La Pintana one lot subdivision that is the parcel referenced as Parcel B.

IMPROVEMENT DRAWINGS: Preliminary approval for this subdivision was subject to my and Brandon's review letters. My letter indicated that a minimum of 6' chain link fencing needs to be installed on the east and west sides as well as along the Messerly property. Also there was a fence recommended along the top of the bank of the detention basin and a 6' masonry fence should be installed along the freeway frontage of Lot 16. There is only one reference to new fencing on the drawings and that is a new fence of unspecified type or height at the top of the bank of the detention basin and along the freeway.

STAFF RECOMMENDATION: I recommend the Planning Commission recommend to the City Council approval of the final plat subject to; the plat being amended as described and subject to adding the appropriate fencing requirements to the Construction Drawings before it goes on the City Council agenda.

Brandon Jones, City Engineer's memo of 5 July 2018 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Sun Rays Subdivision received, July 3, 2018. We recommend approval, subject to the following comments and items being addressed prior to final approval from the City Council.

GENERAL

1. Grading and Soils. As a result of the Conditional Use Permit, much grading and production of materials has occurred. All of the soils must meet City Standard gradation specifications if they are to be used. If, during construction, there is any concern related to a geotechnical matter, the geotechnical engineer who provided the study for the project

may need to render an opinion or recommendation. This would be at the developer's expense

PLAT

2. Addresses for the lots will be provided by our office.
3. Parcel A needs to be included in the subdivision boundary and dedicated to the City in the Owner's Dedication. It does not need a separate legal description, but all of the bearings and distances need to be labeled.
4. Parcel B should be labeled as a "remainder parcel" and the legal description removed from the plat, since it does not lie within the subdivision boundary.
5. The South Weber Drive Street Dedication legal description should be removed from the plat, since it does not lie within the subdivision boundary.
6. The South Weber Irrigation Easement legal description is not needed. Since it lies within the subdivision boundary, it just needs bearings and distances labeled and Note 10 should replace Note 6.
7. The Power, Gas, Sewer, Storm Drain and Irrigation easements all need more bearings and/or distances labeled in order to be able to locate them in reference lot lines or ROW's.
8. Lots 3, 4, 5, and 6 should terminate the rear yard PUE at the storm drain easement line.
9. The signature block for the South Weber Water Improvement District should be replaced with a signature block for the South Weber Irrigation Company for acceptance of the new easement shown.
10. For clarification, the Legend and Note 2 should indicate that the setbacks are "not shown."
11. The "blanks" in the Acknowledgement need to be large enough in order for the notary to be able to write in them.

IMPROVEMENT PLANS

12. The four-way intersection needs to have the grade adjusted so that it is not sloping through the intersection. We are aware of the design constraints, but feel that more adjustments can be made.
13. The culinary waterline DIP is to be poly-wrapped.
14. The water meter size must be 1" (not 3/4") – see Note 13 on Sheets 4, 5, 8, 9, and 10.
15. The culinary water needs to have a minimum of 5' cover (not 4').
16. We would recommend a minimum 6' chain link fence be installed on the east, south and west sides of the subdivision; and a 6' masonry fence be installed along the north side. The plans should indicate this.
17. We would recommend moving the street light that is shown between lots 2 and 3, to between lots 8 and 9.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Kody Holker, applicant, said the name of the subdivision is Sun Rays not Sun Ray.

Commissioner Walton moved to recommend approval to City Council for Final Subdivision: Application for Sun Ray (17 lot) at approximately 1900 W Canyon Drive of 6.64 acres by applicant Rob Edwards subject to the following:

1. Items listed in Barry Burton, City Planner's, memo of 5 July 2018.
2. Items listed in Brandon Jones, City Engineer's, memo of 5 July 2018.

Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

Commissioner Johnson moved to open the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Public Hearing and action on Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses presented by Barry Burton:

Barry Burton, City Planner, stated the city received a proposal to look at areas in the city that will allow for two-family dwellings at major intersections. He said there are four locations in the city where this could possibly work. He said it is proposed that the following amendments be made to Title 10 of the South Weber Code:

10.01.100 Definitions

Add the following definition:

MAJOR INTERSECTION: An intersection of a minor arterial street and a major collector street or the intersection of two major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

10.5A.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

10.5B.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

10.5D.3 Conditional Uses

Add the following land use to the list of Conditional Uses:

16. Two-Family Dwelling on a corner lot of a Major Intersection.

10.07 Conditional Uses

Add the following to Chapter 7 Conditional Uses:

Add to the index:

Article L Two-Family Dwellings at a Major Intersection

Add Article L

Article L Two-Family Dwellings at a Major Intersection

10.7L.1 Purpose

10.7L.2 Conditions Required

10.7L.1 Purpose

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

10.7L.2 Conditions Required

A conditional use for a two-family dwelling in certain single-family residential zones may be approved if the following conditions are met.

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveways shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.

Barry discussed amending item C to include a provision that states the driveways will be arranged for vehicles to enter and exit in a forward fashion and that the access onto the lot will be allowed from the major collector and not a minor arterial.

Commissioner Osborne asked if there is any public comment.

Mike Bastian, 7721 S. 1750 E., said these intersections are not always desirable for a single family home. He said if built properly, a multi-family unit can be a nice place to live if the area in the back is fenced in. He said this would allow for someone who may not be able to afford a single family home, but still wants to live in the city.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

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

Commissioner Johnson would like residents to be able to see the map where these areas are located. He said those residents living around those areas may want to have input. He said this is also a safety issue with increasing the amount of traffic with two resident's verses one resident. He feels this item should be tabled until surrounding property owners are notified. Discussion took place regarding the difference between a duplex, townhome, and twin home. It was stated the difference is ownership. Commissioner Walton asked about setbacks. Barry stated the setback from 25 feet and the other can be 20 feet. Commissioner Johnson suggested having a map identifying these areas.

Commissioner Johnson moved to table Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses until a map is available identifying the locations and property owners (living near these areas) are notified. This item will be on the September agenda. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. The motion carried.

PUBLIC COMMENTS:

Planning Commissioner Comments:

Commissioner Johnson: He discussed the tour the City Council and Planning Commission went on concerning mixed use. He said Sniderville Basin is a great example of this type of use. He would like to know what the next step is for this type of use in the city.

Commissioner Osborne: He will not be in attendance for the Planning Commission meeting in August. He said the master plan identifies a trail from the charter school to View Drive. He said the city needs to get an easement for that because a home is being built in this area. Commissioner Johnson said the city needs to take a look at access from 1350 East to the Weber River Parkway Trail.

Barry Burton, City Planner: He met with Mayor Sjoblom and UDOT concerning access at the Fisherman's Access to the Weber River Parkway Trail. He said the bridge at Hwy 89 needs to be replaced for access to the Bonneville Shoreline Trail. Commissioner Johnson feels the location at 1350 East is more centrally located and the city owns the property.

ADJOURNED: Commissioner Walton moved to adjourn the Planning Commission meeting at 7:36 p.m. Commissioner Johnson seconded the motion. Commissioners Osborne, Johnson, and Walton voted yes. The motion carried.

APPROVED: _____ Date

Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest: Planning Coordinator: Lisa Smith



Community and Economic Development

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Barry Burton/Director

August 2, 2018

PROPOSED PRE-SCHOOL/DAY CARE CONDITIONAL USE AMENDMENT

10.07.040 Residential Zones

- A. Application Procedures: Application for a conditional use permit shall be made by the property owner or certified agent thereof to the planning commission. Any person seeking a conditional use permit shall first submit a complete application to the planning commission and pay the associated fees as stated in the current adopted fee schedule. An application shall be deemed complete when all documents required by the current applicable application form and checklist, including the fee, have been submitted to the city.
- B. Public Notification: The applicant shall provide a list of the names and addresses of all property owners within three hundred feet (300') of the property on which the conditional use is to be located. Written notice shall be given to those on the list.

C. Approval:

1. Zoning Administrator: The designated zoning administrator shall have authority to approve, approve with conditions or deny a conditional use application for preschools and/or daycare centers in residential dwellings. No public hearing will be required; however, notification to property owners within three hundred feet (300') shall be given and fourteen (14) day comment period allowed prior to a decision being rendered. No approval shall be granted unless the zoning administrator is satisfied that the applicant will meet all the conditions as set forth in this chapter. Upon approval, a permit shall be issued which states the permitted conditional use and any special conditions that apply thereto.

2. Planning Commission: The planning commission shall approve as presented, approve with conditions, deny the conditional use or table the issue to a future date and time. No approval shall be granted unless the planning commission is satisfied that the applicant will meet all the conditions as set forth in this chapter. Upon approval, a permit shall be issued which states the permitted conditional use and any special conditions that apply thereto.

- D. Application Expiration: The application shall expire six (6) months from the date of initial application. Upon expiration, the applicant shall be required to reapply and pay all associated fees. The applicant may request a six (6) month extension due to extenuating circumstances out of the control of the applicant.

Article A In Home Daycare Centers And Preschools

10.7A.1 Scope

10.7A.2 Business License Required

10.7A.3 Conditions Required

10.7A.4 Renewal Of Permit

10.7A.1 Scope

In home daycare centers and preschools may be approved as a conditional use in all residential and agricultural zones in the city.

Adopted by Ord. 02-7 on 5/28/2002

10.7A.2 Business License Required

A conditional use permit is required in addition to and before a business license is issued, and the granting of said permit shall not relieve the permittee of any licensing requirement of the city, the state or any other public agency.

Adopted by Ord. 02-7 on 5/28/2002

10.7A.3 Conditions Required

Each and every one of the following conditions must be observed at all times by the holder of the conditional use permit:

- A. **Employment Restricted To Family Members:** Only family members related by blood, marriage or adoption, who are bona fide residents of the dwelling unit shall be employed on said premises. However, during the calendar year, one part time employee may work in connection with the in home daycare center or preschool, if approved by the planning commission as per the "home occupation" definition provided in SWMC 10.01.100.
- B. **Incidental And Secondary Use:** The conditional use will be clearly incidental and secondary to the residential use of the property and will not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not unreasonably disturb the neighborhood by reason of color, design, material, construction, odors, lighting, sounds, noise or vibrations.
- C. **Conducted Within Primary Structure:** The in home daycare center or preschool shall be conducted principally within the primary structure on the premises and shall be secondary to the use of the premises as a residence.
- D. **Signs:** Class 2 signs shall be permitted advertising in home daycare centers and preschools. They must comply with all regulations of SWMC 10.09.
- E. **Traffic:** The in home daycare center or preschool shall generate no greater vehicular traffic than that commonly associated with the neighborhood in which it is located (i.e., heavy trucks, delivery or service vehicles, etc.). The conditional use shall not occupy the area in the garage required for two (2) parking spaces.
- F. **Parking:** All vehicles of customers or residents must be parked in authorized portions of the lot upon which the conditional use is located.
- G. **Code Conformance:** There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and county ordinances.
- H. **Special Recommended Conditions:** Any special condition recommended by the building inspector and/or the planning commission and made of record in the conditional use permit that they deem necessary to carry out the intent of this chapter shall be met.
- I. **Building And Fire Code Approval:** Approval from the building inspector and fire department as to compliance with applicable codes.

J. Annual Premises Inspection: An annual check of the premises by the fire department will be required before the in home daycare center and preschool license will be issued and/or renewed.

Adopted by Ord. 02-7 on 5/28/2002

10.7A.4 Renewal Of Permit

All in home daycare center and preschool permits shall be good for one year unless a lesser time is specified and shall be renewable at the time the business license is renewed. Permits may be automatically renewed by the planning commission or city council or their designated agent without additional review, unless otherwise specified by the approving body on the permit; and provided there have been no reported violations, complaints or detrimental matters which might require reconsideration of the permit. If the permit is not renewed, then the applicant desiring a permit shall follow the same procedure required for an initial application.

Adopted by Ord. 02-7 on 5/28/2002



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Barry Burton/Director

August 2, 2018

11.04.130 Fencing

- A. ~~Bordering Agricultural Land: Where land used for agricultural purposes lies adjacent to a subdivision, a six foot (6') high fence is required between the subdivision and the agricultural land.~~ Where land zoned A, Agricultural, lies adjacent to a subdivision, a six foot (6') high fence is required between the subdivision and the Agricultural zoned land. The fence shall be chain link unless otherwise agreed to by the owner/developer and the City Council. The purpose of the fence is to provide a reasonable barrier so that residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the farm or livestock. Fencing required under this provision is not for the purpose of keeping livestock out of the subdivision. Responsibility for keeping livestock contained on the agricultural property remains the responsibility of the owner of that livestock. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans. Required fences shall be installed entirely within the subdivision property unless a property line fence is agreed to by the owner of the adjoining agricultural property by written agreement signed by all property owners involved. Such agreement shall be provided to the city prior to final plat approval by the city council.
- B. Bordering Canals: Where a subdivision borders a canal or canal right of way, a six foot (6') high fence is required between the subdivision and the canal. After receiving a recommendation from the planning commission, the city council may require any type of fence that provides a reasonable barrier to humans so residents of, or visitors to, the subdivision are not inadvertently exposed to the dangers of the canal. In order for the barrier to be effective, fencing of other subdivision borders may be required by the city council.
- C. Where building lots for any land use are adjacent to Interstate 84 a six foot (6') masonry fence shall be constructed along the common property line with I-84. This is for safety from wildfire and to provide some protection from auto accidents.
- D. The City Council with the advice of the Planning Commission shall have the authority to waive or vary these requirements where it, in their opinion, will not compromise safety and does not accomplish the intent of the fence.

Fences shall be constructed so that individual property owners are responsible for maintaining only their portion of the fence; with posts located at all property corners. Required fencing shall be considered part of the subdivision improvements and subject to bonding requirements. The city council has final approval on fence requirements.

Adopted by Ord. 2005-7 on 10/11/2005



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Barry Burton/Director

August 2, 2018

PROPOSED ORDINANCE AMENDMENTS DELETING BUFFER YARDS AND ADOPTING FENCING REQUIREMENTS

It is proposed that the following amendments be made to Title 10 of the South Weber Code:

10.5C.11 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.
- ~~B. Buffer Yard Landscaping: Buffer yard A landscaping~~ Fencing: A six foot (6') tall solid screening fence shall be required between the R-H zone and all lower density residential zones. ~~and shall meet the requirements of SWMC 10.15.~~

10.5G.12 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.
- B. Buffer Yard Landscaping: A buffer yard C landscaping shall be required between the C zone and all residential ~~and agricultural~~ zones and shall meet the requirements of SWMC 10.15.
- C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.5H.12 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.
- B. Buffer Yard Landscaping: A buffer yard C landscaping shall be required between the C-H zone and all residential ~~and agricultural~~ zones and shall meet the requirements of SWMC 10.15.
- C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.5I.12 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the



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requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.

B. Buffer Yard Landscaping: A buffer yard ~~C-landscaping~~ shall be required between the T-1 zone and all residential ~~and agricultural~~ zones and shall meet the requirements of SWMC 10.15.

C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.5K.11 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.
- B. Buffer Yard Landscaping: A Buffer yard ~~B-landscaping~~ shall be required between the P-O zone and all residential ~~and agricultural~~ zones. Buffer yards ~~and~~ shall meet the requirements of SWMC 10.15.
- C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.5L.6 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15.
- ~~B.~~ Buffer Yard Landscaping: A buffer yard ~~D-landscaping~~ shall be required between the L-I zone and all residential ~~and agricultural~~ zones. Buffer yards ~~and~~ shall meet the requirements of SWMC 10.15.
- C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.5M.6 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.
- B. Buffer Yard Landscaping: A buffer yard ~~C-landscaping~~ ~~Fencing~~ shall be required between the C-R zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.
- C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.5N.12 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Drought resistant plants



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are encouraged. Landscaping shall meet the requirements of SWM 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.

- B. Buffer Yard Landscaping: A buffer yard ~~C-landscaping-Fencing~~ shall be required between the C-O zone and all residential ~~and agricultural~~ zones. Buffer yards ~~and~~ shall meet the requirements of SWMC 10.15.
- C. Street Trees: Street trees shall be required and meet the requirements of SWMC 10.150.060D, "Park Strip Trees".

10.50.6 Landscaping Requirements

- A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system adequate to maintain such landscaping. Landscaping shall meet the requirements of SWMC 10.15. For use of exceptional design and materials, as determined by the planning commission, the landscaping may be reduced to ten percent (10%) of the total site.
- B. Buffer Yard Landscaping: A buffer yard ~~D-landscaping-Fencing~~ shall be required between the B-C zone and all residential ~~and agricultural~~ zones. Buffer yards ~~and~~ shall meet the requirements of SWMC 10.15.
- C. Park Strip Landscaping: Park strip landscaping shall meet the requirements of SWMC 10.15.

10.15.070 Buffer Yard Landscaping

- A. Intent: The intent of these requirements is to increase the compatibility of adjacent land uses and foster compatibility among different land uses by minimizing the harmful effects of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.
- B. Requirements: The following illustrations graphically indicate the specifications of each ~~a~~ buffer yard. ~~Buffer yard requirements are stated in terms of the width of the buffer yard and the number of plant units required per one hundred (100) linear feet of buffer yard. The requirements of a buffer yard may be satisfied by any of the options thereof illustrated. The type and quantity of plant materials required by each buffer yard, and each buffer yard option, are specified in this section. Only those plant materials capable of fulfilling the intended function shall satisfy the requirements of this chapter.~~

~~The options within any buffer yard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. All of the following illustrations are drawn to scale and depict the buffer yard according to the average projected diameter of plant materials at five (5) years of planting.~~

- C. Illustrations: ~~Each illustration depicts the total buffer yard located between two (2) uses.~~
- D. Walls, Fences Or Berms: ~~Whenever a wall, fence, or berm is required within a buffer yard, these are shown as "structure required" in the following illustrations, wherein their respective~~



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~~specifications are also shown. All required structures shall be the responsibility of the higher intensity use, in order to provide maximum sound absorption.~~

- E. ~~Plant Material Substitutions: The following plant material substitutions shall satisfy the requirements of this section:~~
- ~~1. In buffer yards B, C, D, and E, evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.~~
 - ~~2. In buffer yard A, evergreen canopy or evergreen understory trees may be substituted as follows:~~
 - ~~a. In the case of deciduous canopy forest trees, up to a maximum of fifty percent (50%) of the total number of the deciduous canopy trees otherwise required.~~
 - ~~b. In the case of deciduous understory, without limitation.~~
 - ~~3. In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.~~
- F. ~~Equivalent Structures: The following structures are equivalent and may be used interchangeably, so long as both structures are specified in the buffer yard illustrations in this section. (Buffer yard illustrations are to typify the structure and are not intended to be required designs.)~~

Structure	Equivalent Structure
F1	B1
F2	B2
F3	B3
F3	BW1

- G. ~~Solar Access: If the development on the adjoining use is existing, planned, or deed restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.~~
- H. ~~Satisfaction of Requirements: Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.~~
- ~~1. Placement: The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied: an evergreen (or conifer) shall be planted in clusters rather than singly in order to maximize their chances of survival.~~
 - ~~2. Berms with masonry walls (BW1) required of buffer yards D and E options are intended to buffer more significant nuisances from adjacent uses and additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.~~
 - ~~a. When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.~~
 - ~~b. Within a buffer yard, a planting area at least five feet (5') wide containing fifteen percent (15%) of the total plant requirements shall be located between the~~

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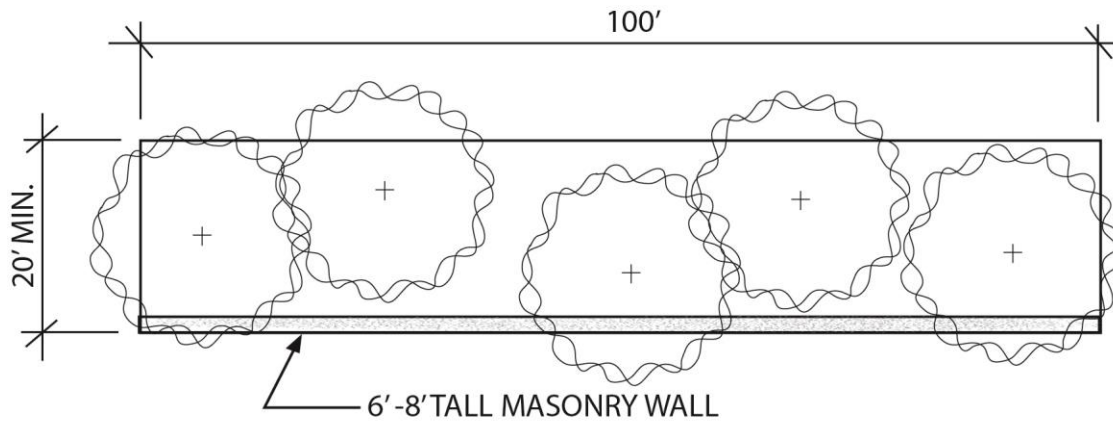
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~~masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.~~

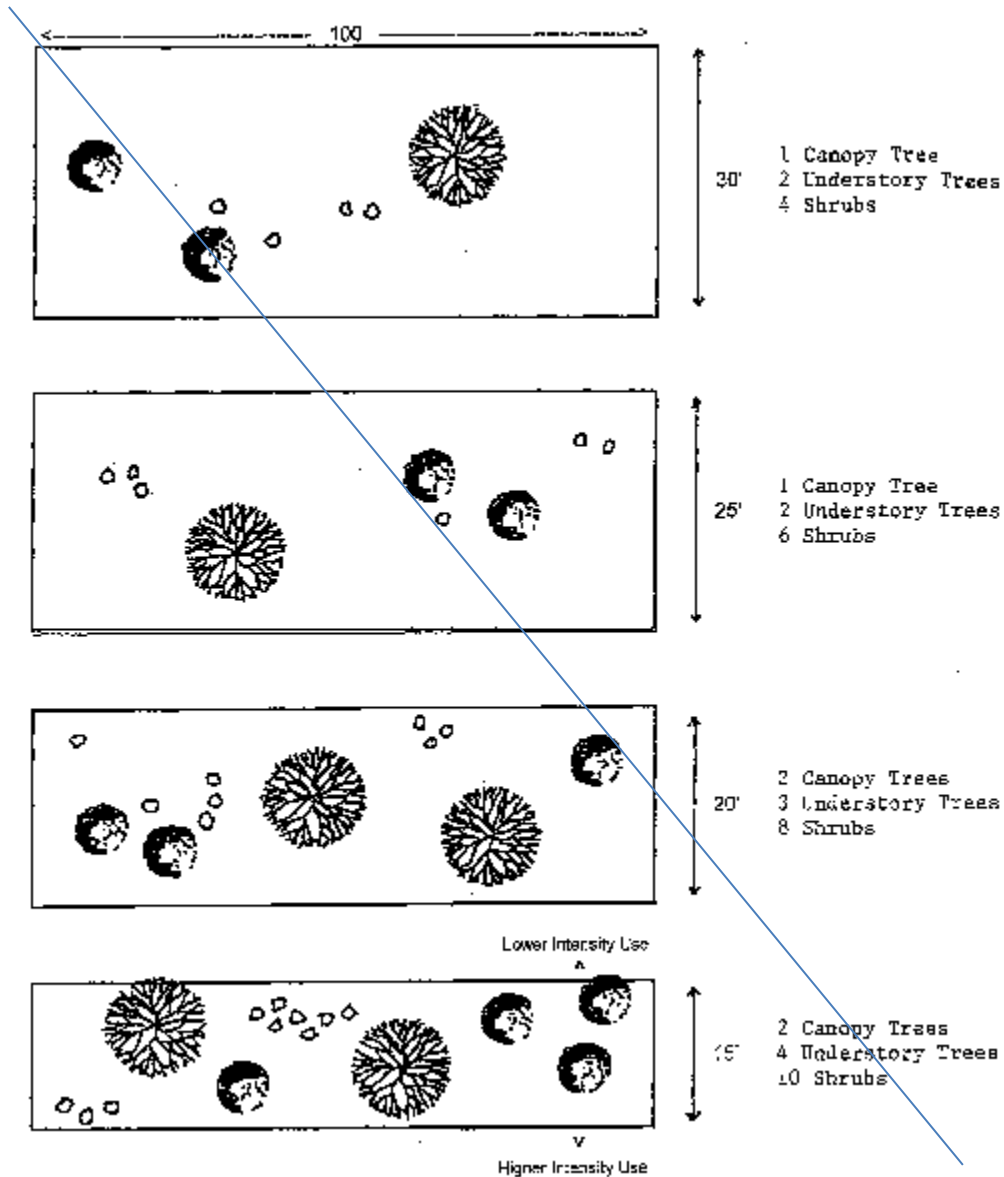
- I. ~~Sprinkler System; Ground Cover Required: All buffer yard areas shall include an underground sprinkler system and be seeded with lawn unless ground cover is already established.~~

BUFFERYARD A



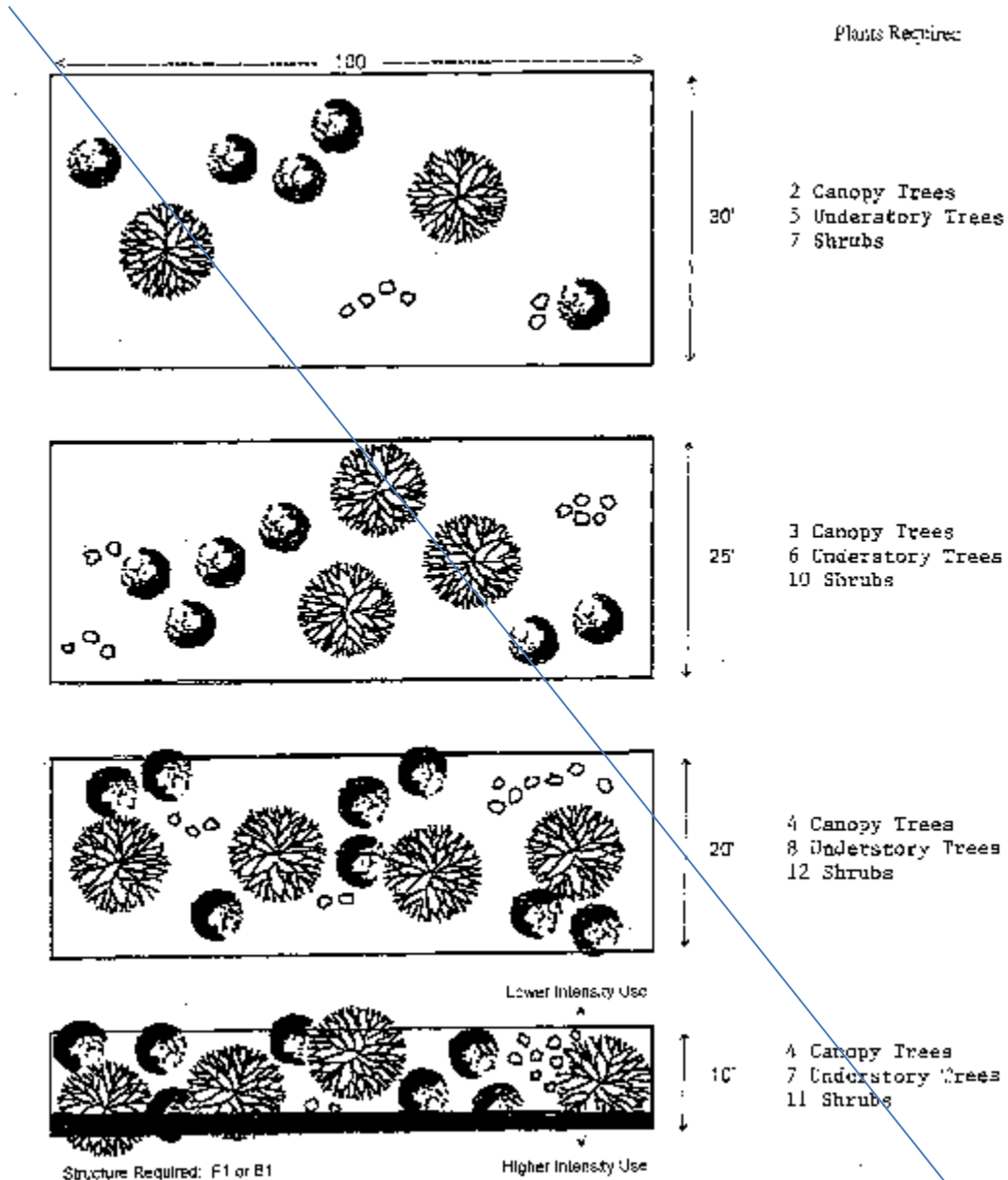
- MASONRY WALL SHALL BE AT OR NEAR PROPERTY LINE.
- THERE SHALL BE ONE TREE WITH MATURE HEIGHT OF AT LEAST 25' FOR EVERY 20' OF LENGTH OF BUFFER YARD OR FRACTION THEREOF.
- GROUND PLANE SHALL BE LANDSCAPED WITH SHRUBS, GROUND COVERS, FLOWERS OR DECORATIVE MULCH.

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BUFFERYARD-B



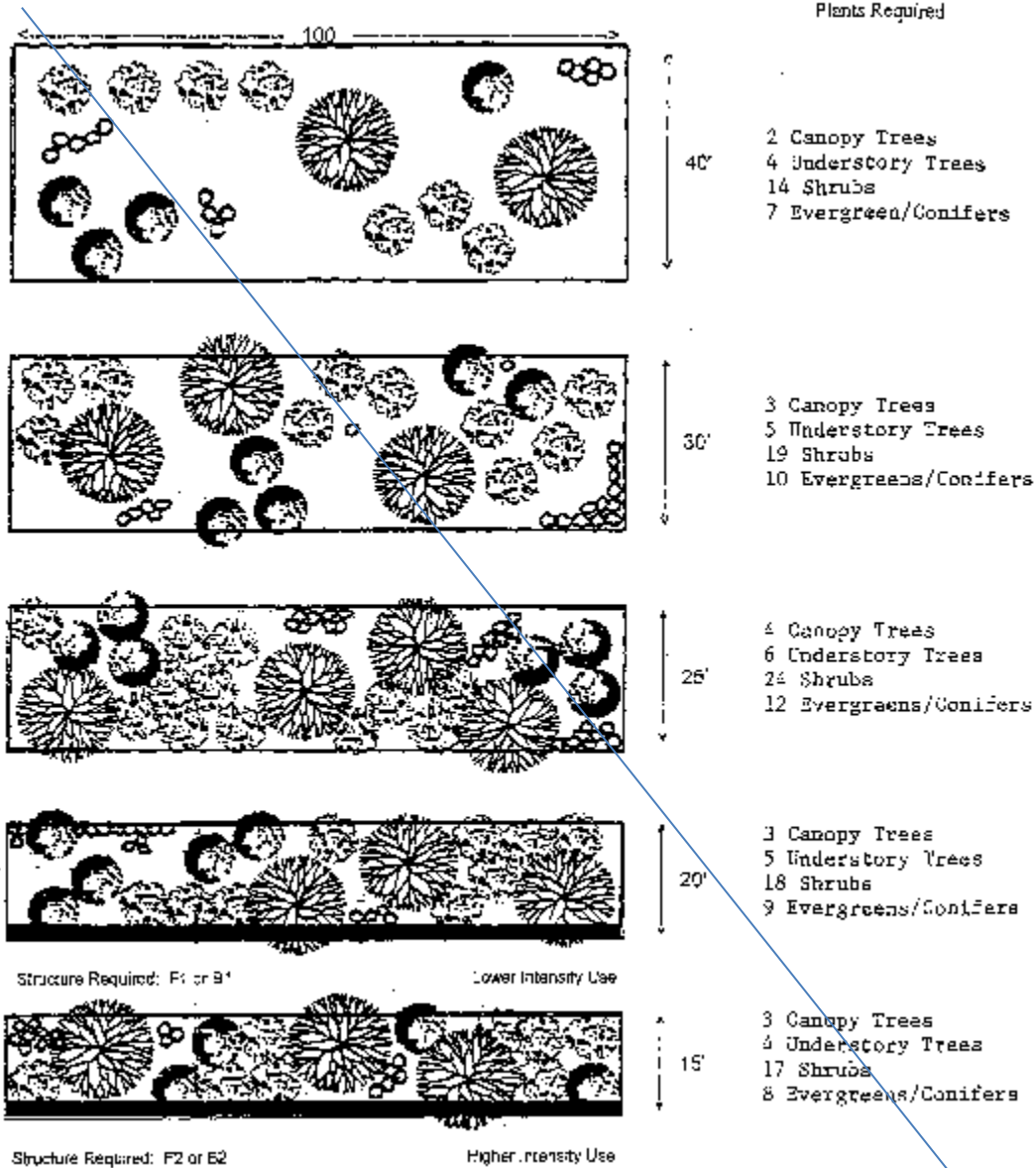


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BUFFERYARD €



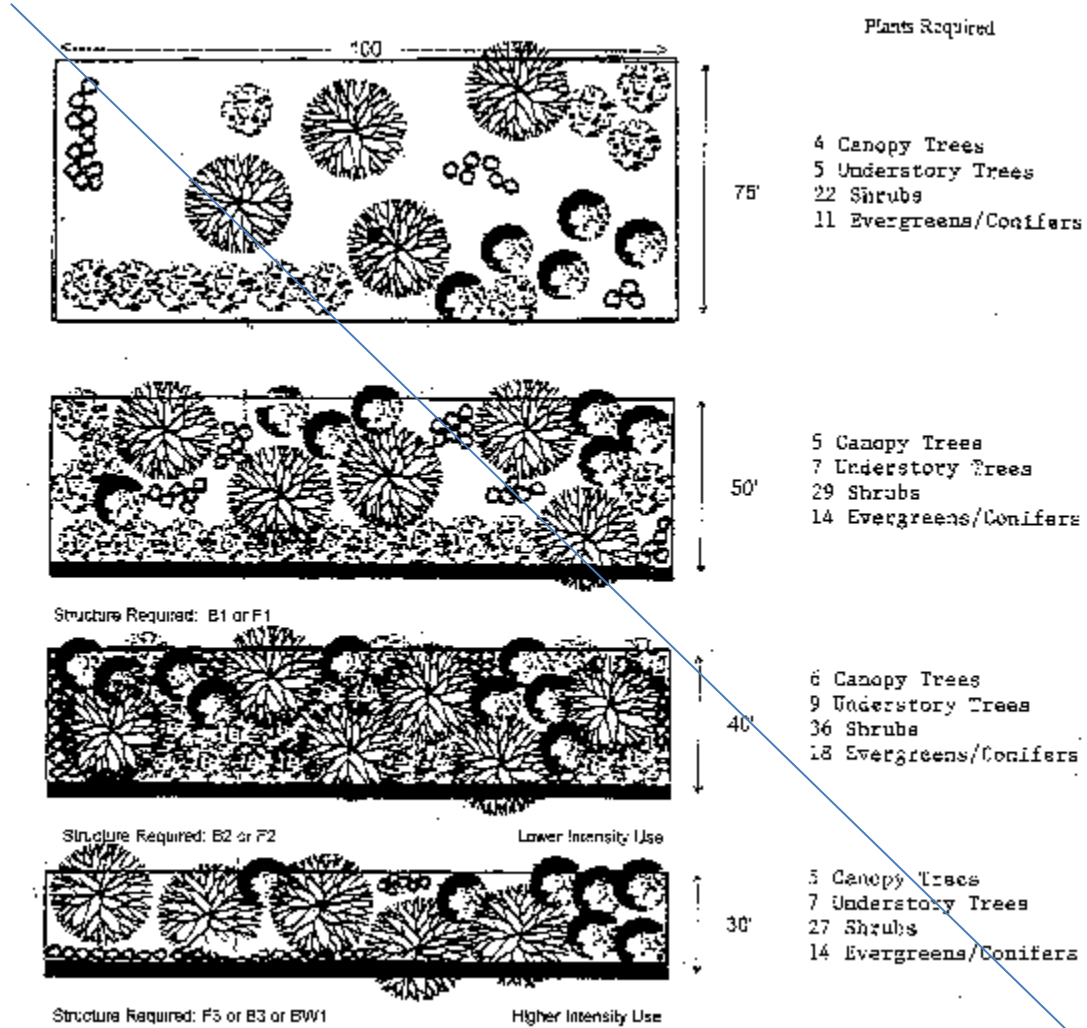


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BUFFERYARD-D



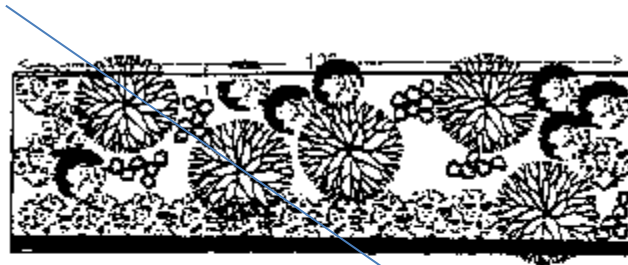


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BUFFERYARD-E



Structure Required: F1 or B1



Structure Required: F2 or B2

Lower Intensity Use



Structure Required: F3 or B3 or BW1

Higher Intensity Use

Plants Required

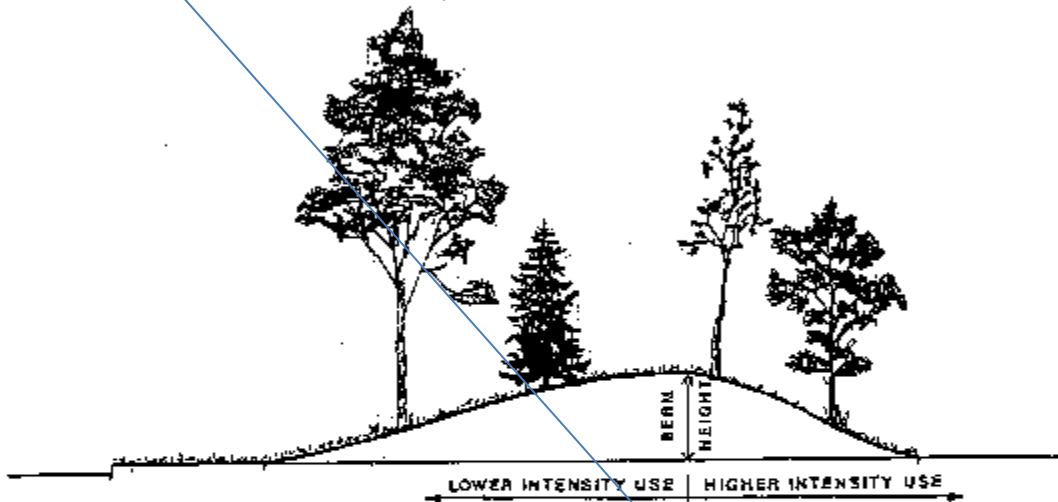
5 Canopy Trees
7 Understory Trees
29 Shrubs
14 Evergreens/Conifers

6 Canopy Trees
9 Understory Trees
36 Shrubs
18 Evergreens/Conifers

5 Canopy Trees
7 Understory Trees
27 Shrubs
14 Evergreens/Conifers

BUFFERYARD STRUCTURES

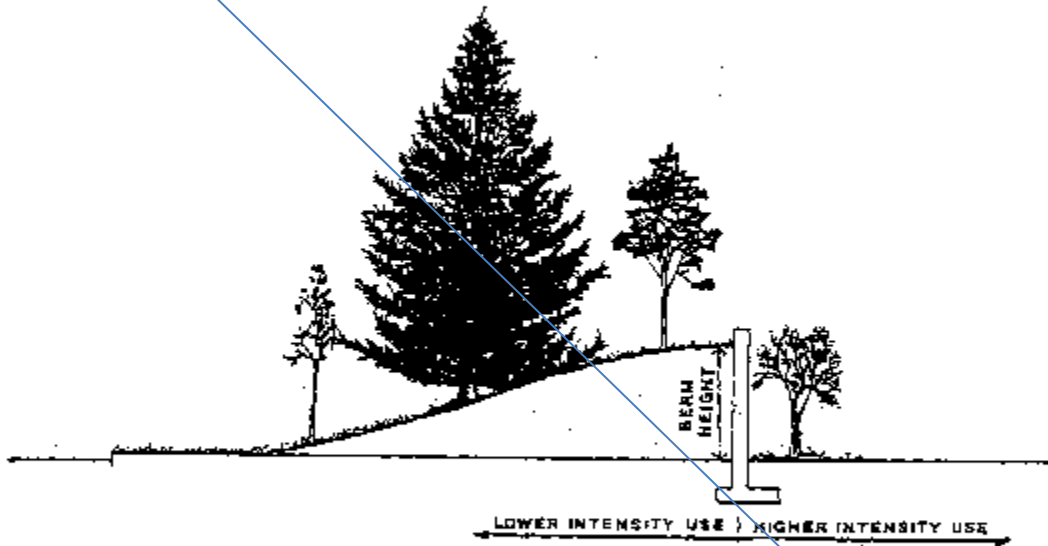
BERMS



SYMBOL	HEIGHT	MATERIAL
B1	4'	EARTH
B2	5'	EARTH
B3	6'	EARTH

BUFFERYARD STRUCTURES

BERM WALLS



SYMBOL

HEIGHT

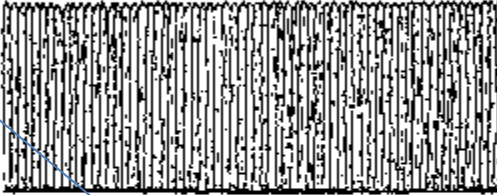
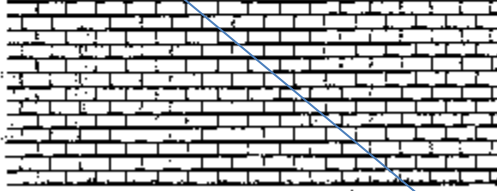
BW1

4' BERM with 6' MASONRY WALL

BUFFERYARD STRUCTURES

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FENCES

SYMBOL	HEIGHT	MATERIAL
F1	6'	 Wood Stockade or Vinyl Stockade
F2	6'	 Masonry Wall (Poured Concrete, Cement Block, Brick, etc.)
F3	8'	