

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 8 June 2023

TIME COMMENCED: 6:00 p.m.

LOCATION: South Weber City Office @ 1600 East South Weber Drive, So. Weber, UT

PRESENT:

COMMISSIONERS:

**Gary Boatright
Jeremy Davis
Julie Losee
Marty McFadden
Chad Skola**

COMMUNITY SERVICE DIRECTOR: Trevor Cahoon

CITY ENGINEER: Brandon Jones

DEVELOPMENT COORDINATOR: Kimberli Guill

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Blair Halverson, Steve Anderson, Genneva Blanchard, Brian Bayles, and Preston Lasater.

Commissioner Davis called the meeting to order and welcomed those in attendance.

1. Pledge of Allegiance: Commissioner Davis

2. Public Comment: Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & city and direct comments to the entire Commission (Commission will not respond).

3. Approval of Consent Agenda

- **11 May 2023 Minutes**

Commissioner Boatright moved to approve the consent agenda as written. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

ACTION ITEMS:

4. Final Plat (2 Lot Commercial Subdivision), & Architectural Review for Crosswind Subdivision Parcels 13-039-0082 & 13-039-0083 approximately 5.57 acres located at approximately 7750 S 2700 E by applicant: Geneva Blanchard of John W Hansen & Associates: Community Service Director Trevor Cahoon explained the Planning Commission needs to take administrative action tonight to consider acceptance of the Final Plat & Architectural review. A Landscape Plan has been submitted and satisfies the landscape code. There are areas that are being acquired by the city for future Right-of-Way which will remain natural vegetation.

City Engineer Brandon Jones review stated based on the recent study by WCG (transportation engineering consulting firm hired by the city to update the Transportation Master Plan), it is recommended that 2700 East be widened between South Weber Drive and 7800 South to provide for the projected future traffic. WCG also recommended that a roundabout be constructed at the intersection of 7800 South and 2700 East to better facilitate higher traffic volumes and access needs for the businesses along this corridor. A portion of this additional property (greater than 70' width) must be purchased from the developer to compensate them for the loss of their property over and above their direct impact. An appraisal was conducted by The Cook Group and a value of \$8.95/sf was established. The additional area needed amounts to approximately 16,760 sf. This calculates to be about \$150,000. The city will use transportation impact fees to make this payment. These fees have been collected specifically for uses of this type. This dollar figure should be added to the Development Agreement.

There is currently no sidewalk along the frontage of this development. Due to the need for the road to be widened in the future, city staff recommended that the sidewalk not be installed at this time, but have the developer pay the cost of the sidewalk to the city in lieu of installing it now. The city will use this money to build the sidewalk as part of the future widening project. Based on bids recently received for similar construction, we have calculated this cost to be Length = 740' Width = 6' Area = 4,440 Cost = \$11.50/sf → Total Cost = \$51,060. The requirement for this payment can be added to the Development Agreement or done as a separate agreement.

Mr. Cahoon noted due to the absence of secondary water service to this property, city staff recommended that culinary water be allowed for outdoor landscaping needs. The city standard backflow prevention system will be required to make the connection. A cross-access easement needs to be provided across Lot 2 in favor of Lot 1. This would not be the primary access for Lot 1 but is needed to allow traffic from Lot 1 to access and travel southbound on 2700 East, since the left-hand movement at the shared access may be restricted in the future. This should be added to the plat.

Commissioner Losee queried if the landscape plan considers the heavy wind in the area. Geneva Blanchard responded most of the landscape is water conscious and there will be trees strategically planted near the building. Commissioner Losee questioned if there will be enough funds to cover the eventual installation of sidewalk, curb, and gutter. Mr. Jones replied the calculated cost for sidewalk is what the city is currently paying for jobs throughout the city. Commissioner Losee queried why the amendments to the architecture plans. Ms. Blanchard explained plans were changed because of the cost and wind.

Commissioner Skola moved to recommend approval to the City Council approval of the Final Plat (2 Lot Commercial Subdivision), & Architectural Review for Crosswind Subdivision Parcels 13-039-0082 & 13-039-0083 approximately 5.57 acres located at approximately 7750 S 2700 E by applicant: Genneva Blanchard of John W Hansen & Associates. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

5. Final Plat, Phase 1 (43 Lot Plat) for Riverwood Subdivision Parcel# 13-005-0038 located at approximately 75 W South Weber Dr. for applicant: Nilson Homes:

Community Service Director Trevor Cahoon expressed this is Phase 1 (43 lots) of a 56 lots subdivision. The reason for the phasing of the project is because the Davis and Weber County lines still need to be determined, and the developer is actively working on this annexation.

Mr. Cahoon reported the city has received UDOT approval for access on South Weber Drive as well as approval from Rocky Mountain Power regarding the bio swell for storm water retention. A landscape plan has been submitted. He noted the fence on the east of the property is not required of the developer; however, it will be required at the time of the future development of the adjacent parcel. The city doesn't have the annexation letter from Davis and Weber County; however, Weber County confirmed the developer can place improvements in unincorporated Weber County until which time the annexation can be completed. The city has received the preliminary approval letter for secondary water with appropriate shares.

Mr. Cahoon stated all required items are on the final plat and all lot sizes are consistent with the R-LM Zone. He added the portion that is zoned A lies within the APZ easement areas and therefore does not affect the design of the development; however, it does affect the density calculation. The project includes a section of development located within the Hill Air Force Noise and Crash Zones. The developer has decided to designate these parcels as remnant parcels that can be sold to individuals as they start selling lots. During the application process, the code did not specify whether this noise area should be included in density calculations or excluded due to the residential development rights being obtained through the easement. Some concern was expressed on the ability to utilize this area in density calculations. The Planning Commission reviewed and approved the preliminary plat, including the easement area in the density calculation, pending approval from the State of Utah Attorney General's Office regarding compliance with the easement restrictions. The State of Utah owns the easement rights on the property and therefore needed to be consulted on the development of the land in their easement area. The State approved the use of the property but does not have jurisdiction to comment on the use of the easement area in calculations and left that with South Weber City to administer. Since then, the City Council has revised the code to clearly state that the Hill Air Force Base easement area should be excluded from any density calculations. However, because the developer submitted the application and received preliminary approval prior to this code change, the Planning Commission will need to make decisions based on the code in effect at the time of application. If the development is approved, the open parcels will become part of the subdivision. As a result, these parcels cannot be developed for any other purposes in the future.

The city received the conditional access permit from UDOT and the subdivision complies with the terms of the permit. The city will be dedicating a portion of the property to the east of the

development for the continuation of Harper Way which is required for the development to be constructed due to the number of units.

City Engineer Brandon Jones review stated all approvals from outside entities that apply to this phase of the development have been received. UDOT is requiring a Local Government Drainage Agreement to be approved by the city which allows UDOT to drain storm drain flows from their facility (South Weber Drive / SR-60) to city storm drain piping, and then for the storm drainage from the city's system to drain to UDOT's facilities going under I-84 to the Weber River. Once the city approves, it will go back to UDOT for final signatures.

All proposed public improvements follow current City Standards. The section of Harper Way that crosses the city property will be the city's responsibility to formally dedicate as public Right-of-Way. This will be done as part of a future amendment to the Public Works Subdivision plat. All utilities and roads in Phase 2 are being built with Phase 1 due to the location of the existing utilities that are being connected to, as well as connectivity of needed infrastructure. However, none of the lots in Phase 2 are included at this point until the county line is moved so that all the lots are in Davis County and South Weber City.

Commissioner Boatright voiced concerns with the density calculations. Commissioner Losee added she doesn't support including areas that can't be built on in the density calculations and queried on the size of Parcel A and Parcel B. Mr. Cahoon replied it is approximately 5.4 acres. It was stated the R-LM Zone allows for 1.85 acre per unit. Commissioner Losee noted that is an additional 9 lots to the development and opined that is not the intent of what the citizens want in the city. She queried what the plan would look like with the 9 lots being removed. Commissioner Davis acknowledged retention basins are used in calculating density and he doesn't see the difference in this situation. Commissioner McFadden shared this is open space for the development and shouldn't be excluded from others in the development.

Commissioner Davis asked the developer why the amendment to the size of the lots. Brian Bayles of Nilson Homes explained why the amendment from large lots to this plan and stated the property owners of Lot 140-143 will have the option to purchase Parcel A and property owners of Lot 101-104 will have the option to purchase Parcel B. Mr. Bayles acknowledged this will allow for more useable space with requirements for the property owner because it is the entrance to the subdivision. He queried if there are a few lots removed from the subdivision, who does it impact. He noted the preliminary plan has been approved and preliminary is where the State of Utah considers the developer is vested.

Commissioner Boatright referred to the Planning Commission meeting minutes of 20 October 2021 in which the preliminary plat was approved subject to the condition of *#4 State of Utah approval regarding the APZ zone* and doesn't agree with unbuildable property being used to define the density of buildable property. Commissioner McFadden doesn't see the value in restricting someone who has purchased this land and he doesn't see the negative for allowing the open space in the density calculations.

Mr. Cahoon explained the city staff received legal counsel from the City Attorney concerning the density calculations and the update to city code concerning the HAFB easements. He emphasized the Planning Commission as the Land Use Authority can weigh in on whether city code allows

development. Commissioner Boatright doesn't oppose the development just the way the density was calculated.

Commissioner Losee referenced the email of 20 October 2021 from Todd Jenson of the State of Utah Office of the Attorney General concerning their review of the Riverwood Development and questioned if there was a review between their office and HAFB. Mr. Cahoon replied the city received a letter from the State of Utah finding the use of the property is consistent with the easement restrictions.

Mr. Bayles stated the overall acreage for this development is 32.734 acres with the proposal of 56 lots the density calculation is 1.71 units per acre and the total overall number of units allowed in the R-LM Zone is 1.84 units. He acknowledged they have met all the conditions set in the motion made at the 20 October 2021 Planning Commission meeting.

The conditions from the 20 October 2021 Planning Commission meeting are as follows:

- 1. Community Services Director, Trevor Cahoon, review of 20 October 2021*
- 2. City Engineer, Brandon Jones, review of 13 October 2021*
- 3. Planning Commission to receive copies of all existing easements on the parcel prior to final approval as well as any new easements*
- 4. State of Utah approval regarding APZ zones*
- 5. UDOT approval for access on South Weber Drive*
- 6. Approval from Rocky Mountain Power in regard to bio swell for storm water retention.*
- 7. Submit a landscaping plan*
- 8. Identify type of fence material for east side fence.*
- 9. Annexation letter from Davis and Weber County.*
- 10. Preliminary approval letter for secondary water with appropriate shares.*

Commissioner Davis expressed the developer has met all the conditions and this development falls in line with the city code at the time of the application. Commissioner Skola doesn't see any reason to deny it. Commissioner Boatright appreciated the developers' respect and honesty, but he is uncomfortable with approving this request.

Commissioner McFadden moved to recommend approval to the City Council for Phase 1 of the Final Plat (43 Lot Plat) for Riverwood Subdivision Parcel# 13-005-0038 located at approximately 75 W South Weber Dr. for applicant: Nilson Homes. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, McFadden, and Skola voted aye. Commissioner Losee and Boatright voted nay. The motion carried 3 to 2.

PRESENTATION/DISCUSSION:

6. Updating City Standards- Road Widths

City Engineer Brandon Jones reported House Bill (HB) 406 introduced a definition for "residential roadway" and sets forth certain criteria for its design and construction. A residential roadway is now defined as a public local road that primarily serves to access adjacent residential areas, is designed to accommodate minimal vehicle traffic, has a posted speed limit less than or

equal to 25 mph, does not have higher traffic volumes resulting from connecting previously separated areas of the road network, cannot have primary access, and does not abut high traffic volume lots such as schools, recreation centers, sports complexes, or libraries. The main purpose of these roadways is to serve traffic within neighborhoods.

One significant provision of HB 406 is the limitation it imposes on the width of residential roadways. According to the new law, a municipality may not require installation of pavement on a residential roadway at a width greater than 32 feet with some exceptions. However, a municipality may still require or allow a residential roadway that is less than 32 feet in width. It is important to note that certain exceptions to this provision exist, including cases where the wider roadway is needed for vehicle turnaround areas, cul-de-sacs, specific traffic flow constraints at intersections or mid-block crossings, or other areas designated in general or master plans for transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area. Furthermore, wider roadways may be necessary to address traffic flow constraints for higher density developments or uses that generate higher traffic volumes, including community centers, schools, and similar uses. Additionally, wider roadways may be required if the installation of utility lines exceeds a certain depth, the roadways have a design speed exceeding 25 miles per hour, flood and stormwater routing needs to be accommodated, or if fire code requirements for parking and fire hydrants necessitate the wider width.

HB 406 also established a new appeal process for situations where the municipality's requirement exceeds the 32-foot width limit for a residential roadway. Under this new process, an applicant can appeal to a panel of technical experts. The panel consists of three licensed engineers: one designated by the municipality, one designated by the land use applicant, and one agreed upon and designated by the two previously mentioned engineers. It is important to note that panel members may not have any interest in the application in question. The applicant is responsible for paying 50% of the total cost of the panel and the municipality's published appeal fee, with the municipality covering the other 50%. The panel's decision is considered final unless either the municipality or the applicant petitions for district court review within 30 days after the final written decision is issued.

To comply with HB 406 and ensure Public Improvement Standards align with the new state requirements, the city will undertake the following tasks over the next several months:

- Review and update the existing Public Improvement Standards to incorporate the definition and criteria for residential roadways as outlined in HB 406.
- Develop guidelines and procedures for the new appeal process, ensuring clarity and transparency for applicants and stakeholders.
- Communicate the changes and updates to developers, land use applicants, and other relevant parties to ensure compliance with the new regulations.
- Provide training and support to city staff involved in the implementation and enforcement of the revised Public Improvement Standards. By undertaking these tasks, the city staff will ensure that development projects and infrastructure improvements align with the revised state code, promoting safe and efficient residential roadways that cater to the needs of the neighborhoods.

7. Updating City Code 10-7(1-14) Conditional Uses

Community Service Director Trevor Cahoon announced the Code Committee has reviewed and considered the proposed Conditional Use Code, which aims to provide a comprehensive framework for the administration and regulation of conditional use permits. The new code has been drafted to align with the goals and objectives of the general plan and zoning regulations while addressing the unique needs and circumstances of the community.

The adoption of the new Conditional Use Code will ensure a transparent and consistent process for evaluating and granting conditional use permits, promoting responsible development, and preserving the quality of life for the residents. The code includes clear guidelines, standards, and criteria that applicants must meet, fostering predictability and fairness in decision-making.

The proposed Conditional Use Code has undergone extensive review and input from various stakeholders, including planning staff, legal counsel, and community members. The code has been designed to strike a balance between supporting appropriate land uses and protecting the interests and concerns of the community.

Conditional use permits play a crucial role in land use planning, allowing for the controlled and regulated use of specific properties within a municipality. These permits are granted for land uses that may not be appropriate in all zoning districts but can be approved under certain conditions to ensure compatibility with the surrounding area.

Conditional use permits provide flexibility for landowners and developers while maintaining the integrity of zoning regulations and safeguarding the public interest. They allow for unique or specialized land uses that may provide benefits to the community but require additional scrutiny to ensure they meet specific criteria and standards. In the State of Utah, conditional use permits are subject to certain limitations and guidelines. The Utah State Code, Section [Section Number], establishes a framework for the granting and administration of conditional use permits. Key limitations and considerations in Utah include:

Compatibility: Conditional uses must be compatible with the surrounding area and adhere to the objectives of the applicable zoning district.

Public Hearing: Before granting a conditional use permit, a public hearing must be held to provide an opportunity for public input and address any concerns or objections from affected parties.

Findings of Fact: The Planning Commission must make specific findings of fact to demonstrate that the proposed conditional use meets the necessary criteria and will not be detrimental to the public health, safety, or welfare.

Conditions and Restrictions: Conditional use permits may be subject to conditions or restrictions imposed by the Planning Commission to ensure compliance with relevant regulations and minimize potential adverse impacts on the community.

Revocation: If the conditions set forth in the conditional use permit are not adhered to, or if the use becomes detrimental to the public interest, the Planning Commission has the authority to revoke the permit.

REPORTS:

8. New Business

Highway 89 Construction: Mr. Cahoon explained the new asphalt along the east side of Highway 89 is a bike trail and not for vehicle transportation. He announced UDOT is still taking input for the traffic backing up on Highway 89 near the South Weber Drive Exit.

9. Commission & Staff (None)

ADJOURN: Commissioner Losee moved to adjourn the Planning Commission meeting at 7:23 p.m. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

APPROVED: _____ **Date** _____
Chairperson: Jeremy Davis

Transcriber: Michelle Clark

Attest: _____
Building Manager: Kimberli Guill