

## SOUTH WEBER PLANNING COMMISSION AGENDA

Watch Live or at your convenience: [https://www.youtube.com/channel/UCRspzALN\\_AoHXhK\\_CC0PnbA](https://www.youtube.com/channel/UCRspzALN_AoHXhK_CC0PnbA)

PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in an electronic meeting on Thursday November 12, 2020 streamed live on YouTube, commencing at 6:00 p.m.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission.)

1. Pledge of Allegiance: Commissioner Johnson
2. Read Electronic Meeting Declaration: Commissioner Osborne
3. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date. Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)
  - a. Individuals may speak once for 3 minutes or less
  - b. State your name and address
  - c. Direct comments to the entire Commission
  - d. Note Planning Commission will not respond during the public comment period
4. Approval of Consent Agenda
  - a. 2020-10-08 Minutes
5. Review of Short-Term Rental Conditional Use Permit for Adam Braithwaite located at 1936 E Cedar Bench Drive.
6. Review of Short-Term Rental Conditional Use Permit for Misti & Francesco Lopez located at 1191 E Canyon Drive.
7. Review of Short-Term Rental Conditional Use Permit for Russell East LLC located at 1145 E Canyon Drive.
8. Discussion Item: South Weber Gateway (Poll Property on South Weber Drive ) Concept Design
9. Planning Commission Comments (Boatright, Grubb, Johnson, Osborne, Walton)
10. Adjourn

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE: November 5, 2020**

**DEVELOPMENT COORDINATOR: Kimberli Guill**

**ORDER ON PUBLIC MEETINGS OF THE SOUTH WEBER CITY PLANNING COMMISSION**

I, Robert Osborne, as the Chair of the South Weber City Planning Commission, do hereby find and declare as follows:

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

**NOW THEREFORE, BASED UPON THE FOREGOING,**

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by virtual means without an anchor location.

DATED this 2 day of NOVEMBER, 2020.

By:   
Robert Osborne, Chair

**ATTEST:**  
  
Lisa Smith  
City Recorder

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 8 October 2020

**TIME COMMENCED:** 6:01 p.m.

**LOCATION:** Electronic Meeting through Zoom

**PRESENT: COMMISSIONERS:**

Tim Grubb  
Gary Boatright  
Rob Osborne  
Wes Johnson  
Taylor Walton

**CITY ENGINEER:** Brandon Jones

**CITY PLANNER:** Barry Burton

**CITY ATTORNEY:** Jayme Blakesley

**DEVELOPMENT COORDINATOR:** Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

---

**ATTENDEES:** Nicholas Jensen, Blair Halverson, Tanya Jensen

**PLEDGE OF ALLEGIANCE:** Commissioner Grubb

**Read Electronic Meeting Declaration:** Commissioner Osborne

## Order on Public Meetings of the South Weber City Planning Commission

I, Robert Osborne, as the Chair of the South Weber City Planning Commission, do hereby find and declare as follows:

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

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by virtual means without an anchor location.

DATED this 26 day of August 2020.

**PUBLIC COMMENTS:**

Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date. Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)

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

**CONSENT AGENDA:**

- 27 August 2020 Minutes
- 2 September 2020 Minutes
- 10 September 2020 Minutes

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

**Commissioner Grubb moved to open the public hearing for 2020 South Weber City General Plan. Commissioner Johnson seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

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

**Public Hearing & Action on 2020 South Weber City General Plan**

The planning commission recommended approval of the South Weber City General Plan to the city council on September 10, 2020. The planning commission is required by state law to hold a public hearing after recommendation but prior to the city council’s final review and decision. After the public hearing, the planning commission has the option of making changes based on the public hearing before forwarding it to the city council for review and decision.

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

**Commissioner Walton moved to close the public hearing for 2020 South Weber City General Plan. Commissioner Grubb seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

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

Commissioner Grubb asked if the projected land use map shows the residential zone up to the Morty's Carwash. Upon further review, City Engineer, Brandon Jones stated the map needs to be amended and he will make that change.

**Commissioner Grubb moved to recommend to the city council the 2020 South Weber City General Plan with the amendment to the land use map concerning extending the residential all the way to Morty's Carwash. Commissioner Walton seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

**Commissioner Walton moved to open the public hearing for Preliminary/Final Plat South Weber Commercial Subdivision 2<sup>nd</sup> Amendment located at approx. 2530 E South Weber Drive Parcel# 13-312-0001/13-312-0002 (4.2 acres). Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

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

**Public Hearing & Action on Preliminary/Final Plat South Weber Commercial Subdivision 2<sup>nd</sup> Amendment located at approx. 2530 E South Weber Drive Parcel# 13-312-0001/13-312-0002 (4.2 acres):** Commissioner Osborne asked if there was any public comment. There was none.

**City Engineer, Brandon Jones review of 30 September 2020 is as follows:**

Our office has completed a review of the Preliminary Plat (dated September 22, 2020) for the South Weber Drive Commercial Subdivision 2<sup>nd</sup> Amendment and the Site & Improvement Plans (dated September 23, 2020) for the Salon Suites. Some comments are included just for information.

**GENERAL**

**E1. UDOT Approval.** The western access was approved by UDOT back in 2015 and constructed shortly thereafter. It is a 40' wide driveway. Any construction occurring as part of this project inside the UDOT ROW will require the necessary encroachment permit filed by the contractor doing the work.

**E2. South Weber Drive Striping.** We are concerned about the current striping for westbound traffic on South Weber Drive approaching the western access. We would recommend the striping for two lanes continue past the entrance and merge following the entrance. However, this will need to be approved by UDOT. This should be done before final approval.

**E3. Parking.** It was discussed with City Staff that a minimum of 24 stalls would be required based on the use as a salon with 12 suites in the building (2 stalls per suite). The site plan provides for 27 (2 of which are ADA), which exceeds the requirement. If in the future a different use is desired, the parking requirement will need to be re-evaluated.

**E4. Fire Flow.** Public Works will conduct a fire flow test with existing fire hydrants as close to the proposed development as possible. The results will be supplied to the Fire AHJ as needed for final review.

**PLAT**

**E5. No Comments.**

**IMPROVEMENT PLANS**

**E6.** The plans show a proposed secondary water service on Sheet 1. This needs to be deleted as culinary water is being used for outdoor irrigation purposes. Sheet 2 shows it correctly.

**E7.** An encroachment permit will be required by UDOT for the installation of the water service and cutting of the asphalt in South Weber Drive.

**E8.** Details of the proposed LID measures will be needed for final.

**RECOMMENDATION**

**E9.** Based on our review, the requirements for Preliminary Approval of the plat and site improvements have been met. Therefore, we recommend approval, subject to the items requiring additional action being addressed prior to the final submission.

**City Planner, Barry Burton’s review of 2 October 2020 is as follows:**

**Proposal:**

**PL1** - This proposal is to create a third lot from the remainder parcel that was established earlier this year when the first amendment was approved. This subdivision was originally approved in 2016 with Lot 1 being for the strip mall where Burley Burger is located. In March of this year the first amendment was approved creating Lot 2 and a remainder parcel. Lot 3 will be the site of the Salon Suites development.

**Development Considerations:**

**PL2** - All street improvements are already in place. There is no direct access to this lot, however, Mr. Murray has submitted a cross access agreement that will allow this property to utilize two existing access points from South Weber Drive. This is a very simple development proposal therefore this request is being processed as a preliminary/final subdivision plat combined.

**Recommendation:**

**PL3** - I recommend the Planning Commission forward this preliminary/final to the City Council with a recommendation of approval as proposed.

**Commissioner Johnson moved to close the public hearing for Preliminary/Final Plat South Weber Commercial Subdivision 2<sup>nd</sup> Amendment located at approx. 2530 E South Weber Drive Parcel# 13-312-0001/13-312-0002 (4.2 acres). Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

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

Commissioner Walton asked about a LID detention basin and storm water retention. Brandon stated this agenda item is dealing with the preliminary plat, which does not have anything to do with the LID. There are requirements per state code, for the site plan; however, the specific LID measures will come back for final. The goal is to keep as much storm water onsite as possible. He pointed out there is also a water quality element. He needs more detail, but there is a draft of the LID standards for the city, and this is one of the first developments required to have it. He explained there is room and space designated for those measures, but the details and planting

aren't totally bedded yet. He has no concerns for a preliminary standpoint. Commissioner Grubb pointed out the developer has submitted preliminary/final plat. Brandon explained the plat is very straight forward and city staff feels the preliminary/final plat can be combined because it is so simple. Barry explained the architectural site plan review is a preliminary review only.

Commissioner Grubb addressed the easement and cross action agreement and asked if it is also for lot #2. Barry stated it is. Commissioner Grubb pointed out Dan Murray needs to sign off on the agreement. Barry stated he has seen it.

The planning commission discussed Brandon's request for South Weber Drive striping which states, "We are concerned about the current striping for westbound traffic on South Weber Drive approaching the western access. We would recommend the striping for two lanes continue past the entrance and merge following the entrance. However, this will need to be approved by UDOT. This should be done before final approval".

**Commissioner Grubb moved to recommend to the city council approval of to Preliminary/Final Plat South Weber Commercial Subdivision 2<sup>nd</sup> Amendment located at approx. 2530 E South Weber Drive Parcel# 13-312-0001/13-312-0002 (4.2 acres) subject to the following conditions:**

- 1. Submit signed Cross Access Agreement to city staff.**
- 2. City Engineer, Brandon Jones review of 30 September 2020.**
- 3. City Planner, Barry Burton's review of 2 October 2020.**

**Commissioner Taylor seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

**Preliminary Site & Improvement Plan for Style Street Studios located at 2526 E South Weber Drive (.5 acre):** Commissioner Johnson is concerned about the door located on the east side with the canyon winds. He suggested moving it or install some sort of buffer. Barry pointed out there is a door located on the south side. It looks like they can close off the door on the east side when the wind is not blowing. Maverik and the Highmark Charter School both have doors located on the east side of their buildings.

Commissioner Walton discussed the deceleration/acceleration lane on South Weber Drive. Brandon explained because of the way it is currently striped, it appears that the road narrows, but there is approximately 60' of asphalt from Maverik to s-curve. There are currently two lanes. He stated re-striping needs to be approved by UDOT. He suggested the possibility of arrows showing straight and right turn to accommodate thru movements. Discussion took place regarding the city and developer making a duo request to UDOT. Commissioner Johnson commented there is going to be a safety issue if the striping is not done. Commissioner Osborne recommended keeping the no parking signs along South Weber Drive as well.

Nick Jensen, developer, stated he has reached out to UDOT and has left messages for striping and the easement for waterline. He is still waiting to hear from them. Brandon commented he will reach out to UDOT as well.

Discussion took place regarding storm water retention. Brandon explained the difference between detention and retention and the requirements associated. He pointed out the LID will make the determination.

Commissioner Walton asked whether the access point is sufficient. Barry explained it is difficult to determine before the business is developed, but he does not feel the entrance will be overwhelmed. Commissioner Walton addressed concerns with vehicles going north from Maverik into this development and whether a median is necessary to prevent that. Brandon explained UDOT makes that determination. He will ask UDOT their opinion when he meets them. Barry stated it is a common situation in urban environments. Commissioner Walton is very nervous about the amount of movement in a confined area. He requested more information from UDOT concerning this item.

Commissioner Osborne pointed out this development is a daytime and when this is developed there will be three entrances. Brandon expressed UDOT required Dan Murray to review access points with the entire property. He feels the layout works well and matches what UDOT has approved for access points. Commissioner Osborne suggested the possibility of dropping the speed limit on South Weber Drive. Commissioner Walton would like to identify the need before something bad happens. Commissioner Boatright feels the discussion needs to take place between the city and UDOT. Brandon will take information back to City Manager, David Larson, concerning this item.

Brandon discussed this development using culinary water because there is no secondary water available.

Commissioner Grubb suggested the motion clarify this is a permitted use in the C-H Zone. There will need to be a detailed landscape plan submitted and a detail list of finishes on all surfaces.

**City Planner, Barry Burton's review of 28 September 2020 is as follows:**

**PL1** - The Planning Commission previously indicated they would consider this use "similar and compatible" with other permitted uses in the C-H Zone even though it is not specifically listed as a permitted use. Because this is considered a permitted use and the site is under 1 acre, it does not require conditional use approval, only architectural site plan approval from the Planning Commission. Chapter 10-12 of the zoning ordinance sets forth the issues the Planning Commission considers in reviewing an architectural site plan.

**PL2** – Chapter 12 includes the following traffic considerations:

1. *Traffic Safety and Congestion: Considerations relating to traffic safety and traffic congestion:*
  - a. *The effect of the site development plan on traffic conditions on abutting streets.*
  - b. *The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.*

- c. The arrangement and accuracy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of Chapter 8 of this Title.*
- d. The location, arrangement and dimension of truck loading and unloading facilities.*
- e. The circulation patterns within the boundaries of the development.*
- f. The surfacing and lighting of off-street parking facilities.*

Access and parking look sufficient in terms of number of parking spaces and width of access drives. There are necessary shared access drives on both the east and west sides of this site. They will be paved as part of this project. The adjacent road, South Weber Drive, is an arterial road and traffic associated with this site should have minimal impact on it. There are no truck loading/unloading facilities shown, but the proposed use would not require it. Both pedestrian and vehicular circulation within the site look good as does the surfacing and area lighting.

**PL3** – Provisions related to signs in 10-12 are:

- 2. Outdoor Advertising: Considerations relating to outdoor advertising. Compliance with the provisions of Chapter 9 of this Title.*

The location of signage is shown with one wall sign on the building and one ground sign near the southwest corner of the site. Though the sign details are preliminary, size and lighting type have been provided and comply with the provisions of Chapter 9. Sign compliance will be checked again when building permits are pulled.

**PL4** – The following provisions relate to landscaping:

- 3. Landscaping: Considerations relating to landscaping:*
  - a. The location, height and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development.*
  - b. The placement of ground covers, shrubs, and trees.*
  - c. The unnecessary destruction of existing healthy trees.*
  - d. A layout plan for a sprinkling system.*

The planting plan looks good. There are no existing trees to be concerned with. No sprinkler or irrigation plan has been provided yet. Developers have requested that they be allowed to produce the plan when the Planning Commission has approved the landscaping plan, so they only need to do it once. I have no problem with a subsequent staff approval of the irrigation plan, if the PC so approves.

**PL5** – Provisions related to curb, gutter, and sidewalk on public streets:

*The applicant for site plan approval for multiple dwellings, commercial or industrial structures and all other business, public and semi-public buildings requiring motor vehicle access shall provide high-back curb, gutter and sidewalks along the entire street frontage of the property of any City road or street, except for entrances to the property, at which places the applicant shall provide curb cuts or private street entrances. (1989 Code § 12-18-004)*

The adjacent public street, South Weber Drive, is already fully improved in this location. The curb cuts for this project are existing and are 40' wide or more.

**PL6** – A storm drainage plan including a low impact development (LID) component has been provided and will be addressed by the City Engineer, Brandon Jones.

**PL7** – Area lighting has been included in the plans and a photometric analysis provided. It appears this project should not generate any negative light impacts.

**PL8** – Chapter 12 includes the following design considerations:

*4. Design Approval; Conditions: The Planning Commission or the Zoning Administrator, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of this Chapter as the Planning Commission or Zoning Administrator deem reasonable and necessary under the circumstances to carry out the intent of this Chapter.*

This provision isn't very helpful in considering architectural design as there are no standards or guidelines. However, the Planning Commission has been interested in seeing a more rustic look in other commercial developments. This building has a more modern design, although they propose to use the same material and color palette as the commercial building to the east and the proposed Alpha Coffee building.

**PL9** – Recommendation: I recommend granting Architectural Site Plan approval to this proposal with staff approval of a final irrigation plan, however; if significant architectural changes are required, this should be tabled until those changes are made.

**Commissioner Grubb moved to recommend approval of the Preliminary Site & Improvement Plan for Style Street Studios located at 2526 E South Weber Drive (.5 acre) subject to the following:**

- 1. City Engineer, Brandon Jones review of 30 September 2020.**
- 2. City Planner, Barry Burtons review of 8 October 2020**
- 3. UDOT clarification concerning restriping of South Weber Drive to at least the west entrance being proposed.**
- 4. UDOT clarification on whether or not striping needs to continue further west.**
- 5. UDOT opinion on cross traffic impacts with this development.**
- 6. Note: This development is a permitted use in the C-H Zone.**
- 7. Submit detailed landscape plan.**
- 8. Submit detail list of finish on all sides of buildings with similar finishes.**

**Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

## **REPORTS:**

**Commissioner Johnson:** He received a copy of the Weber River Trail Extension Feasibility Study. The Parks and Trails Committee is currently reviewing it. Box culvert preference for access to 1375. Also, reviewed Canyon Meadows Park area with 8 pickle ball courts, playground equipment, and possible zip line. The dog park construction is underway.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 7:16 p.m. Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

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

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

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

**From:** [Julie](#)  
**To:** [Public Comment](#)  
**Subject:** Planning Commission Meeting - Oct 8th, 2020 - Public Comment  
**Date:** Thursday, October 8, 2020 2:44:44 PM

---

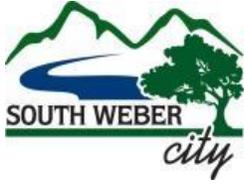
Planning Commission Members,

For the Salon Suites proposal portion of the discussion this evening, I would really like to hear what the Planning Commission thinks about the drive way access currently in place and the Developers suggestion that UDOT weigh in on and possibly extend the merge lane further to the West to allow for 2 lanes of travel passed the point of the existing driveway. I personally do not see how this is possible given how the road narrows before you hit that driveway and the current travel and traffic lanes in place and especially with the congestion and current traffic flow into and out of Highmark. Will the northern lane of travel become a dedicated turn lane into the parking area? How can we make this as safe as possible? I have huge concerns about this and would like to make sure all is done to ensure the future safety of our citizens.

Also, I would like to make sure that there will be no crossings to the new development permitted on South Weber Drive. We already have a huge problem with parents parking all along the south side of South Weber drive during afternoon pick-up and at Maverick and I can only imagine what would happen if parents decided to park in the parking lots of the future coffee shop and now the salon suites with the intent of having their child walk over and meet them there. I already see kids and grownups all the time running across South Weber Drive to get to Little Caesars and Burly Burger even with the cross walk 100 ft down the road.

Thanks for taking my input/concerns.

Julie Losee  
2541 E 8200 S



**Planning Commission Meeting Date:** November 12, 2020

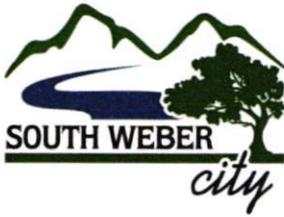
**Name:** Kimberli Guill

**Agenda Items:** 5

**Background:** When the Short Term Rental Conditional Use Permit was approved one of the conditions given that it would be reviewed after 1 year to verify no major problems and that they have kept to the conditions set forth in the STR CUP.

**Summary:** Short Term Rental CUP 19-01 Review for Adam Braithwaite

**Attachments:** Short Term Rental Approved/Signed CUP 19-01 w/ PC Minutes for STR CUP



1600 E. South Weber Drive  
South Weber, UT 84405

www.southwebercity.com

801-479-3177  
FAX 801-479-0066

## Short Term Rental Conditional Use Permit # STR 19-01

**Applicant:** Adam Braithwaite STR

**Proposed Use:** SHORT TERM RENTAL

**Address:** 1936 Cedar Bench Drive South Weber UT, 84405

Along with compliance to all applicable state and city code, the conditional use for the above applicant at the property listed and the use proposed has been approved by the **Planning Commission on (August 8, 2019)** with the following conditions:

- 1- Comply with ALL portions of ORD 19-12: Regulations pertaining to Short-Term or Vacation Rentals.
- 2- Maximum of 12 Occupants
- 3- Maximum of 4 Vehicles
- 4- Conditional Use Permit Review Yearly

**Note:** City Staff shall have the right to inspect and enforce conditions. Any non-compliance will be subject to cancellation of this permit. Any requests for change must be made in writing and approved by the Planning Commission in a public meeting.

**Applicant:** Adam Braithwaite Owner STR

**Planning Commission:** Rob Osborne, Chair

**Fire Department: Approval:**

**Code Enforcement: Approval:**

**Attest:** Kimberli Guill, Development Coordinator

1. All tenants must use off street parking
2. Maximum of 18 occupants
3. Annual Conditional Use Permit Review

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

David Larson, City Manager, reminded those in attendance that the conditional use permit is not the business license. He said there are still a few steps that need to be reviewed for the business license for this property.

**Action on Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050):** The proposed use for this property is a short-term rental. The total acreage is .29. The hours of operation are 24 hours Sunday through Saturday. There are 5 bedrooms. There are 7 smoke detectors, 2 carbon monoxide detectors, and 2 fire extinguishers.

**Carol Braithwaite, 1936 Cedar Bench Drive,** said she is representing her son who has been deployed. She said the maximum occupancy is 14. She said the fire marshal suggested 12 occupants. She estimated an average of 8 occupants. She explained there is a two-car garage. She understands they have had complaints with parking. She has two three ring binders for occupants to read concerning the guidelines. She said they have 5 bedrooms. Chris said Mrs. Braithwaite has been very receptive to his phone calls. Commissioner Osborne suggested a maximum of 12 occupants with 4 parking stalls.

**Commissioner Walton moved to approve the Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050) subject to the following conditions:**

1. Maximum of 12 occupants
2. Annual Conditional Use Permit Review
3. Maximum of 4 vehicles

**Commissioner Johnson seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.**

General Plan Update:

David Larson, City Manager, explained the Planning Commission has been reviewing the general plan and is now getting ready to present it on-line for public comment. This should take place around 1 September 2019. Public comment will be received throughout September to October 11, 2019. Open Houses will be held October 2<sup>nd</sup> & 3<sup>rd</sup>. Hopefully, the City Council will be able to review it by November.

Barry Burton, City Planner, addressed the moderate-income housing section. The State has mandated that cities have a moderate-income housing plan for the last ten years. He explained that each year the State would query the city to see if we had a plan and we would send them a copy of it. Because of legislation that was passed this year, the city needs to adopt a new

**ORDINANCE 19-12**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING  
SOUTH WEBER CITY CODE CHAPTER 10.18 ENACTING  
REGULATIONS PERTAINING TO SHORT-TERM OR VACATION  
RENTALS**

**WHEREAS**, the South Weber City Council has a responsibility to preserve and protect the health, safety and welfare of its inhabitants, the family and other community values; and

**WHEREAS**, nationwide, statewide and local short-term and vacation rental applications have risen significantly; and

**WHEREAS**, the Council finds and determines that an ordinance is necessary to allow short-term or vacation rentals in the City limits under reasonable standards designed to regulate the industry to ensure the community's values and the citizen's health, safety and welfare are not compromised;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Chapter adopted.** Chapter 10.18 of the South Weber City Code is hereby adopted to read as follows:

**CHAPTER 10-18. SHORT-TERM OR VACATION RENTALS**

**10-18-1 Purposes**

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence.

**10-18-2 Definitions**

As used in this chapter:

- A. **SHORT-TERM or VACATION RENTAL** means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than 30 consecutive days as an alternative to a hotel or motel.

ORD. 19-12 Short-Term or Vacation Rentals

- B. RESPONSIBLE PARTY means the owners and local representatives of the short-term or vacation rental property.
- C. OCCUPANTS mean the persons renting or residing in a short-term or vacation rental dwelling unit.
- D. PETS mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

**10-18-3 Conditional Use Permits Required**

- A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.
- B. Application for Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:
  - 1. the owner's daytime and evening phone contact numbers and email address;
  - 2. a designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;
  - 3. the number of off-street parking stalls available for occupants;
  - 4. a checklist showing compliance with the other requirements of this chapter; and
  - 5. the application fee established in the Consolidated Fee Schedule.
- C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.
- D. As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:
  - 1. register the business with the State of Utah and obtain a Utah State Sales Tax identification number;
  - 2. apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and

ORD. 19-12 Short-Term or Vacation Rentals

3. ensure that no more than one short-term or vacation rental agreement per dwelling unit is in use at any one time.

**10-18-4 Tax**

Each short-term or vacation rental owner shall collect and remit sales, resort, and transient room taxes to the Utah State Tax Commission.

**10-18-5 Noise and Occupancy**

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

- A. occupants and their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- B. occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between 10 p.m. and 7 a.m.;
- C. occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- D. occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- E. the rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

**10-18-6 Parking**

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights.

**10-18-7 Camping**

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall be allowed for short-term or vacation rentals under the conditional use permit, except those

ORD. 19-12 Short-Term or Vacation Rentals

located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation.

**10-18-8 Pets**

Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

**10-18-9 Signage**

Information shall be displayed in the interior of the dwelling unit listing 24 hours seven days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed.

**10-18-10 Maintenance and Standards**

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

- A. Structures shall be properly maintained and kept in good repair.
- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.
- C. Each habitable space shall meet current building codes for size, egress, and be equipped with smoke and carbon monoxide detectors.
- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
- E. A fire extinguisher shall be accessible.
- F. A fire exiting route plan shall be posted.
- G. An annual inspection shall be conducted by the fire marshal to ensure compliance with fire safety provisions. *and occupancy requirements.*

ORD. 19-12 Short-Term or Vacation Rentals

**10-18-11 Complaints and Violations**

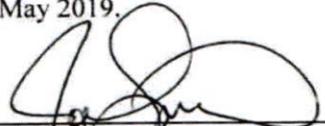
- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.
- B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.
- C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.
- D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.
- E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.
- F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:
  - 1. the permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
  - 2. the permittee engaged in a pattern of unlawful activity; or
  - 3. the permittee violated state law or local ordinances.
- G. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the justice court.

**Section 2. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

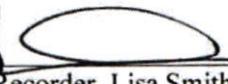
**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

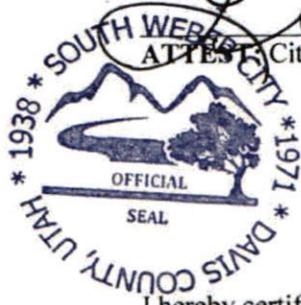
ORD. 19-12 Short-Term or Vacation Rentals

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 14<sup>th</sup> day of May 2019.

  
MAYOR: Jo Sjoblom

Roll call vote is as follows:		
Council Member Halverson	<input checked="" type="radio"/> FOR	AGAINST
Council Member Hyer	<input checked="" type="radio"/> FOR	AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	AGAINST
Council Member Taylor	<input checked="" type="radio"/> FOR	AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	AGAINST

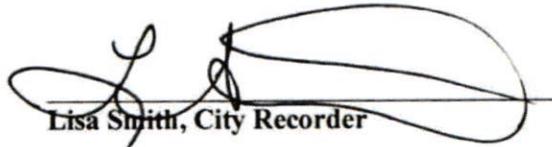
  
ATTEST City Recorder, Lisa Smith

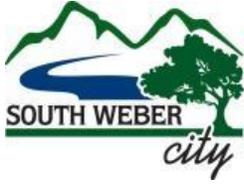


**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 19-12 was passed and adopted the 14th day of May 2019 and that complete copies of the ordinance were posted in the following locations within the City this 15<sup>th</sup> day of May 2019.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

  
Lisa Smith, City Recorder



**Planning Commission Meeting Date:** November 12, 2020

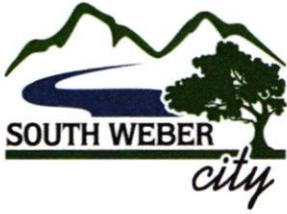
**Name:** Kimberli Guill

**Agenda Items:** 6

**Background:** When the Short Term Rental Conditional Use Permit was approved one of the conditions given that it would be reviewed after 1 year to verify no major problems and that they have kept to the conditions set forth in the STR CUP.

**Summary:** Short Term Rental CUP 19-02 Review for Misti & Francesco Lopez

**Attachments:** Short Term Rental Approved/Signed CUP 19-02 w/ PC Minutes for STR CUP



1600 E. South Weber Drive  
South Weber, UT 84405

www.southwebercity.com

801-479-3177  
FAX 801-479-0066

## Short Term Rental Conditional Use Permit # STR 19-02

**Applicant:** Lopez Retreat

**Proposed Use:** SHORT TERM RENTAL

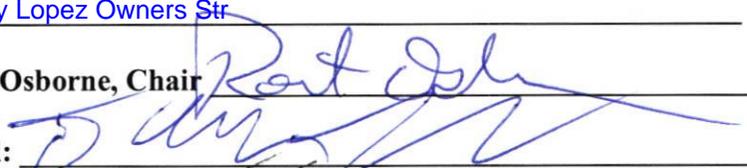
**Address:** 1191 E Canyon Drive South Weber UT, 84405

Along with compliance to all applicable state and city code, the conditional use for the above applicant at the property listed and the use proposed has been approved by the **Planning Commission on (August 8, 2019)** with the following conditions:

- 1- Comply with ALL portions of ORD 19-12: Regulations pertaining to Short-Term or Vacation Rentals.
- 2- Maximum of 18 Occupants
- 3- Conditional Use Permit Review Yearly

**Note:** City Staff shall have the right to inspect and enforce conditions. Any non-compliance will be subject to cancellation of this permit. Any requests for change must be made in writing and approved by the Planning Commission in a public meeting.

**Applicant:** Francisco & Misty Lopez Owners Str

**Planning Commission:** Rob Osborne, Chair 

**Fire Department: Approval:** \_\_\_\_\_

**Code Enforcement: Approval:** \_\_\_\_\_

**Attest:** Kimberli Guill, Development Coordinator 

DECLARATION OF CONFLICT OF INTEREST: (None)

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

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

Lopez Retreat Short Term Rental Conditional Use Permit at 1191 E Canyon Drive, Parcel (13-297-0119): This application is for a conditional use permit at 1191 E. Canyon Drive for a short-term rental. The total acreage is .33. Hours of operation is 24 hours. There are 6 bedrooms and 7 parking stalls. Commissioner Osborne asked if there was any public comment. There was none.

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

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

Misti & Francesco Lopez, 1191 E. Canyon Drive, approached the Planning Commission. Misti explained they have been operating a short-term rental in their home for a few years and she appreciates the opportunity to now be able to submit taxes to South Weber City. She has grown up in South Weber City. She said the majority of rentals are for approximately 15 guests. She said they come for funerals, weddings, Hill Air Force Base, attractions, etc. She hasn't had any issues with those who stay in her home. Misti reported most of the rentals are in the summertime or holidays, but they rent year-round. Her family is not in the home while it is being rented. She explained they have 6 bedrooms and 7 beds. She said they have accommodations for 15 people. Commissioner Grubb discussed keeping this rental with a residential feel. He feels a maximum of 15 people is acceptable. Misti explained they have a three-car garage and enough parking for 7 stalls. Chris Tremea, City Code Enforcer, mentioned the city has not received any complaints with this short-term rental. Commissioner Grubb feels a maximum of 18 occupants would be acceptable. It was stated there should be an annual review of the conditional use permit. Commissioner Johnson commented that his home is located down the street from this home, and he doesn't notice there is even a short-term rental.

Commissioner Grubb moved to approve the Lopez Retreat Short Term Rental Conditional Use Permit at 1191 E Canyon Drive, Parcel (13-297-0119) subject to the following conditions:

- 1. Limit of 18 occupants per day
- 2. Annual conditional use permit review

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

**ORDINANCE 19-12**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING  
SOUTH WEBER CITY CODE CHAPTER 10.18 ENACTING  
REGULATIONS PERTAINING TO SHORT-TERM OR VACATION  
RENTALS**

**WHEREAS**, the South Weber City Council has a responsibility to preserve and protect the health, safety and welfare of its inhabitants, the family and other community values; and

**WHEREAS**, nationwide, statewide and local short-term and vacation rental applications have risen significantly; and

**WHEREAS**, the Council finds and determines that an ordinance is necessary to allow short-term or vacation rentals in the City limits under reasonable standards designed to regulate the industry to ensure the community's values and the citizen's health, safety and welfare are not compromised;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Chapter adopted.** Chapter 10.18 of the South Weber City Code is hereby adopted to read as follows:

**CHAPTER 10-18. SHORT-TERM OR VACATION RENTALS**

**10-18-1 Purposes**

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence.

**10-18-2 Definitions**

As used in this chapter:

- A. **SHORT-TERM or VACATION RENTAL** means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than 30 consecutive days as an alternative to a hotel or motel.

ORD. 19-12 Short-Term or Vacation Rentals

- B. RESPONSIBLE PARTY means the owners and local representatives of the short-term or vacation rental property.
- C. OCCUPANTS mean the persons renting or residing in a short-term or vacation rental dwelling unit.
- D. PETS mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

**10-18-3 Conditional Use Permits Required**

- A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.
- B. Application for Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:
  - 1. the owner's daytime and evening phone contact numbers and email address;
  - 2. a designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;
  - 3. the number of off-street parking stalls available for occupants;
  - 4. a checklist showing compliance with the other requirements of this chapter; and
  - 5. the application fee established in the Consolidated Fee Schedule.
- C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.
- D. As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:
  - 1. register the business with the State of Utah and obtain a Utah State Sales Tax identification number;
  - 2. apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and

ORD. 19-12 Short-Term or Vacation Rentals

3. ensure that no more than one short-term or vacation rental agreement per dwelling unit is in use at any one time.

**10-18-4 Tax**

Each short-term or vacation rental owner shall collect and remit sales, resort, and transient room taxes to the Utah State Tax Commission.

**10-18-5 Noise and Occupancy**

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

- A. occupants and their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- B. occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between 10 p.m. and 7 a.m.;
- C. occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- D. occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- E. the rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

**10-18-6 Parking**

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights.

**10-18-7 Camping**

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall be allowed for short-term or vacation rentals under the conditional use permit, except those

ORD. 19-12 Short-Term or Vacation Rentals

located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation.

**10-18-8 Pets**

Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

**10-18-9 Signage**

Information shall be displayed in the interior of the dwelling unit listing 24 hours seven days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed.

**10-18-10 Maintenance and Standards**

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

- A. Structures shall be properly maintained and kept in good repair.
- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.
- C. Each habitable space shall meet current building codes for size, egress, and be equipped with smoke and carbon monoxide detectors.
- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
- E. A fire extinguisher shall be accessible.
- F. A fire exiting route plan shall be posted.
- G. An annual inspection shall be conducted by the fire marshal to ensure compliance with fire safety provisions. *and occupancy requirements.*

ORD. 19-12 Short-Term or Vacation Rentals

**10-18-11 Complaints and Violations**

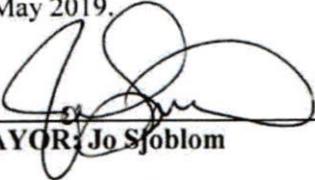
- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.
- B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.
- C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.
- D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.
- E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.
- F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:
  - 1. the permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
  - 2. the permittee engaged in a pattern of unlawful activity; or
  - 3. the permittee violated state law or local ordinances.
- G. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the justice court.

**Section 2. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

ORD. 19-12 Short-Term or Vacation Rentals

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 14<sup>th</sup> day of May 2019.

  
MAYOR Jo Sjoblom

Roll call vote is as follows:		
Council Member Halverson	<input checked="" type="radio"/> FOR	AGAINST
Council Member Hyer	<input checked="" type="radio"/> FOR	AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	AGAINST
Council Member Taylor	<input checked="" type="radio"/> FOR	AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	AGAINST

  
City Recorder, Lisa Smith

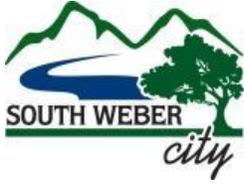


**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 19-12 was passed and adopted the 14th day of May 2019 and that complete copies of the ordinance were posted in the following locations within the City this 15<sup>th</sup> day of May 2019.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

  
Lisa Smith, City Recorder



**Planning Commission Meeting Date:** November 12, 2020

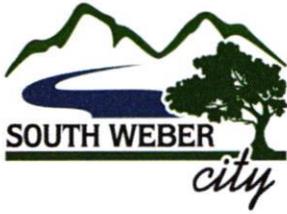
**Name:** Kimberli Guill

**Agenda Items:** 7

**Background:** When the Short Term Rental Conditional Use Permit was approved one of the conditions given that it would be reviewed after 1 year to verify no major problems and that they have kept to the conditions set forth in the STR CUP.

**Summary:** Short Term Rental CUP 19-04 Review for Russell East

**Attachments:** Short Term Rental Approved/Signed CUP 19-04 w/ PC Minutes for STR CUP



1600 E. South Weber Drive  
South Weber, UT 84405

www.southwebercity.com

801-479-3177  
FAX 801-479-0066

## Short Term Rental Conditional Use Permit # STR 19-04

**Applicant:** Russell East LLC STR

**Proposed Use:** SHORT TERM RENTAL

**Address:** 1143 E Canyon Drive South Weber UT, 84405

Along with compliance to all applicable state and city code, the conditional use for the above applicant at the property listed and the use proposed has been approved by the Planning Commission on (September 12, 2019) with the following conditions:

- 1- Comply with ALL portions of ORD 19-12: Regulations pertaining to Short-Term or Vacation Rentals.
- 2- Background Check of All Applicants
- 3- ALL Tenants MUST use off street Parking
- 4- Maximum of 9 Occupants
- 5- Conditional Use Permit Review Yearly

**Note:** City Staff shall have the right to inspect and enforce conditions. Any non-compliance will be subject to cancellation of this permit. Any requests for change must be made in writing and approved by the Planning Commission in a public meeting.

**Applicant:** Russell East Owner STR

**Planning Commission: Rob Osborne, Chair**

**Fire Department: Approval:**

**Code Enforcement: Approval:**

**Attest: Kimberli Guill, Development Coordinator**

Chris Tremea, Code Enforcer, has met with the East family about the property. He has reviewed parking regulations and safety for the home. He said they have met all requirements. He hasn't received any complaints on this property.

**Jacqui Layton, 8017 S. Cedar Court**, is concerned about who these short-term rentals are being rented too. Chris stated he has met with Jacqui concerning who is renting the short-term rental by her home.

**Commissioner Johnson** moved to close the public hearing for **Short Term Rental: Russell East LLC: 1143 E Canyon Drive (Parcel: 13-299-0131)**. **Commissioner Grubb** seconded the motion. **Commissioners Grubb, Pitts, Osborne, Johnson, and Walton** voted aye. The motion carried.

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

Commissioner Osborne asked how many people at a time come. Russell stated 7 to 8 adults with average of 3 to 4 children. Commissioner Osborne said parking should be off street without blocking the sidewalk. Mrs. East said VRBO has a website that information is communicated through them and those who rent. She said they have rented to several families.

Discussion took place concerning who responds to a suspicious person. Chris said he contacts Davis County Sheriff's Department. Commissioner Grubb asked about the anticipated number of customers. Russell said he doesn't want to go over 9 totals. Chris suggested no off-street parking. Mrs. East asked about background checks for military. Council member Halverson discussed requirements that need to be posted in the home for contact information etc. Commissioner Walton asked if the ordinance is being explained clearly from the city staff. Councilman Halverson said David Larson is putting together a list of expectations and requirements. Kim stated that is included with the conditional use permit.

**Commissioner Pitts** moved to approve **Short Term Rental: Russell East LLC: 1143 E Canyon Drive (Parcel: 13-299-0131)** subject to the following:

1. **Number of occupants not to exceed nine.**
2. **Annual Review**
3. **Only off street parking**
4. **Background check for those renting facility**

Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Osborne, Johnson, and Walton voted aye. The motion carried.

#### PLANNING COMMISSION ITEMS:

**Commissioner Grubb:** Reviewed the schedule for the general plan. He wants to make sure the Planning Commission has something to work with for the mixed use.

**ORDINANCE 19-12**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING  
SOUTH WEBER CITY CODE CHAPTER 10.18 ENACTING  
REGULATIONS PERTAINING TO SHORT-TERM OR VACATION  
RENTALS**

**WHEREAS**, the South Weber City Council has a responsibility to preserve and protect the health, safety and welfare of its inhabitants, the family and other community values; and

**WHEREAS**, nationwide, statewide and local short-term and vacation rental applications have risen significantly; and

**WHEREAS**, the Council finds and determines that an ordinance is necessary to allow short-term or vacation rentals in the City limits under reasonable standards designed to regulate the industry to ensure the community's values and the citizen's health, safety and welfare are not compromised;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Chapter adopted.** Chapter 10.18 of the South Weber City Code is hereby adopted to read as follows:

**CHAPTER 10-18. SHORT-TERM OR VACATION RENTALS**

**10-18-1 Purposes**

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence.

**10-18-2 Definitions**

As used in this chapter:

- A. **SHORT-TERM or VACATION RENTAL** means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than 30 consecutive days as an alternative to a hotel or motel.

ORD. 19-12 Short-Term or Vacation Rentals

- B. RESPONSIBLE PARTY means the owners and local representatives of the short-term or vacation rental property.
- C. OCCUPANTS mean the persons renting or residing in a short-term or vacation rental dwelling unit.
- D. PETS mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

**10-18-3 Conditional Use Permits Required**

- A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.
- B. Application for Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:
  - 1. the owner's daytime and evening phone contact numbers and email address;
  - 2. a designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;
  - 3. the number of off-street parking stalls available for occupants;
  - 4. a checklist showing compliance with the other requirements of this chapter; and
  - 5. the application fee established in the Consolidated Fee Schedule.
- C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.
- D. As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:
  - 1. register the business with the State of Utah and obtain a Utah State Sales Tax identification number;
  - 2. apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and

ORD. 19-12 Short-Term or Vacation Rentals

3. ensure that no more than one short-term or vacation rental agreement per dwelling unit is in use at any one time.

**10-18-4 Tax**

Each short-term or vacation rental owner shall collect and remit sales, resort, and transient room taxes to the Utah State Tax Commission.

**10-18-5 Noise and Occupancy**

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

- A. occupants and their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;
- B. occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between 10 p.m. and 7 a.m.;
- C. occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;
- D. occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- E. the rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

**10-18-6 Parking**

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights.

**10-18-7 Camping**

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall be allowed for short-term or vacation rentals under the conditional use permit, except those

ORD. 19-12 Short-Term or Vacation Rentals

located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation.

**10-18-8 Pets**

Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

**10-18-9 Signage**

Information shall be displayed in the interior of the dwelling unit listing 24 hours seven days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed.

**10-18-10 Maintenance and Standards**

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

- A. Structures shall be properly maintained and kept in good repair.
- B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.
- C. Each habitable space shall meet current building codes for size, egress, and be equipped with smoke and carbon monoxide detectors.
- D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.
- E. A fire extinguisher shall be accessible.
- F. A fire exiting route plan shall be posted.
- G. An annual inspection shall be conducted by the fire marshal to ensure compliance with fire safety provisions. *and occupancy requirements.*

ORD. 19-12 Short-Term or Vacation Rentals

**10-18-11 Complaints and Violations**

- A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.
- B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.
- C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.
- D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.
- E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.
- F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:
  - 1. the permittee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;
  - 2. the permittee engaged in a pattern of unlawful activity; or
  - 3. the permittee violated state law or local ordinances.
- G. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the justice court.

**Section 2. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

ORD. 19-12 Short-Term or Vacation Rentals

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 14<sup>th</sup> day of May 2019.

  
MAYOR Jo Sjoblom

Roll call vote is as follows:		
Council Member Halverson	<input checked="" type="radio"/> FOR	AGAINST
Council Member Hyer	<input checked="" type="radio"/> FOR	AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	AGAINST
Council Member Taylor	<input checked="" type="radio"/> FOR	AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	AGAINST

  
City Recorder, Lisa Smith

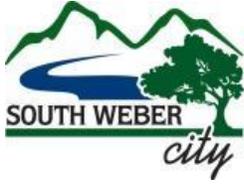


**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 19-12 was passed and adopted the 14th day of May 2019 and that complete copies of the ordinance were posted in the following locations within the City this 15<sup>th</sup> day of May 2019.

- 1. South Weber Elementary, 1285 E. Lester Drive
- 2. South Weber Family Activity Center, 1181 E. Lester Drive
- 3. South Weber City Building, 1600 E. South Weber Drive

  
Lisa Smith, City Recorder



**Planning Commission Meeting Date:** November 12, 2020

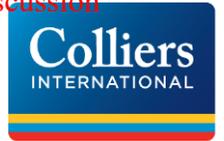
**Name:** Kimberli Guill

**Agenda Item:** 8

**Background:** These developers have come to the city a few times in the past with a concept on this same property. They are now able to move forward with the design and are requesting input/feedback from the Planning Commission & City Council for direction on this project. They will be going before the City Council as well to give them the opportunity to give their feedback.

**Summary:** Discussion on South Weber Gateway Concept

**Attachments:** Project Summary  
Concept Design



November 5<sup>th</sup>, 2020

Dear South Weber City Staff, Commissioners and Council Members,

Project intro:

The Poll Family has engaged Colliers International to aid in working with South Weber City and the Builder towards a successful mixed use development, The South Weber Gateway. You will find a revised plan, dated 11/05/2020 in the file name. This concept plan shows several changes we have made. Many, at the advice from our last DRC meeting with the city. We have lowered the overall count of residential units, added more parking spaces, added more green and community gathering spaces, and added very realistic commercial space for the community. We have also kept our commitment to providing a public trail system to connect residents from on top of the hill to the commercial, gym and school areas below.

Lastly, we have made major efforts to pre-lease retail units in the development and to commit the builder to building more than 10,000SF of commercial space right away. We are proud to announce at least one of our interested business, “The Scoop”. We are currently negotiating a deal to bring this Aggie Ice Cream and BYU Creamery shop to our development. “The Scoop” and another food establishment we are working with plan to occupy a very unique building connected by a bridge with shared rooftop seating! We are also working with national franchises to bring a gym to the development for the use of all new residents at South Weber Gateway and the greater South Weber Community.

Feel free to reach out to me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sky Hazlehurst".

Sky Hazlehurst  
Vice President – Retail & Land  
Office Phone: 801- 947- 8300  
Cell Phone: 801-837-2020  
[Sky.hazlehurst@colliers.com](mailto:Sky.hazlehurst@colliers.com)



Elevation of Actual Building with bridge connecting rooftop seating.

15,830 SF of "Class A" Retail Property Provided as Part of This Development

Developer will commit to Building 10,830 SF of Retail/Commercial Space Congruently with the Residential Phases of the Project

5,000 - 10,000 SF Grocery, Pharmacy, Retail, Office. FINAL PAD RETAINED UNTIL WE FIND THE USER

### Storm Runoff Calculations

South Weber Gateway  
11/3/2020

The following runoff calculations are based on the Rainfall - Intensity - Duration Frequency Curve for the South Weber area from the South Weber City Standards, using a 100 year storm for detention. Storm water runoff has been calculated for a fully developed site and limited to a release rate of 0.1 cfs/acre. LID retention for the site has been included in the calculations.

The calculations are as follows:

**Drainage Area:**  
 Total Area = 11.64 acre or 507,182 ft<sup>2</sup>  
 Paved Area 193,860 C = 0.9  
 Landscaped Area 216,296 C = 0.2  
 Roof 97,057 C = 0.9  
 Weighted Runoff Coefficient C = 0.60

**LID Retention**  
 80<sup>th</sup> Percentile Rainfall Event 0.55 in  
 Is the site Feasible for LID? Yes  
 LID Retention Volume 23,246 c.f.

**Rainfall Intensities:**  
 100-yr intensity for a 60 minute TOC - Pipe Capacity 1.89 in/hr

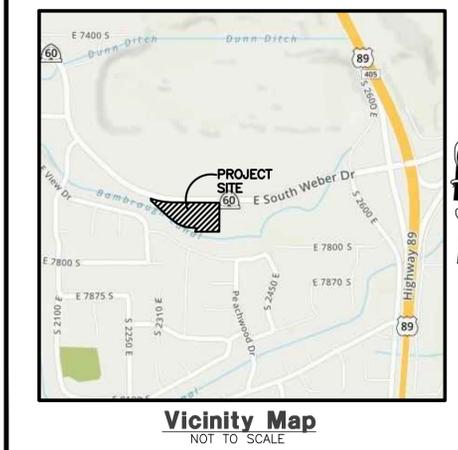
**Peak Run-off:**  
 Runoff Coefficient C = 0.60  
 Rainfall Intensity i = 1.89 IN./HR.  
 Acreage A = 11.64 ACRES  
 Q = 13.24 cfs

**Volume of Run-off for 100-year Storm Event:**  
 C = 0.60  
 I = See Below in/hr  
 A = 507182.32 ft<sup>2</sup>  
 Q(out) = 1.16 ft<sup>3</sup>/s (0.1 cfs per acre)

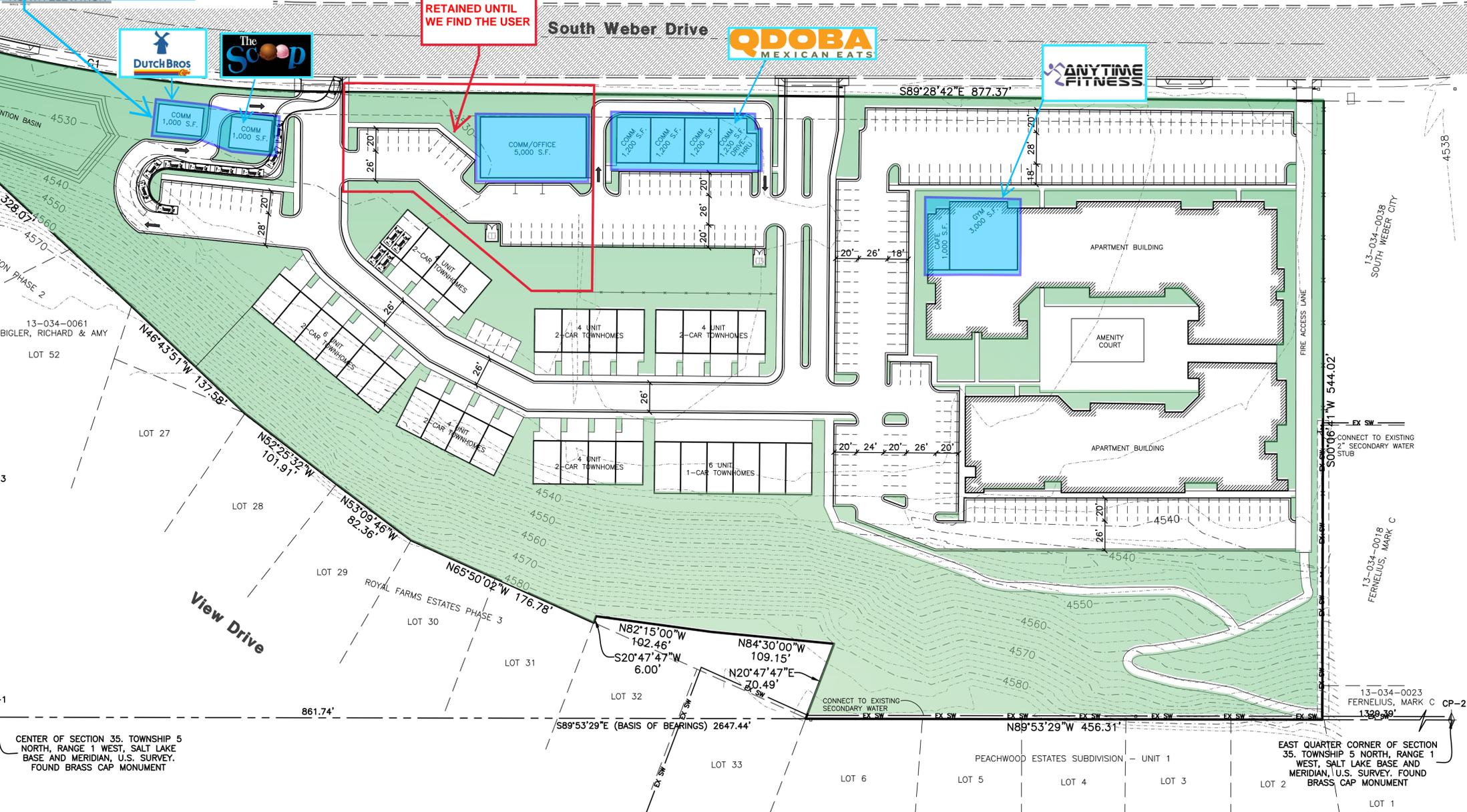
time (min)	time (sec)	i (in./hr.)	Q (cfs)	Vol. in (cf)	Vol. out (cf)	Difference (cf)
0	0	0.00	0.00	0	0	0
5	300	7.21	59.92	15275	349	14926
10	600	5.48	38.70	23220	699	22521
15	900	4.53	31.99	28792	1048	27744
30	1800	3.05	21.54	38770	2096	36675
60	3600	1.89	13.35	48050	4192	43858
120	7200	1.08	7.83	54914	8386	46531
180	10800	0.74	5.22	56363	12575	43788
360	21600	0.41	2.89	62388	25150	37239
720	43200	0.25	1.77	76575	50299	26276
1440	86400	0.14	0.99	85422	100598	-15176

**Orifice Sizing**  
 Given: Q = 1.16 cfs  
 Zg = 64.4 ft/s<sup>2</sup>  
 H = 3.00 ft  
 Cd = 0.62 for circular openings  
 R = SORT(Q/pi)/(0.7\*(64.4H)<sup>0.5</sup>)  
 R = 0.21 feet  
 D = 2.49 inches  
 A = 4.98 inches  
 A = 19.47 inches<sup>2</sup> 0.1352 ft<sup>2</sup>

**SUMMARY:**  
 The required LID Retention volume is 23,246 cubic feet  
 The required 100-yr storage volume is 46,531 cubic feet  
 Orifice size is 5.0 inches



Vicinity Map  
NOT TO SCALE



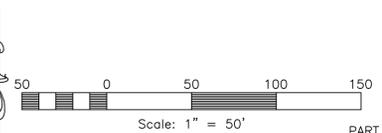
CENTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. FOUND BRASS CAP MONUMENT

### Curve Table

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
1	1355.32'	423.56'	421.84'	213.52'	S80°31'31"E	17°54'21"

### Site Control

POINT	DESCRIPTION	NORTHING	EASTING	ELEVATION
CP-1	BCM	3569617.07	1524623.23	4579.94'
CP-2	BCM	3569612.05	1527270.66	4571.58
CP-3	CURB PIN	3569826.32	1524752.66	4573.92'



NOTE:  
ALL ON-SITE LANDSCAPE AND PARKING AREAS TO BE OPERATED AND MAINTAINED BY THE PRIVATE HOME OWNERS ASSOCIATION.

### As Surveyed Description

PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:  
 BEGINNING AT A POINT, SAID POINT BEING S89°53'29"E 861.74 FEET FROM THE CENTER OF SAID SECTION 35; THENCE N20°47'47"E 70.49 FEET; THENCE N84°30'00"W 109.15 FEET; THENCE N82°15'00"W 102.46 FEET; THENCE S20°47'47"W 6.00 FEET TO THE NORTHERLY LINE OF ROYAL FARMS ESTATES PHASE 3; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) COURSES: (1) N65°50'02"W 176.78 FEET; (2) N53°09'46"W 82.36 FEET; AND (3) N52°25'32"W 101.91 FEET; THENCE N46°43'51"W 137.58 FEET TO THE NORTHERLY LINE OF CEDAR BLUFFS SUBDIVISION PHASE 2; THENCE N47°12'09"W ALONG SAID NORTHERLY LINE, 328.07 FEET; THENCE N00°09'16"E 34.93 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SOUTH WEBER DRIVE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 1355.32 FEET, AN ARC LENGTH OF 423.56 FEET, A DELTA ANGLE OF 17°54'21", A CHORD BEARING OF S80°31'31"E, A RADIAL BEARING OF N18°25'39"E, AND A CHORD LENGTH OF 421.84 FEET; AND (2) S89°28'42"E 877.37 FEET; THENCE S00°06'41"W 544.02 FEET TO THE NORTHERLY LINE OF PEACHWOOD ESTATES SUBDIVISION - UNIT 1; THENCE N89°53'29"W ALONG SAID NORTHERLY LINE, 456.31 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 507,182 SQUARE FEET OR 11.643 ACRES MORE OR LESS

### Site Information

APN# 13-034-0060  
2310 EAST SOUTH WEBER DRIVE  
SOUTH WEBER, DAVIS COUNTY, UTAH

TOTAL PARCEL AREA.....507,182 s.f./11.6 acres  
 TOWNHOME UNITS.....32  
 TOWNHOME UNIT AREA.....26,583 S.F.  
 COMMERCIAL BUILDINGS.....4  
 COMMERCIAL BUILDING AREA.....15,490 S.F.  
 APARTMENT UNITS.....150  
 APARTMENT BUILDING AREA.....54,984 S.F.  
 PARKING STALLS PROVIDED.....499  
 COMMERCIAL.....64  
 APARTMENTS.....178  
 TOWNHOMES.....121

### Developer Contact:

Chris Clifford  
Matrix Capital Advisors  
2715 Swasant Way  
Holladay, UT., 84117  
PH: (801) 550-9090



### Project Contact:

Project Manager: Nate Reeve, P.E.  
Project Engineer: Nate Reeve, P.E.  
Reeve & Associates, Inc.  
801-621-3100

# Reeve & Associates, Inc.

5160 SOUTH 1500 WEST, RIVERDALE, UTAH 84405  
TEL: (801) 621-1000 FAX: (801) 621-2666 www.reeve-assoc.com  
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS  
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

REVISIONS	DESCRIPTION	DATE

## South Weber Gateway

SOUTH WEBER CITY, DAVIS COUNTY, UTAH

# Preliminary Plan

REGISTERED PROFESSIONAL ENGINEER  
375328  
J. NATE REEVE  
STATE OF UTAH

### Project Info.

Engineer: J. NATE REEVE, P.E.  
 Drafter: R. HANSEN  
 Begin Date: FEBRUARY 19, 2019  
 Name: SOUTH WEBER GATEWAY SKETCH PLAN  
 Number: 7089-01

Sheet 1 of 1  
1 Sheets