

CC 2024-10-22 CI Wendt

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**From:** Ashley Wendt

**Sent:** Tuesday, October 22, 2024 12:55 PM

**To:** Rod Westbroek <rwestbroek@southwebercity.com>; Gary Boatright Jr. <gboatright@southwebercity.com>; Marty Mcfadden <mmcfadden@southwebercity.com>; Chris Roberts <croberts@southwebercity.com>; Chad Skola <cskola@southwebercity.com>; Julie Losee <jlosee@southwebercity.com>; David J. Larson <dlarson@southwebercity.com>; Blair Halverson <bhalverson@southwebercity.com>; Angie Petty <apetty@southwebercity.com>; Joel Dills <jdills@southwebercity.com>; Jeremy Davis <jdavis@southwebercity.com>; Wayne Winsor <wwinsor@southwebercity.com>

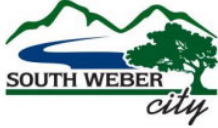
**Cc:** Thaddeus Wendt

**Subject:** Regarding: Conditional Use Approval for General RV Inventory Lot at approximately 108 E. South Weber Drive

Dave, Council and Planning Commission,

I am writing regarding the Conditional Use permit that has been approved by the Planning Commission and now appears to be on the agenda for tonight's City Council meeting. I am frustrated yet again to have to send an email to the city regarding this property. The landowners adjacent to this property have brought up quite a few concerns regarding this property. I was made aware last minute that the Planning Commission was reviewing the Conditional Use Permit for the land adjacent to our property on October 10th. I, myself was able to arrive late and hear the tail end of the discussion and subsequent denial and then approval of the permit. Only from that meeting when someone present mentioned it being on the October 22nd City Council meeting did I know to watch for it on the agenda tonight. Myself and the other residents located adjacent to this property have not been given any written notice of the Conditional Use application that is clearly stated on the application. I have pulled a snippet from the

application on the website just now.



## **CONDITONAL USE INFORMATION**

(For full Ordinance See City Ordinance 10.07)

**PROCEDURE:** Any person seeking a conditional use permit shall apply to the Planning Commission no later than 3 weeks prior to the meeting. The City will send written notice of the application to the residents and/or property owners within 300 feet of the applicant's property.

We have various concerns regarding the property. I do see the developer has addressed some on the Agenda for tonight but still nothing concerning the slope of the land mentioned in Phase 2. We feel it is not appropriate for the Permit to be approved without a clear plan for Phase 2. I noticed an addendum was just added for tonight to indemnify SWLLC from any harm that the canal remodel had on the property and if it affects any adjacent property. The homeowners directly to the East of the Phase 2 property are rightfully quite worried about drainage and height of the property in relation to their property. If we indemnify the potential new buyer who will be responsible for this? The city, the canal, Nillson homes?

At the end of the Planning Commission meeting one of the city council members mentioned coming out to the property, walking it with us so we could express our concerns on the slope and he could bring our concerns and first hand visual insight of the property to the Council. We have reached out to him and as of today have not received a response. The plans submitted by SWLLC don't factor in the slope grade from the Canal being closed in.

We are especially concerned with the section of Code related to Conditional Use Permits, 10-7-4 regarding standards and conditions in Section B; 1

B. Safety of persons and property:

1. **Flooding:** Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.

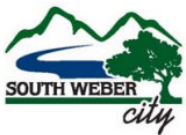
and Section D; 1, 3, and 9

D. Environment:

1. **Sensitive Areas:** Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.

3. **Erosion: The prevention of soil erosion.**
9. **Natural Conditions:** Measures designed to protect the natural features of the site, including wetlands and drainage ways, around water protection, wildlife habitat, historic and archeological site protection, and other natural site features.

We do not feel that the existing plans explain how these are going to be handled by the development in Phase 2. We are respectfully requesting this to be moved to a future meeting and also kicked back to the Planning Commission due to the failure of not having proper notice given in writing to the adjacent landowners. If written notice was given more adjacent landowners would have made themselves available to attend the meetings. I am sending this email now because I felt something needed to be sent to the Planning Commission and City Council in this rushed time period but I do recognize I have 30 days to file a formal appeal according to the below code.



**SOUTH WEBER CITY**

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(801) 479-3177 FAX: (801) 479-0066  
www.southwebercity.com

**APPEAL APPLICATION**

**APPEAL:** Utah Code 10-9a-703 and South Weber City Code 10-4-3 provide for any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance to appeal that decision within 30 days of the decision to the appeal authority. South Weber City Code 10-4-2 grants an appeal authority the power to hear and decide appeals from administrative decisions applying the land use ordinance. (Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the appeal authority.)

Thank you,

Homeowners affected by the Conditional Use Permit that I have spoken with so far that have approved me to add them to this letter.

David and Sarah Randall-79 Harper Way  
Mike and Darcie Whaley-98 Harper Way  
Mike Cox and Sarah Davis-95 Harper Way  
Dustin and Toshia Hansen-103 Harper Way  
Chad and Misty Hawks- 110 Harper Way  
Robert and Robin Ahrenstorff- 117 Harper Way  
Thaddeus and Ashley Wendt-129 Harper Way

Dan and Karen Klenda-137 Harper Way  
Larry and Kathy Williams- 6381 Raymond Drive

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Ashley Wendt  
Human Resource Manager  
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