

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 9 November 2023

TIME COMMENCED: 6:00 p.m.

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

PRESENT:

COMMISSIONERS:

**Gary Boatright (via electronically)
Jeremy Davis
Julie Losee
Marty McFadden
Chad Skola**

CITY ENGINEER:

Brandon Jones

COMMUNITY SERVICE DIRECTOR: Trevor Cahoon

BUILDING MANAGER:

Kimberli Guill

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Rod Westbroek, Michael Grant, Kathy Williams, Peyton Lee, Jason Johnson, Cami Wall, Jonathan Wall, Steve Anderson, Preston Lasater, Kimberlee Johnson, and Monte Byram.

WORK SESSION OPEN

1. Discussion on External Accessory Dwelling Units (EADU)

Community Service Director Trevor Cahoon explained the Code Committee thoroughly examined the current Internal Accessory Dwelling Unit (IADU) provisions and identified the need to encompass regulations for External Accessory Dwelling Unit) EADUs. This evolution aligns with the city's recently updated Moderate Income Housing Plan, which emphasized the inception of an EADU ordinance. The plan's intention is clear: facilitate residents in constructing additional dwelling units. As community members, it is crucial to be aware of these proposed changes and actively participate in the ordinance review process, ensuring the city's housing strategies cater to the broader needs of its residents.

Discussion took place regarding whether EADU's should be a conditional use and allowed in which zones Agriculture, Residential Low, Residential Low Moderate, and Residential Moderate. It was stated because of the setback requirements it may be difficult in the Residential Moderate Zone. Commissioner Losee favored EADU's being a conditional use. She added given the current housing market EADU's will increase.

Trevor explained a business license and building permit will be required for an EADU. These structures are detached from the primary residence but remain within the boundaries of the same parcel. He then reviewed the permitted limitations for EADU's and added a single-family home with an EADU shall be the primary or principal place of residence of the property owner. No EADU can be rented to more than one family unit. It can be an existing detached accessory building or new construction and is allowed in approved zones. Recreational vehicles shall not be considered an EADU. The permissible size for these units fluctuates between 400 to 1,250 square feet. For properties to qualify for EADU development, they should span a minimum of .25 acres. The height of the EADU shall not exceed the height measurement of the primary building located on the same parcel. Parking shall meet the requirements of Chapter 8. It is imperative that the design, construction materials, and overall aesthetics of EADUs echo that of the primary dwelling.

2. Discussion on Title 10 Conditional Use

The Code Committee reviewed and considered the proposed Conditional Use Code, which aims to provide a comprehensive framework for the administration and regulation of conditional use permits in South Weber City. The new code has been drafted to align with the goals and objectives of the city's 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 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.

Mr. Cahoon queried if the Planning Commission wants to include the Articles in the new ordinance. The purpose of the articles is to help dictate which conditions to directly apply to specific uses. With the updated code being more effective at providing direct tools for the creation of conditions it may be appropriate to eliminate some or all the identified articles.

Mr. Cahoon recommended the articles which dictate twin homes and two-family dwellings be included in the individual zones. This will dictate which zones those uses are found and how they can be applied to each zone. Planned Unit Developments has always been a tricky section to implement, upon review staff recommended creating an overlay zone that a landowner would need to apply for specifically to get the density bonus rather than be provided as a conditional use to apply for.

Commissioner Davis queried if there should be a limit to the number of EADU's allowed in the city. City Engineer Brandon Jones discussed ways to calculate the number of parcels that would even qualify for an EADU. Commissioner McFadden discussed the possibility of limiting the number of EADU's may increase the overall demand. Commissioner Davis voiced concern if the city can maintain infrastructure with the increase is residents living in EADU's.

Commissioner Losee moved to adjourn and reconvene the Planning Commission meeting at 6:51 pm. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, and McFadden voted aye. Commissioner Skola abstained. The motion carried.

Commissioner Losee moved to adjourn the work session and convene into the Planning Commission meeting at 6:51 p.m. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

POLICY OPEN

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

3. Pledge of Allegiance: Commissioner Boatright

4. 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).

5. Approval of Consent Agenda

- **12 October 2023 Minutes**

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

ACTION ITEMS

6. Public Hearing & Action on Preliminary Plat, Improvement Plans & Rezone for South Bench Meadows Subdivision Parcel# 13-030-0009, approx. 2.169 acres located at 7494 South 1025 East by Applicant: Jon Wall: Trevor Cahoon announced the agenda had the wrong address and it has since been corrected to 7494 South 1025 East. The current zoning is Agricultural, and the rezone request is for Residential-Moderate which is consistent with the city’s general plan. This development is utilizing private rights-of-way (ROW) and will have a temporary turn around that will be dedicated until the roadway is constructed to the west. The road included is a continuation of South Bench Drive. The placement of the lots is sufficient and comply with the area requirements of 9000 sq ft minimum. The current density calculations are 1.76 units per acre which meets city code.

Commissioner Losee moved to open the public hearing for Preliminary Plat, Improvement Plans & Rezone for South Bench Meadows Subdivision Parcel# 13-030-0009, approx. 2.169 acres located at 7494 South 1025 East by Applicant: Jon Wall. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Monte Byram of South Weber City and representing his dad's LLC next to this property requested a 6 ft. chain link fence bordering agricultural land. He also is an operation supervisor for Davis/Weber Canal Company and requested a 6 ft. chain link fence. He noted the plat shows an irrigation line and if it is going to be abandoned that the developer cap off the canal.

Commissioner Losee moved to close the public hearing for Preliminary Plat, Improvement Plans & Rezone for South Bench Meadows Subdivision Parcel# 13-030-0009, approx. 2.169 acres located at 7494 South 1025 East by Applicant: Jon Wall. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Developer Jon Wall is okay with 6 ft. chain link between the agricultural property, but he does not favor a 6 ft. chain link fence along Lot 5 as he will be occupying this lot. City Engineer Brandon Jones relayed the city code requires a minimum of a 6 ft. chain link fence and added the fence should not be a rail fence but a barrier fence.

Mr. Jones announced there will be no retention on site but there will be a fee in lieu to utilize the additional capacity which is \$8,100 and will be the responsibility of the developer. Commissioner Losee discussed the area is in a sensitive land area and recommended buyers should do their due diligence.

Commissioner McFadden moved to approve the Preliminary Plat, Improvement Plans & recommend the rezone for South Bench Meadows Subdivision Parcel# 13-030-0009, approx. 2.169 acres located at approx.7494 South 1025 East by Applicant: Jon Wall. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

7. Final Plat (12 lots) for Riverwood Subdivision Phase 2 Parcel# 13-005-0038 located at approx. 75 W South Weber Dr. by Applicant: Nilson Homes: Community Services Director Trevor Cahoon explained all improvements have been reviewed in phase 1. He added South Weber Irrigation Company does not have the necessary water shares so the developer will need to purchase shares from South Weber Irrigation Company private shareholders. The staff recommended securing the water shares prior to the recordation of the plat.

Engineering Review:

1. Dedication of the ROW for the extension and connection of Harper Way will be the responsibility of the city and executed by amending the Public Works Subdivision plat. This is being managed as part of the public works facility project.
2. The easements for the Weber Basin Water Conservancy District transmission line, and the Central Weber Sewer Improvement District outfall line that run along the I-84 ROW are included and have been approved by these entities.

3. There is an Open Space parcel being provided as a part of Phase 2. The detention basin, utility lines, and a public trail area being in this parcel. The trail connects to Harper Way and goes behind Lots 201-208.
4. The Riverdale Bench Canal is being relocated and piped. Most of this relocation lies within Phase 2. A recent Supreme Court ruling related to what constitutes a regulated facility by the Army Corps of Engineers seems to indicate that the Riverdale Bench Canal may not be a regulated facility. However, the city cannot make this determination. Therefore, it is the developer's responsibility to determine if a permit from the Army Corps of Engineers is required, and if so, apply for and receive the permit.
5. If additional shares are needed from the South Weber Irrigation Company for the lots in Phase 2, they must be acquired before a building permit can be issued.

Steve Anderson representing the developer understands the water share requirements and acknowledged they are currently in the process of obtaining them.

Commissioner Losee moved to recommend approval of the Final Plat (12 lots) for Riverwood Subdivision Phase 2 Parcel# 13-005-0038 located at approx. 75 W South Weber Dr. by Applicant: Nilson Homes with the condition the developer will obtain the additional required number of water shares prior to recordation of the plat. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

8. Public Hearing & Action on Plat Amendment for Public Works Subdivision 1st Amendment Parcel# 13-358-0002 located at approx. 104 E South Weber Dr by Applicant: South Weber City: Community Service Director Trevor Cahoon announced Kingston Drive is a secondary egress so there is not anticipation of trailers going through 6650 South. There will be an access easement for the secondary parcel to access the public works lot. The entrance will be graded into the subdivision. It was suggested General RV be made aware of using the entrance from South Weber Drive verses 6650 South. Mr. Cahoon noted there is a small portion of city owned property that needs to be included on parcel A.

Commissioner Losee moved to open the public hearing for the Plat Amendment for Public Works Subdivision 1st Amendment Parcel# 13-358-0002 located at approx. 104 E South Weber Dr by Applicant: South Weber City. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Kathy William of South Weber City expressed safety concerns as 6650 South is a narrow road and queried if the city is planning to widen the road for trailers. She questioned if the State is planning to widen South Weber Drive with a turning lane. She opined the posse grounds would be a better location.

Commissioner Skola moved to close the public hearing for the Plat Amendment for Public Works Subdivision 1st Amendment Parcel# 13-358-0002 located at approx. 104 E South Weber Dr by Applicant: South Weber City. Commissioner McFadden seconded the

motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner Losee moved to recommend for approval the Plat Amendment for Public Works Subdivision 1st Amendment Parcel# 13-358-0002 located at approx. 104 E South Weber Dr by Applicant: South Weber City with the following addition of a small portion of city owned property that needs to be included on parcel A. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

9. Public Hearing & Action on Title 10 Chapter 19: Accessory Dwelling Units Amendments

The Code Committee, having thoroughly examined the current IADU provisions, has identified the need to encompass regulations for EADUs. This evolution aligns with the city's recently updated Moderate Income Housing Plan, which emphasized the inception of an EADU ordinance. The plan's intention is clear: facilitate residents in constructing additional dwelling units. As community members, it is crucial to be aware of these proposed changes and actively participate in the ordinance review process, ensuring the city's housing strategies cater to the broader needs of its residents.

Regarding External Accessory Dwelling Units, these structures are detached from the primary residence but remain within the boundaries of the same parcel. The permissible size for these units fluctuates between 400 to 1,250 square feet. For properties to qualify for EADU development, they should span a minimum of .25 acres. It is imperative that the design, construction materials, and overall aesthetics of EADUs echo that of the primary dwelling. The city ordinance precludes the categorization of recreational vehicles as EADUs, and compliance with utility and height directives is necessary.

Commissioner McFadden moved to open the public hearing for Title 10 Chapter 19: Accessory Dwelling Units Amendments. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

(No Public Comment)

Commissioner Losee moved to close the public hearing for Title 10 Chapter 19: Accessory Dwelling Units Amendments. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner McFadden moved to recommend to the City Council the amendments for Title 10 Chapter 19: Accessory Dwelling Units recommend a cap on EADU's based on analysis from the City Engineer and affects to the city infrastructure. Commissioner Losee

seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

10. Public Hearing & Action on Title 10 Chapter 7: Conditional Use Permit Amendments

Commissioner Losee moved to open the public hearing for Title 10 Chapter 7: Conditional Use Permit Amendments. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

(No Public Comment)

Commissioner Losee moved to close the public hearing for Title 10 Chapter 7: Conditional Use Permit Amendments. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner McFadden moved to recommend approval for Title 10 Chapter 7: Conditional Use Permit Amendments with the adjustment the Planning Commission be the approval body for the residential and commercial conditional use permits. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

Mr. Cahoon complimented the Code Committee and Planning Commission for all their work on this item. Commissioner Boatright queried what other cities have done. Mr. Cahoon replied cities are holding back conditional uses because they are administrative, but there are cities that have moved to straight staff conditional use permits which is not being requested here. The Code Committee recommended keeping commercial conditional use permits with the City Council. Commissioner Davis recommended conditional use permits remain with the Planning Commission.

REPORTS

6. New Business

Planning Commission Vacancy: The application deadline for Planning Commission Vacancy ends on November 12th at 5:00 p.m.

7. Commission & Staff

Commissioner Davis: thanked all the members of the Code Committee with their review of city code amendments.

Community Services Director Trevor Cahoon:

8. ADJOURN: Commissioner Losee moved to adjourn the Planning Commission meeting at 8:07 p.m. Commissioner Skola 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