

**SOUTH WEBER CITY**  
**CITY COUNCIL & PLANNING COMMISSION**  
**WORK MEETING AGENDA**

PUBLIC NOTICE is hereby given that the City Council and Planning Commission of SOUTH WEBER,  
Davis County, Utah, will meet in a PUBLIC WORK MEETING on  
**TUESDAY, 02 NOVEMBER 2010**  
in the City Planning Room, 1600 E South Weber Dr, South Weber, UT

***The Public Work Meeting is held for discussion purposes only.  
Any items requiring action by Resolution or Ordinance will be placed on the agenda of a  
Regular Public Meeting or Public Hearing for deliberation and action as required.***

**PUBLIC WORK MEETING**



**5:30 P.M. DISCUSSION: ORDINANCE 10-08 ADOPTING AMENDED GENERAL PLAN AND ANNEXATION POLICY PLAN** (*Ordinance 10-08 was tabled by the City Council at a public hearing held on 14 Sep 2010*)

**6:15 P.M. REVIEW OF UPCOMING AGENDA ITEMS**

- *Ordinance 10-09: An Ordinance Amending Title 10 Zoning Regulations, Chapter 1 General Provisions, Section 10 Definitions Adding "Owner Occupied Two Family Dwelling" and Amending Chapter 7 Conditional Uses Adding "Article L. Owner Occupied Two Family Dwellings"*
- *Resolution 10-41: Authorizing Continued Conditional Use For Forestdale Investments/Burbidge Concrete Pumping At 7636 South Cornia Drive*

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY  
HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED OR POSTED TO:

CITY OFFICE BUILDING  
CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com)  
UT PUBLIC NOTICE WEBSITE [www.utah.gov/pmn](http://www.utah.gov/pmn)  
THOSE LISTED ON THE AGENDA

FAMILY ACTIVITY CENTER  
SOUTH WEBER ELEMENTARY SCHOOL  
EACH MEMBER OF GOVERNING BODY

DAVIS COUNTY CLIPPER  
STANDARD-EXAMINER  
SALT LAKE TRIBUNE  
DESERET NEWS

**DATE: October 28, 2010**

**CITY RECORDER: Erika J. Ahlstrom**

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY ERIKA AHLSTROM, 1600 EAST SOUTH WEBER DRIVE, SOUTH WEBER, UTAH 84405 (479-3177).

Agenda times are approximate and may be moved in order, sequence and time to meet the needs of the Council.

# South Weber City Council

## Staff Backup Report

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Date of City Council Meeting: **09 Nov 2010 (Public Hearing)**

Title: **Ordinance 10-09: An Ordinance Amending Title 10 Zoning Regulations, Chapter 1 General Provisions, Section 10 Definitions Adding “Owner Occupied Two Family Dwelling” and Amending Chapter 7 Conditional Uses Adding “Article L. Owner Occupied Two Family Dwellings”**

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### **RECOMMENDATION**

Approve Ordinance 10-09.

### **BACKGROUND**

On April 22, 2010, the Planning Commission recommended an ordinance amending zoning to permit two family dwellings in the residential moderate, residential low moderate and agricultural zones. On June 22, 2010, the City Council held another public hearing at which time they moved to table the approval until more research and information could be provided and some conditions set. Staff has researched several other cities' ordinances and compiled a list of conditions for a two family dwelling.

On August 26, 2010 the Planning Commission held discussion session regarding the proposed ordinance. On September 23, 2010, a public hearing was held and the ordinance was recommended for approval.

### **ATTACHMENTS**

- September 23, 2010 Planning Commission minutes
- August 26, 2010 Planning Commission minutes
- April 22, 2010 Planning Commission minutes
- June 22, 2010 City Council minutes
- Ordinance 10-09

## **ORDINANCE 10-09**

### **AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 1 GENERAL PROVISIONS, SECTION 10 DEFINITIONS ADDING “OWNER OCCUPIED TWO FAMILY DWELLING” AND AMENDING CHAPTER 7 CONDITIONAL USES ADDING “ARTICLE L. OWNER OCCUPIED TWO FAMILY DWELLINGS”**

**WHEREAS**, the South Weber City Council established Title 10 Zoning Regulations, Chapter 7 Conditional Uses to allow the proper integration into the city uses which may be suitable only in certain locations in the city zoning district, or only if such uses are designed or laid out in the site in a particular manner; and

**WHEREAS**, in order to further promote proper integration, it is necessary to establish guidelines for two family dwellings; and

**WHEREAS**, the South Weber City Planning Commission held a public hearing on September 23, 2010, and has made a favorable recommendation of this amendment to the South Weber City Council; and

**WHEREAS**, the South Weber City Council held a public hearing on November 9, 2010, and has reviewed the amendments and recommendations made by the Planning Commission;

**NOW THEREFORE BE IT ORDAINED**, by the Legislative Body of South Weber City as follows:

**SECTION 1:** The South Weber City Code shall be amended as follows:

**SECTION 2:** South Weber City Code, Title 10, Chapter 1, Section 10, shall be amended as follows:

#### **Add “Owner Occupied Two Family Dwelling” to Definitions**

**Owner Occupied Two Family Dwelling:** A single family dwelling that is occupied by the owner and a tenant renting a portion of the home. This is not considered to be the same as a multi-family dwelling.

**SECTION 3:** South Weber City Code, Title 10, Chapter 7, shall be amended as follows:

#### **Add Article L to Title 10, Chapter 7**

#### **ARTICLE L. OWNER OCCUPIED TWO FAMILY DWELLINGS**

**10-7L-1 SCOPE:** Two-family dwellings are allowed as an alternative to single-family detached dwellings as a conditional use permitted by zoning regulations.

**10-7L-2 CONDITIONS REQUIRED:**

- A. There shall be no exterior evidence of change in building to indicate the extra family, except as may be required by the building code.
- B. After conversion the area shall have not less than two (2) rooms, exclusive of bathroom and public halls, to each dwelling unit.
- C. Stairways leading to the second or any other floor shall be located within the walls of the building.
- D. There shall be no structural change in the exterior of the dwelling unit other than to provide desirable means of egress from dwelling units.
- E. Each unit shall include proper cooking facilities.
- F. Each separate entrance shall be clearly marked as required by the Fire Department.
- G. There shall be a minimum of two dedicated parking spaces per dwelling unit. Parking shall be either in the garage and driveway or in an alternate location such as a side yard cement pad. A site plan showing parking shall accompany the conditional use permit application.
- H. A building permit shall be required for any structural changes.

**10-7L-3: BUSINESS LICENSE REQUIRED:**

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

**SECTION 4:** This ordinance shall take effect upon posting.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, this **9<sup>th</sup>** day of **November, 2010.**

**ATTEST:**

\_\_\_\_\_  
**MAYOR: Jeffrey G. Monroe**

\_\_\_\_\_  
**Erika J. Ahlstrom, City Recorder**

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for the City of South Weber, hereby certify that *Ordinance 10-09: An Ordinance Amending Title 10 Zoning Regulations, Chapter 1 General Provisions, Section 10 Definitions Adding “Owner Occupied Two Family Dwelling” and Amending Chapter 7 Conditional Uses Adding “Article L. Owner Occupied Two Family Dwellings”* was passed and adopted the 9th day of November, 2010, and certify that copies of the foregoing Ordinance 10-09 were posted in the following locations within the municipality this \_\_\_\_ day of \_\_\_\_\_, 2010.

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
4. South Weber City website [www.southwebercity.com](http://www.southwebercity.com)

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**Erika J. Ahlstrom, City Recorder**

# SOUTH WEBER PLANNING COMMISSION MEETING

**DATE OF MEETING:** 23 September 2010

**TIME COMMENCED:** 6:36 p.m.

**PRESENT: COMMISSIONERS:**

Delene Hyde (Excused)  
Tim Grubb  
Mark Perkins  
Rorie Stott  
Rod Westbroek

**DEPUTY CITY RECORDER:**

Emily Thomas (Excused)

**CITY PLANNER:**

Scott Hess

**TRANSCRIBER:**

Michelle Clark

**VISITORS:** Rex Bouchard, Jeff Breese, Randall Vickers, Chad Bessinger, LeRoy Kapp, Mike Poll, Lou Ann Ray, Harold Mahany, and Doug Ray.

Commissioner Stott excused Commissioner Hyde from tonight's meeting.

**APPROVAL OF THE AGENDA:** Commissioner Grubb moved to approve tonight's agenda as amended with the removal of the 26 August 2010 minutes due to lack of a quorum. Commissioner Westbroek seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.

**APPROVAL OF 8 JULY 2010 PLANNING COMMISSION MEETING MINTUES:** Commissioner Grubb moved to approve the minutes of 8 July 2010 Planning Commission Meeting as written. Commissioner Perkins seconded the motion. Commissioners Westbroek, Grubb, and Perkins voted yes. Commissioner Stott abstained. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** The Planning Commission did not report any conflict of interest.

Commissioner Westbroek moved to open the public hearing for Ordinance #10-09. Commissioner Grubb seconded the motion. Commissioners Hyde, Stott, and Westbroek voted yes. The motion carried.

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

**ORDINANCE #10-09: AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 1 GENERAL PROVISIONS, SECTION 10 DEFINITIONS ADD "OWNER OCCUPIED TWO FAMILY DWELLING" & AMEND CHAPTER 7 CONDITIONAL USES ADD "ARTCLE L OWNER**

**OCCUPIED TWO FAMILY DWELLINGS”:** Scott Hess, City Planner, stated on April 22, 2010, the Planning Commission recommended an ordinance amending zoning to permit two family dwellings in the residential moderate, residential low moderate and agricultural zones. On June 22, 2010, the City Council held another public hearing at which time they moved to table the approval until more research and information could be provided and some conditions set. Staff has researched several other cities’ ordinances and compiled a list of conditions for a two family dwelling.

Scott Hess, City Planner, read the requirements for the ordinance which reads as follows:

- A. There shall be no exterior evidence of change in building to indicate the extra family, except as may be required by the building code.
- B. After conversion the area shall have not less than two (2) rooms, exclusive of bathroom and public halls to each dwelling unit.
- C. Stairways leading to the second or any other floor shall be located within the walls of the building.
- D. There shall be no structural change in the exterior of the dwelling unit other than to provide desirable means of egress from dwelling units.
- E. Each unit shall include proper cooking facilities.
- F. Each separate entrance shall be clearly marked as required by the Fire Department.
- G. There shall be a minimum of two dedicated parking spaces per dwelling unit. Parking shall be either in the garage and driveway or in an alternate location such as a side yard cement pad. A site plan showing parking shall accompany the conditional use permit application.
- H. A building permit shall be required for any structural changes.

Scott stated a conditional use permit is required in addition to and before a business license for the rental unit is issued.

Commissioner Stott asked for any public comment. There was none.

**Commissioner Grubb moved to close the public hearing for Ordinance #10-09. Commissioner Westbrook seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

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

**Commissioner Grubb moved to approve Ordinance #10-09 - an ordinance amending Title 10 Zoning regulations Chapter 1 General Provisions, Section 10 Definitions, add “Owner Occupied Two Family Dwelling” and amend Chapter 7 Conditional Uses, add Article L Owner Occupied Two Family Dwellings. Commissioner Perkins seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

**Commissioner Westbrook moved to open the public hearing for preliminary application. Commissioner Grubb seconded the motion. Commissioners Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

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

**PRELIMINARY APPLICATION, COTTONWOOD COVE SUBDIVISION (30 LOTS), LOCATED AT APPROXIMATELY 1200 E 7250 S, DEVELOPED BY HENRY WALKER LAND LLC:** Scott Hess, City Planner, stated in May 2008, the Planning

# SOUTH WEBER PLANNING COMMISSION MEETING

**DATE OF MEETING:** 26 August 2010

**TIME COMMENCED:** 6:31 p.m.

**PRESENT: COMMISSIONERS:**

Delene Hyde  
Rorie Stott  
Rod Westbroek

**EXCUSED:**

Mark Perkins  
Tim Grubb

**DEPUTY RECORDER:**

Emily Thomas

**CITY PLANNER:**

Scott Hess

**TRANSCRIBER:**

Michelle Clark

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**VISITORS:** Beth Hess.

Commissioner Hyde excused Commissioner Perkins and Commissioner Grubb from tonight's meeting.

**APPROVAL OF THE AGENDA:** Commissioner Westbroek moved to approve tonight's agenda as written. Commissioner Stott seconded the motion. Commissioners Hyde, and Westbroek voted yes. The motion carried.

**APPROVAL OF 8 JULY 2010 PLANNING COMMISSION MEETING MINTUES:** Commissioner Stott moved to table the minutes of 8 July 2010 Planning Commission Meeting as written. Commissioner Westbroek seconded the motion. Commissioners Hyde, Stott, and Westbroek voted yes. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** The Planning Commission did not report any conflict of interest.

**DISCUSS ORDINANCE 10-09 AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS; CHAPTER 7 CONDITIONAL USE, ADD ARTICLE L, TWO FAMILY DWELLINGS:**

Emily stated on April 22, 2010, the Planning Commission recommended an ordinance amending zoning to permit two family dwellings in the residential moderate, residential low moderate and agricultural zones. On June 22, 2010, the City Council held another public hearing at which time they moved to table the approval until more research and information could be provided and some conditions set. Emily stated the City Council had the city staff research several other cities' ordinances and compiled a list of conditions for a two family dwelling. Scott Hess stated after



researching information there were conditions added to the drafted ordinance. They are as follows:

- A. There shall be no exterior evidence of change in building to indicate the extra family, except as may be required by the building code.
- B. After conversion the area shall have not less than two (2) rooms, exclusive of bathroom and public halls to each dwelling unit.
- C. Stairways leading to the second or any other floor shall be located within the walls of the building.
- D. There shall be no structural change in the exterior of the dwelling unit other than to provide desirable means of egress from dwelling units.
- E. Each unit shall include proper cooking facilities.
- F. Each separate entrance shall be clearly marked as required by the Fire Department.
- G. There shall be a minimum of two dedicated parking spaces per dwelling unit. Parking shall be either in the garage and driveway or in an alternate location such as a side yard cement pad.
- H. A building permit shall be required for any structural changes.

Scott suggested having a business license obtained with the conditional use permit.

Emily received comments from Fire Chief Graydon. She stated he wanted to know if the name could be changed from two-family dwelling to "partial home rental". Emily suggested defining a two-family dwelling in the city ordinance. The Planning Commission agreed.

Scott stated the requirement of the zone requires it to be owner occupied. The Planning Commission feels "owner occupied" should be added as item "I" in the ordinance.

Emily stated a public hearing will be held on September 23rd at which time a recommendation can be made to the City Council.

**RECOMMENDATION TO CITY COUNCIL REGARDING PARCEL #13-034-0044, COMMERCIAL ZONED PROPERTY OWNED BY**

**STAKER PARSONS:** During the last review of the Staker Parson Gravel Pit, the City Council asked that the Planning Commission provide a formal recommendation regarding the commercial property located along South Weber Drive near the HWY 89 interchange. This recommendation will affect the stopping point for mining of this pit.

Scott asked should the property remain as it is (a wide parcel) or should the property be stacked and be a deep parcel. Scott stated in his opinion having a wider parcel could possibly allow for a few street side businesses, while having a deeper parcel could possibly allow for a corner gas station with pumps in the rear or a corner office building. Either formation fits with the South Weber Drive Commercial Design Guidelines, it is just a matter of preference.

Emily stated when Staker Parsons was in attendance at the City Council, they stated Maverik requested the parcels stacked. Commissioner Hyde stated it is hard to know because we want commercial; therefore, she feels they should do whatever attracts businesses. Commissioner Stott feels it would be better off with a big piece in the front. Commissioner Westbrook feels the deeper parcel would have more attraction for a business. The Planning Commission feels it would be difficult to lose that length of commercial along the frontage.

# SOUTH WEBER PLANNING COMMISSION MEETING

**DATE OF MEETING:** 22 April 2010

**TIME COMMENCED:** 6:32 p.m.

**PRESENT: COMMISSIONERS:**

Delene Hyde  
Tim Grubb  
Rorie Stott  
Mark Perkins  
Rod Westbroek

**CITY MANAGER:**

Matt Dixon

**DEPUTY RECORDER:**

Emily Thomas (excused)

**CITY RECORDER:**

Erika Ahlstrom

**CITY PLANNER:**

Scott Hess

**TRANSCRIBER:**

Michelle Clark

A public work/discussion meeting was held at 6:00 p.m. to discuss agenda items, correspondence, and/or future agenda items.

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**VISITORS:** Emily Black, Arthello Cheney, Debi Waters, and Blayne Christensen.

**APPROVAL OF THE AGENDA:** Commissioner Grubb moved to approve tonight's agenda as written. Commissioner Westbroek seconded the motion. Commissioners Hyde, Grubb, Stott, Perkins, and Westbroek voted yes. The motion carried.

**APPROVAL OF 25 FEBRUARY 2010 PLANNING COMMISSION MEETING MINUTES:** Commissioner Westbroek moved to approve the meeting minutes of 25 February 2010 as amended. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, Perkins, and Westbroek voted yes. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** The Planning Commission did not report any conflict of interest.

Commissioner Westbroek moved to open the public hearing for Ordinance 10-06. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.

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

**Ordinance 10-06: An Ordinance Amending Title 10 Zoning Regulations, Chapter 5, Zoning Districts, Additions of Owner-Occupied Two-Family Dwellings as a Conditional Use in the**

**Residential Moderate Zone (10-5A-3), Residential Low Moderate Zone (10-5B-3), and the Agricultural Zone (10-5E-3):** Scott Hess, City Planner, stated currently, two family dwellings are only permitted as a conditional use in the Residential Low and Higher Density zones. This is much stricter than both the County and State Ordinances, which allow up to four non-related people to live in one dwelling and still be considered a “family”. Scott stated based on discussion of this ordinance it was decided it will be owner occupied.

By adding this to the city ordinance as a conditional use, we will increase the number of potential rentals and the number of potential business licenses. It will also provide an option to residents who previously were prohibited from renting a portion of their home due to zoning requirements.

**Blayne Christensen, 7752 S. 2300 E.,** stated he is concerned about the zoning. He feels the current zoning creates certain characteristics that are different from other cities. He feels the amendment is somewhat short sighted and he is in favor of keeping the ordinance “as is”.

**Arthello Cheney, 2279 View Drive,** stated he brought this up in February. The ordinance is in both Davis and Weber Counties as well as the State. He feels with the addition of adding owner occupy, he doesn’t see this making a big difference. He stated he will not be able to remain in his home unless this ordinance is amended. He was told before he came to the city by two different individuals who are renting their homes that I shouldn’t go to the city. He feels owner occupancy is an advantage.

Mr. Christensen stated he is a neighbor to Art. He stated this amendment will affect approximately 70% of the residents in South Weber City. He stated it will increase the density and traffic flow as well as the characteristics of the city.

**Commissioner Perkins moved to close the public hearing for Ordinance 10-06. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.**

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

Commissioner Stott stated this ordinance has been in place for high and low zones, but why not moderate? Scott stated he doesn’t know what the former intent was or if it was intentionally left out when the ordinance was written.

Commissioner Grubb feels with the use being owner occupied he doesn’t think it will impact the city or create a safety issue. He stated it is already established in certain zones and he feels this will add consistency to the zones. Commissioner Perkins feels there is far more risk by allowing single family rentals that are not owner occupied. Commissioner Grubb agreed. Commissioner Perkins stated this does give us some control.

**Commissioner Grubb moved to recommend approval of Ordinance 10-06 - An Ordinance Amending Title 10 Zoning Regulations, Chapter 5, Zoning Districts, Additions of Owner-Occupied Two-Family Dwellings as a Conditional Use in the Residential Moderate Zone (10-5A-3), Residential Low Moderate Zone (10-5B-3), and the Agricultural Zone (10-5E-3). Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbroek voted yes. The motion carried.**

# SOUTH WEBER CITY COUNCIL MEETING

**DATE OF MEETING:** 22 June 2010

**TIME COMMENCED:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE:** Councilmember Lusk

**PRAYER:** Councilmember Woodbury

**PRESENT: COUNCILMEMBERS:**

David Thomas (Mayor pro tem)

Sara Lusk

Farrell Poll

Michael Poff

David Thomas

Scott Woodbury

**CITY MANAGER:**

Matt Dixon

**CITY RECORDER:**

Erika Ahlstrom

**EXCUSED: MAYOR:**

Jeff Monroe

**Transcriber:** Minutes transcribed by Michelle Clark

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## 5:30 p.m. PUBLIC WORK MEETING: REVIEW WARRANT REGISTERS and REVIEW AND DISCUSS AGENDA ITEMS

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**VISITORS:** Casey Kap, Barbara Kap, Calvin Kap, Jan Ukena, Jeremy Davis, Cody Tak, Lindsey Mabry, Rob Osborne, Scott Peterson, Leslie Waters, Lynn Poll, Hans Carlsson, Keith Kendell, Keith Kap, Brent Petersen, Rob Tesch, Arthello Cheney, Ivan Ray, Bruce Crane, Teri Hill, Tom Graydon, Lynn Thomas, Barbara “B” Ball, Barbara Fisher.

Mayor pro tem Dave Thomas excused Mayor Monroe from tonight’s meeting.

**APPROVAL OF THE AGENDA:** Councilmember Woodbury moved to approve the agenda as amended to include the 6:40 p.m. agenda item (HAFB environmental update) and to delete Resolution 10-26 from the agenda. Councilmember Lusk seconded the motion. Councilmembers Lusk, Poff, Poll, Thomas, and Woodbury voted yes. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** There was no conflict of interest declared by any council member.

### CONSENT AGENDA:

◆ APPROVAL OF 8 JUNE 2010 COUNCIL MEETING MINUTES

◆ APPROVAL OF 15 JUNE 2010 WORK MEETING MINUTES

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

**ORDINANCE 10-05: AN ORDINANCE AMENDING TITLE 11 SUBDIVISION REGULATIONS, CHAPTER 4 IMPROVEMENT REQUIREMENTS, SECTIONS 2K CONDITIONAL ACCEPTANCE, 2L FINAL ACCEPTANCE, & SECTION 10 CURB, GUTTER, SIDEWALK & ASPHALT PAVING:** Matt stated in 2008 when this ordinance was last approved, there were a few items that were overlooked. Below is a list of the omitted areas and how each has been corrected:

- 1. Requirement of Curb, Gutter, and Sidewalk was omitted from the General Requirements Section (11-4-2); however, it was included in the Improvements Section (11-4-10). This has now been added to the General Requirements Section (11-4-2K-5).
- 2. Requirement of seal coating prior to final acceptance. The previous version allowed for the money for seal coating to remain in escrow and final acceptance permitted before the seal coat was complete. The requirement of completing this prior to final acceptance has been added to 11-4-2L & 11-4-10.

On April 22, 2010 the Planning Commission recommended the approval of this ordinance.

Councilmember Thomas asked for public comment. There was none.

**Councilmember Woodbury moved to close the public hearing for Ordinance 10-05. Councilmember Poll seconded the motion. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.**

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

**Councilmember Poll moved to approve Ordinance 10-05. Councilmember Woodbury seconded the motion. Erika called for the vote. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.**

**Councilmember Poll moved to open the public hearing for Ordinance 10-06. Councilmember Poff seconded the motion. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.**

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

**ORDINANCE 10-06: AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 5 ZONING DISTRICTS, ADDITIONS OF OWNER OCCUPIED TWO-FAMILY DWELLINGS AS A CONDITIONAL USE IN THE RESIDENTIAL MODERATE ZONE (10-5A-3), RESIDENTIAL LOW MODERATE ZONE (10-5B-3), AND AGRICULTURAL ZONE (10-5E-3):** Matt stated currently, two family dwellings are only permitted as a conditional use in the Residential Low and Higher Density zones. This ordinance would allow residents in all residential zones to rent out a portion of their home.

The planning commission determined it would be best for this type of use to be limited to “owner-occupied.”

Councilmember Thomas asked about the conditions. Matt stated they need to be separated by fire wall with separate entrance, parking availability, separate utilities. Councilmember Thomas stated state laws states you can have three non-related individuals.

**Art Cheney, 2279 E. View Drive**, he brought this up in February with the Planning Commission because his wife was ready to pass away and he doesn't need to live in a home at 2,700 sq. ft. by himself. He understands there are some individuals that are not in favor of this because of their concern that the city will turn into city full of dulexes. He stated being “owner occupied” would help eliminate this. He is currently receiving a paid retirement and if this doesn't happen he would probably turn his home back to a lending institution. He isn't sure what family he has at the present time who could live with him. He also asked about the possibility of a variance application. He desires that the council pass this ordinance. He stated there are a lot of places in South Weber that individuals rent out that aren't family members. He would like to have the option of family or non-relatives.

**Rob Osborne, 2317 View Drive**, stated he is opposed to changing this zoning. He appreciates the dilemma that Mr. Cheney faces but he believes the fair or Christian thing to do would be to rally around this individual verses changing public policy. He feels if there are several in the community already doing this, then the city needs to clamp down on them. He is concerned about changing ordinances to open the community up. His sister, Jan Ukena, has a letter (see attached) that she would like to make part of public record. Mr. Osborn read the letter to those in attendance.

Councilmember Woodbury commended Art Cheney for coming forward honestly and legally. Councilmember Woodbury asked about the variance brought up by Mr. Cheney? Councilmember Thomas stated that would go against the state statute.

**John Lusk, 2284 E. 7925 S.**, stated it is only one zone that is affected by this. He stated the Planning Commission voted in favor of this ordinance. He said individuals have property that is an asset to them. He feels this should be approved. He stated if it is “owner occupied” they are going to make sure the individuals are decent renters.

**Leslie Waters, 7981 S. 2175 E.**, feels this would be “opening a can of worms”. She said there are a lot of conditions that need to be met. She stated when the home owner moves then what happens. She is also concerned about who will enforce this. She worries about parking.

Mr. Cheney stated he was a dry wall contractor and a general contractor for many years. He has a building permit and has had property inspections from the building inspector. He has plenty of room for parking. The sheet rock is fire code. He has the required smoke detectors and electrical. He welcomes anyone to come look at it. He is open for anyone's ideas as to what to do.

Mr. Osborne asked Mr. Cheney if there is anything we can do as a community to help Mr. Cheney but doing it this way is not fair to everybody else in the city.

**Councilmember Lusk moved to close the public hearing for Ordinance 10-06. Councilmember Woodbury seconded the motion. Councilmembers Lusk, Poll, Poff, Thomas, and Woodbury voted yes. The motion carried.**

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

Councilmember Poff asked about the state statute requirement for relatives. Councilmember Thomas stated the owner can have three un-related individuals. He stated it comes from the definition of a single family household. Councilmember Lusk stated it is currently allowed in residential low and residential high as a conditional use.

Councilmember Poll is not in favor of turning the city into a city of twin home duplexes. He can't see the city is going to run another water meter and Utah Power will run another power line, etc. He said there would be another hook up fee through the city. He feels there are a lot of questions that need to be answered. Councilmember Thomas stated they can always abandon the conditional use. Councilmember Poll asked if you can make a condition that once home is sold the conditional use is expired. Councilmember Thomas stated the owner would have to abandon it. Councilmember Poll stated the city would have to tear up the road to put in an additional water line, etc. Councilmember Lusk stated are we going to allow someone to use their property if they go along with the city's conditional use requirements. She feels the conditional use benefits the city.

Matt displayed the current zoning map. He identified those areas that would be affected by this ordinance. Tom Graydon, Fire Chief, stated he is not going to state whether he is for this or against it, but if you are going to move forward then we need the exact conditions before us. He stated the difference between a duplex and a twin home. He stated there are individuals violating this in the city.

**Councilmember Poff moved to table Ordinance 10-06 to allow for more research. Councilmember Poll seconded the motion. Erika called for the vote.** Further discussion took place. Councilmember Lusk asked if this can be approved and conditions placed on an individual basis. Councilmember Thomas stated that could be an option. Matt stated he wouldn't recommend approving the ordinance until you know exactly what the conditions are and the requirements.

**Councilmembers Poll, Poff, Thomas, and Woodbury voted yes. Councilmember Lusk voted no. The motion carried 4 to 1.**

Matt asked the council what they would like from the city staff on this. Councilmember Thomas suggested putting together a list of conditions.

**HILL AFB ENVIRONMENTAL UPDATE – Barbara “B” Hall, Environmental Engineer**

B. Hall, representing Hill AFB and site manager for operable unit #1, she stated we are having an info fair tomorrow night at the Family Activity Center from 6 p.m. to 8 p.m. She stated tomorrow night they will illustrate a new image of what the plume looks like. There will also be a medical doctor in attendance to answer questions. B. then reviewed the map of operable unit #1 from 2006 and 2010. The maps show the estimated extent of shallow groundwater contamination from OU1 in South Weber. She encouraged the council to review the packet that was given to them. She stated there is evidence that this plume is getting smaller.

# South Weber City Council Meeting

## Staff Backup Report

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Date of City Council Meeting: **02 Nov 2010**

Title: **RES 10-41 Authorizing Continued Conditional Use for Forestdale Investments/Burbidge Concrete Pumping at 7636 S. Cornia Drive**

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### BACKGROUND

**July 9, 2009:** The Planning Commission reviewed the original conditional use permit issued to Seward Motor Freight and found the current use by Burbidge Concrete Pumping to be different than the original use the permit was issued for. Due to this and the lack of maintaining the required business license, the Planning Commission required the business to apply for a new conditional use permit within 60 days.

**October 8, 2009:** A conditional use application, signed by the property owner Vaughn Burbidge, was received; however, the application could not be approved because the use (found by the Planning Commission to be a "construction yard") was not permitted in the current Commercial Highway zoning as of 2008. Because the original conditional use was found to be null and void, the application fee was refunded in full and the business asked to vacate the premises or seek an appeal from the Board of Adjustment. A letter was sent to Mr. Burbidge on November 3, 2009 formally notifying him of this motion and instructions for how to appeal.

**December 9, 2009:** Application to Board of Adjustment for appeal was received.

**January 28, 2010:** Board of Adjustment Chair issued a "stay" of appeal.

**February 9, 2010:** Application 2010-02 received. The intention is to continue the existing use, which as stated in the application is for the dispatch of trucks all over the Wasatch Front.

**February 25, 2010:** The Planning Commission moved to **not recommend** this application for approval.

**March 16, 2010 Work Session:** The City Council discussed this issue with Mr. Burbidge's attorney James Ziter and the City Attorney Steve Noel. Mr. Ziter's opinion is that Burbidge Concrete Pumping is consistent with the city's permitted use of "gasoline and diesel service station" in the Commercial Highway zone.

After this work session, a closed executive session for the purpose of imminent litigation was held with the City Attorney Steve Noel, during which it was determined the City Council would deny the application, but would determine that they are a legal nonconforming use, fine them for not having a business license, and allow them to operate under the previous conditional use permit. Mr. Noel was directed to work with Mr. Ziter toward this end.

### CONCLUSION

City Attorney Steve Noel and Burbidge Attorney James Ziter worked together on a resolution to allow continued conditional use. Burbidge will be asked to pay business license fees and penalties from 2006-2010. Emily figured the total to be \$1,152.50.



**Erika Ahlstrom**

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**From:** Emily Thomas  
**Sent:** Tuesday, October 19, 2010 4:55 PM  
**To:** Erika Ahlstrom; Roger Worthen  
**Subject:** FW: Burbidge Fees  
**Follow Up Flag:** Follow up  
**Due By:** Wednesday, October 20, 2010 12:00 AM  
**Flag Status:** Red  
**Attachments:** Proposed Resolution (A0373897).DOC

This needs to go on the next City Council agenda.

*Emily Thomas*

Deputy City Recorder  
801-479-3177

[www.southwebercity.com](http://www.southwebercity.com)

[www.twitter.com/South\\_Weber\\_UT](http://www.twitter.com/South_Weber_UT)

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**From:** Steve Noel [mailto:snoel@smithknowles.com]  
**Sent:** Tuesday, October 19, 2010 1:32 PM  
**To:** Emily Thomas  
**Cc:** Matthew Dixon; ziterlaw@gmail.com  
**Subject:** RE: Burbidge Fees

Emily:

Attached is the resolution that Matt, James and I have worked on for some time now. It contains the necessary language to put this all to bed. James will forward a check for the fees/fines in the amount you provided to me earlier, along with a signed copy of the resolution showing his clients' dismissal of the appeal. Once the resolution is adopted by the council, we will be able to negotiate the check and the matter will be over, as I see it. If you have any questions, or if this is not consistent with your understanding of things, please let me know. Thanks for all your help on this. This email is being copied to Mr. Ziter. Emily, if you respond to it with any questions or concerns, please only reply to me. Thanks.

Stephen F. Noel

**Erika Ahlstrom**

---

**From:** Emily Thomas  
**Sent:** Tuesday, October 19, 2010 11:33 AM  
**To:** Steve Noel  
**Cc:** Erika Ahlstrom; Roger Worthen  
**Subject:** Burbidge Fees  
**Importance:** High  
**Attachments:** BL Ord.pdf; 2006 Fee Schedule.pdf; 2007 Fee Schedule.pdf; 2008 fee schedule.pdf

Hi Steve,

Attached you will find the fee schedule associated with each year that Burbidge operated without a business license 2006-current. (Note: Business License info can be found on the following pages of each: 2006 page 9, 2007 page 7, 2008 page 7, 2009 – no revision to BL fees, 2010 page 6.)

I have classified Burbidge the same from 2006-2009 (Service Station-Retail) as this was the closest classification for these years. In 2010, the classifications were all amended, reclassifying Burbidge as commercial.

I have also read through the City Code, past and current, and found that 3-1-4E Failure to Pay does not specify a fine amount for not having a license, but rather that a citation would be issued by Davis County Sherriff (attached). Due to this, I am not sure what the fee, if any, would be associated.

The business license fees due are calculated first with original amount, then if not paid by Feb 1, then we add 50%, and if still not paid by March 1, then we add 100% penalty. This equates to the following:

<b>Year</b>	<b>Original Fee</b>	<b>50% Penalty</b>	<b>100% Penalty</b>
2006	\$100	\$150	\$250
2007	\$100	\$150	\$250
2008	\$100	\$150	\$250
2009	\$100	\$150	\$250
2010	\$61	\$91.50	\$152.50

<b>Total Fees Due:</b>	<b>\$1152.50</b>
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Please let me know if you require additional information.

Thanks,

*Emily Thomas*

Deputy City Recorder  
801-479-3177

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[www.twitter.com/South\\_Weber\\_UT](http://www.twitter.com/South_Weber_UT)

BEFORE THE SOUTH WEBER CITY COUNCIL,  
IN AND FOR SOUTH WEBER CITY, STATE OF UTAH

\* \* \* \* \*

IN RE: Forestdale Investments, LLC

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**RESOLUTION 10-41  
AUTHORIZING CONTINUED  
CONDITIONAL USE**

\* \* \* \* \*

**BACKGROUND**

On or about August 1988, The South Weber City Council (the “City Council”), and the Mayor (then Rex Bouchard) approved a conditional use permit for Seward Truck Lines (“Seward”) to build and use the property located at 7636 South Cornia Drive, South Weber City, Utah 84405 (the “Property”) as a private truck service and repair facility (the “Conditional Use”), as memorialized in the minutes of that certain South Weber City Council Meeting dated August 8, 1988 (minutes attached).

Seward owned and occupied the Property until 2006 when it sold the Property to Forestdale Investments, LLC (“Forestdale”). Seward continued to lease and occupy the Property from the date of the 2006 sale until mid-2008. In 2006, Burbidge Concrete Pumping, LLC (“BCP”) shared the repair garage on the Property which it co-leased from Forestdale for the same basic use as Seward’s original Conditional Use. BCP has been the sole tenant of the Property since mid-2008.

The owner and tenant failed to obtain and maintain a business license. Accordingly, the Planning Commission determined that the conditional use had lapsed. As a result, BCP applied for a business license in 2009, which application was denied, pending approval of a new conditional use application requested by South Weber City’s Planning Commission (the “Planning Commission”). BCP submitted a conditional use application which the Planning Commission subsequently denied (the “Ruling”).

BCP and Forestdale timely appealed the Planning Commission Ruling before the South Weber City, Board of Adjustment (the “Board of Adjustment”) which appeal was stayed by the Board of Adjustment while the parties attempt to reach a resolution of the matter.

The matter was subsequently discussed during a City Council work meeting with the Mayor, City Council, Stephen Noel, attorney for South Weber City, James Ziter, attorney for Forestdale, and other South Weber City officials present.

The Mayor and City Council, as the result of the foregoing, and being otherwise informed on the matter finds as follows:

1. The Mayor and City Council have the authority to review, follow, or not follow, all recommendations of the Planning Commission.
2. The Mayor and City Council have the authority to determine the status of all conditional use permits inside South Weber City and to grant conditional uses inside South Weber City.
3. The Mayor and City Council have the authority to review and grant all business licenses inside South Weber City.

### **RESOLUTION**

1. **RESOLVED:** The Conditional Use originally granted to Seward is deemed to have not lapsed, and is current and in effect given the circumstances of this case and BCP’s payment of all necessary back charges and fees.
2. **RESOLVED:** BCP may obtain an appropriate business license from South Weber City, and continue to occupy, rent, and use the Property consistent with the Conditional Use.
3. **RESOLVED:** Forestdale may continue to lease, rent, and sell the Property with the Conditional Use not lapsed, current and in effect.
4. **RESOLVED:** Forestdale agrees to pay South Weber City all past and presently due licensing and permit fees, delinquent penalties, etc. associated with their operational use of the Property prior to execution of this Resolution.
5. **RESOLVED:** Forestdale understands its obligation to maintain an active business license with South Weber City for use of the Property in order for the Conditional Use to not expire.

### **APPROVAL AND RATIFICATION**

The Mayor, and South Weber City Council unanimously approve, confirm, and authorize in all respects the foregoing resolutions.

\_\_\_\_\_  
Jeff Monroe  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Poff  
City Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sara Lusk  
City Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Farrell D. Poll  
City Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
David L. Thomas  
City Council Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Scott E. Woodbury  
City Council Member

\_\_\_\_\_  
Date

**DISMISSAL OF APPEAL ACTION**

Effective this \_\_\_\_ day of \_\_\_\_\_, 2010, Forestdale Investments, LLC, and Burbidge Concrete Pumping, LLC hereby jointly dismiss the pending appeal before the South Weber City Board of Adjustment.

FORESTDALE INVESTMENTS, LLC

By \_\_\_\_\_  
Its \_\_\_\_\_

BURBIDGE CONCRETE PUMPING, LLC

By \_\_\_\_\_  
Its \_\_\_\_\_

SPECIAL

SOUTH WEBER CITY COUNCIL MEETING

DATE HELD: 8 August 1988

TIME COMMENCED: 4:30 P.M.

NOTE: This special meeting was held since City Council Meeting was cancelled on 9 Aug 88 due to Country Fair Day week.

PRAYER: -----

PLEDGE: -----

PRESENT: MAYOR: Rex Bouchard

COUNCILMEN: James Young  
Ray Peek  
Jeff Monroe  
Veng Glismann

ABSENT: Reid Stank

CITY RECORDER: Ginger Millen

CITY ATTORNEY:

VISITORS: Donna Tolman, Boyd Draper, Mike Harvey, Rick Kump, & Mike Marchant

APPROVAL OF AGENDA: A motion was made by Councilman Monroe and seconded by Councilman Peek to approve this afternoon's agenda with the addition of Savage Rock's extended operating time. All were in favor.

CONDITIONAL USE PERMIT--SEWARD TRUCK LINES-- PRIVATE TRUCK STOP. Seward Truck Lines is requesting to build a private truck stop at approximately 7600 E. Connia Drive. This property has been zoned C-H. This truck stop would be a service and repair facility for their own truck lines with facilities for overnight accommodations. One person from the truck lines will be at the facility at all times. This conditional use permit was approved by the Planning Commission on 4 August 1988. A fire hydrant will be installed. A computerized security system will also be installed. The Planning Commission, City Engineers and City Council was concerned about Connia Drive and the impact the large trucks would have on the upkeep of this street. The Planning Commission suggested that Seward Truck Lines and the City Council work out some type of agreement on the upkeep of the road. A motion was made by Councilman Young and seconded by Councilman Glismann to approve this conditional use permit and site plan subject to Seward Truck Lines signing a lease agreement that when the City deems it necessary, they will participate in an Improvement District for repair/on construction of a new road on Connia Drive. All were in favor.

HOME OCCUPATION PERMIT--DONNA TOLMAN--FAMILY GROUP DAY CARE CENTER--1390 E. SOUTH WEBER DRIVE. Councilman James Young stated the Planning Commission approve this home occupation permit for Mrs Tolman on 4 August 1988 subject to the following conditions: (1) Fence to be installed 1 year from date of approval (9 AUG 89) around home. (2) Maximum of 12 children in

SOUTH WEBER CITY COUNCIL MEETING AGENDA

PUBLIC NOTICE is hereby given that the City Council of SOUTH WEBER CITY, Davis County, Utah will meet in a (~~REGULAR~~/SPECIAL) public meeting on Monday, 8 August 19 88 at the CITY COUNCIL CHAMBERS, 1600 East South Weber Drive commencing at 4:30 P.M.

THE AGENDA FOR THE MEETING IS AS FOLLOWS:

PLEDGE OF ALLEGIANCE: -----

PRAYER: -----

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: ----- DATE OF MINUTES: \_\_\_\_\_

4:30 P.M. Conditional Use Permit--Seward Truck Lines--Private  
Truck Stop---Connia Drive

4:40 P.M. Home Occupation Application--Donna Tolman--1390 E. S. Weber Dr  
Family Group Day Care Center

MAYOR'S BUSINESS:

1. Savage Rock--Extension of Operating Times

COUNCILMEN ITEMS:

FOLLOW-UP ITEMS OF PREVIOUS MEETING:

NON-SCHEDULED DELEGATION

ADJOURN

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED OR POSTED TO:

Ray's Valley Service

Standard Examiner

R.B.'s One Stop

Lakeside Review

City Office Bldg.

AND TO EACH MEMBER OF THE GOVERNING BODY.

8 Aug 88  
DATE

  
RECORDER: GINGER L. MILLER



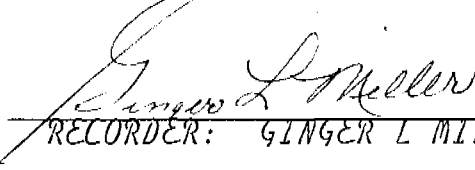
home which will also include her own three children. (3) When basement is ready to be finished off, they must obtain a building permit and have the proper inspections. (4) Subject to state licensing regulations and fire chief's recommendations. A motion was made by Councilman Young to approve this application with Councilman Peek seconding the motion. All were in favor.

SAVAGE ROCK PRODUCTS--EXTENSION OF OPERATING TIMES. Mayor Bouchard stated that Savage Rock contacted him again after our denial of their operating times. He stated that he has went and checked and they now have their roads treated and they have a on-site watering truck. This has helped the dust considerably. A motion was made by Councilman Monroe and seconded by Councilman Young to approve their extension of operating times subject to the City still monitoring the pit. All were in favor.

ADJOURNED: 5:00 P.M.

APPROVED:

  
MAYOR: REX BOUCHARD

  
RECORDER: GINGER L MILLER

# SOUTH WEBER PLANNING COMMISSION MEETING

**DATE OF MEETING:** 9 July 2009

**TIME COMMENCED:** 6:31 p.m.

**PRESENT: COMMISSIONERS:**

Delene Hyde  
Tim Grubb  
Rorie Stott  
Mark Perkins (excused)  
Rod Westbroek

**CITY MANAGER:**

Matt Dixon

**DEPUTY RECORDER:**

Emily Thomas

**CITY PLANNER:**

Scott Hess

**TRANSCRIBER:**

Michelle Clark

A public work/discussion meeting was held at 6:00 p.m. to discuss agenda items, correspondence, and/or future agenda items.

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**VISITORS:** Jameson Harvey, Rick Adams, Wade Shaw, D. Hansen, Merlin Daines, Eddy Shaw, Kyle Shupe, Alyson Shupe, Barbara Shupe, Dan Shupe, Jim Burwell, Keith Kap, and Michael Poff.

**APPROVAL OF THE AGENDA:** Commissioner Grubb moved to approve tonight's agenda as written. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbroek voted yes. The motion carried.

**APPROVAL OF 25 JUNE 2009 PLANNING COMMISSION MEETING MINTUES:** Commissioner Westbroek moved to approve the minutes of 25 June 2009 Planning Commission Meeting as written. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbroek voted yes. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** The Planning Commission did not report any conflict of interest.

Commissioner Hyde excused Matt Dixon and Commissioner Perkins from tonight's meeting. Commissioner Hyde welcomed Scott Hess, City Planner.

**REVIEW OF CONDTIONAL USE PERMIT #1988; BURBIDGE CONCRETE PUMPING; 7636 S. CORNIA DRIVE:**

Jameson Harvey, Manager for Burbidge Concrete Pumping, approached the Planning Commission. He said this company leases concrete pumps. They use the building to park trucks

and light maintenance on the vehicles. Commissioner Grubb said there is confusion that this business is different from the business, Seward, which was the previous business there. Commissioner Hyde said no business license has been issued for this business. Mr. Harvey said this business is really not that different. He said the business is run out of Salt Lake City. Commissioner Grubb said a business license needs to be purchased for this business. Commissioner Hyde agreed. The Planning Commission feels this business is completely different and they need to apply for a conditional use permit and pay the necessary fee for a business license. Mr. Harvey said they assumed because the business is out of Salt Lake that they didn't need a business license in South Weber City.

**Commissioner Grubb moved that Burbidge apply within 60 days for a conditional use permit. Commissioner Westbrook seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.**

**Commissioner Westbrook moved to open the public hearing for rezone application #2009-2. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.**

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

**REZONE APPLICATION #2009-2: 933 E. SOUTH WEBER DRIVE, PARCEL #13-021-0046 FROM RESIDENTIAL MODERATE (RM) & AGRICULTURAL (A) TO RESIDENTIAL MODERATE (RM); DANIEL & BARBARA SHUPE:**

Kyle Shupe approached the Planning Commission.

Commissioner Hyde asked for public comment. There was none.

**Commissioner Grubb moved to close the public hearing for rezone application #2009-2. Commissioner Westbrook seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.**

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

Emily explained that when property along South Weber Drive was rezoned from agricultural to residential, there were a few parcels that ended up in both agricultural and residential zones. In order to subdivide, this property needs to be all in one zone – Residential Moderate (RM).

**Commissioner Grubb moved to recommend approval of rezone application #2009-2 at 933 E. South Weber Drive, parcel #13-021-0046 from Residential Moderate (RM) & Agricultural (A) to Residential Moderate (RM) for Daniel and Barbara Shupe. Commissioner Stott seconded the motion. Commissioner Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.**

**Commissioner Westbrook moved to open the public hearing for preliminary/final approval for Dan Shupe Subdivision. Commissioner Grubb seconded the motion. Commissioners Hyde, Grubb, Stott, and Westbrook voted yes. The motion carried.**

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

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

**RECOMMENDATION TO CITY COUNCIL ORDINANCE 10-04 AMENDING TITLE 10 ZONING REGULATION, ADDITION OF CHAPTER 17 DRINKING WTER**

**SOURCE PROTECTION:** Scott Hess stated in December 2009 the city submitted a drinking water plan to the State.

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

**Commissioner Perkins moved to close the public hearing for Ordinance 10-04. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

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

**Commissioner Grubb moved to recommend to the City Council approval of Ordinance 10-04 amending Title 10 Zoning Regulations, Addition of Chapter 16 Drinking Water Source Protection. Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

**Commissioner Westbrook moved to open public hearing for Conditional Use Application #2010-02. Commissioner Grubb seconded. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

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

**CONDITIONAL USE APPLICATION #2010-02: BURBIDGE CONCRETE PUMPING LLC & FORESTDALE INVESTMENTS LLC, 7636 S. CORNIA DRIVE, JAMES C.**

**ZITER:** James Ziter, 2231 E. Murray Holladay Rd., representing Burbidge Concrete Pumping, gave a brief history of the property. He stated in 2006 Forestdale purchased the property but didn't want to occupy the whole thing so Burbidge Concrete Pumping leased from Forestdale. He stated Burbidge wants to continue renting. Mr. Ziter has met with Matt Dixon and Stephen Noel. He stated the use has been the same for more than a decade now and Burbidge would like to remain there. He stated there is no construction material stored at the site, but a collection of trucks at various times.

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

**Commissioner Grubb moved to close the public hearing for Conditional Use Application #2012-02. Commissioner Stott seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

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

Commissioner Hyde stated this is a new conditional use application.

Matt stated what is before the Planning Commission is a new conditional use application and is not a review of the existing use. Matt stated the city code requires in order for condition use to

be active that a business license be maintained. He stated Burbidge has not yet applied for a business license. He asked if the proposed use of the property complies with the permitted use of the zone. Matt doesn't see how a truck storage refueling facility fits into those uses. He doesn't see that it is consistent with the conditional uses in the zone for a new application.

Mr. Ziter stated in all of the other hubs no other jurisdiction has required a business license. He feels this is a technicality and that there has been a consistent use there. Commissioner Hyde stated this is a new application and it doesn't meet the zone. Commissioner Hyde stated we can't by law go against the city ordinance; therefore, the only other option would be for you to go to the Board of Adjustment.

**Vaughn Burbidge, 4634 S. Thousand Oaks Dr., of Forestdale Investments**, stated this building as well as our building in Park City is consistent with the highway commercial. Commissioner Hyde stated it may consistent in Park City but not in South Weber. He is concerned because he is now being told he has a building that cannot be used in that zone.

Matt stated this item will move on to the City Council whether there is approval or not.

Emily read the permitted uses City Code, 10-5H-4, "Accessory uses and buildings; Dwellings, single-family, only when in the same structure as the business or commercial use and when occupied by the owner/operator or employee employed on the premises; Eating establishments, including drive-ins; Gasoline and diesel service stations; Laundry and dry cleaning services; Public buildings and public utility buildings and uses; Retail sales; Transient lodging; Uses judged by the planning commission to be similar and compatible with the purposes of this article."

Commissioner Grubb stated this application doesn't fit what our ideas are for this type of zone.

**Commissioner Grubb moved to not recommend Conditional Use Application #2012-02 for Burbidge Concrete Pumping LLC & Forestdale Investments LLC located at 736 S. Cornia Drive for James C. Ziter based on the current zoning ordinance and under our interpretation it doesn't fit. Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, and Westbrook voted yes. Commissioner Stott voted no. The motion carried 4 to 1.**

**Commissioner Westbrook moved to open the public hearing for Conditional Use Application #2010-03. Commissioner Perkins seconded the motion. Commissioners Hyde, Grubb, Perkins, Stott, and Westbrook voted yes. The motion carried.**

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

**CONDITIONAL USE APPLICATION #2010-03: DOG KENNEL, 7270 S. 2050 E., SUZIE RADTKE:** Robert Radtke, 7270 S. 2050 E., stated this application is for a dog kennel to be located within an agricultural zone. The application is to house a total of four dogs on the property.

Commissioner Hyde asked if there was any public comment.

**JAMES C. ZITER**  
ATTORNEY AT LAW

2231 East Murray Holladay Road, Suite 210  
Salt Lake City, Utah 84117



Phone: (801) 758-0360  
FAX: (206) 666-4445  
FAX: (206) 666-4554  
Licensed in Utah and Nevada

February 9, 2010

South Weber City Planning Commission  
Via Hand Delivery

RE: Forestdale Investments, LLC - Burbidge Concrete Pumping, LLC  
Conditional Use Application

Dear Planning Commission:

Accompanying this letter and the appropriate filing fee is the Conditional Use Application for Forestdale Investments, LLC, and Burbidge Concrete Pumping, LLC's use of the property at 7636 South Cornia Drive, South Weber City, Utah (the "Property").

The Application is accompanied by the following Exhibits:

- a) Chain of title showing the legal description.
- b) A detailed statement of the existing and proposed use.
- c) A list of all owners of property within 300 feet identified by address and parcel number.
- d) Mailing labels for all property owners within 300 feet.
- e) A 2010 fuel tank compliance certificate.

There is also another selection of photographic and large map Exhibits which contain, among other things, a map of the NW Section 36T 5N R 1W containing the Property and all adjoining properties within 300 feet identified by parcel number, various Google Earth photographs of the Property, photographs of the structures on the Property, and the County's survey of the neighboring Sure Steel property showing the placement of the Property.

Please contact me for further scheduling of this matter.

Sincerely,

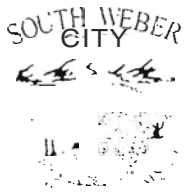


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JAMES C. ZITER  
Attorney at Law

JCZ:lt  
cc: Matt Dixon

ORIGINAL



South Weber City
1600 East South Weber Drive, South Weber, Utah 84405
Phone: (801) 479-3177 • Fax: (801) 479-0066

CONDITIONAL USE PERMIT APPLICATION
COMMERCIAL OR INDUSTRIAL ZONE

Business Name: Burbidge Concrete Pumping, LLC and Forestdale Investments, LLC
Property Owner: Forestdale Investments, LLC Phone: 801-750-3848
Mailing Address: 911 South Rio Grande Street, SLC, UT 84101 Fax: 888-672-5988
Applicant/Agent: James C. Ziter, Attorney at Law Phone: 801-758-0360
2231 E. Murray Holladay Rd, #210, SLC, Utah 84117 Fax: 888-672-5988
Email Address: ziterlaw@hotmail.com

Property Address: 7636 South Cornia Drive, South Weber City, Utah 84405
Parcel I.O. Number: 13-039-0041 Street C, v/State/Zip
Zonc: C-H
Acres or Square Feet of Parcel: 3.74 acres Sq. Ft. of Office/Comm: 12,000 truck garage

Legal Description: (If you need please attach description)
See attachment "A" for legal description.

Proposed Use: State in detail what is intended to be done with the property.
Truck storage, repair, and dispatch. See attachment "B" for more detailed description.

Note: List of property owners within 300 feet identified by parcel number and address, mailing labels, and fuel tank certification are attached as attachments "C", "D", and "E" respectively.

Anticipated number of customers coming to the proposed business site on a daily basis:
[x] 0- [ ] 1-10 [ ] 11-20 [ ] 21+

Anticipated number of employees: 1-10 employees with property occupied during typical business hours.

Development Schedule: Present the proposed time table for the initiation and completion of the proposed construction. Projects contemplated in phases should be so noted. The property is currently being rented by Burbidge Concrete Pumping, LLC as a truck storage, repair, and dispatch facility. The property owner and tenant are ready to comply with all

South Weber City licenses and permits to continue the current use. No construction or development on the property is needed.



Public Notice Authorization: I (we) do hereby give permission to South Weber City to "public notice" sign on the property contained in this application for of notification of use application.

Signed: [Signature] Property Owner \_\_\_\_\_ Property Owner

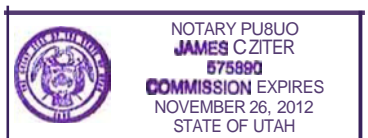
APPLICANT'S AFFIDAVIT

State of Utah  
County of Salt Lake

I (we) Forestdale Investments, LLC, being duly sworn, depose I (we) the sole owner(s)/agent of Property Owners or Agent or Property Owners or Agent in this application. 7636 Cornia Dr South Weber City, Utah Property Address  
the statements and here in, in the other and to the best of my the argument in behalf of the application, Also, all statements in all respects true and correct. to the best of my belief.

Dated this 3 day of FEB, 2010

Signed: [Signature] Property Owner or Agent \_\_\_\_\_ Property Owner or Agent  
I appear before me this 3 day of FEB

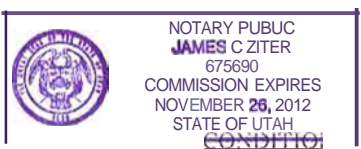


AGENT AUTHORIZATION

State of Utah  
County of Salt Lake

I (we) Forestdale Investments, LLC, the sole owner(s) of the real Property Owners; 7636 S. Cornia Dr., South Weber City, Utah, SOUTH WEBER City, Utah do hereby appoint James C. Ziter, Attorney at Law Property Address as my to represent (us) with the above described real property, and to appear on my (our) behalf city boards considering

\_\_\_\_\_  
Property Owner



Notary Public: \_\_\_\_\_

**CONDITIONAL USE PERMIT**

Property Owner: Forestdale Investments, LLC

Parcel LD. No.: 13-039-0041

Property Address: 7636 S. Cornia Dr., South Weber City, Utah 84405

Zone: C-H

(If different from above): James C. Ziter, Attorney at Law

Mailing Address: 2231 E. Murray Holladay Road, #210

Salt Lake City, UTAH 84117

Legal Description: See Attachment for Legal Description

(To Be Completed By South Weber City)

Application Number: 2010-02

Fee: 500.00

2/9/10 EJA

Receipt No.: 13.069000

Use: \_\_\_\_\_

Date Reviewed by Planning Commission: \_\_\_\_\_

Approved

Disapproved

Additional Comments: \_\_\_\_\_

Signed: \_\_\_\_\_

Planning Commission Chairperson

Date Reviewed by City Council (if applicable): \_\_\_\_\_

Approved

Disapproved

Additional Comments: \_\_\_\_\_



SOUTH WEBER CITY

CHECKLIST FOR ARCHITECTURAL SITE PLAN  
CONDITIONAL USE PERMIT – COMMERCIAL OR INDUSTRIAL ZONE

TO BE COMPLETED BY APPLICANT

Name of Project: Forestdale Investments, LLC properly

Approx. Address of Site: 7636 S. Cornia Drive, South Weber City, Utah 84405

(s): 13-039-0041

Zone: C-H

**Applicant:**

Company: Forestdale Investments, LLC

Owner or Vaughn Burbidge

Address: 911 S. Rio Grande

City/State/Zip: Salt Lake City, Utah 84101

Phone: 801-750-3848

Fax: 888-572-5988

E-mail Address: vburbridge@bcpumping.com

TO BE COMPLETED BY CITY

Conditional Use Application Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Sketch Plan Review Date (if applicable): \_\_\_\_\_

Review Date: \_\_\_\_\_

City Council Review Date: \_\_\_\_\_

Additions or Corrections Required (Notes only - applicant will be provided with checklist):

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

**TO BE COMPLETED BY BOTH THE APPLICANT AND THE CITY**

Applicant: \_\_\_\_\_ of the following items for compliance with adopted City \_\_\_\_\_ Master Plans and Ordinances,

City Staff: \_\_\_\_\_ items for \_\_\_\_\_ City Standards, Titles, Master Plans and Ordinances. \_\_\_\_\_ by \_\_\_\_\_ on \_\_\_\_\_ sheet and attach to this document. Upon completion of \_\_\_\_\_ copy of this document will be provided to the Applicant and shall serve as notice to the Applicant of \_\_\_\_\_ with conditions, or rejection of this Site Plan as submitted,

<u>Applicant</u>	<u>City</u>	<u>Description</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. One 11" x17" copy of architectural drawing (drawn to scale) which includes the following:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A. Building footprint dimensions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	B. _____ on property
<input type="checkbox"/>	<input type="checkbox"/>	C. Architectural type and design (including exterior color scheme)
<input type="checkbox"/>	<input type="checkbox"/>	D. Landscaping
<input type="checkbox"/>	<input type="checkbox"/>	E. Buffer yard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	F. Off-street parking facilities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	G. Fencing
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H. Location of Fuel Tanks (if applicable);
<input checked="" type="checkbox"/>	<input type="checkbox"/>	I. Location of Sign (if applicable);
<input checked="" type="checkbox"/>	<input type="checkbox"/>	J. North Arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Fueling and Containment (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	3. Description of _____ Solutions
<input type="checkbox"/>	<input type="checkbox"/>	4. Accessibility to Fire Protection (contact Wim Plum, Fire Chief. 509-0783)
<input type="checkbox"/>	<input type="checkbox"/>	5. Water, Sewer and _____
<input type="checkbox"/>	<input type="checkbox"/>	6. Hours of Operation
<input type="checkbox"/>	<input type="checkbox"/>	7. Lighting
<input type="checkbox"/>	<input type="checkbox"/>	8. Sign Design _____ for Zone)

TITLE 10. ZONING REGULATIONS: Chapter 5. Zoning Districts  
 Chapter 7, Conditional Uses  
 Chapter 8, Off Street \_\_\_\_\_ Loading  
 Chapter 9. Sign and Lighting Regulations  
 Chapter 15,

TITLE 9, BUILDING REGULATIONS: Chapter 3, Fire Code  
 (with the exception of \_\_\_\_\_ Liquor Conditional Use.) Said plans shall be drawn to scale, and \_\_\_\_\_ and all of the following: the building lot and dimensions, building locations, landscaping, existing trees and shrubbery, off-street \_\_\_\_\_ vehicular and pedestrian circulation, location \_\_\_\_\_ of abutting \_\_\_\_\_ and proposed \_\_\_\_\_ drainage, \_\_\_\_\_ In addition \_\_\_\_\_ shall \_\_\_\_\_ of major exterior elevations, and proposed exterior color scheme.

## STATEMENT OF PROPOSED USE:

State in detail what is intended to be done with the propeliy located at 7636 South Cornia Drive, South Weber City, Utah 84405 (the "Property").

Both the propeliy owner Forestdale Investments, LLC, ("Forestdale") and the tenant Burbidge Concrete Pumping, LLC, ("BCP") propose to continue to use the property for the purposes the property has been used continuously for at least 11 years: truck storage, repair, and dispatch. The property consists of an enormous truck storage and repair warehouse which is comprised of 12 industrial sized truck bays accessed by the same number of 20 foot tall garage doors. There are 3 small offices which adjoin the truck storage warehouse, and a stand-alone truck fueling canopy which houses a licensed diesel tank.

Historical aerial photographs show the Propeliy vacant and undeveloped until at least 1989. In 1999, the Utah Department of Transportation ("UDOT") which was previously a long-time owner, sold the Property to Seward Motor Freight, Inc., ("Seward Trucking").

It is not known whether UDOT originally constructed and used the two structures on the propeliy (the truck storage building and the fueling canopy) prior to 1999. It is certain however, that whoever built the existing structures, Seward Trucking began occupying the Property in 1999 for its truck storage, repair, and dispatch operations.

In 2006, Seward Trucking which had used the Propeliy continuously since 1999, scaled back its operations in northern Utah, and sold the Property to Forestdale, but continued to lease half of the building for its truck storage, repair and dispatch operations. In the meantime, beginning in 2006, Forestdale leased the other half of the building to BCP, which also used the Property for truck storage, repair and dispatch. From the period 2006 - 2009 both Seward Trucking and BCP leased and occupied the propeliy for the same purposes. In 2009, Seward vacated the Property leaving BCP as the only tenant.

BCP is one of the largest concrete pumping companies in Utah and maintains four dispatch locations covering the Wasatch Front and Southern Utah. BCP's service is to drive a concrete pumping truck from one of its dispatch locations to a jobsite. The truck and truck operator transfers concrete (not furnished by BCP) from a typical cement mixer (not furnished by BCP) to, usually, a building foundation. At the end of a job, all clean-up of the trucks are completely done at the jobsite. Besides its trucks, BCP does not furnish or own any construction materials or inventory whatsoever. For jobs in nOlihern Utah, BCP trucks are dispatched from the South Weber facility. At the end of a work day, BCP trucks are returned to the dispatch facility, parked in the building, serviced by BCP mechanics if needed, and truck operators drive their own vehicles away from the Property.

The continued use the Property has no customer traffic, and is used by 0-10 BCP truck operators or truck repair personnel depending on demand.

# 2010 UST CERTIFICATE OF COMPLIANCE

**ISSUED TO:**

BURBIDGE CONCRETE PUMPING LLC  
911 S RIO GRANDE  
SALT LAKE CITY UT 84101

**LOCATION OF TANKS:**

OGDEN SHOP  
7636 S CORNIA DR  
SOUTH WEBER UT 84405  
Facility 10: 3000279

Tank #	Capacity	Substance	Compliance	Financial Assurance Mech.
1	12000	Diesel	Yes	PST Fund
2	2000	Used Oil	Yes	PST Fund

This certificate will automatically lapse if any of the required fees are not paid. It may also be revoked for failure to comply with state and federal UST regulations. Possession of this certificate does not signify coverage under the Utah PST Fund. Cleanup requirements may be obtained from the Division of Environmental Response and Remediation.

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**

## TABLE OF EXHIBITS

### Accompanying the Forestdale Investments, LLC/Burbidge Concrete Pumping, LLC Conditional Use Application

A. Map of the NW Section 36 T 5N R 1W (records of the Davis County Recorder's Office) showing the subject property and all property within 300 feet containing all parcel numbers of all parcels within 300 feet. (NOTE: The list of property owners within 300 feet, identified by parcel number, and accompanying mailing labels are attached to the Application.)

B. Google Earth photograph of the subject property with structures. The photograph is dated March, 2006 and is shot from approximately 5000 feet. A "NOI" arrow is in the upper right corner of the photograph.

C. Google Earth photograph of the subject property with structures dated 2006 from altitude 6930 feet.

D. The front of the property showing garages 7-12 as viewed from Cornia Drive looking east.

E. The front of the property showing garages 7-12 as viewed from Cornia Drive looking east.

F. The rear of the property showing garages 1-6 looking north.

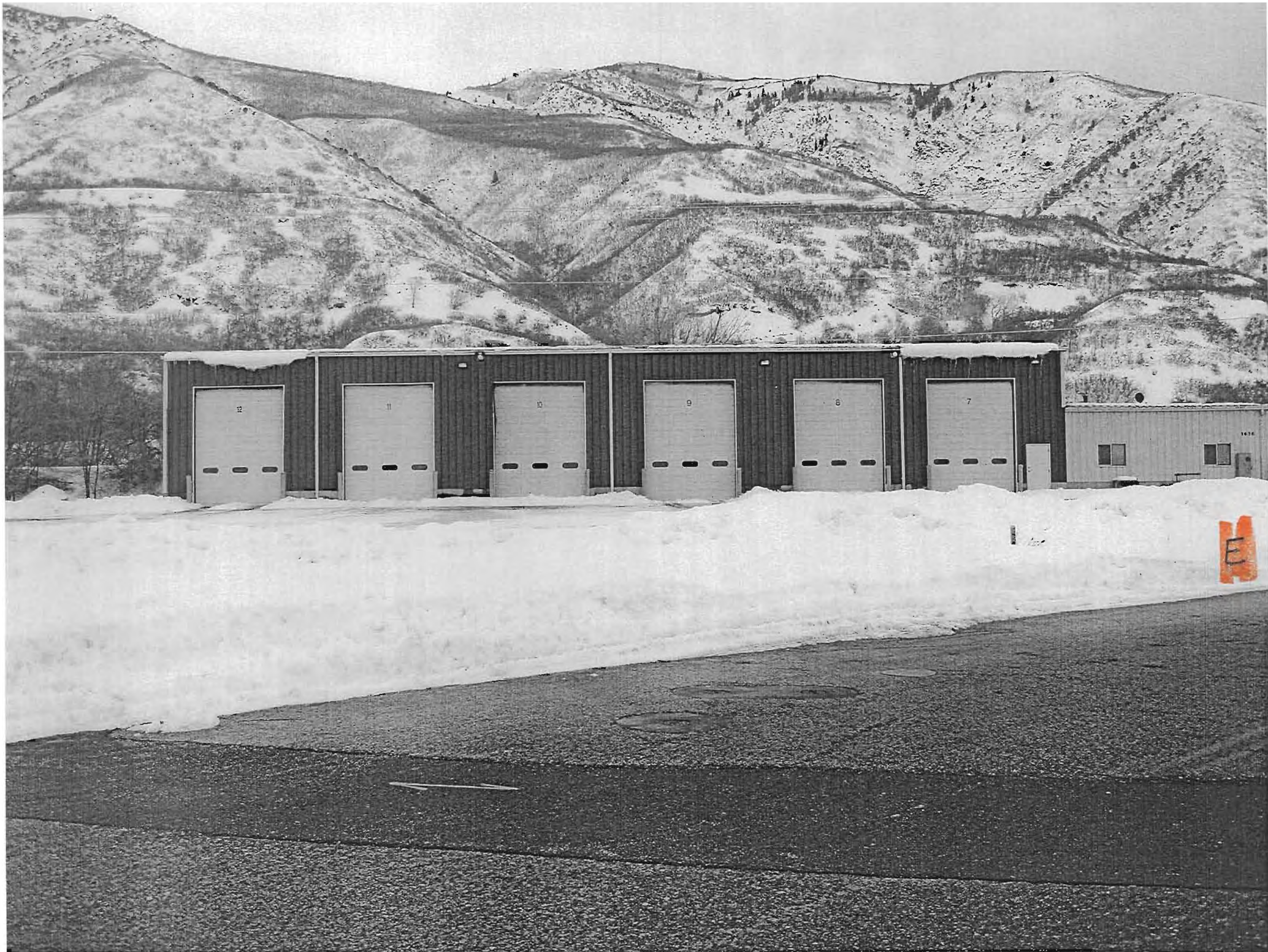
G. Inside the truck storage - repair facility.

H. Inside the truck storage - repair facility.

1. View of the fuel canopy looking north.

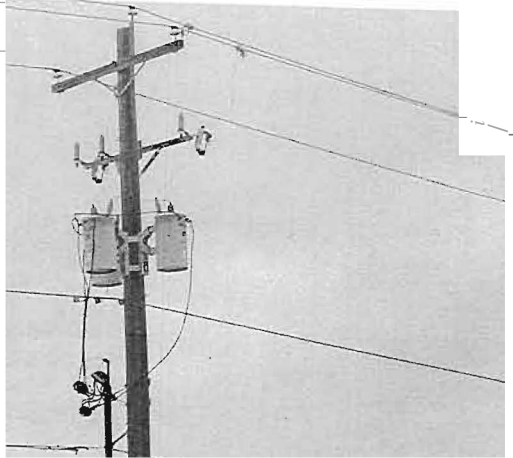
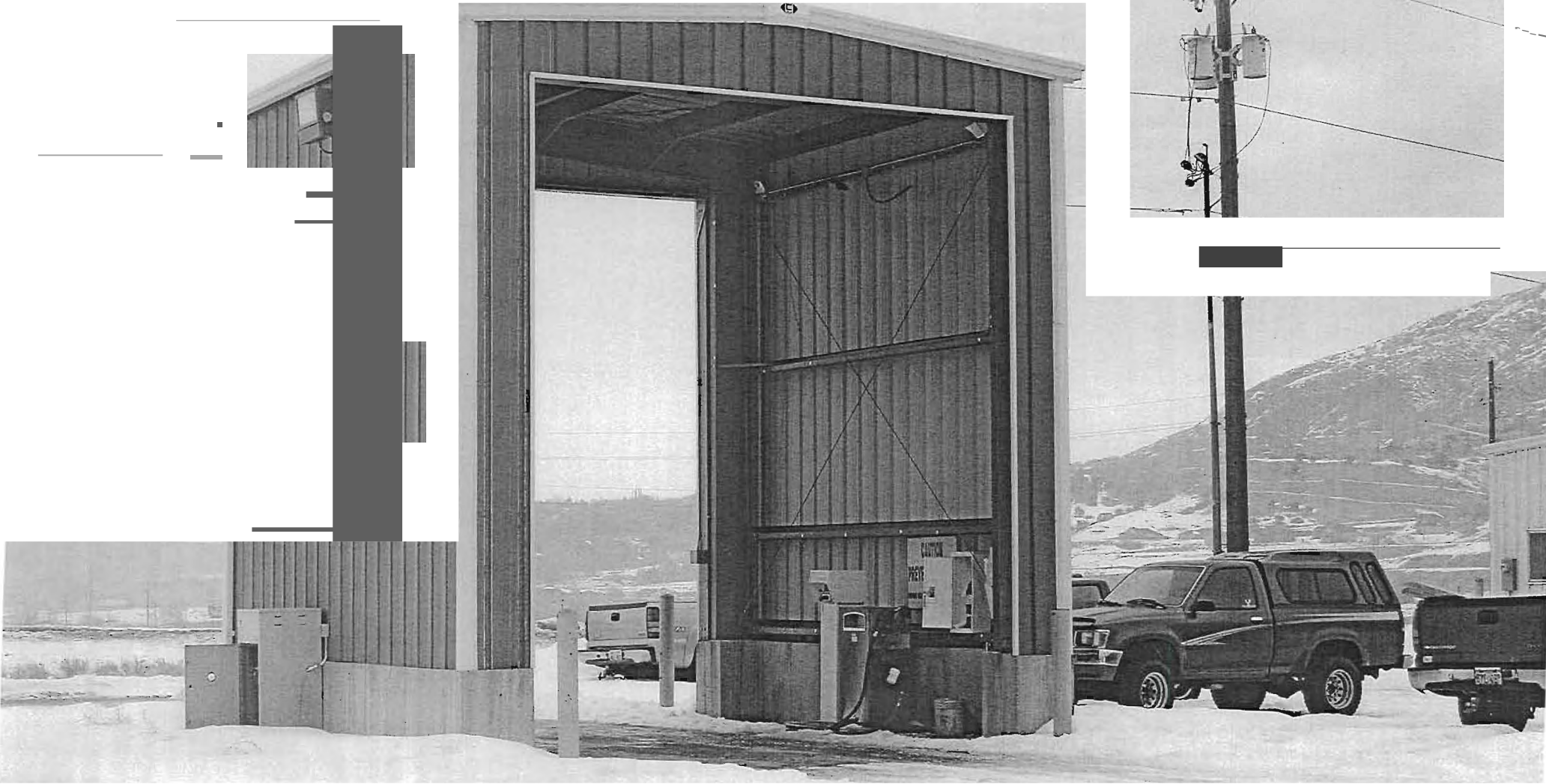
1. View of the fuel canopy and the main building looking approximately north east.

K. Survey of the neighboring property (on which Big D Construction is building the Sure Steel facility) showing the relative position of the subject property.









## SOUTH WEBER CITY COUNCIL WORK MEETING

DATE OF MEETING: 16 March 2010

TIME COMMENCED: 5:35 p.m.

PRESENT:	MAYOR:	Jeff Monroe
	COUNCILMEMBERS:	Sara Lusk
		Michael Poff
		Farrell Poll
		David Thomas
		Scott Woodbury
	CITY MANAGER:	Matt Dixon
	CITY RECORDER:	Erika Ahlstrom
	DEPUTY RECORDER:	Emily Thomas
	CITY PLANNER:	Scott Hess

**Visitors:** Attorney Steve Noel, Attorney James Ziter, Tom Graydon.

Councilmember Woodbury moved to open the work meeting. Councilmember Poff seconded. Mayor Monroe welcomed everyone and reviewed the agenda.

### REVIEW OF UPCOMING AGENDA ITEMS:

**Conditional Use Burbidge Concrete Pumping LLC & Forestdale Investments LLC, 7636 S. Cornia Drive (James C. Ziter, Agent):** Matt introduced the issue, stating the Planning Commission had determined the conditional use (Seward Motor Freight) that Burbidge thought they were operating under expired. The Planning Commission determined the use was not the same, plus Burbidge had not secured a city business license. The owner of the property, but not the company, is Vaughan Burbidge. Mr. Burbidge contacted Matt and stated they would be filing an appeal with the Board of Adjustment. They did so, and the Board of Adjustment has stayed the appeal to allow Burbidge to submit a new conditional use application. The Planning Commission reviewed the application and determined this type of use is not longer allowed in the zone, therefore did not make a favorable recommendation to the City Council.

Mayor Monroe invited James Ziter, attorney and agent for Forestdale Investments/Vaughan Burbidge, to present their position. Mr. Ziter indicated that in 1999, Seward bought property from UDOT. The structure is a warehouse with 12 truck bays which Seward used to service and store its fleet. Forestdale bought the property in 2006, allowed Seward to continue to use a portion of the building to service and store vehicles for a while, and also secured Burbidge Concrete Pumping as a tenant. Mr. Ziter acknowledged that Burbidge did not fill out a business license application, noting that of all of the company's locations, South Weber is the only one that requires it. He stated Burbidge didn't react to that, and the zoning use changed. Mr. Ziter said he thinks Burbidge Concrete Pumping is consistent with what is in the city's statute under Commercial Highway zone as a permitted use, specifically gasoline and diesel service station. The Planning Commission did not agree in that Forestdale rents to a private client to services its own truck fleet. The Planning Commission discussed they envision service stations for public use. Mr. Ziter quoted Commissioner Stott's comment from the February 25 meeting: "We see the intent as a service station for the public, we want commercial highway to create tax dollars for the citizens to make the community nicer." Mr. Ziter this is discrimination to not allow a use that doesn't generate enough tax revenue to the city.

Mr. Ziter read the permitted uses for the zone, which include “gasoline and diesel service stations’ and “uses judged by the Planning Commission to be similar and compatible with the purposes of this article.” He discussed that the city code states all permitted uses that require more than an acre needs a conditional use. Mr. Ziter said he feels that the city is upset that Burbidge didn’t get business license so was prepared to say no to anything that was proposed. He reiterated the use is consistent with the zoning, or at least similar and not incompatible. He stated Burbidge uses it to fuel, service and store its truck fleet, which is the same as it has been used for 11 years. Mr. Ziter suggested maybe fining them for no business license, and to allow the use (which he feels is covered under the statute) to continue.

Mayor Monroe asked if there are questions.

Councilmember Poff asked what the city’s issue is, other than no business license. Matt said city code states that if don’t have business license, you lose the condition. He said one of the arguments is (Burbidge) took occupancy operating as a business, received notice from the city (to apply for a business license), and they have done nothing. Matt said he has discussed with Vaughan how we can make this work as a win/win, but Matt doesn’t see how we can allow the use under the current ordinances.

Councilmember Poff asked if there is a problem with business license regulation. Matt responded that it is not the city’s responsibility to “babysit” every business in the city. Mr. Ziter questioned why the property owner’s rights have been forfeited because the tenant didn’t get a business license. He added that one point of confusion is that the tenant gets the mail.

Mr. Ziter restated his argument that this is a diesel service station that fits in the statute, and the only reason it is a conditional use is because of the site size. He said Burbidge and Forestdale, and the City can get out of this without litigation by having a site visit and finding that is within the statute, then fining Burbidge regarding the business license. Matt said Burbidge uses fuel to wash the concrete equipment, and the city should have the ability to review issues such as if the property owner is ensuring storm water and environmental protection. Matt said Burbidge should come to the city with information on how they are going to mitigate potential impacts, and ask the city if they are satisfactory. He said it is not an assumption for Vaughan Burbidge to make that they are fine. Matt added that Commissioners Stott’s comments are not the reason the Planning Commission is making an unfavorable recommendation, are not in the motion nor the determination.

Attorney Steve Noel clarified Mr. Ziter’s client’s position is that the use that Burbidge wishes to continue is similar or compatible if not the same as its use prior to the modification of the zoning ordinance, that which was engaged by Seward. Mr. Ziter added that it is also consistent with the current ordinance. Mr. Ziter said Forestdale is trying to corner the contiguous piece to develop ten acres once the economy recovers, and the city shouldn’t scare away a big time developer that can generate revenue for the city. Matt said this should have no bearing on the decision that is before the Council at this time.

Councilmember Poll said his interpretation of the uses allowed in the zone would be geared toward retail, and the intent is for retail type establishments. He said what is there now is more an industrial type use.

Councilmember Poff asked for clarification on what the Council is being asked to decide. Mr. Noel said they are being asked to grant the applicant's application for a conditional use permit.

Mayor Monroe said the Council has plenty of information now to assist with their determination.

Mr. Ziter said Utah state law (10-9a-507) mandates that a conditional use shall be approved if reasonable conditions are proposed to mitigate detrimental effects, and also requires that the standards be set forth in ordinances. Mr. Ziter left the meeting at this time.

**Resolution 10-12: Adam Peek Minor Subdivision (1 Lot), 912 E. 7240 South (Adam Peek, Developer):** Mr. Peek will be tearing down house the home the currently sits on the big farm parcel. This subdivision is being done to subdivide a half acre off of the parcel. Fire Chief Graydon said he has no problem with the current turnaround.

Poff moved at 6:13 Woodbury second.

Scott H and Emily excused.

**ADJOURNED TO EXECUTIVE CLOSED SESSION: A motion was made by Councilmember Poff at 6:13 p.m. to enter into a closed executive session in accordance with UCA 52-4-205 to discuss pending or reasonably imminent litigation. Motion seconded by Councilmember Woodbury. Councilmembers Lusk, Poff, Poll, Thomas and Woodbury voted yes. The motion carried. Emily Thomas, Scott Hess, and Tom Graydon were asked to step out during the closed session.**

The work meeting reconvened at 7:03 p.m. Emily Thomas and Scott Hess rejoined the meeting.

**Ordinance 10-02: An Ordinance Amending Title 10 Zoning Regulations, Chapter 5 Zoning Districts, Adding Article N. Commercial Overlay Zone:** City Planner Scott Hess gave the background leading to the recommendation of this zone. In the Fall of 2009 the South Weber Drive Commercial Design Guidelines were adopted. This zone, which is an overly to the C-H zone, supports those guidelines, creating mixed use walkable areas and allowing for multifamily housing. The overlay zone changes setbacks for structures, allowing to build up to the street (downtown style), and no parking lots in the front. Height restriction was increased to 3 ½ stories, or 50' tall. There is a special provision to allow patio dining and outdoor retail sales. Having outdoor uses allowed by per permit with time limits was discussed. Scott Hess will research special use permits.

Councilmember Poff stated that a lot comes down to staff interpretation. Scott said this zone is tied to the enforceable design guidelines that are full of pictures.

**Ordinance 10-03: An Ordinance Amending Title 10 Zoning Regulations, Chapter 7 Conditional Uses:** Emily Thomas stated this amendment divides residential and nonresidential conditional uses. The amended ordinance is clearer, and provides that only commercial conditional uses will need City Council approval. The commercial provisions are similar to the city's subdivision ordinance.

# **SOUTH WEBER CITY COUNCIL MEETING**

**DATE OF MEETING:** 14 September 2010

**TIME COMMENCED:** 6:07 p.m.

**PLEDGE OF ALLEGIANCE:** Councilmember Poff

**PRAYER:** Councilmember Woodbury

**PRESENT: MAYOR:** Jeff Monroe

**COUNCILMEMBERS:** Sara Lusk  
Farrell Poll  
Michael Poff  
Scott Woodbury

**CITY RECORDER:** Erika Ahlstrom

**EXCUSED: COUNCILMEMBER:** David Thomas

**Transcriber:** Minutes transcribed by Michelle Clark

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**5:30 p.m. PUBLIC WORK MEETING: REVIEW WARRANT REGISTERS and  
REVIEW AND DISCUSS AGENDA ITEMS**

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**VISITORS:** Lynn Poll, Brent Poll, Scott Turville, Emily Thomas, Tom Graydon, and Ned McCracken.

**APPROVAL OF THE AGENDA:** Councilmember Poll moved to approve the agenda as written. Councilmember Woodbury seconded the motion. Councilmembers Lusk, Poff, Poll, and Woodbury voted yes. The motion carried.

Mayor Monroe excused Councilmember Thomas from tonight's meeting.

**DECLARATION OF CONFLICT OF INTEREST:** There was no conflict of interest declared by any council member.

**CONSENT AGENDA:**

**“ APPROVAL OF 24 AUGUST 2010 COUNCIL MEETING MINUTES  
“ APPROVAL OF 7 SEPTEMBER 2010 COUNCIL WORK MEETING MINUTES**

Councilmember Woodbury moved to approve the consent agenda as written. Councilmember Poll seconded the motion. Councilmembers Lusk, Poff, Poll, and Woodbury voted yes. The motion carried.

**Councilmember Woodbury moved to open the public hearing for Ordinance 10-08. Councilmember Poff seconded the motion. Councilmembers Lusk, Poff, Poll, and Woodbury voted yes. The motion carried.**

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

**ORDINANCE 10-08: AN ORDINANCE ADOPTING AMENDED GENERAL PLAN AND ANNEXATION POLICY PLAN:**

Mayor Monroe stated this ordinance will allow amendments to the general plan and annexation policy plan. A public hearing was held by the Planning Commission on 27 May 2010 to present amendments to the General Plan and Annexation Policy Plan, and corresponding Maps. An additional public hearing was held by the Planning Commission on 24 June 2010 to make their final recommendations.

**Brent Poll, 1375 E. 7605 S.,** asked about the canal trail and stated six months ago he was here going through the same thing. He stated Ivan Ray was here and told the city that the entire board of the canal company is against that trail. Mr. Poll stated he is also against it. He is concerned about the safety and wonders why Scott Hess feels this is good planning, when there are so many safety concerns. Mr. Poll stated they have asked the city council to leave their property out of the annexation policy. He discussed his concerns with the steep slope of the hillside and feels it would be unwise for them to have their property annexed into the city. He requested taking the South Weber Landfill Corporation off of the part where the city is implying some support of its position. He is concerned about putting people in the pathway of the Hill Air Force Base pollution.

Councilmember Woodbury agrees with Mr. Poll concerning the canal trail. Councilmember Poff asked if the canal is eventually covered, why wouldn't the city look at a trail there? Councilmember Poll stated it is not ready to be a trail right now, but it is nice to master plan for it.

**Lynn Poll, 826 E. South Weber Dr.,** stated there is an area along the canal that has been fenced off because of arsenic. He feels the city can't trust what Hill Air Force Base is saying. He is also against annexing their property into South Weber.

**Councilmember Woodbury moved to close the public hearing for Ordinance 10-08. Councilmember Lusk seconded the motion. Councilmembers Lusk, Poff, Poll, and Woodbury voted yes. The motion carried.**

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

Councilmember Poff discussed the sensitive land maps. Emily stated anything that was on the current sensitive land map, wildlife, earthquake, landslides etc. was added. Councilmember Poff feels it over pollutes the sensitive land criteria. He asked about the area near I-84 interchange and his home. Emily stated that would be a question for the engineer. Councilmember Poff is also concerned about the light industrial areas. Emily stated the Planning Commission has amended that and made recommendation to city council. The council was in agreement that they need to meet as a council as well as with the Planning Commission in work meetings to discuss the amendments further.

**Councilmember Poff moved to table Ordinance 10-08. Councilmember Woodbury seconded the motion. Erika called for the vote. Councilmembers Lusk, Poff, Poll, and Woodbury voted yes. The motion carried.**

**RESOLUTION 10-33: FINAL ACCEPTANCE CANYON MEADOWS PUD (Davis County Plat 13-220):** On 24 April 2007, the City Council approved a follow-up development agreement with Leonard K.M. Fong to clarify details related to the retention basin, secondary water system, park improvements, escrow funds, secondary water shares, wetlands, and street lights. In that agreement the City acknowledged conditional acceptance of the improvements completed on the property as of 31 October 2006. The provisions of the agreement have been fulfilled to the best of the City’s and Mr. Fong’s knowledge; and the city staff recommends final acceptance of Canyon Meadows PUD subdivision.

Councilmember Poff feels there are so many misconceptions of the original requirements. He would suggest tabling. Councilmember Poff will e-mail questions to Erika.

**Councilmember Poff moved to table Resolution 10-33. Councilmember Poll seconded the motion. Erika called for the vote. Councilmembers Lusk, Poff, and Poll voted yes. Councilmember Woodbury voted no. The motion carried 3 to 1.**

**DIRECTION FOR CITY PARKS PROJECTS:** Emily stated the Department of Natural Resources offers a 50/50 matching grant, generally every year; however, there has not been funding available for the last few years due to the economy. Staff has confirmed there is funding available this year; however, it will be more competitive than in years past so the more benefit it has to our community the better chance we have at receiving an award.

Emily stated proposed projects and corresponding rough estimated costs included:

<b>Additional Parking at Cherry Farms</b>	<b>\$ 95,304</b>
<b>Create a Tot Lot at <del>2020 E Detention Pond</del> Cedar Loop</b>	<b>\$ 12,150</b>
<b>Splash Pad at Canyon Meadows Park</b>	<b>\$260,000</b>
<b>Portable Stage</b>	<b>\$1,700 - \$5,000 +</b>
<b>Walking Path at Cherry Farms</b>	<b>\$ 28,000</b>
<b>2nd Baseball Diamond Canyon Meadows</b>	<b>\$250,000</b>
<b>Do Nothing – Wait for Park Fund to Increase</b>	

She stated the city staff recommends applying for the matching grant and completing the Tot Lot at the ~~2020 East~~ Cedar Loop Detention Pond. This would be one complete park with (roughly estimated) low cost to the City at this time. After this is complete, the City Council should prioritize park projects from the Parks Master Plan created by GSBS so things can be put in order while the fund is allowed to build through impact fees and time.

Mayor Monroe asked about the portable stage. Emily stated the issue with the stage is where to store it. Mayor Monroe discussed the stage that Syracuse City has been using for the last five or six years. The council discussed renting a stage. Discussion took place regarding whether or not to remove the existing stage and Central Park. Councilmember Poll suggested looking into extending the existing stage with a portable stage.



**SEPTEMBER 14, 2010**  
**WORK/DISCUSSION MEETING PRIOR TO CITY COUNCIL**

Those in attendance to the work session were: Mayor Jeff Monroe, Councilmembers Michael Poff, Farrell Poll, Sara Lusk, Scott Woodbury, City Recorder Erika Ahlstrom, Deputy Recorder Emily Thomas, Planner Scott Hess.

Excused: Councilmember Dave Thomas.

Visitors: From Troop #634 – Ben Garner, Josh Winsor.

Work meeting commenced at 5:45 p.m.

*Consent Agenda:* No concerns.

*Ordinance 10-08 An Ordinance Adopting Amended General Plan and Annexation Policy Plan:*

This will be a public hearing. Scott Hess said there was a partial update in 2007. He said there was a need to come together with Layton city on what can be served. He said putting the water tank in delineates what each city can serve. Scott said the moderate income housing plan has been updated. The transportation and trails plans are now two separate pieces. The areas of concern are shown on the sensitive lands map.

Scott said the general plan should be looked at every five years. Mayor Monroe reported the moderate income housing component needs to be addressed every two years. Scott said the moderate income housing report notes what is available today, but the potential overlay zone that opens up areas for mixed use and high density development will have a significant impact on moderate income and future population.

Councilmember Poff said the city is amending the general plan without doing an impact fee analysis.

Scott said the city wanted to clean up the annexation line between South Weber City and Layton. Councilmember Poff said he thought previously in the annexation plan we overreached so we could be on the table, and scaling back negates the purpose. Scott said the annexation overlap causes contention between the cities. Erika asked if the law says the annexation plans shouldn't overlap. Scott confirmed, stating the law discourages "land grab." Mayor Monroe said the city should try to come to a conclusion with the other city. Mayor Monroe said the city should look at impact fees.

Scott said the golf course was removed due to South Weber's ability to serve, the city would have to pump water up. The one overlapping area is the dump because Layton feels they could serve the area and South Weber could too. Scott said the dump has a future life span of 25-30 years. Scott said South Weber doesn't have road access up to that area. Mayor Monroe reiteration that state law says cities and counties need to work together to compromise on lines for annexation dependent upon who can actually provide the service to that property.

Work meeting adjourned at 6:02 p.m. Work meeting minutes by Erika Ahlstrom.