

SOUTH WEBER CITY PLANNING COMMISSION AGENDA

PUBLIC NOTICE is hereby given that the **Planning Commission of SOUTH WEBER CITY**, Davis County, Utah, will meet in a **REGULAR** public meeting on **December 10, 2015**, at the **South Weber City Council Chambers, 1600 East South Weber Drive**, commencing at **6:30 p.m.**

A WORK MEETING WILL BE HELD PRIOR TO THE REGULAR PLANNING COMMISSION MEETING AT 6:00 P.M. TO DISCUSS AGENDA ITEMS, CORRESPONDENCE, AND/OR FUTURE AGENDA ITEMS

THE AGENDA FOR THE REGULAR MEETING IS AS FOLLOWS:

- 6:30 P.M. Pledge of Allegiance
 Approval of Meeting Minutes – Chair Osborne
 - November 12, 2015
- Approval of Agenda
- Declaration of Conflict of Interest

- 6:35 P.M. **Public Hearing and Action on Conditional Use Permit:** request for The Firehouse Preschool LLC located at 1107 E. Canyon Drive (Parcel 13-300-0158), by applicant Sarah Dickson.

- 6:50 P.M. Public Comments – Please keep public comments to 3 minutes or less per person

- 6:55 P.M. Planning Commissioner Comments (Westbroek, Johnson, Winsor, Pitts, Osborne)

- 7:00 P.M. Adjourn

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

CITY OFFICE BUILDING
Utah Public Notice website
www.utah.gov/pmn

www.southwebercity.com
TO EACH MEMBER OF THE PLANNING
COMMISSION

THOSE LISTED ON THE AGENDA

DATE: December 7, 2015

ELYSE GREINER, DEPUTY RECORDER

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY ELYSE GREINER, 1600 EAST SOUTH WEBER DRIVE, SOUTH WEBER, UTAH 84405 (801-479-3177) AT LEAST TWO DAYS PRIOR TO THE MEETING.

Agenda times are flexible and may be moved in order, sequence, and time to meet the needs of the Commission

1 **SOUTH WEBER CITY**
2 **PLANNING COMMISSION MEETING**

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4
5 **DATE OF MEETING:** 12 November 2015

TIME COMMENCED: 6:30 p.m.

6
7 **PRESENT: COMMISSIONERS:**

8 Debi Pitts (excused)
9 Rob Osborne
10 Wes Johnson
11 Rod Westbroek
12 Wayne Winsor

13 **CITY PLANNER:**

Barry Burton

14 **DEPUTY RECORDER:**

Elyse Greiner

15 **CITY MANAGER:**

Duncan Murray

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20 **Transcriber:** Minutes transcribed by Elyse Greiner

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24 *A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS*
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28 **PLEDGE OF ALLEGIANCE:** Commissioner Winsor

29
30 **VISITORS:** Mike Szymanski, Brent Poll, Randy and Tammy Lewis, Michael Peterson, Dianna
31 Nielsen, Zac Heuer, Jo Sjoblom, Cymbre Rowser, Shawn Byram, and Elaine Tadehara.

32
33 **APPROVAL OF THE MEETING MINUTES – Commissioner Winsor**

- 34 • 22 October 2015

35
36 Commissioner Winsor moved to approve the meeting minutes of 22 October 2015 as
37 written. Commissioner Johnson seconded the motion making a clarification on page 3 that
38 the Weber Partnership meeting is on Nov. 12-13 in Ogden. Commissioners Johnson,
39 Osborne, Westbroek, and Winsor voted yes. The motion carried.

40
41 **APPROVAL OF THE AGENDA:** Commissioner Westbroek moved to approve the agenda
42 as written. Commissioner Winsor seconded the motion. Commissioners Osborne,
43 Johnson, Winsor, and Westbroek voted yes. The motion carried.

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45 **DECLARATION OF CONFLICT OF INTEREST:** None

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47 Chair Osborne excused Commissioner Pitts.

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Legislative Recommendations (Discretionary):

Commissioner Westbrook moved to open the public hearing for a rezone request from MS Financial LLC for 13.48 acres located at approx. 7350 S. 850 E. (Parcel 13-020-0040) be changed from an Agricultural Zone (A) to a Residential Low Zone (R-L). Commissioner Winsor seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

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

Request from MS Financial LLC for 13.48 acres located at approx. 7350 S. 850 E. (Parcel 13-020-0040) be changed from an Agricultural Zone (A) to a Residential Low Zone (R-L).

Mike Szymanski initially tried to rezone from 1 acre to 1/3 of an acre lots and has changed his request by moving up one level of density to Residential Low at 1/2 acre instead of the two levels to Residential Low-Moderate (1/3 acre). He is looking to subdivide the property in the future.

Brent Poll, 7605 S. 1375 E., said he sent the Commission documents earlier in the day. He asked how many of the Commissioners have read the Baseline Risk Assessment for Operable Unit 1 (not one of the provided documents). The document is 25 years old and it talks about the chemicals leaking into South Weber. Hill Field thinks it will be cleaned up in the 2040's but Brent thinks it will never be cleaned up. Brent said it would cost \$302 million to clean up the chemicals; a figure from the 1998 files. Brent thinks the Commission should read the assessment to make more informed decisions. Brent said the Commission cannot justify approving the rezone. Brent doesn't have an answer for the problem, but the best would be to make Hill Air Force Base be proactive in getting the problem resolved.

Shawn Byram, 154 Harper Way, referenced the restrictive easement in the Commission's meeting packet. The easement is in effect until 2023 and then may extend it out after then. His understanding of the Act in the easement is that building on the property is not allowed. Shawn thinks it is presumptuous to change the zoning when you don't know what a third party is going to do and if they are going to exercise the option to extend a restrictive easement on the property. Shawn said the State owns an air easement over the property that will not expire until seven years after Hill Air Force Base stops flying. He said Hill Air Force Base as taken some responsibility in saying there is contamination there or else why would there be an easement. During the last time the Commission met to discuss a rezone on the property, they asked for proof of the easement and Shawn has provided it.

Chair Osborne asked who had stated in the last meeting that there is a chemical smell on the land when it's wet.

Cymbre Rowser, 985 E. 7375 S., asked if the Commission has ever worked around Trichlor. Chair Osborne said no. Cymbre said you have to wear a respirator because it gives you asthma. She said it is a degreaser and it doesn't go away. From previous work experience, Cymbre got asthma. She said she can smell it on the property all the time.

95 Mike Szymanski said the information provided is irrelevant. The easement isn't applicable to the
96 rezone. He questioned the Byrams living proximity to the property if it the ground was so awful.
97 He wanted to state that this isn't a subdivision yet.

98
99 Cymbre asked why the Commission would go against the General Plan. She said she lives there
100 because she has been there her whole life and, "why go someplace else?" She stated that a lot of
101 people on the west side of town have gotten cancer because of the contamination.

102
103 Brent Poll mentioned a lot of citizens have neurological problems that live on that side of the
104 City. He said it's up to the City to do something administratively responsible to hold-up
105 development until the problem gets resolved.

106
107 **Michael Peterson, 2025 South Weber Drive**, said he has lived in the City for 27 years. He said
108 the City used to be a nice rural community. He said utilities prices have gone up and the City
109 doesn't have the water to sustain the current residents let alone new ones. He also knows people
110 on the west end of the City who have died from cancer. He said he has also worked around
111 trichlor and it isn't good. He thinks the City needs to slow down with building.

112
113 Brent said that rezones are for density consideration, not subdivisions. Chair Osborne agrees.

114
115 **Commissioner Winsor moved to close the public hearing. Commissioner Johnson seconded**
116 **the motion. Commissioners Johnson, Osborne, Winsor, and Westbroek voted yes. The**
117 **motion carried.**

118
119 ******* PUBLIC HEARING CLOSED *******

120 Commissioner Johnson stated that some years ago a resident at the top of 850 E. came to the City
121 Council and asked why the City wasn't clearing snow from the road. At that time, the City said
122 it's a private road and they will not maintain it. Commissioner Johnson asked Mike how he plans
123 to access the property if it's a private road. Mike said he didn't know. Secondly, he said F35s are
124 on Hill Air Force Base. He said he has spoken to the environment people on base and they
125 anticipate significant increase (up to 40%) in noise will occur. The noise zone will be pushed
126 further out. He suggests waiting until the study is released to see how it will impact the area. He
127 said HAFB said it will be until the 2040's until clean up can happen. Commissioner Johnson
128 thinks the property should remain zoned Agriculture until new data is provided.

129
130 Commissioner Westbroek said the rezone doesn't conform with the new General Plan and he
131 doesn't think the Commission should go against it. Commissioners Winsor and Osborne concur.
132 Chair Osborne said access could be figured out but the Commission has to go with what they've
133 got until a new noise study is done. He said the most important thing is to stick to the General
134 Plan. Barry thinks one of the most significant factors is the pollution plume from Operable Unit
135 1 on Base. He said they have had subdivisions near the plume be approved but there was no
136 contamination evidence from the property except one and it was required that there was a
137 notation on the plat. He said in this case, we definitely know it is there and it would be foolish
138 for us to take any action that would increase density on a polluted piece of property. Duncan also
139 echoed the importance of complying with the General Plan.

140
141 **Commissioner Winsor moved to recommend to the City Council NOT to approve the**
142 **rezone as stated for 13.48 acres located at approx. 7350 S. 850 E. (Parcel 13-020-0040) for**

143 the primary reason that it doesn't apply to the General Plan. Commissioner Westbrook
144 seconded the motion. Commissioners Johnson, Osborne, Westbrook, and Winsor voted
145 yes. The motion carried.

146
147 Duncan recommended that both hearings on Group Homes be done at the same time.
148 Commissioner Winsor moved to open the public hearing for the amendments to Code
149 Sections 10.5A.2 & 3; 10.5B.2 & 3; 10.5C. 3 & 4; 10.5D.2 & 3; 10.5E.2 & 3; and 10.5P.2 &
150 3, moving Group Homes from a Conditional Use to a Permitted Use in the Residential Low
151 (R-L), Residential Low-Moderate (R-LM), Residential Moderate (R-M), Residential High
152 (R-H), Residential Patio (R-P), and Agricultural (A) Zones and the amendments to Code
153 Section 10.7E Group Homes and for it to be moved to Section 10.11. as 10.11.120 Group
154 Homes. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne,
155 Westbrook, and Winsor voted yes. The motion carried.

156
157 ***** PUBLIC HEARING *****
158

159 **Amendments to Code Sections 10.5A.2 & 3; 10.5B.2 & 3; 10.5C. 3 & 4; 10.5D.2 & 3;**
160 **10.5E.2 & 3; and 10.5P.2 & 3, moving Group Homes from a Conditional Use to a Permitted**
161 **Use in the Residential Low (R-L), Residential Low-Moderate (R-LM), Residential**
162 **Moderate (R-M), Residential High (RH), Residential Patio (R-P), and Agricultural (A)**
163 **Zones; and amendments to Code Section 10.7E Group Homes and for it to be moved to**
164 **Section 10.11. as 10.11.120 Group Homes.**

165
166 Duncan said under Federal law, every city has to allow group homes. Right now the City has
167 ordinances that restrict group homes but federal law will not allow us to put conditions on them.
168 The second ordinance sites federal law and says the City will follow it. The City is tailoring the
169 ordinance to comply with Federal Law. Michael Peterson questioned the restrictions on group
170 homes, and Duncan relayed the ordinance to him. Michael Peterson also questioned the types of
171 group homes. Barry said it doesn't allow us to distinguish between types of group homes. Chair
172 Osborne appreciates Michael's concern about growth because he grew up here and stated that
173 new people bring a good aspect to the City too.

174
175 Michael mentioned the dust from the pit collecting in his yard. Chair Osborne said he could raise
176 these comments at the end of the meeting during the public comment period.

177
178
179 Commissioner Westbrook moved to close the public hearing. Commissioner Winsor
180 seconded the motion. Commissioners Johnson, Osborne, Winsor, and Westbrook voted
181 yes. The motion carried.

182
183 ***** PUBLIC HEARING CLOSED *****
184

185 Commissioner Winsor moved to recommend approval of the code amendments associated
186 with group homes (Code Sections 10.5A.2 & 3; 10.5B.2 & 3; 10.5C. 3 & 4; 10.5D.2 & 3;
187 10.5E.2 & 3; and 10.5P.2 & 3, moving Group Homes from a Conditional Use to a Permitted
188 Use in the Residential Low (R-L), Residential Low-Moderate (R-LM), Residential
189 Moderate (R-M), Residential High (R-H), Residential Patio (R-P), and Agricultural (A)
190 Zones) and amendments to Code Section 10.7E Group Homes and for it to be moved to

191 **Section 10.11. as 10.11.120 Group Homes as a favorable recommendation to the City**
192 **Council. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne,**
193 **Westbroek, and Winsor voted yes. The motion carried.**

194
195 **Commissioner Johnson moved to open the public hearing for the amendment to Code**
196 **Section 8.04.010 Secondary Water Connections To Be Provided At All Future Water**
197 **Connections. Commissioner Westbroek seconded the motion. Commissioners Johnson,**
198 **Osborne, Westbroek, and Winsor voted yes. The motion carried.**

199
200 ******* PUBLIC HEARING *******

201
202 **Amendment to Code Section 8.04.010 Secondary Water Connections To Be Provided At All**
203 **Future Water Connections.**

204
205 No public comment.

206
207 **Commissioner Westbroek moved to close the public hearing. Commissioner Johnson**
208 **seconded the motion. Commissioners Johnson, Osborne, Pitts, Winsor, and Westbroek**
209 **voted yes. The motion carried.**

210
211 ******* PUBLIC HEARING CLOSED *******

212 Commissioner Johnson questioned whether the City needed to say how much secondary water
213 was required. Chair Osborne said no because the secondary water companies requires so much
214 water per acre, so it's set by the company.

215
216 **Commissioner Westbroek moved to recommend approval of the amendment to Code**
217 **Section 8.04.010 Secondary Water Connections To Be Provided At All Future Water**
218 **Connections to the City Council. Commissioner Winsor seconded the motion.**
219 **Commissioners Johnson, Osborne, Westbroek, and Winsor voted yes. The motion carried.**

220
221 **Commissioner Winsor moved to open the public hearing for the rezone request from Gary**
222 **& Dianna Nielsen for .87 acres located at approx. 2063 E. South Weber Drive (Parcel 13-**
223 **033-0066) be changed from a partial Agricultural Zone (A) to the entire lot being a**
224 **Residential Low Zone (R-L). Commissioner Johnson seconded the motion. Commissioners**
225 **Johnson, Osborne, Westbroek, and Winsor voted yes. The motion carried.**

226
227 ******* PUBLIC HEARING *******

228
229 **Request from Gary & Dianna Nielsen for .87 acres located at approx. 2063 E. South Weber**
230 **Drive (Parcel 13-033-0066) be changed from a partial Agricultural Zone (A) to the entire**
231 **lot being a Residential Low Zone (R-L).**

232
233 Randy Lewis, working with Dianna Nielsen, said they would like the property rezoned so they
234 can build a home on it and do a 1 lot subdivision. Randy said the property was divided out years
235 ago but it didn't get put in a subdivision and a new ordinance passed requiring the subdivision.
236 He said they have worked with UDOT on where the access will be and it will be a shared access
237 on the east end of the property. He said the City should have access and there won't be any
238 fencing issues.

239

240 Dianna Nielsen described the current zoning of residential in the front and agriculture in the back
241 of the lot. She said there is some confusion about where the line is between the zones and the
242 future property owner doesn't want to have big animals on the property so they are doing away
243 with the agricultural zone.

244

245 Chair Osborne asked if the property got messed up when South Weber Drive was redone. Barry
246 said partly because many years ago the City zoned the property 200 ft. off South Weber Dr.
247 without respect to property boundaries, so a lot of zones were divided that way.

248

249 **Commissioner Winsor moved to close the public hearing. Commissioner Westbrook**
250 **seconded the motion. Commissioners Johnson, Osborne, Winsor, and Westbrook voted**
251 **yes. The motion carried.**

252

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

254

255 **Commissioner Johnson moved to recommend approval to the City Council for the request**
256 **for .87 acres located at approx. 2063 E. South Weber Drive (Parcel 13-033-0066) to be**
257 **changed from a partial Agricultural Zone (A) to an entire Residential Low Zone (R-L).**
258 **Commissioner Winsor seconded the motion adding because that it's because it is in**
259 **conformance with the General Plan. Commissioners Johnson, Osborne, Westbrook, and**
260 **Winsor voted yes. The motion carried.**

261

262 **Administrative Actions (Application of Ordinances):**

263

264 **Commissioner Westbrook moved to open the public hearing for Thomas Estates**
265 **Subdivision (1 lot), located at approx. 2063 E. South Weber Drive (Parcel 13-033-0066), .87**
266 **acres by Gary & Dianna Nielsen. Commissioner Winsor seconded the motion.**
267 **Commissioners Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.**

268

269 ******* PUBLIC HEARING *******

270

271 **Thomas Estates Subdivision (1 lot), located at approx. 2063 E. South Weber Drive (Parcel**
272 **13-033-0066), .87 acres; Developer: Gary & Dianna Nielsen.**

273

274 No public comment.

275

276 **Commissioner Westbrook moved to close the public hearing. Commissioner Winsor**
277 **seconded the motion. Commissioners Johnson, Osborne, Winsor, and Westbrook voted**
278 **yes. The motion carried.**

279

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

281

282 Barry said the property was never approved as a subdivision. He said there are a lot of properties
283 in the City in that situation but most of them had homes on them. Since it was never approved as
284 building lot, it is going through that process now. He said there are a few complications because
285 UDOT came in and realigned South Weber Dr. and took a little bit of this property off. He said
286 that now because it is becoming a subdivision, it does need to put in improvements. There is curb
and gutter there already but there is no sidewalk so the City has asked for additional property to

287 be deeded to UDOT for sidewalk and improvements. He said the property owners are also
288 seeking approval from and have applied with UDOT for access. Barry doesn't expect there to be
289 any access issues. He thinks if they meet the conditions of getting access, the deed for UDOT,
290 and whatever else is on Brandon's letter (Chair Osborne said only UDOT issues are on
291 Brandon's letter) that there isn't a problem with the subdivision.
292

293 Brandon's letter dated November 6, 2015:

294

295 Our office has completed a review of the final plat and improvement plans submitted to us, dated October 22, 2015.

296

297 **General Information**

- 298 1. We have received a Will Serve letter from South Weber Water Improvement District indicating that they will
299 provide secondary water service to the property.
300 2. We have received a Title Report from Inwest Title and the property appears to be clean.
301 3. We have received a letter from UDOT indicating that the developer has met with them and started the application
302 process for access.
303 4. The existing fencing does not following the property lines very well. The plans show relocating the fencing to
304 follow the surveyed property lines.
305

306

306 We recommend approval, subject to the following being resolved before final approval from City Council.
307

308

308 **Items to Address**

- 309 1. The developer needs to provide a letter from UDOT granting access to the property.
310 2. The plat does not show any dedication of property to South Weber Drive (UDOT). It appears that the developer is
311 proposing to do this through a separate deed. This will have to be done prior to recording the plat.
312 3. The proposed drive approach should be shown on the improvement plans.
313 4. If UDOT requires the existing drive approach to be removed, this should also be shown on the plans.
314

315

315 **Items following Approval**

- 316 5. The developer will need to acquire an Encroachment Permit from UDOT to construct the proposed improvements
317 in South Weber Drive.
318

319

319 Randy said he met with UDOT today and access is in the works. They will be giving 17ft to
320 UDOT for the park strip. Barry said there are some issues with the fences not being on the
321 property lines. Randy said they will be cleaned up.
322

323

323 **Commissioner Westbrook moved to recommend approval of the Thomas Estates
324 Subdivision (1 lot), located at approx. 2063 E. South Weber Drive but request that it not
325 move on to the City Council until items 1-5 on Brandon's letter dated November 6, 2015
326 are taken care of. Commissioner Winsor seconded the motion. Commissioners Johnson,
327 Osborne, Westbrook, and Winsor voted yes. The motion carried.**
328

329

329 Randy Lewis requested that the rezone and subdivision go to the City Council at the same time,
330 probably in the first part of January, when UDOT has granted access.
331

332

332 **Training and Comments:**

333

334 **PUBLIC COMMENTS:**

335 Chair Osborne addressed the previously mentioned comments about the gravel pit raised by
336 Michael Peterson. Chair Osborne said the gravel pit is not watering anymore, they water with
337 secondary water and it's off now for the season.
338

339 Commissioner Johnson said the City has a good agreement with Staker Parson’s gravel pit but
340 Geneva has never come forward to be a part of that agreement.

341
342 Duncan said that Geneva’s pit is in the City but they don’t have to comply with anything the City
343 imposes because there is currently no authority for the City to impose discretion. The City has
344 power through processes and Geneva hasn’t gone through a process. Staker Parson came through
345 a process so the City had the agreement set up.

346
347 Commissioner Johnson asked if the Division of Air Quality had regulations about fugitive dust
348 and asked if Geneva could be in violation. Barry said yes they do but he doesn’t know if there is
349 a violation. Barry said the City could ask them to come and take measurements.

350
351 Duncan said in the last couple of days that Staker Parsons has given the City information on air
352 quality testing that he could pass along to the City Council and Planning Commission.

353
354 Dianna Nielsen asked if there are any committees or actions to build a windbreak or if the
355 existing pond could be used. Duncan mentioned the pond along the interstate is owned by Weber
356 Basin. Duncan said Staker Parsons bought new equipment to mitigate dust.

357
358 Chair Osborne said Staker’s operations will be closer to the freeway, so that will lessen dust
359 levels in the City. Elaine Tadehara, 2045 E. South Weber Dr., asked when the operations
360 would be moved closer to the freeway. Chair Osborne didn’t know. Duncan said when they
361 move digging areas; they have to reseed the old area.

362
363 **Open Meetings Act Training by City Manager**

364
365 Duncan stated the Planning Commission needs the annual training because the State Legislature
366 requires it by law. He described that due process means people have a chance for fair notice and
367 hearing; without it, the Constitution is meaningless. An open door policy is where the public can
368 come and hear City business. There are 5 parts to the Open and Public Meetings Act: Meetings,
369 Public Notice, Minutes and Records, Closed Meetings, and Enforcement. Duncan took a few
370 minutes to discuss each of the parts.

371
372 **PLANNING COMMISSION COMMENTS:** None

373
374 **CITY MANAGER ITEMS:** None

375
376 **ADJOURNED:** Commissioner Westbroek moved to adjourn the Planning Commission
377 meeting at 7:52 p.m. Commissioner Johnson seconded the motion. Commissioners
378 Johnson, Osborne, Westbroek, and Winsor voted yes. The motion carried.

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381 **APPROVED:** _____ Date
382 **Chairperson: Rob Osborne**

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385 _____
386 **Transcriber: Elyse Greiner**

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SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

19 **DATE OF MEETING:** 12 November 2015

TIME COMMENCED: 6:00 p.m.

20 **PRESENT: COMMISSIONERS:**

Debi Pitts (excused)
Rob Osborne
Wes Johnson
Rod Westbroek
Wayne Winsor

CITY PLANNER:

Barry Burton

CITY MANAGER:

Duncan Murray

DEPUTY RECORDER:

Elyse Greiner

21 **Transcriber:** Minutes transcribed by Elyse Greiner

22 **VISITORS:** Mike Szymanski, Jo Sjoblom, Randy Lewis, and Brent Poll.

23 **Approval of minutes of 22 October 2015:**

24 No comment.

25
26 **Legislative Recommendations (Discretionary):**

27
28
29 **Public Hearing and Action on Rezone Application: Request from MS Financial LLC for**
30 **13.48 acres located at approx. 7350 S. 850 E. (Parcel 13-020-0040) be changed from an**
31 **Agricultural Zone (A) to a Residential Low Zone (R-L).**
32

33 Duncan relayed the history of the rezone; it came to the Planning Commission as a request for
34 Residential Low Moderate. The Commission sent a unanimous unfavorable recommendation to
35 the City Council. The City Council tabled it and sent it back to the Planning Commission to
36 reconsider a lower density. A copy of a restricted easement from the Air Force was included in
37 the packet. The restriction stays with the land though it may change ownership. Brent Poll sent a
38 treatise on the property. Commissioner Johnson said with the F-35 coming on base, the noise
39 area will be expanded. Chair Osborne doesn't want a noise zone study done as if the City was
40 flat ground, it should take the terrain into account. Barry said the updated models do take terrain
41 into account. Commissioner Johnson said there was a study done at Edwards Air Force Base on
42 F 35s that describes the noise level and it may be something to take into consideration. Barry
43 said the General Plan says the property is shown as the Agricultural zone. Mike, the applicant,
44 questioned where it says there cannot be any construction in the easement. Duncan said it doesn't
45 specifically say it from what he could see.
46

47 **Public Hearing and Action on Land Use Ordinance: Amendments to Code Sections 10.5A.2**
48 **& 3; 10.5B.2 & 3; 10.5C. 3 & 4; 10.5D.2 & 3; 10.5E.2 & 3; and 10.5P.2 & 3, moving Group**
49 **Homes from a Conditional Use to a Permitted Use in the Residential Low (R-L),**
50 **Residential Low-Moderate (R-LM), Residential Moderate (R-M), Residential High (RH),**
51 **Residential Patio (R-P), and Agricultural (A) Zones.**

52

53 Duncan stated that Elyse went to a training and discovered that Group Homes have to be
54 considered a permitted not a conditional use in any residential zone under Federal law. The
55 Ordinance is to bring the City Code into compliance.

56

57 **Public Hearing and Action on Land Use Ordinance: Amendments to Code Section 10.7E**
58 **Group Homes and for it to be moved to Section 10.11. as 10.11.120 Group Homes.**

59

60 Duncan said this change is to take the requirements for a group home out from the Conditional
61 Use portion of the Code and putting it into the Supplementary portion of City Ordinance. He said
62 they also added reference to Federal law and deleted reference to regulations where group homes
63 could be located. Duncan mentioned that one area of land use where cities get sued is group
64 homes. Elyse stated that there can be regulations with group homes through a business license,
65 just not as a residence. Barry said it was adopted as an anti-discrimination law and the
66 regulations weren't noticed by the planning field until about 2 years ago. Chair Osborne
67 expressed concern about the number of people housed in the group home. Barry said State
68 regulations have a maximum on the number of people, possibly eight. Chair Osborne expressed
69 concern about people renting out their basement and calling it a group home. Duncan described
70 that they still have to meet regulations such as building code requirements and that there are
71 provisions for prohibitions on alcohol and drug use. Commissioner Johnson asked if a fire
72 system would be required. Duncan said fire inspections would be required for the business
73 license. Barry doesn't think a fire system would be required. Duncan said the building code
74 would clarify the threshold for needing one.

75

76

77 **Public Hearing and Action on Land Use Ordinance: Amendment to Code Section 8.04.010**
78 **Secondary Water Connections To Be Provided At All Future Water Connections.**

79

80 Duncan stated the change is a clarification for commercial properties to provide their own
81 secondary water.

82

83 **Public Hearing and Action on Rezone Application: Request from Gary & Dianna Nielsen**
84 **for .87 acres located at approx. 2063 E. South Weber Drive (Parcel 13-033-0066) be**
85 **changed from a partial Agricultural Zone (A) to the entire lot being a Residential Low**
86 **Zone (R-L).**

87

88 Barry said the property allows for higher density. The property is currently zoned under two
89 zones and the owners would like to consolidate the lot. Chair Osborne questioned whether the
90 owners were trying to sell the lot. Randy Lewis said yes, the property is under contract.

91

92

93 **Administrative Actions (Application of Ordinances):**

94

95 **Public Hearing and Action on Final Subdivision Application: Thomas Estates Subdivision**
96 **(1 lot), located at approx. 2063 E. South Weber Drive (Parcel 13-033-0066), .87 acres;**
97 **Developer: Gary & Dianna Nielsen.**

98
99 Duncan said that normally with subdivision plats, a portion of the road width is dedicated to the
100 City, but since this is on South Weber Drive it can't be dedicated because it goes to the State.
101 Duncan said you can't use a City plat to dedicate to the State. He said it's easy to fix by running
102 a separate deed at the same time as the plat. Randy said UDOT asked them to record a separate
103 deed from the City plat as well.

104
105 **Other Comments:**

106
107 Chair Osborne excused Commissioner Pitts.

108
109 Barry said Commissioner Westbrook asked him to find setbacks for odd shaped lots. Barry
110 passed out an example of setbacks for 5 sided lots which are often found in cul-de-sacs (gore-
111 shaped). Barry would like to have an ordinance that is open for interpretation because there can
112 be a lot of variations. Barry described his handout which allows for an intrusion into the rear
113 yard for one corner of the house and to reduce the rear setback yard by half for just the one
114 corner. Barry said it becomes difficult to say which is the one corner if there is a round turret or
115 other things on that side which is why room for interpretation of the ordinance would be good.
116 Barry feels like this is a good option for the Commission to consider. Commissioner Westbrook
117 thinks it's a great idea. Barry will put together the necessary ordinance amendments.
118 Commissioner Johnson asked if the Commission would look at these on a case by case basis.
119 Barry said the Commission won't see them; but rather, the Building Official would use
120 discretion when a building permit application came in. Duncan said to make sure the intrusion is
121 into the rear yard and define the intrusion as up to half the distance of the regular rear setback.
122 Barry said he would do that. Chair Osborne thanked Barry for looking into it.

123
124
125 **ADJOURNED: 6:29 p.m.**
126

PUBLIC HEARINGS NOTICE
South Weber City

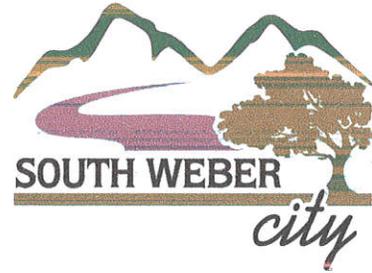
Notice is hereby given that on Thursday, December 10, 2015, at approx. 6:30 p.m., in the South Weber City Council Chambers, 1600 E. South Weber Dr., South Weber, Davis County, Utah, the following public hearings will be held before the Planning Commission: (1) a conditional use permit application request for The Firehouse Preschool LLC located at 1107 E. Canyon Drive (Parcel 13-300-0158), by applicant Sarah Dickson; (2) a preliminary subdivision application referred to as the Spaulding Property (76 lots), located at approx. 600 E. 6650 S. (Parcels 13-018-0071 and 13-0180072), 24.07 acres; Developer: Douglas Brady. In the alternative, if the referenced public hearings do not take place on the 10th, they may be held at a potential special Planning Commission meeting on Thursday, December 17, 2015 at approximately 6:30 p.m. A copy of the associated information for the hearings is on file for review at the South Weber City Office. The public is invited to attend and make comments. In compliance with the Americans with Disabilities Act, individuals needing special accommodation during the public hearings should notify Elyse Greiner at 801-479-3177 two days prior to the meeting date.

For Office Use Only

Application #: 2015-03
Fees received by: _____ Date of submittal: 11/23/15
Amount Paid: 200.00 Receipt #: 13-081672

Initial Review, all of the required supporting materials have been provided: _____

PC Meeting Date: Dec. 10, 2015



**Conditional Use Application
Residential Zone**

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Daycare/Preschool | <input type="checkbox"/> Service Accessory | <input type="checkbox"/> Twin Home |
| <input type="checkbox"/> Planned Dwelling Group | <input type="checkbox"/> Model Home | <input type="checkbox"/> Group Home |
| <input type="checkbox"/> Recreational Vehicle Park | <input type="checkbox"/> Hobby Kennel | <input type="checkbox"/> Dog Kennel |
| <input type="checkbox"/> Electronic Comm. Facility | <input type="checkbox"/> Rental Unit | <input type="checkbox"/> Other Requiring CU _____ |

Property Address: 1107 East Canyon Drive

Parcel Number(s): 133000158 Total Acres: 1/3 acre

Current Zone: RM If Rezoning, to what zone: _____ Bordering Zones: _____

Surrounding Land Uses: Sod farm, dance studio, residential

Business Name (if applicable): The Firehouse Preschool LLC

Anticipated # of Employees: 0 1-10 11-20 21+

Anticipated # of Customers on a Daily Basis: 0 1-10 11-20 21+

Available Parking Spaces: No parking for more than 3mins. Dropoff & pick up only

Sign Description (if any): _____

#Residential Units (if applicable): 1

#of Dogs (Kennels Only): 0

Contact Information

Property Owner(s)

Authorized Agent

(Owner Must Sign Authorization Form)

Name: Darrell & Sarah Dickson
Address: 1107 East Canyon Drive
City/State/Zip: South Weber UT 84405
Phone: 801-479-4966
Fax: _____
Email: firehousepreschool@gmail.com

Name: Sarah Dickson
Address: 1107 East Canyon Drive
City/State/Zip: South Weber UT 84405
Phone: 801-391-7043
Fax: _____
Email: firehousepreschool@gmail.com

Best Way/Preferred Method of Contact:

Best Way/Preferred Method of Contact:

Email Phone Fax Mail

Email Phone Fax Mail

PROJECT: Preschool

PROPERTY PARCEL NUMBER(S): 13 3000158

APPLICANT'S AFFIDAVIT

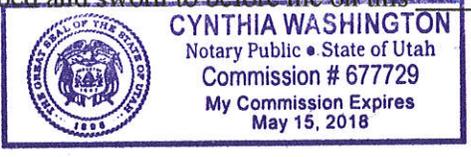
State of Utah)
County of Davis)

I/We Sarah Dickson § Darrell Dickson, the sole owner(s)/authorized agent of the owner(s) of the property involved in this application, located at 1107 East Canyon Drive, swear the statements and answers contained herein, in the attached plans, and other exhibits, thoroughly, to the best of my/our ability, present the argument in behalf of the application requested herewith, and that the statements and information above referred to are in all respects true and correct to the best of my/our knowledge and belief. I/We do also hereby give permission to South Weber City to place a city "public notice" sign on the property contained in this application for the purpose of notification of the conditional use application and to enter the property to conduct any inspections related to this application.

Dated this 23 day of November, 2015.

Signed: Sarah Dickson
Property Owner or Agent
Darrell Dickson
Property Owner or Agent

Subscribed and sworn to before me on this 23rd day of November, 2015.



Cynthia Washington
Notary Public

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AGENT AUTHORIZATION

State of Utah)
County of _____)

I/We _____, the sole owner(s) of the real property located at _____, South Weber, Utah, hereby appoint _____ § _____ as my/our agent with regard to this application affecting the above described real property, and authorize said agent to appear on my/our behalf before any city commission, board or council considering this application.

Dated this _____ day of _____, _____.

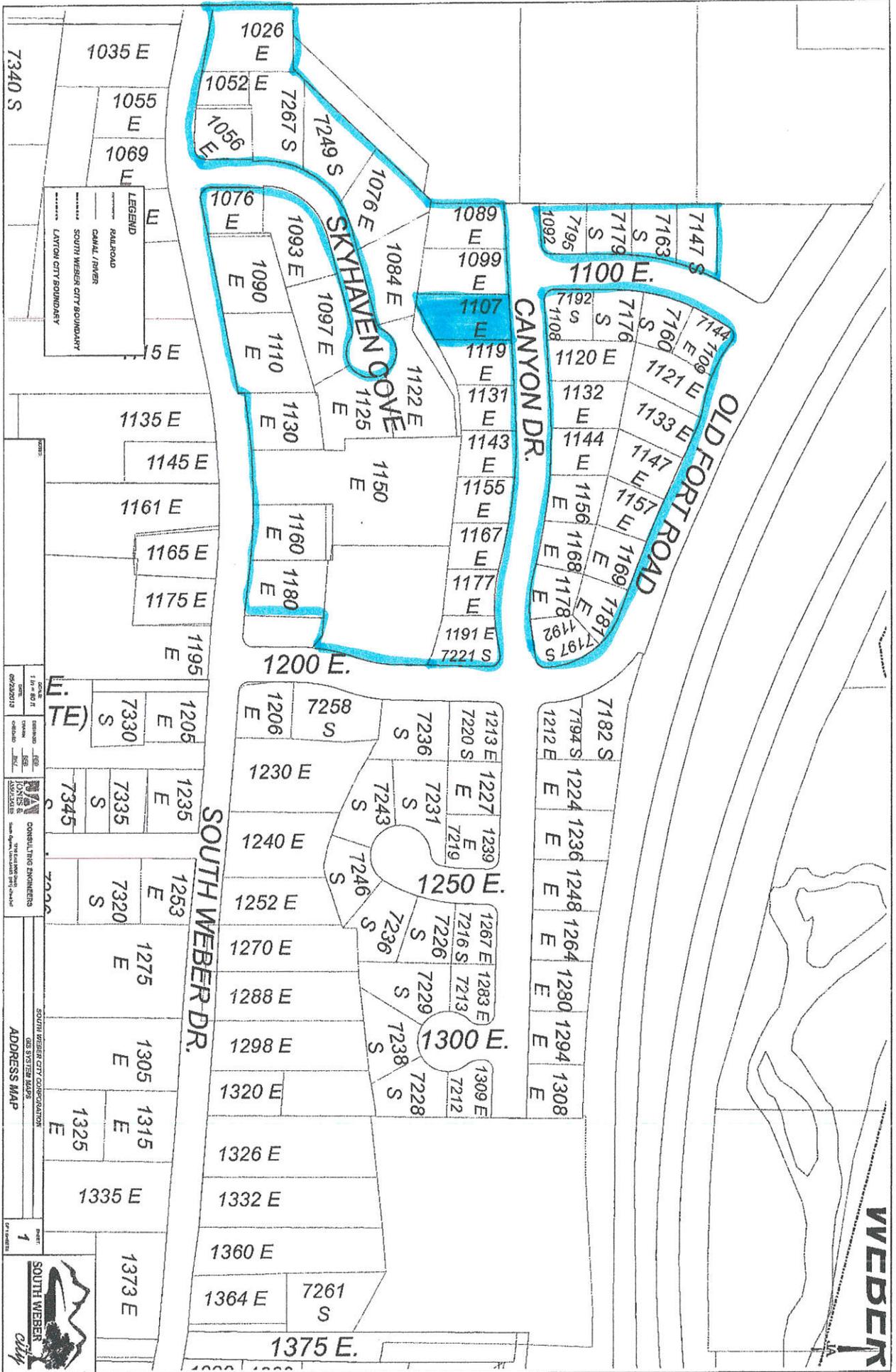
Signed: _____
Property Owner or Agent

Property Owner or Agent

Subscribed and sworn to before me on this _____ day of _____, _____.

Notary Public

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1373 E

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SOUTH WEBER PLANNING COMMISSION MEETING

DATE OF MEETING: 25 April 2013

TIME COMMENCED: 6:33 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde
Tim Grubb (excused)
Rob Osborne
Rod Westbroek
Rorie Stott

CITY PLANNER:

Scott Hess

DEPUTY RECORDER:

Emily Thomas

TRANSCRIBER:

Michelle Clark

A WORK MEETING WAS HELD PRIOR TO THE REGULAR PLANNING COMMISSION MEETING
AT 6:00 P.M. TO DISCUSS AGENDA ITEMS, CORRESPONDENCE, AND/OR FUTURE AGENDA ITEMS

VISITORS: Sarah Dickson, Darrell Dickson, Beth Hess, and Scott Casas.

Commissioner Hyde excused Commissioner Grubb from tonight's meeting.

DECLARATION OF CONFLICT OF INTEREST: There was no conflict of interest declared by the Planning Commission.

APPROVAL OF THE AGENDA: Commissioner Stott moved to approve tonight's agenda as amended with the removal of the approval of the Preliminary/Final Plat of the Petersen Farm Subdivision located at approximately 6930 S 475 E, Developer: Petersen Family Trust. Commissioner Westbroek seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbroek voted yes. The motion carried.

APPROVAL OF 28 March 2013 MEETING MINUTES: Commissioner Osborne moved to approve the minutes of 28 March 2013 as written. Commissioner Westbroek seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbroek voted yes. The motion carried.

Commissioner Westbroek moved to open the public hearing for Ordinance #13-12. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbroek voted yes. The motion carried.

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

Recommend Ordinance 13-12, an Ordinance Amending Title 10 Zoning Regulations, Chapter 6 Natural Resources, Section 8 Special Regulations: Scott stated this is an ordinance change based on request from Staker/Parsons on March 7, 2013 to amend the operation hours. Scott stated the development agreement does not address operation hours. The operation hours requested are 6 a.m. to 7 p.m. M-F and 7 a.m. to 7 p.m. on Saturday and does not contain a provision to allow the city to authorize extended hours for any excavation operations. It was suggested a note be added based on complaint situations in which the permit can be reviewed again and pulled if not in compliance.

Commissioner Hyde asked if there was any public comment. There was no comment.

Commissioner Osborne moved to close the public hearing for Ordinance #13-12. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

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

Commissioner Hyde stated we can leave the code as is or put a time limit. The Planning Commission questioned whether or not the operating agreement should supersede the code. Emily didn't think that it did. Scott stated the current code doesn't address the operating hours. This will add a provision for City Council to address extended operating hours. Discussion took place regarding the City Council being able to address complaints. Scott stated this hasn't been addressed in a formal agreement in the past and this ordinance will help with the regulation of operating hours.

Commissioner Stott moved to recommend approval of Ordinance #13-12 and accept proposed wording such that the city council has the say over the operating agreement and recommending to the city council that the agreement take into consideration the noise of the operations, handling of complaints that don't go beyond extended periods before action is taken, and other ailments such as dust and noise are controlled. Commissioner Westbrook seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

Commissioner Osborne moved to open the public hearing for Conditional Use Application #13-01. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

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

Conditional Use Application #13-01, The Firehouse Preschool, located at 1976 E. 7470 S., applicants: Darrell & Sarah Dickerson: Sarah and Darrel Dickerson, 1976 E. 7470 S., approached the Planning Commission. Sarah stated she has a degree in early childhood education and has always wanted to operate a preschool in her home. She stated the fire inspection has been completed. She would like to have two groups with a morning and afternoon session. She explained that children will be dropped off. There will be one volunteer parent helper. She would like to follow the Davis School District calendar. The morning session will be 9:30 to 12:00 p.m. and the afternoon session will be 1:00 p.m. to 3:30 p.m. She would

like to advertise in her yard with a sign (18” x 12”). Scott stated you are allowed one sign at your home to be placed in your yard, but not in the park strip. She is concerned about keeping the neighborhood safe. She will send a letter to parents of preschoolers to help maintain quiet and safe neighborhood with suggestions to carpool or walk. She knows there are 28 preschoolers within the Cedar Cove area. There will be 10 children in each session on Tuesday and Thursday for the next couple years. She would like the ability to add more days in the future.

Scott Casas, 1470 Canyon Drive, commended Sarah for pursuing her own home business.

Scott Hess asked about the size of home and livable space. Sarah would like to keep each session at 10 preschoolers. Scott discussed parking and asked if the parent volunteer would be parking. Sarah stated it is a parent volunteer who will be walking. Scott stated if it becomes a dedicated person, he suggested having a dedicated parking space off the street.

Commissioner Westbrook moved to close the public hearing for Conditional Use Application #13-01. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

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

Scott stated they would be required to maintain a business license in which there are certain regulations. He then discussed the number of children per session. Sarah stated she can’t see having more than 12 students. Commissioner Hyde asked if the backyard is fenced? Sarah stated, “no”. She explained the inside of her home and the fire house theme throughout the basement. She has discussed this item with the Home Owner’s Association. The Planning Commission discussed whether or not a fence should be required. Sarah stated they will be supervised outside and probably wouldn’t be out there very long. Scott reminded her to stagger the drop off and pick up of children.

Commissioner Westbrook moved to approve Conditional Use Application #13-01 with the following conditions: (1) maximum of 12 students per session, (2) Stagger the traffic flow, (3) Preschool operating hours will be Monday through Thursday 9:00 a.m. to 5:00 p.m. and, (4) Follow Davis School District calendar. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

Recommend Ordinance 13-11: An Ordinance Amending Title 10 Zoning Regulations, Addition of Chapter 17 Wind Energy Systems, Section A Small Wind Energy Systems & Section B Large Wind Energy Systems (*A Public Hearing for this item was held March 28, 2013): Scott Hess, City Planner, reviewed his memo of 17 April 2013 and stated concerning the Small Wind Energy Systems, the ordinance regulates the installation and use of home-based wind energy systems designed to provide the applicant with an offset to their energy needs. Staff has updated the ordinance reviewed in the March Planning Commission meeting, and has added clarification related to roof mounted systems, have not been changed to “earth-tone” only due to researching the issue and having a very difficult time finding examples of systems manufactured in earth-tone colors. Staff recommends that systems be installed in non-reflective colors that are applied by the manufacturer in order to limit the amount of maintenance required for the home owner. Earth-tones would be preferred if they are available, but staff would recommend allowing white, grey, beige, or other non-reflective weather-tolerant finishes and colors.

Scott stated concerning Large Wind Energy Systems, the ordinance regulates the installation and use of large-scale commercial wind energy systems designed to provide power back to the overall energy grid. Staff has updated the ordinance reviewed in the March Planning Commission, and has added setback waiver provisions, increased required setbacks adjacent to residential lots, and placed snow-load and wind-load requirements on these systems.

Scott suggested amending Section 10-17b-3d to change “residential building or use” to “occupied structure”. Mr. Casas is concerned about the setback requirement from a residential zone which requires the tower base to be setback a minimum of 1000 feet from residential zoning districts. Scott referenced Lynn County Iowa’s setback, Filmore County Minnesota setback, etc. He doesn’t feel it is unprecedented to request this setback. Commissioner Stott suggested looking at what makes sense. There is a legitimate concern with it following over, snow being thrown, or a blade falling off. Scott isn’t sure there are numbers available to help make that decision. Mr. Casas feels there needs to be a realistic compromise. He feels the fall zone should be tied to the size of it. The Planning Commission suggested amending the setback distance from 1,000 feet to 800 feet.

Commissioner Westbrook moved to recommend approval of Ordinance 13-11: An Ordinance Amending Title 10 Zoning Regulations, Addition of Chapter 17 Wind Energy Systems, Section A Small Wind Energy Systems & Section B Large Wind Energy Systems and amend the ordinance from “residential building or use” to “occupied structure”, and 10-17b-3d Setback Distance from Occupied Structure from 1,000 feet to 800 feet. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

ADJOURN: Commissioner Westbrook moved to adjourn the Planning Commission meeting at 7:32 p.m. Commissioner Stott seconded the motion. Commissioners Hyde, Osborne, Stott, and Westbrook voted yes. The motion carried.

APPROVED: _____ Date
Chairperson, Delene Hyde

Attest: _____
Deputy Recorder: Emily A. Thomas

Transcriber: Michelle Clark

**Planning Commission Work Meeting
April 25, 2013**

Time: Work meeting began at 6:05 p.m.

Attendance: Commissioners Hyde, Westbroek, and Osborne, Deputy Recorder Emily Thomas, City Planner Scott Hess, City Manager Rodger Worthen

Visitors: None

Recommend Ordinance 13-12, an Ordinance Amending Title 10 Zoning Regulations, Chapter 6 Natural Resources, Section 8 Special Regulations

Commissioner Hyde turned the time over to Scott. Scott reviewed the staff backup report:

On March 7, 2013, Staker & Parson requested that the City allow them to operate their wash plant 24 hours 6 days per week, which is contrary to City Code. City Code 10-6-8 allows operations to run from 6 a.m. to 7 p.m. M-F and 7a.m. to 7 p.m. on Sat., and does not contain a provision to allow the city to authorize extended hours for any excavation operations. Also, there is no mention of operating hours in the Staker & Parson Development Agreement.

On several occasions in the past, the last being in 2006, when Staker & Parson had made such a request, the Planning Commission allowed them to extend their hours.

The City Council discussed this issue in a work meeting on March 19 and determined the best route would be to amend the city code by adding a provision that the Council could authorize extended operating hours, after which time they can consider the request.

Staker & Parson has requested extending the hours that they operate their wash plant to 24/6 for this season. There is no provision in the current code to authorize extended hours. The City Council requested the staff and Planning Commission prepare a code amendment adding a provision giving the Council the authority to authorize extended operating hours.

Scott inquired if there were any complaints. Staff is not aware of any complaints. The proposed would require an agreement to be approved by the City Council. The agreement would allow the process to be clarified. Commissioner Hyde inquired about current operations. Rodger explained they have not been operating outside of the original approved hours.

Extending the hours has been allowed by past Planning Commissions. Rodger explained that the request to operate a wash station is quieter than daily operations. Commissioner Westbroek stated that he can hear their operations from his home and feels that the City would receive complaints.

Commissioner Hyde asked if this would generate sales tax. Rodger explained that in essence this would allow them to generate more product to sale during the day. She then inquired if the operational agreement could include not allowing if a certain complaints have been received.

Commissioner Osborne stated he is concerned about dust. Could the hours be limited to 11 pm?

Rodger explained that this simply gives the City Council an option to entertain an

agreement. The current code does not allow for this.

Conditional Use Application #13-01, The Firehouse Preschool, Located at 1976 E 7470 S, Applicants: Darrell & Sarah Dickson

Scott reviewed the staff backup report:

Darrell & Sarah Dickson are applying for a Conditional Use Permit to have a preschool at their home located at 1976 E 7470 S. Based on the application, it is proposed there would be 11-20 children with zero additional employees. There is plenty of parking available on-site. The applicants meet the zoning requirements.

The Planning Commission will need to discuss the following with the applicant:

1. Hours of Operation
2. Drop off/Pick up only or will parents be staying?
3. Will a sign be used? If so what, where?

Upon approval, the applicants will need to apply for a City Business License. A fire inspection will be completed at that time.

Commissioner Hyde asked if this use is regulated by the State. It is not. Commissioner Osborne asked what size the home is. This would need to be addressed with the applicant. Rodger asked if there were any conditions listed in the City Code. There are not. Commissioner Osborne asked if there are any regulations regarding how many preschools/daycares are in the area. It does not.

Recommend Approval of the Preliminary/Final Plat of the Petersen Farm Subdivision located at approximately 6930 S 475 E, Developer: Petersen Family Trust

At the Developer's request, this item will be removed from the agenda.

*Recommend Ordinance 13-11: An Ordinance Amending Title 10 Zoning Regulations, Addition of Chapter 17 Wind Energy Systems, Section A Small Wind Energy Systems & Section B Large Wind Energy Systems (*A Public Hearing for this item was held March 28, 2013).*

Scott reviewed the changes made to the proposed ordinance, from the draft discussed during the March meeting. After conducting some research, he did not locate any information that listed color requirements for windmills. The Planning Commission was concerned with requiring the developer/owner to paint the windmill. This should not be allowed.

Scott Casas stated that his residential blade was only available in black. He wonders if this is sort of like a production line where there is only one color available.

Commissioner Osborne stated that he would rather hear gravel pit operations than have an ugly commercial windmill blocking his view.

Scott Casas discussed the Department of Energy's testing center in Spanish Fork that has several residential windmills with several styles and sizes.

Commissioner Osborne asked if these would be put in the bottom of the gravel pit. Commissioner Stott stated they would most likely be on the upper bench.

Commissioner Westbroek asked if Commissioner Stott noticed less wind now than when he first moved into the City 30 years ago. Commissioner Stott stated that the wind patterns have changed.

The work meeting adjourned at 6:30 p.m. Work meeting minutes transcribed by Deputy Recorder, Emily Thomas.