SOUTH WEBER CITY
PLANNING COMMISSION MEETING

DATE OF MEETING: **12 September 2019** **TIME COMMENCED:** **6:00 p.m.**

LOCATION: **South Weber City Office at 1600 East South Weber Drive, South Weber, UT**

PRESENT: **COMMISSIONERS:** **Tim Grubb**
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton

CODE ENFORCER: **Chris Tremea**

CITY PLANNER: **Barry Burton**

CITY ENGINEER: **Brandon Jones**

DEVELOPMENT COORDINATOR: **Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Landy Ukena, Blair Halverson, David Hoggan, Michael Grant, Kathy Devino, Paul Sturm, Russ East, Tammy East, Jacqui Layton, Ember Davis, Mike Sampson, Jo Sjoblom, Haley Alberts, Mindi Smith, Amy Mitchell, Janette McEntire, Julie Losee, Sandra Layland, Mike Skousen, Jacob McReaken, Chris Tremea, Brian Poll, Sherrie West, Farrell Poll, Quin Soderquist, and Brandon Alberts.

PLEDGE OF ALLEGIANCE: Commissioner Johnson

Commissioner Osborne explained the changes to the Planning Commission agenda. He said the work meeting has been eliminated and public comment will be held at the beginning of the meeting, similar to the City Council agenda.

PUBLIC COMMENT:
a. Please state your name and address
b. Please keep public comments to 3 minutes or less per person
c. Please address the entire Planning Commission
d. Planning Commission will not respond during the public comment period

Mindi Smith, 2440 E. 8100 S., is concerned about decisions the city is making, especially when it comes to rezones. She is also concerned about blanketing commercial property with a mixed-use overlay option, building unwanted new massive roads, tax payers paying for upgraded sewer

capacity, and not making developers accountable for development and conditional use agreements. For example, many individuals living near the soccer complex feel the developer hasn't been held accountable to the conditional use permit for that facility as well as items that they feel were left out of the conditional use permit. She addressed the Lofts at Deer Run and stated after listening to Planning Commission minutes, she thought Commissioner Osborne wanted a conditional use agreement to maintain control of the development. She questioned how much money is being spent on these two projects and whether the good outweighs the bad. She pointed out the by taking the commercial overlay zone out of the general plan and replacing it with a mixed use overlay, she would argue that the only place those kind of buildings seem appropriate is on the eastern end of South Weber Drive with the hill behind or in the gravel pit. She asked the Planning Commission to not allow any more three-story buildings, with 10% green space, and 10 ft. setbacks. She doesn't feel there are enough jobs, college campus, tracks station, or hospitals near enough for a walking and riding bicycle community in South Weber. She proclaimed South Weber is a small town that we all know and care about. She feels there should be some amount of concern and greater effort on the Planning Commission's part for balancing developer rights and values but also protecting all of the citizen's rights and values as well.
(SEE ATTACHED)

Haley Alberts, 7560 S. 1740 E., explained she has received feedback from citizens concerning the general plan survey on the city website. Individuals are complaining it isn't user friendly. She would also like to know when the comments will be reviewed and by whom. She said most people like the comment area. She suggested a pros and cons area. She asked if there is a way after submitting a survey that you can go back and edit it.

Michael Grant, 2622 Deer Run Drive, discussed keeping South Weber nice, quiet, and pristine. He understands growth is happening. He would like to see growth controlled with more quality homes verses high density. He feels with the proper control the city will not need a several South Bench Drives.

Ember Davis, 7362 S. 2050 E., moved to South Weber about four years ago. She enjoys the mountain views, small town feel, driving down South Weber Drive, wide open spaces, and even the chickens. She is disheartened by the general plan. Up until a few months ago her plan was to retire in this community, but after reviewing the general plan, her mind is changing. She pointed out in the current general plan 0% of land is agricultural. She questioned why that decision isn't left to the landowner. She would like to see this land protected instead of overdeveloped. She feels development should be done conservatively so that individuals can enjoy opens space and a small-town feel. She is concerned about sensitive land areas being converted to commercial highway. She announced according to the Intergovernmental Panel on Climate Change (IPCC), we only have fifteen years before the earth enters irreversible damage. She believes this small community can make small contributions to the overall good that can make a difference. She knows there are hundreds of acres of agricultural property that can be preserved and developed conservatively. Her favorite quote from her favorite movie "Gone with the Wind" is "Land is the only things in the world worth workin' for, worth fightin' for, worth dyin' for, because it's the only thing that lasts". She feels the land of South Weber is far more valuable than monitory gain from over development. She implored the Planning Commission to not sell our home to the highest bidder. **(SEE ATTACHED)**

Julie Losee, 2541 E. 8200 S., supports the removal of the commercial overlay zone; however, she is concerned the commercial overlay zone will be replaced with a mixed-use overlay. She would like the mixed use overlay to be defined. She hopes the citizens will be able to comment on Lofts and Deer Run when the developer presents his plan. She pointed out the acreage of this property. She said the lot on the north side of the canal is .31 acres and is currently zoned residential and can't be included in the calculation of the units on the south side of the canal.

Amy Mitchell, 1923 Deer Run Drive, has conducted some research. She is concerned about page 4 line 108 of the general plan. She feels this is the most profound sentence in the general plan. She feels building smart is the best idea. She pointed out several individuals have skipped the section with the graphs on the general plan survey. She feels they may be too confusing for people. She suggested postponing the adoption of the general plan. She would like items identified by color as to what is added and what is removed. She said there is a reason that people want to live here.

Mike Skousen, 7932 S. 2530 E., thinks there is a big disconnect with city government and the citizens in South Weber City. He discussed his concerns with conflict of interest, and even suggested the city investigate a conflict of interest ethics agreement. He feels there is redundancy in the city, as such he doesn't think the city needs a city planner, city manager, and the city is paying too much for the city engineer. He thinks the Planning Commission needs to be held accountable. He would like them to remember who they work for. He reminded them they work for the citizens.

Jacqui Layton, 8017 S. Cedar Court, thanked Commissioner Grubb for his apology on Facebook. She understands 98% of people living in Utah want more agriculture. She is not in favor of the commercial overlay zone. She would like the mixed-use overlay defined. She said there is a short-term rental in her neighborhood. She is concerned about individuals staying at these places and not having a background check. She has a daycare in her home and is very concerned.

Janette McEntire, 8005 Cedar Court, has been reviewing the general plan and feels it is contradictory. She feels the road connection to Layton City isn't safe. She thinks the median on 475 east is a hindrance. She said South Weber doesn't really have access to mass transit.

Kathy Devino, 2480 E. 8300 S., is concerned about people coming through the city just to get over the hill faster. She pointed out what is going on with the South Weber exit being backed up with traffic on Highway 89. She is concerned about the Hill Air Force Base contamination on the hillside. She has had stage four thyroid cancer and has been told it is from radioactivity. She said we are third in the nation for thyroid cancer.

Sandra Layland, 7294 S. 1950 E., said she lives by a short-term rental. She explained the other night there was a wedding at this short-term rental. She said the code enforcer was contacted and he told her husband they aren't breaking any rules. She said there were 70 to 80 people attending this wedding. She thought they were only allowed to have 18 people there.

Dave Hoggan, 7701 S. 1550 E., lives in one of the three houses that were damaged by the mudslide. He said they have had to install an engineered retaining wall. He is concerned about

the construction of a road to connect to Layton City. He is concerned about the sensitive land area that would be affected.

Jacob McReaken, 1453 E. 7500 S., questioned the moderate-income housing portion of the general plan. He noticed the calculations are based on the county.

Barry said the state code requires cities to use the county. Mr. McReaken referred to Section 10-9A-403. Barry suggested reviewing the definition for moderate income housing.

Mr. McReaken asked about the Ray property across the street. He would like to know why this area is identified as high density. He said there were a number of citizens who showed up at a meeting who were against the high density. He doesn't think is it appropriate to continue with that.

Missy Fisher, 2036 E. 7550 S., representing the Peek family farm. She pointed out that her family wasn't contacted about the road. She said South Weber is unique and she is not in favor of high-density housing. She feels it is okay to keep it unique. She pleaded with the Planning Commission to listen to the citizens.

APPROVAL OF CONSENT AGENDA:

- **Minutes of 8 August 2019**
- **Minutes of 22 August 2019**

Commissioner Walton moved to approve the consent agenda as written as amended. Commissioner Johnson seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. Commissioner Pitts abstained. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Johnson moved to open the public hearing for Ordinance 19-15: Removal of Title 10 Chapter 5 Article N: Commercial Overlay Zone. Commissioner Grubb seconded the motion. Commissioners Grubb, Pitts, Osborne, Johnson, and Walton voted aye. The motion carried.

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

Public Hearing & Action on Ordinance 19-15: Removal of Title 10 Chapter 5 Article N: Commercial Overlay Zone: The South Weber City Council is of the opinion that the Commercial Overlay Zoning District (C-O) is no longer desirable or needed in the City's land use ordinance.

Paul Sturm, 2527 Deer Run Drive, is in favor of excluding the commercial overlay zone (C-O).

Kathy Devino, 2480 E. 8300 S., doesn't feel the city needs a commercial overlay zone. She is afraid more high density increases the crime activities in the city. She is not happy about the Lofts at Deer Run. She is concerned about parking, snow removal, and emergency situations.

Michael Grant, 2622 Deer Run Drive, recommends removing the C-O Zone and not replacing it with a mixed-use overlay.

Charlie Poll, 2356 View Drive, said telling us what we can do with our property and what it is worth is really a pain.

Ember Davis, 7362 S. 2050 E., wants to make sure C-O Zone is removed. She said this is not the vision for the city. She said it will add additional cost to the city.

Mike Skousen, 7932 S. 2530 E., doesn't want commercial overlay. He feels people should be able to sell their land. He said the citizens don't want the commercial overlay. He would like to see sensible development.

Commissioner Grubb moved to close the public hearing for Ordinance 19-15: Removal of Title 10 Chapter 5 Article N: Commercial Overlay Zone. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Osborne, Johnson, and Walton voted aye. The motion carried.

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

Commissioner Grubb feels like a good move to remove the commercial overlay zone. Commissioner Walton asked how many properties have been rezoned to commercial overlay zone. Barry pointed out there are two properties that are currently zoned C-O Zone. Commissioner Walton asked about the permitted uses. Barry stated the commercial uses are covered in other zones. He said by removing the C-O Zone it gets the density off the books. Commissioner Johnson understands the public is not in favor of the C-O Zone, and he wants to listen to them.

Commissioner Grubb moved to recommend to the City Council Ordinance 19-15: Removal of Title 10 Chapter 5 Article N: Commercial Overlay Zone. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Osborne, Johnson, and Walton voted aye. The motion carried.

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

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

Public Hearing & Action on Short Term Rental: Russell East LLC: 1143 E Canyon Drive (Parcel: 13-299-0131): This short-term rental is located on .23 acres. Hours of operation is 24/7 with the days of operation being Monday through Sunday. There are four bedrooms and four parking stalls. Russell East approached the Planning Commission. He said they are doing this for side income. He is willing to run a background check on renters. He said they are willing to have parking in their garage and driveway. He said the average time is three or four nights. They don't stay in the home when it is being rented.

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION ITEMS:

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

Commissioner Walton: understands the commitment to open space. He agrees that commercial development has its place in South Weber and needs to be scaled. He understands the general plan should be the vision of the citizens of South Weber. He has never tried to push his own agenda. He understands more access impacts individuals. He said there has been more development in just the six years he has been here. He said South Weber Drive can't take on more traffic. He would like individuals to come up with ideas for east west north south connections. He feels the citizens are giving good direction. He would like to see more specifics in architectural details for commercial areas. He appealed to individuals and asked for comments to be more about the visions and dreams for the future. He gave an update on the joint land use study. He said a contractor will be selected in the next few weeks.

Commissioner Johnson: pointed out some of the comments on Facebook are positive and some of them are very negative. He said the general plan is the citizen's plan and citizen's comments are critical. He discussed ways to protect agricultural lands. He addressed mass transit in South Weber. He said right now there is a park and ride with UTA. He discussed the traffic being a problem on Highway 89 and feels it is only going to get worse. He is willing to sign a conflict of interest agreement. He said the Planning Commission has had many meetings to discuss things and no one shows up. He said it is up to the citizens to show up to the meetings.

Commissioner Osborne: attended the Utah League of Cities and Towns Meeting today. He discussed community gardens and orchards that are starting to come up. He would like to look at an ordinance in which if the zone doesn't work then it converts back to the original zone.

Commissioner Pitts: thanked the public for attending these meetings. She said everyone is welcome. She questioned what happened recently with the wedding at Cobblestone Resort. Chris Tremea explained the owners of this short-term rental that they did receive one strike.

ADJOURNED: Commissioner Grubb moved to adjourn the Planning Commission meeting at 7:53 p.m. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Osborne, Johnson, and Walton voted yes. The motion carried.

APPROVED: Rob Osborne **Date** OCT 10, 2019

Chairperson: Rob Osborne

Michelle Clark

Transcriber: Michelle Clark

Kim Guill

Attest: Development Coordinator: Kimberli Guill

Kim Guill

From: Brent Poll <Brent_Poll@hotmail.com>
Sent: Thursday, September 12, 2019 12:48 PM
To: Kim Guill
Cc: jcoyote23@gmail.com; FISHER, BARBARA F GS-12 USAF AFMC 75 ABW/PA; Wayne Winsor; halverson@southwebercity.com; glenpoll41@gmail.com; Sondra Poll; "Lynn & Kathy"; Wes Johnson; timgrubb@southwebercity.com; rsosborne1@gmail.com; Debi Pitts; Taylor Walton; Kent Hyer; Jo Sjoblom; Jed's Gmail; Justin @home; Senator Mike Lee; intern_cassandrakendall@romney.senate.gov
Subject: How Binding Are City Zoning Decisions and the Related Projections in the City's General/Master Plan - Commission Hearing Scheduled for this Evening

Dear Planning Commission;

Recent events and related news reports strongly suggest that the City of South Weber formally considers its existing zoning decisions and General Plans as absolute.

Otherwise, if a developer elects to develop any property within the constraints of the currently (and even potentially so zoned per the General Plan) approved zoning schemes; then the City and its residents are powerless to preclude/challenge such developments. Supposedly, this is an entitlement for developers supported by existing current laws and regulations. If this is so, please ask the City attorneys to so document those legal standards for public dissemination..

Such an entitlement, if actually in place, is idiotic. Zoning decisions, as you well know, are not without controversy. Planning Commissioners and City Councils are not infallible. Mistakes can and have been made. I strongly contend that such is very much the case in the west end of our City where high-density subdivisions have been approved by our City for properties that are formally recognized for being polluted so severely that the site remains on the National Priority List (NPL) as one of the most threatened such sites in the United States. This places all those who relocate there (as well as all former post-pollution owners) under legal jeopardy as Potential Responsible Parties (PRPs) per applicable Federal statutes. Even more important than this legal complication, this high-density rezoning places many hundreds more new and potential residents at severe heavily-documented risks from the many containments which will continue to threaten this entire area throughout the foreseeable future.

At a minimum, the City needs a means (and the will) to rectify its zoning mistakes. Moreover, it should never be so committed to any of its plans and zoning projections that new and better plans/options/decisions cannot circumvent the older imperfect ones.

Please provide reference to the legal standards referenced in para two above, and let me know if you have any questions concerning the above observations. Include this email in the package for this evening's public hearing as I have other obligations and cannot attend.

Brent Poll
South Weber
(801)479-3786

Ember Davis 7362 S 2050 E

Mayor, Council Members & Planning Commission. Thank you for the opportunity to speak with you today.

I moved to South Weber 4 years ago because I fell in love with its beauty and its small-town feel. The drive down South Weber Drive is straight from a story book and I cannot get enough of the wide-open spaces, beautiful mountain views and **even the gang of chickens that terrorize neighborhood**. **Within** a matter of minutes of being here it felt like home. Every time I come down the hill on 89 my soul takes a deep breath and I know... " I am home"

I am incredibly disheartened by the general plan. I have been thinking how important it is for me to get up here to join my voice with many speaking up for our community. I wanted to write something that was completely unemotional and filled with facts and numbers. The more I thought and the more I wrote I found that was completely impossible**. A home is emotional**, its where you spend all of the important moments of your life with your family and loved ones. Its where dreams are dreamed and accomplished. **Its where** successes are celebrated, and failures are learned from. **I wanted a place where** I had room to breath and land to spread my roots**. I had thought I had found it in South Weber.** Up until a few months ago my plan was to retire in this community**. I had zero thoughts** about moving but in seeing this plan and possibility of destruction of all the open lands my mind is changing.

Alright, Let's get to those facts and numbers. In the June 2017 map hundreds possibly thousands of acres of South Weber land was zoned as Agricultural, Open lands & Recreation. This was the reason I moved here (and I think if you ask, many of the people behind me would say the same). **In our current plan 0% of our lands are agricultural. 0%!** According to the General Plan there are many reasons listed that justify making this zone obsolete, **but why not leave that decision to the land owner? Why not protect** some of this land instead of overdeveloping and forcing **over population on our community**? I welcome new neighbors into our home of South Weber, but let's plan these new developments conservatively so these new neighbors can enjoy our **open spaces and small-town feel**. Our open lands & Commercial Recreation have also been reduced drastically. Within this change approximately 252 acres **of sensitive lands** being converted to Commercial Highway. The same questions come to mind? **Why not protect these lands?** Its not just our home we are protecting its **our future generations home**. We have the chance **RIGHT NOW** to make a difference. According to the **Intergovernmental Panel on Climate Change (IPCC)** we only have 15 years before the earth enters **irreversible damage**. I know a lot of ears close sharply when confronted by Global Change but think about this. Your children's children will not have green spaces to play, **clean air to breath,** and closest to all of our hearts - our South Weber that we know and love, **our home as we know it will be gone.**

Let's put ourselves in the news for something positive. For example, Ireland just committed to planning 440 million trees in the next 20 years. We may not have space for 440 million trees, but its small communities such as ourselves making small contributions to the overall good that make a difference. I know of AT LEAST 252 acres we can protect and nurture for future generations. Hundreds of acres of agricultural that can be preserved or at least treated with the respect it deserves and **developed conservatively.** ... This may just be dirt to many, but my favorite quote from my favorite movies Gone with the Wind comes to mind. "land is the only thing in the world worth workin' for, worth fightin' for, worth dyin' for, because it's the only thing that lasts." **The land of South Weber is far** more valuable than monitory gain from over development.

Please don't sell our home to the highest bidder. Thank you.

Some say a city is either growing or dying, yes that may be true, but it seems our city has decided to take matters into their own hands and take steroids lately in its growing methods. I would say some of these "steroids" you are using is offering unneeded rezones, blanketing every commercial property with a mixed- use overlay option, building unwanted new massive roads, making tax payers pay for upgraded sewer capacity for all of the mixed use overlay lots on the east side, I think another steroid used is either not including or not making some developers be accountable to conditional use agreements.

What protection for our citizens have been included in development agreements or conditional use agreements? We have seen from the soccer complex that many families near that facility are angry because of things that were said to be in a conditional use agreement that never were put in and the things that are are not being enforced?

With the lofts, it doesn't appear that a conditional use agreement was ever included to protect the city from having a three story building with apartments, but It was something that I thought from listening to the minutes that Mr. Osborne wanted included with the rezone in order to

maintain control in that situation.

I've been wondering lately if these decisions you are making would go over better with the community if you tried to explain how offering rezones and ordinance changes and protecting mostly the rights of the developer for the lofts and for the soccer complex are worth all of the negative aspects they are bringing to our city? I think it would be good for all of us to know how much money are these two projects bringing in to our city does the good outweigh the bad?

I also want to point out that by taking away commercial-overlay it may seem like you are doing something to address our concerns but those of us that have spent any time researching realize that you have basically the same thing on the General Plan with a mixed-use overlay. I would argue that the only place those kinds of buildings seem appropriate is on the eastern end of south weber drive with the hill behind or in the gravel pit.

I'm asking you to please not allow any more three story buildings, with 10% green space and 10 ft setbacks anywhere else in south weber, they don't make sense here,

there isn't and there never will be jobs or college campus or tracks station or hospital clinic near enough for walking and riding bikes to, The winter wind does not make South Weber a place where a city high rise makes any bit of sense here., I would also argue that Bringing the lofts building here right now in this economy isn't going to provide moderate income housing it's going to force people to overpay for $1,000 square feet, to only regret their decision with one walk to the park and ride to get their car.

We are a small town and we all know and care about each other there should be some amount of concern and greater effort on your part for balancing developers rights and values BUT also protecting all of our rights and values as well.