SOUTH WEBER PLANNING COMMISSION AGENDA

PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Thursday, September 12, 2019 in the Council Chambers, 1600 E. South Weber Dr., commencing at 6:00 p.m.

P.C. MEETING (Agenda items may be moved in order or sequence to meet the needs of the Commission.)

1. **Welcome:** Commissioner Osborne
2. **Pledge of Allegiance:** Commissioner Johnson
3. **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
4. **Approval of Consent Agenda**
   a. Minutes 2019-08-08
   b. Minutes 2019-08-22
5. Public Hearing & Action on ORD 19-15: Removal of Title 10 Chapter 5 Article N: Commercial Overlay Zone
6. Public Hearing & Action on Short Term Rental: Russell East LLC: 1143 E Canyon Drive (Parcel: 13-645-7433)
7. **Planning Commissioner Comments** (Grubb, Walton, Pitts, Johnson, Osborne)
8. **Adjourn**

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the Development Coordinator, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177 x-2205) at least two days prior to the meeting.

THE UNDERSIGNED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE www.southwebercity.com 4. UTAH PUBLIC NOTICE WEBSITE www.pmn.utah.gov 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

9/05/2019

Date:

Kim Guill

Dev. Coordinator: Kimberli Guill

SOUTH WEBER CITY
PLANNING COMMISSION WORK MEETING

DATE OF MEETING: 8 August 2019 **TIME COMMENCED: 6:03 p.m.**

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

PRESENT:	**COMMISSIONERS:**	**Tim Grubb** **Debi Pitts (excused)** **Rob Osborne** **Wes Johnson** **Taylor Walton**
	CODE ENFORCER:	**Chris Tremea**
	CITY MANAGER:	**David Larson**
	CITY ENGINEER:	**Brandon Jones**
	CITY PLANNER:	**Barry Burton**
	DEVELOPMENT COORDINATOR:	**Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Blair Halverson

Commissioner Osborne excused Commissioner Pitts from tonight's meeting.

Approval of Consent Agenda

a. **Minutes 11 July 2019**

Other Business: Commissioner Osborne addressed information he was given by Mayor Sjoblom concerning the public comment portion of a meeting. It is as follows:

1. Those who wish to make public comment need to come to the podium and state their name and address for the record.
2. Keep public comments to three minutes or less per person.
3. Address the entire Planning Commission
4. Note the Planning Commission will not respond during the public comment period.

Short Term Rentals: Commissioner Walton questioned if the city needs to have short term rentals in all residential zones. Commissioner Osborne understands what Commissioner Walton is saying but isn't sure how to identify which zones. David Larson, City Manager, reported many complaints can lead to the shutting down of operating a short term rental, but it has to start

with a conditional use permit. Council Member Halverson pointed out it is one unit per household.

At the Planning Commission held on 11 July 2019, there was a question concerning a short term rental being considered a hotel. The Planning Commission has since received information from Doug Ahlstrom, City Attorney, concerning the definition of a hotel. According to Mr. Ahlstrom, this doesn't apply to short term rental. Barry Burton, City Planner, stated there is a claim that any short term rental less than 30 days, kicks it into the international building code. The two requirements are: (1) sprinkling and (2) less than 10 people. David explained that isn't something the city can take on right now and would be considered a State issue. Discussion took place regarding information that has been left off of the conditional use permit application and the need for the applicant to complete this information (maximum number of people, etc.). David reminded the Planning Commission the property needs to fit into a residential area. The Planning Commission discussed the maximum number of people is based on specific location.

Commissioner Osborne reported there are individuals who will be in attendance tonight that will want to discuss the Deer Run Flats development. He stated they are welcome to make public comment.

Public Hearing and Action on Lopez Retreat Short Term Rental Conditional Use Permit at 1191 E Canyon Drive, Parcel (13-297-0119):

Action on Cobblestone Resort Short Term Rental Conditional Use Permit at 1923 E Canyon Drive, Parcel (13-184-0030):

Action on Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050):

General Plan Update: (no discussion on this item)

ADJOURNED: 6:28 p.m.

APPROVED: _____ **Date**

Chairperson: Rob Osborne

_____

Transcriber: Michelle Clark

_____

Attest: Development Coordinator: Kimberli Guill

SOUTH WEBER CITY
PLANNING COMMISSION MEETING

DATE OF MEETING: **8 August 2019** **TIME COMMENCED:** **6:32 p.m.**

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

PRESENT:	**COMMISSIONERS:**	**Tim Grubb** **Debi Pitts (excused)** **Rob Osborne** **Wes Johnson** **Taylor Walton**
	CODE ENFORCER:	**Chris Tremea**
	CITY MANAGER:	**David Larson**
	CITY PLANNER:	**Barry Burton**
	CITY ENGINEER:	**Brandon Jones**
	DEVELOPMENT COORDINATOR:	**Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

***A PUBLIC WORK MEETING was held at 6:00 p.m. to* REVIEW AGENDA ITEMS**

ATTENDEES: Blair Halverson, Carol Braithwaite, Julie Losee, Bridgette Hadlock, Sherry Wooton, Jessica Manyano, Fran Olson, Jean Jenkins, Carissa Wentworth, Haley Alberts, Jeff Bench, Jeff Eddings, Tammy Long, Michael Grant, Paul Sturm, Sandra Layland, Joan & Bill Turner, Lesa & Tom Wright, Mark & Sherrie West, Chris Hanson, Kaitlyn Hanson, Hilary Bench, Francesco & Misti Lopez, and Mindi Smith.

PLEDGE OF ALLEGIANCE: Commissioner Osborne

APPROVAL OF CONSENT AGENDA

- **Minutes of 11 July 2019**

Commissioner Johnson moved to approve the consent agenda as written. Commissioner Walton seconded the motion. Commissioners Osborne, Johnson, and Walton voted aye. Commissioner Grubb abstained as he was excused from the meeting. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Walton moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.

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

Lopez Retreat Short Term Rental Conditional Use Permit at 1191 E Canyon Drive, Parcel (13-297-0119): This application is for a conditional use permit at 1191 E. Canyon Drive for a short-term rental. The total acreage is .33. Hours of operation is 24 hours. There are 6 bedrooms and 7 parking stalls. Commissioner Osborne asked if there was any public comment. There was none.

Commissioner Johnson moved to close the public hearing. Commissioner Walton seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted aye. The motion carried.

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

Misti & Francesco Lopez, 1191 E. Canyon Drive, approached the Planning Commission. Misti explained they have been operating a short-term rental in their home for a few years and she appreciates the opportunity to now be able to submit taxes to South Weber City. She has grown up in South Weber City. She said the majority of rentals are for approximately 15 guests. She said they come for funerals, weddings, Hill Air Force Base, attractions, etc. She hasn't had any issues with those who stay in her home. Misti reported most of the rentals are in the summertime or holidays, but they rent year-round. Her family is not in the home while it is being rented. She explained they have 6 bedrooms and 7 beds. She said they have accommodations for 15 people. Commissioner Grubb discussed keeping this rental with a residential feel. He feels a maximum of 15 people is acceptable. Misti explained they have a three-car garage and enough parking for 7 stalls. Chris Tremea, City Code Enforcer, mentioned the city has not received any complaints with this short-term rental. Commissioner Grubb feels a maximum of 18 occupants would be acceptable. It was stated there should be an annual review of the conditional use permit. Commissioner Johnson commented that his home is located down the street from this home, and he doesn't notice there is even a short-term rental.

Commissioner Grubb moved to approve the Lopez Retreat Short Term Rental Conditional Use Permit at 1191 E Canyon Drive, Parcel (13-297-0119) subject to the following conditions:

1. **Limit of 18 occupants per day**
2. **Annual conditional use permit review**

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

Action on Cobblestone Resort Short Term Rental Conditional Use Permit at 1923 E Canyon Drive, Parcel (13-184-0030): The proposed use for this property is a short-term rental. This property is 1.14 acres. The square footage of business is 3,000 square feet. The anticipated number of employees is 4. Days of operation is 7 days a week. There are 4 bedrooms and 8 parking stalls. There are 4 smoke detectors, 1 carbon monoxide detector, and 1 fire extinguisher.

WonAe Mier & Dustin Shiozaki, property owners of 1923 E. Canyon Drive, approached the Planning Commission.

Commissioner Osborne explained this item was tabled because of the questions surrounding whether or not this is considered a hotel (Chapter 1 General Provisions 10.1.10 Definitions: HOTEL: A building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged with or without meals. Hotels (transient lodging) are only allowed in COMMERCIAL-RECREATION ZONE (C-R) and HIGHWAY-COMMERCIAL ZONE (C.H). Commissioner Osborne reported the City Attorney, Doug Ahlstrom, has reviewed this city code 10.1.10 and stated this short-term rental is not considered a hotel.

Commissioner Osborne explained to those in attendance that the city ordinance doesn't allow for two units. This is for one unit. He asked the property owners how many occupants. Dustin said the fire marshal said he recommended for 34 occupants. Commissioner Grubb asked about the 4 employees on the application. Dustin said the employees are there to clean. WonAe said she will stay there sometimes in the basement. Commissioner Grubb asked about how many occupants stay at this location. Dustin said 10 people. WonAe said sometimes they have more, maybe 15. She said they have nine total bedrooms. Barry Burton, City Planner, asked how many beds. WonAe said 11 upstairs and 10 downstairs for a total of 21 beds. Commissioner Grubb voiced his concern because this is a home in a neighborhood and the goal is to keep these homes treated likes homes. He pointed out the city isn't looking for lodges or hotels. Chris Tremea stated he has inspected this home. He reported there are 5 bedrooms downstairs. Some of the bedrooms have queen bunk beds with king size beds. Each room has a smoke detector, carbon monoxide detector, and fire extinguishers. There are 8 parking stalls. Commissioner Osborne discussed 20 occupants. Commissioner Grubb feels that may be too many. Chris Tremea pointed out there have been several complaints on this short-term rental with the main complaint being parking. He suggested the property owners come up with a map identifying where individuals can park. He reminded those in attendance that this is a large home and has potential for a lot of occupants, which brings a lot of noise. He feels with the education and encouragement from the ordinance, it is completely up to the property owners that they are abiding by this ordinance. Commissioner Walton expressed given the number of bedrooms and the size of the lot, he suggested 18 occupants. Commissioner Johnson suggested posting the city ordinance on site. Chris said he advised the owners to have a three-ring binder that is accessible to the customers with the guidelines. Barry Burton, City Planner, feels it is important to be consistent. It was suggested the conditional use permit be reviewed a minimum of annually. Barry said it can be reviewed if needed, more often.

Commissioner Grubb moved to approve the Cobblestone Resort Short Term Rental Conditional Use Permit at 1923 E Canyon Drive, Parcel (13-184-0030) subject to the following conditions:

1. **All tenants must use off street parking**
2. **Maximum of 18 occupants**
3. **Annual Conditional Use Permit Review**

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

David Larson, City Manager, reminded those in attendance that the conditional use permit is not the business license. He said there are still a few steps that need to be reviewed for the business license for this property.

Action on Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050): The proposed use for this property is a short-term rental. The total acreage is .29. The hours of operation are 24 hours Sunday through Saturday. There are 5 bedrooms. There are 7 smoke detectors, 2 carbon monoxide detectors, and 2 fire extinguishers.

Carol Braithwaite, 1936 Cedar Bench Drive, said she is representing her son who has been deployed. She said the maximum occupancy is 14. She said the fire marshal suggested 12 occupants. She estimated an average of 8 occupants. She explained there is a two-car garage. She understands they have had complaints with parking. She has two three ring binders for occupants to read concerning the guidelines. She said they have 5 bedrooms. Chris said Mrs. Braithwaite has been very receptive to his phone calls. Commissioner Osborne suggested a maximum of 12 occupants with 4 parking stalls.

Commissioner Walton moved to approve the Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050) subject to the following conditions:

1. **Maximum of 12 occupants**
2. **Annual Conditional Use Permit Review**
3. **Maximum of 4 vehicles**

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

General Plan Update:

David Larson, City Manager, explained the Planning Commission has been reviewing the general plan and is now getting ready to present it on-line for public comment. This should take place around 1 September 2019. Public comment will be received throughout September to October 11, 2019. Open Houses will be held October 2nd & 3rd. Hopefully, the City Council will be able to review it by November.

Barry Burton, City Planner, addressed the moderate-income housing section. The State has mandated that cities have a moderate-income housing plan for the last ten years. He explained that each year the State would query the city to see if we had a plan and we would send them a copy of it. Because of legislation that was passed this year, the city needs to adopt a new

moderate-income housing plan by the end of the year. This plan will need to be approved by a State agency and will need to meet their requirements. He explained that in the past South Weber City's income levels were used for the calculations. The State is requiring the city use the Davis County wide average income levels. The income levels for Davis County wide are much lower than for South Weber City, which has affected moderate income housing quite a bit. The housing market, itself, has escalated so high and so fast, that some of the housing the city once considered to be moderate income housing, is no longer considered moderate income. As a result, the only moderate-income housing remaining in the city is apartments.

Barry explained moderate income housing is defined in the Utah Code as:

> *Housing occupied or served for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.*

He reported in Davis County that is $75,961, according to the 2017 census numbers. 80% of that is $60,768. That means the formula used to purchase a home at 3.1 x annual salary end up a home purchase of $188,380. There is no housing in the county that is being built and sold for that. There is no townhome is this city that can be purchased for that price. The formula for rent is .27 x monthly income. He explained you take $60,768 and divide it by 12 which equals $5,064 x .27 = $1,367. That means rentals are the only form of affordable moderate-income housing in this community. Commissioner Johnson commented that how many developers will rent at that price. Barry stated the city can't force a developer to rent at a certain price, but the city does have to provide opportunities to rent at that price. He reported the city currently has 87 rental units. The State hasn't required a number of units yet, but he does see that coming in the future. Barry pointed out to get an idea of what this means, he compiled census data to find out how many South Weber residents fall below the threshold of $60,768 and it turned out to be 20%. According to Davis County there are 35% that fall below that threshold. In looking at South Weber City's build out population of 13,000, if the city provided 24% in rental housing, the city would have to come up with 755 units somewhere in this community. He reiterated once again, the city doesn't control that, but the city does have to provide the opportunity. Commissioner Grubb asked if that is the only avenue to satisfy the State. Barry explained that Utah Code Annotated 10-9a-403 (2) (b) (iii) requires the city to choose at least three from a list of 23 ways, A through W, in which it can and will pursue the encouragement of moderate-income housing. South Weber has chosen the following:

> *(A) Rezone for densities necessary to assure the production of moderate-income housing.*
> *(B) Facilitate the rehabilitation or expansion of infrastructure that will encourage construction of moderate-income housing.*
> *(E) Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.*
> *(F) Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers.*
> *(U) Apply for partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance.*

Barry explained the city is looking at the potential use of the two gravel pits, as they come to the end of their life, and there is a possibility of housing in the bottom of Staker Parsons Gravel Pit.

He said if the city doesn't do this, the State can withhold funding for roads, sewer, water etc. Commissioner Grubb feels as part of the general plan update, the city should consider the gravel pits for moderate income housing. Commissioner Osborne suggested the Planning Commission go back to the maps and review the zoning in the city.

It was stated the Planning Commission will meet on 22 August 2019 to review the general plan and zoning maps at 6:00 p.m.

Barry asked the Planning Commission if they have any more comments to let him know. He also thanked Commissioner Walton and Brandon Jones for putting together the easement maps that identify the noise zone etc. Barry pointed out there were over 200 documents to go through and pull out legal descriptions. He said you can see where the curve line is that follow the Ldn line. All of the easements are different and have different development restrictions. He understands there may be gaps. He would like to use the map as a flag for the city to require more information. Commissioner Johnson feels the maps should be available to developers. Commissioner Walton stated the land use study will also look at the easements and recommendations; however, he doesn't know when that will happen. Commissioner Walton is aware that a Request for Proposal has gone out and Layton City is asking surrounding cities to review that. David Larson will reach out to Layton City to review. Barry said this information is extremely valuable to the city. Commissioner Johnson said it is important to have public input for the general plan.

Public Comments –

1. **Those who wish to make public comment need to come to the podium and state their name and address for the record.**
2. **Keep public comments to three minutes or less per person.**
3. **Address the entire Planning Commission**
4. **Note the Planning Commission will not respond during the public comment period.**

Jeff Bench, 1916 East Canyon Drive, lives across the street from Cobblestone Resort. He said whatever Chris Tremea makes is not enough. Mr. Bench is grateful for the city for the time and effort spend putting together the short-term rental ordinance. He appreciates the open forums. He is cautiously optimistic. He commented 18 occupants does not happen at this location often and it is usually more. He is excited about 8 vehicles. He would like to be involved. He challenged his neighbors to give the ordinance a chance.

Fran Olson, 6907 E. 675 S., asked how long the renters are staying and if there are any background checks being done. She hopes there is a plan to beautify the city. For example, putting water in the gravel pit.

Haley Alberts, 7560 S. 1740 E. asked about the mandates from the state for moderate income housing. South Weber City is unique geographically. South Weber Elementary is reaching capacity. She asked if the gravel pits are a flood zone. She would like to know what happens if the housing market crashes and whether or not the plan can be amended.

Paul Sturm, 2527 Deer Run Drive, asked if the Planning Commission is aware that the Lofts at Deer Run developer has had issues in Sunset City. He has an exhibit he would like included in the minutes (SEE ATTACHED). He will present the city with a copy of State code and

falsification of official matters. He said the third exhibit is the packet he presented to the City Council on 23 July 2019. Finally, concerning the general plan, he is wondering if it is possible to do track changes. He feels this would allow for more transparency.

Jessica Manyano, 1852 E. 7775 S., asked about the sewer issues for the east side and how that will affect more housing. She hopes it isn't corrected by increasing the water rates.

Chris Hansen, 7318 S. 1950 East, asked if the Planning Commission is aware of the Utah State Building Code. He said more than 10 occupants for short term rentals is in violation.

PLANNING COMMISSION ITEMS:

Commissioner Grubb: He would like the Planning Commission to review an architectural design for upcoming commercial. He would like to review building standards including style etc. He would suggest looking at ways to conserve water with xeriscaping.

Commissioner Walton: He asked how to address schools in the general plan. Barry said the school district does monitor what is going on in cities and are planning for growth. David suggested contacting the Davis School District while the city is in the process of amending the general plan.

Commissioner Johnson: He reported Weber Pathway has built a trail from Fisherman's access underneath Highway 84. He explained Weber Pathway is aware that they will be constructing the trail through the RV Park. He suggested looking at areas for canoes and kayaks by the Fisherman's access area. He reported a study has been done concerning filling the water pit and there are not enough water rights.

Commissioner Osborne: He stated the city has professional people who are trying their best to help us through some of these things. He said Mayor Sjoblom and the City Council want what is best for the city and are doing their best to balance everything the city needs and wants. He appreciates them for all they do. He thanked the Planning Commission for their efforts.

David Larson, City Manager: explained there will be a frequently asked questions added to the city website to answer questions presented tonight and others received by the city. He said the City Council will be reviewing the drafted document and then it will be posted.

He explained there is not a whole lot the city can do about the State mandate for moderate income housing. He said there are 23 options that can be presented so that the community can have input. He said the city has sewer capacity, but the issue is really planning and timing. He said we are modeling flow rates and reading meters for actual flow rates. He said there is flow available for the Lofts and Deer Run. He said a plan is in place, but it just takes time. He said they are trying to answer questions as quickly as possible.

ADJOURNED: Commissioner Grubb moved to adjourn the Planning Commission meeting at 8:26 p.m. Commissioner Johnson seconded the motion. Commissioners Grubb, Osborne, Johnson, and Walton voted yes. The motion carried.

APPROVED: _____ Date
Chairperson: Rob Osborne

_____
Transcriber: Michelle Clark

_____
Attest: Development Coordinator: Kimberli Guill

SOUTH WEBER CITY
PLANNING COMMISSION WORK MEETING

DATE OF MEETING: 22 August 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 (excused)
Rob Osborne
Wes Johnson
Taylor Walton

CITY ENGINEER: **Brandon Jones**

CITY PLANNER: **Barry Burton**

PLANNING COORDINATOR: **Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Tammy Long, Craig & Jackie Layton, Michael Poff, Elizabeth Rice, Paul Sturm, Blair Halverson, Michael Grant, Lynn Poll, Bentley & Janette McEntire, Julie Losee, Terry George, Todd Rimmasch, Candace Magleby, Shawn Magleby, Denis Petersen, Lisa Sweatfield, Kenny Carson, Sally Roberts, Brandyn Bodily, Sandra Layland, Deann Hoggan, David Hoggan, Fran Olson, Brianne Travierso, Mike Bastian, Doyle Waters, Mindi Smith, Haley Alberts, Dusty Petty, Angie Petty, Natalie Browning, Abbey Smith, Micah Smith, Kory Sweatfield, Amy Mitchell, Jean Jenkins, Corinne Johnson, Lynn Poll, and Haley Alberts.

General Plan Work Meeting- This is a review of various sections of the General Plan before it is posted for public review and comments. Commissioner Osborne welcomed everyone in attendance and stated this is a work/planning commission meeting in which the general plan will be reviewed.

Barry Burton, City Planner, began by addressing Commissioner Johnson's comments and suggestions for the general plan. He reported that he made most of Commissioners Johnsons changes in the draft version of the general plan. Commissioner Johnson feels an item that should be addressed is the Commercial Overlay Zone (C-O Zone) (Mixed Use). He pointed out back in January when the City Council and Planning Commission met, we had a discussion concerning mixed overlay and he suggested that language be added to include it is the desire of the city that commercial overly and mixed use zones are at least a 60/40 commercial/residential footprint. Brandon Jones, City Engineer, stated in discussions with the City Council that kind of changes the whole dynamic of the C-O Zone. Commissioner Osborne reviewed the discussion on 20 August 2019 at the City Council meeting concerning what to do with the C-O Zone. Commissioner Osborne reported the City Council doesn't really want a C-O Zone and would like

to look at building a true overlay zone. Barry Burton, City Planner, explained the Commercial Overlay Zone (C-O Zone) and feels it is missed named. He explained it is not an actual overlay zone, but a zone in itself. He stated an overlay acts as a PRUD in that it can go into several different residential zones, but there are requirements and allowances that go on top of that existing zone. He explained the C-O Zone isn't written that way. It is a commercial zone that allows for residential. He said the City Council is interested in getting rid of the C-O Zone and look at a true overlay zone. He said there is a lot of detail that needs to be worked out. He asked the question if there is room in the city for mixed use. He said the city would like public comment as to where this should be allowed. Commissioner Johnson discussed having more of a walkable community. He then asked if the options for moderate income housing can be advertised to the community. Brandon said we have discussed getting feedback from the community concerning that.

Barry would like to know the Planning Commissions thoughts on mixed use. Commissioner Osborne asked what is the difference between high density and mixed use. Barry understands the concern for 25 units per acre and if that is too high and we want to set something lower, then let's do it.

Brandon explained mixed use is simply a mixed of commercial and residential. He stated it can be a combination of both. Barry explained how the commercial is the "carrot" for the developer to bring some commercial into the city. Commissioner Osborne stated we need to have a tool to have the conversation. He feels if the primary zone is commercial then most of it needs to be commercial. Commissioner Walton feels there is too much mixed use on the current general plan. Brandon reminded everyone the maps are drafted maps. Commissioner Walton is concerned about how much commercial the city can sustain. Commissioner Grubb feels a mixed use can be a good tool for the city. Commissioner Johnson suggested adding the number of acreage available on the Weber River corridor. He also suggested adding the Limitations of Landowner Liability Act 57-14. He suggested adding SR-60 to South Weber Drive. Commissioner Johnson suggested adding language to the Charter School Trail to include this will be facilitate commuter access to the south.

Commissioner Grubb discussed limiting driveway access to South Bench Drive. Discussion took place regarding the additional Uintah City access and the importance of including this section in the plan even though it may be difficult. Commissioner Osborne suggested adding that 1900 East will connect to South Bench Drive and the top. Discussion took place regarding this access being an extra access in and out of South Weber City. Brandon discussed adding a traffic signal at 2100 East and South Bench Drive.

Brandon stated having the current construction on South Weber Drive has confirmed that the city doesn't have a well-connected system without going on South Weber Drive. He said some of these future connections can help from a safety perspective. Commissioner Grubb feels a couple of minor connections could make a big difference.

Commissioner Walton discussed his concerns with the health of residents in the city with the gravel pits. He suggested adding a link to the general plan in the text when it is finalized. Commissioner Osborne suggested adding to the general plan that the gravel pits will allow a large piece of land for development in the city. Commissioner Walton suggested adding a graphic for the density section. He also suggested adding a link for the Record of Decision

(ROD) for the Hill Air Force Base Environmental Impact. Discussion took place regarding focusing on a variety of homes with certain efficiencies gained for each density type. It was stated direct access north and south from South Weber Drive to Highway 89 needs to be preserved. Commissioner Osborne would like to see the addition of South Weber City being a recreational community. Barry will add it to the introduction page.

The Planning Commission reviewed the land use maps. Barry stated the current general plan designates open space on all land within the 75 Ldn noise zone. He said we need to determine what we think is an appropriate zone(s) for that area. Zone options that generally allow those land uses the easements also allow are: (1) T-1 Transitional Light Industrial zone except for residences (2) L-1 Light Industrial zone except for residences (3) C-R Commercial Recreation zone (4) B-C Business Commercial zone (5) New zone designed specifically for these noise and easement affected properties. The Planning Commission agreed limiting the gray area south of South Weber Drive to C-R Commercial Recreation with the potential of creating a new zone. The Planning Commission discussed the gray area north of South Weber Drive. It was suggested identifying this area as C-R Commercial Recreation with an asterisk listing the zone options.

Barry explained we need to look at the new intersection of two minor arterial roads - South Weber Dr. and South Bench Dr. It was stated this area will be identified as potential commercial. Discussion took place regarding the Stephens property and it was decided to remove the asterisk and the C-O Zone. It was decided to add more commercial with potential of mixed use on the south side of South Bench Drive as well as the east side of 475 East. Commissioner Johnson suggested identifying the intersection of South Bench Drive and Old Fort Road as commercial. It was decided to put it on the map and get public comment. The Ray property and the City Office property will be identified H-D Zone. Brandon identified the small area at the northeast side of the bend in South Weber Drive which is currently designated as commercial and light industrial. It was decided the light industrial area will be designated commercial. Parsons Gravel Pit will be identified commercial highway with a mixed use overlay. The two properties on the north side of South Weber Drive will be amended to commercial. Brandon identified areas where the commercial overlay zone will be removed. Areas on the intermediate bench will be identified as business commerce. Further east the property is to be identified as C-R Zone and R-M Zone.

The Planning Commission reviewed the Vehicle Transportation Map. Brandon stated the red dashes identify streets that need to connect. It was decided there will be a red dash going through Parsons Gravel Pit for a possible road.

The Planning Commission reviewed the Active Transportation and Parks Map and the Annexation Map. Discussion took place regarding the city owned property that was once owned by the Petersen family. Commissioner Grubb discussed the possibility of trails on the hillside going up to the canal. He stated there is an area to park for a trailhead. Brandon feels that parking area is pretty tight. He feels it makes sense for a trail but he isn’t sure it makes sense to park cars at the bottom of the hill.

Discussion took place concerning the annexation plan. Commissioner Johnson suggested doing an RPP on the Job Corp property. The Planning Commission reviewed the Sensitive Lands Map. Brandon said this map reflects the current information received from Hill Air Force Base

(HAFB). Barry suggested labeling the operable units. Commissioner Johnson suggested identifying the wetland areas.

Barry discussed the need for some private street standards particularly for high-density residential developments. He said we need setback requirements, requirements for sidewalk, curb, & gutter etc. He feels there should be a minimum setback of 20 ft. from a private road so that there is ability to park in front of the garage. He suggested making some subdivision ordinance amendments. Commissioner Johnson suggested looking at Home Owner Associations as well.

Commissioner Osborne asked which zones will be allowed to have a mixed use overlay. Barry thinks there are only a few zones that the city would want to have that possibility i.e. Business Commerce, Commercial High Way Zone and possibly the Light Industrial Zone. He said these are things we need to discuss. Commissioner Grubb commented we need to establish some sort of density. Commissioner Walton asked about accessory dwelling units and whether or not they are allowed in new developments. Barry explained we need to define accessory dwelling unit (basement apartment, detached dwelling, or attached dwelling) and add it to an ordinance. Councilmember Halverson asked concerning moderate income housing, if the city has to state the maximum purchase price in the moderate income housing plan section of the general plan. Barry discussed the possibility of taking those kinds of references out.

PUBLIC COMMENTS:

Commissioner Osborne asked if there was any public comment. He asked individuals to state their name, address, and go around the room.

Tammy Long, 2178 E. Deer Run Drive, suggested the city look to Job Corps Forestry Service as they will build the trails and all you have to do is provide them lunch. She is concerned about the 75 degree incline of 1900 East and she feels a connection to Layton City is a bad idea. She mentioned that UDOT approval is needed for construction on South Weber Drive. She pointed out there are restrictive easements that the city needs to be aware of. She pointed out there is a restrictive easement on 850 East. She suggested contacting the Davis County Recorder's Office concerning the easements.

Michael Poff, 154 Harper Way, submitted a document for the record. He explained when the last general plan was approved it was approved with certain conditions and those conditions were never implemented on the maps, even though there were multiple emails and comments in the minutes of other meetings. He said the connection road (South Bench Drive) was removed from the general plan. He voiced his frustration because hundreds of thousands of dollars have been spent and improvements have gone in based on that not be corrected. He suggested the community be aware that when they make comments and things are approved and the city staff doesn't want that it will probably be ignored, even if it is approved in a motion. He encouraged the city to develop a disaster mitigation plan and include the Weber River in it. He stated if trails are identified in the fire mitigation plan, then the city can receive federal funds. He suggested spending more time looking at the gravel pit so that they don't turn into a land fill. He explained that is why the gravel pit was identified as commercial recreation to prohibit that. (SEE ATTACHED)

Elizabeth Rice 7875 S. 2310 E., she appreciates keeping the Poll property mixed use for commercial property. She feels that is the only way to attract commercial development. She understands the city wants this as a gateway to the community. She explained that the city has always had a vision in that the gravel pit could be a lake with attractive things put around it. She feels the city needs to think of a vision of what they want and bring it to fruition.

Lynn Poll, 826 E. South Weber Drive, attended the meetings when a lake was discussed for the gravel pit and was told it could cost anywhere from $25 to $50 million. He voiced his concern with a road connection to Layton City. He understands when the road was constructed to the water tank, the city promised it would never connect. He discussed his concerns with dust from the gravel pit. He isn't in favor of high density. He attended meetings the last time the general plan was reviewed and South Bench Drive wasn't on the general plan. He discussed the hillside being unstable, steep, and having arsenic on it. He isn't sure where South Bench Drive is going.

Ryan Harris, 8039 S. Cedar Court, stated he was in the meeting too when they decided the road going up there is too steep. He discussed keeping South Weber City with a home town feel and creating nature trails or an amphitheater. He isn't in favor of South Bench Drive connecting to Layton City, and feels this property would be better to be preserved for nature. He feels the property next to the on and off ramps should be commercial and not mixed use.

Michael Grant, 2622 Deer Run Drive, is nervous about the mixed use overlay being another C-O Zone. He would like a visual on the city website. He feels South Bench Drive cost should be picked up by a developer. He would like to know where the city is on moderate housing mandate from the State and whether or not the city is behind or caught up. He said the east end of South Weber is currently nearing the end of the sewer capacity. He then referenced line 671 on the general plan concerning the east end of South Weber currently nearing capacity of the sewer system.

Denis Petersen, 8030 S. 2350 E., feels the Planning Commission is focused on high density, but not the community. He is concerned about changing the C-O Zone to a mixed use overlay and asked if the Planning Commission is changing terms or are they actually going to address what the community is looking for. He asked what the identity of South Weber is. He stated it is a small town feel. He explained South Weber is not Ogden, or Layton. He said we don't need the high density unless there is an absolute purpose of which he hasn't heard that purpose except to be a carrot for commercial. He wants to know if the term is just being changed from commercial overlay to mixed use appease the council and the community.

Bentley McEntire, 8005 Cedar Court, voiced the connection road to the city's water tank is too steep. He explained it is as steep as Power Mountain Road. He is concerned about individuals going off of the road. He feels it is unsafe as it is a 14% grade. Brandon Jones, City Engineer, verified that road is a 14% grade. He is concerned that high schoolers coming from Northridge will speed down this road and may end up dead in his backyard.

Jackie Layton, 8017 S. Cedar Court, is concerned about the access road to the water tank being a safety hazard. She likes the community the way it is. She is concerned about high density with higher crime rates and fire hazards.

Craig Layton, 8017 S. Cedar Court, feels the city is underestimating the amount of traffic connecting to Layton City.

Lisa Sweatfield, 8051 S. Cedar Court, she is concerned about Commissioner Osbornes comment about Mr. McEntire being a doctor and helping with an accident on the access road to the water tank. She is concerned about the safety issues surrounding this location. She said there are homes and kids in this area. She said this is a loving community. She feels South Weber today isn't South Weber even five years ago. She doesn't believe in so much building.

Commissioner Osborne stated he has lived here a long time and he has seen kids killed on Highway 89. He feels the best thing the city can do is get the kids off of Highway 89. He feels the access road can be built safely and that is what he is promoting. He agrees that South Weber City is a wonderful place to live. He explained that nobody is sitting here because they want to destroy South Weber and he takes offense to some of these comments. He said the city is in the position that they need to figure out more egress out of South Weber City and it is a life safety issue. He explained how the Planning Commission dedicates their evenings to figure out what is best for South Weber.

Councilman Halverson stated he appreciates everyone's comments and explained a study will take place on South Bench Drive. He said everyone needs to understand that the line on the map is not the exact line and the road will never go there until it is a safe road period.

Haley Alberts, 7560 S. 1740 E., appreciates the time spent by the Planning Commission. She questioned line 603 to line 647 on the general plan. She doesn't understand why we need the information on Moderate Income Housing, and agrees with Councilman Halverson concerning the fact that we don't need to let the State know what the rental is or maximum purchase price is. She suggested removing those lines from the general plan. She referenced line 649 and options for Senate Bill 34. She would like to know why the city is choosing five options because the city doesn't get bonus points or money for choosing five options. She would recommend removing option (A) and option (F), which takes out the city's need for high density housing. She would suggest choosing option (B), option (E), and option (U). She would like to know more about a walkable community and the vision of that. She isn't sure a walkable community is what the citizens of the city want. She is against South Bench Drive as it is and isn't sure the city wants to pay for it. She does feel South Bench Drive to Canyon Drive will be beneficial, but when it moves to the south side of the city, she isn't in favor of that. She is not in favor of mixed use or a walkable community.

Corrinne Johnson, 8020 S. 2500 E., feels there is concern with mixed use. She isn't in favor of replacing the commercial overlay zone with the mixed use overlay. She feels the Lofts at Deer Run are not good for the community. She would like the Planning Commission to truly consider whether or not the city needs Senate Bill 34. She said this has been an awesome night in terms of education. She loves the fact that there are dreams and visions for the city. She said the maps don't reflect the vision that the citizens want.

Todd Rimmosch, 7879 S. 1800 E., said he is not in favor of the connection of South Bench Drive to 1900 East, because of the traffic flow. He would suggest looking at a possible toll road to help control the traffic.

Terry George, 7825 S. 2000 E., is in attendance because his community got involved and there are concerns. He is concerned that the Lofts at Deer Run was done under the radar. He pointed out he appreciates all the work of the Planning Commission and City Council and it can't be an easy job, but he wants to reiterate what has been said tonight. He explained his vision and what he sees here is that the Planning Commission is the advisory board to the City Council and Mayor. He hears the Mayor and City Council want to represent what the citizenry want and yet what has been stated by several individuals tonight is that the Planning Commission is in left field as far as what the community wants. He loves to see the citizens get involved, but there is a reason they are getting involved, and that is because they are starting to loose trust. He said he seems like there is some stuff happening that is kind of maybe a little under the table. He understands the Planning Commission works for the Mayor and City Council, but they work for the citizens. He voiced his concern with Senate Bill 34 and the city stating we must. He feels all the facts need to be put on the table. He said we must makes it sounds that hands are tied. He asked what happens if the city doesn't meet the State's requirement and what will it cost us and can we afford to find another way in order to protect the community. He is okay going to Riverdale, South Ogden, and Layton to do his shopping, if he can protect what South Weber has here. He doesn't want tight dwellings which eventually brings more people and higher crime rates.

Amy Mitchell, 1923 Deer Run Drive, is very concerned about 1900 East connecting to Layton City and the safety issues with it. She discussed line 1122 to line 1133 of the general plan concerning the character of the community. She wants the Planning Commission to accept the citizen's vision. She would like to see South Weber stay the way it is. She doesn't understand the walkable community. She will never drive on the connection road if there is one.

Sandra Layland, 7294 S. 1950 E., is concerned about all the teenagers driving on 1900 East connecting to Layton City and they are not the best drivers.

Planning Commission Comments:

Commissioner Grubb: He said a big part of what has been done tonight is reducing the amount of high density. He said mixed use overlay seems to be misunderstood. He said the goal is to actually reduce the amount of density. He agrees with the small town feeling. He understands a developer will need to pay and we do not want the citizens to pay for it. He said everything put in the general plan is reviewed and the Planning Commission is doing their best to make sure it is safe, and that is a huge priority for him. He said if a road is unsafe we won't allow it.

Commissioner Walton: He appreciates the dialogue tonight. He feels there are a lot of definitions that aren't being communicated. He said most of the time we don't receive public input. He feels the public comment will help with the general plan review.

Commissioner Johnson: He appreciates everyone coming. He said the public input is vital to this plan. He explained how times are changing with parents passing their property down to the next generation who don't want to farm it. He understands the connection to Layton City is going to be hard, but emergency access would be beneficial.

Commissioner Osborne: He stated there are 7,000 residents in South Weber City and there is only 20 of you and everyone has an opinion. He said everyone has a vision and it isn't just the 35 that are here in attendance.

ADJOURNED: Commissioner Grubb moved to adjourn the Planning Commission meeting at 10:20 p.m. Councilmember Johnson seconded the motion. Councilmembers Grubb, Walton, Johnson, and Osborne voted yes. The motion carried.

APPROVED: _____ **Date**

Chairperson: Rob Osborne

_____

Transcriber: Michelle Clark

_____

Attest: Development Coordinator: Kimberli Guill

ORDINANCE NO. 19-15

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL REPEALING SOUTH WEBER CITY CODE ARTICLE N, CHAPTER 10-5, COMMERCIAL OVERLAY ZONE

WHEREAS, 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; and

WHEREAS, the planning commission has held a public hearing on the issue of repealing the Commercial Overlay zone (C-O) and recommends to the city council that the same should be repealed; and

WHEREAS, the Council finds and determines that repealing the Commercial Overlay Zone (C-O) is in the best interest of the City and will provide for the health and welfare and good order of its citizens; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Article Repealed. Article N, Chapter 10-5 Commercial Overlay Zone (C-O) of the South Weber City Code is hereby repealed as follows:

Section 2. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the _____ day of _____ 2019.

ATTEST:

_____
MAYOR: Jo Sjoblom

_____
City Recorder

Roll call vote is as follows:		
Mr. Halverson	Yes	No
Mr. Hyer	Yes	No
Ms. Petty	Yes	No
Mr. Taylor	Yes	No
Mr. Winsor	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that Ordinance 2019-_____ was passed and adopted the ____ day of _____2019, and also certify that complete copies of the ordinance were posted in the following locations within the municipality this ____ day of _____, 2019:

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

_____
City Recorder

APPLICATION PROCESS: Please submit all requested items and answer all questions as completely as possible, omissions may delay processing. If there are any questions, contact the City Office at (801) 479-3177.

___ Application with fees (fees listed on Conditional Use Application) (cash or check)

___ Copy of the recorded plat showing subject property (clearly marked) and all properties within 300 feet (front, back and sides). This information is available at the Davis County Recorder's Office.

___ One set of labels with names and mailing addresses of all property owners within 300 feet of the outer boundary of subject property. Including "Or current resident" is recommended. Names are available at Davis County Assessor's Office. Allow 2 days for processing. The Assessor can also provide the labels for an additional fee.

___ A list of the above names and addresses.

___ Register Business with the State of Utah (provide # on Business License Application)

___ Obtain a Utah State Sales Tax Id Number (provide # on Business License Application)

___ Completed South Weber City Business License Application (License will be issued after Conditional Use Permit is granted).

___ Agree to ensure that no more than one short-term or vacation rental agreement per Dwelling unit is in use at any one time.

For Office Use Only

Application/License #: _____

Approved By: _____ Date: _____

License Fee: $ 50 Receipt #: _____ $290

Fire Inspection Fee: $ 40 Receipt #: _____

Initial Fire Inspection: _____ Next: □ Annually

PC Meeting Date: 9-12-19

Conditional Use Permit Approval Date: _____

SOUTH WEBER city

SHORT TERM RENTAL BUSINESS LICENSE APPLICATION

Applicant

Name: Russell East
Mailing Address: 1143 East Canyon Dr.
City/State/Zip: South Weber, UT. 84405
Phone: (801) 645-7433 Fax: _____
Email: kutrstudio@gmail.com

Best Way/Preferred Method of Contact:

(Email) Phone Mail

Business

Name: ~~dba~~ Russell East L.L.C.
Brief Description: STR
Owner's Name: Russell East [redacted]
State License #: [redacted] Entity #: [redacted]
State Sales & Use Tax #: [redacted]
Federal ID#: ~~dba~~ 84-2718148
Address: 1143 E Canyon Dr. ~~South Weber, UT~~
City/State/Zip: South Weber, UT 84405
Parcel #: 13-299-0131 Zone: R1
Phone: 801 645-7433 Fax: N/A
Email: kutrstudio@gmail.com

Emergency Contact: Tammy East (801) 645-7433
Name Phone

Short Term/Vacation Rentals Only:

Square Footage of Business: 2,100 Total Square Footage of Residence): 2,100

Will this business include a part-time full-time (circle one) employee (other than applicant)? □ Yes ☒ No

- If yes, is the employee a bona fide resident of the dwelling? □ Yes □ No
- Number of hours part-time employee will work: N/A

South Weber City
1600 E South Weber Dr
South Weber UT 84405
801-479-3177

Receipt No: 13.084065
Aug 14, 2019

East, Russell

Previous Balance:
.00
Licenses and Permits
New Business Licenses Only
50.00
10-32-100
BUSINESS LICENSES AND PERMITS
Licenses and Permits
Fire Inspection Fee
40.00
10-32-100
BUSINESS LICENSES AND PERMITS

Total:
90.00

==========

Russell East

Previous Balance:
.00
Charges for Services
STR Cond Use 1143 E Canyon
200.00
10-34-100
ZONING & SUBDIVISION FEES

Total:
200.00

==========

CHECK
Check No: 5145
290.00
Payor:
Russell East
Total Applied:
290.00

Change Tendered:
.00

==========

Duplicate Copy
08/14/2019 9:58 AM

APPLICANT'S AFFIDAVIT

State of Utah ~~Davis~~)
County of ~~Weber~~)

I, Russell East, the sole owner or Authorized Agent of the Owner of the property involved in this application, swear the statements and answers contained herein, in the attached plans, and other exhibits, and that the statements and information above referred to are in all respects true and correct to the best of my knowledge and belief. By signing below, I am agreeing to abide by ALL terms and conditions set forth in: **South Weber City Code Chapter 10.18 Enacting Regulations Pertaining to Short-Term or Vacation Rentals.**

I do also hereby give permission to South Weber City to place a city "public notice" sign on the property contained in this application for public notification of the conditional use application and to enter the property to conduct any inspections related to this application.

Date ~~8/12/19~~ 8/13/19 Owner or Agent's Signature RE

Subscribed and sworn to before me on 8.13.2019

Notary Public Micah McCann

MICAH McCANN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 697373
COMM. EXP. 10/13/2021

If someone will be acting on behalf of the owner, fill out the information below.

AGENT AUTHORIZATION

State of Utah)
County of_____)

I, ~~Russell East~~ N/A, the sole owner(s) of the real property in this application hereby appoint_____as my agent with regard to this application and authorize said agent to appear on my behalf before any city commission, board or council considering this application.

Date_____Owner's Signature _____

Subscribed and sworn to before me on _____

Notary Public _____

Office Use Only CU:_____

Max Occupancy:_____ Approved or Denied (circle one) Date: _____

Fire Inspection Completion Date:_____ Approved or Denied (circle one)

[Conditional Use Fee: $200] [Business License Fee: $50] [Fire Inspection Fee: $40]

Total Fee: $290 Receipt#_____ Date Paid: _____

Short Term Rental

Conditional Use Application

Property Owner: Russell and Tammy East Owner Email: kutrstudio@gmail.com

Full Mailing Address: 1143 East Canyon Dr. South Weber, UT. 84405

Daytime Phone: (801) 645-7433 Nighttime Phone: (801) 645-7434

Property Address: 1143 East Canyon Dr. South Weber, UT 84405

Is Property to be Owner Occupied: Yes {If "NO" fill out Local Responsible Party Lines Below}

Local Responsible Party: Russell & Tammy East Local Party Email: kutrstudio@gmail.com

Local Responsible Party Mailing Address: 1143 East Canyon Dr. South Weber, UT. 84405

Local Party Daytime Phone: (801) 645-7433 Nighttime Phone: (801) 645-7434

Proposed Use: Short Term Rental Parcel Number(s): 13-299-0131

Total Acres: 0.23 Current Zone: R1 Surrounding Land Uses: Residential

Business Name (if applicable): N/A

Anticipated # of Employees: ~~#~~ 0 Anticipated # of Customers (Daily): twice a month - 7-9 people 2-adults 4 35 kids

Hours of Operation: 24/7 Days of Operation: Mon-Sun

# of Bedrooms: 4 # of Parking Stalls: 4 # of Smoke Detectors: 6

# of Carbon Monoxide Detectors: 3 # of Fire Extinguishers: ~~3~~ 3

To be completed and signed by Applicant

APPLICANT AFFIDAVIT

State of Utah)
County of Davis)

I (We) Russell East, being duly sworn, depose and say I (we) am (are) the sole owner(s)/
Property Owner(s) or Agent
agent of the owner(s), of the property involved in this application, to wit, 1143 East Canyon Dr. South Weber UT 84405
Property Address

South Weber, Utah, and that the statements and answers contained herein, in the attached plans, and other exhibits, thoroughly and to the best of my ability, present the argument in behalf of the application. Also, all statements and information are in all respects true and correct, to the best of my knowledge and belief; and in consideration of obtaining this permit, I have read and agree to all conditions set forth in Title 3, Business & License Regulations, of the South Weber City Code.

Dated this 13th day of August, 2019.

Signed: Linda East
Applicant (Property Owner or Agent)

Russell East
Applicant (Property Owner or Agent)

Subscribed and Sworn before me this 13 day of August, 2019.

MICAH McCANN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 697373
COMM. EXP. 10/13/2021

Notary Public: [signature]

To be completed and signed by Property Owner if not Applicant

AGENT AUTHORIZATION

State of Utah)
County of _____)

I (We) _____, the sole owner(s) of the real property located at
Property Owner(s)
_____, South Weber City, Utah, do hereby appoint _____,
Property Address
as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and to appear on my (our) behalf before any city boards considering this application.

Dated this _____ day of _____, _____.

Signed: _____
Property Owner

_____
Property Owner

Subscribed and Sworn before me this _____ day of _____, 20_____.

Notary Public: _____

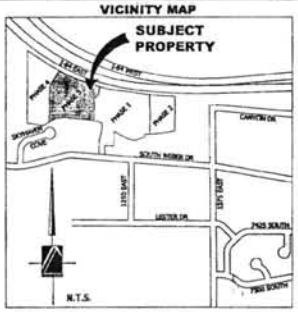
NOTE: If a secondary agent authorization is needed, such as an apartment manager, two agent authorizations will be required. You may copy this page for this purpose or obtain another form at the City office.

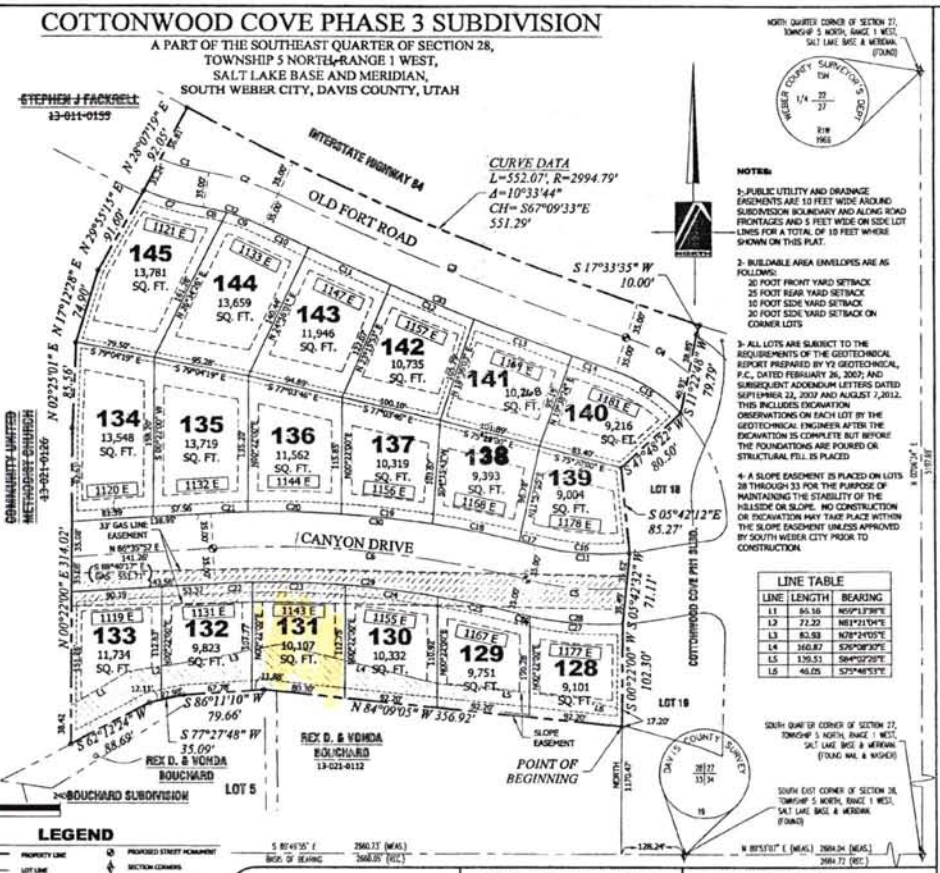
2059

COTTONWOOD COVE PHASE 3 SUBDIVISION

A PART OF THE SOUTHEAST QUARTER OF SECTION 28,
TOWNSHIP 5 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN,
SOUTH WEBER CITY, DAVIS COUNTY, UTAH

~~STEPHEN J FACKRELL~~
~~13-011-0159~~





CURVE DATA
L=552.07', R=2994.79'
Δ=10°33'44"
CH= S67°09'33"E
551.29'

NOTES:

1- PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE 10 FEET WIDE AROUND SUBDIVISION BOUNDARY AND ALONG ROAD FRONTAGES AND 5 FEET WIDE ON SIDE LOT LINES FOR A TOTAL OF 10 FEET WHERE SHOWN ON THIS PLAT.

2- BUILDABLE AREA ENVELOPES ARE AS FOLLOWS:
20 FOOT FRONT YARD SETBACK
25 FOOT REAR YARD SETBACK
10 FOOT SIDE YARD SETBACK
20 FOOT SIDE YARD SETBACK ON CORNER LOTS

3- ALL LOTS ARE SUBJECT TO THE REQUIREMENTS OF THE GEOTECHNICAL REPORT PREPARED BY Y2 GEOTECHNICAL, P.C., DATED FEBRUARY 26, 2007; AND SUBSEQUENT ADDENDUM LETTERS DATED SEPTEMBER 22, 2007 AND AUGUST 7,2012. THIS INCLUDES EXCAVATION OBSERVATIONS ON EACH LOT BY THE GEOTECHNICAL ENGINEER AFTER THE EXCAVATION IS COMPLETE BUT BEFORE THE FOUNDATIONS ARE POURED OR STRUCTURAL FILL IS PLACED

4- A SLOPE EASEMENT IS PLACED ON LOTS 28 THROUGH 33 FOR THE PURPOSE OF MAINTAINING THE STABILITY OF THE HILLSIDE OR SLOPE. NO CONSTRUCTION OR EXCAVATION MAY TAKE PLACE WITHIN THE SLOPE EASEMENT UNLESS APPROVED BY SOUTH WEBER CITY PRIOR TO CONSTRUCTION.

NORTH QUARTER CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (FOUND)

SOUTH QUARTER CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (FOUND NAIL & WASHER)

SOUTH EAST CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (FOUND)

SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (FOUND)

S 89°45'55" E BASIS OF BEARING 2660.33' (MEAS.) 2660.35' (REC.)

N 89°57'01" E (MEAS.) 2684.34' (MEAS.) 2684.72' (REC.)

128.24'

N 1175.47'

N 1174.34'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD
C1	50.09	250.00	11°28'46"	S34°48'18"E	50.00
C2	71.63	250.00	16°25'00"	N72°20'10"W	71.39
C3	373.59	3029.79	7°03'54"	S67°39'32"E	373.36
C4	71.98	200.00	20°37'15"	N60°52'56"W	71.59
C5	99.13	300.00	18°55'54"	S84°53'29"E	98.68
C6	313.73	1000.00	17°58'31"	N84°24'42"W	312.44
C7	61.51	285.00	12°21'52"	S34°21'42"E	61.39
C8	23.83	215.00	6°21'05"	N27°22'08"W	23.82
C9	37.77	215.00	10°03'55"	N39°09'38"W	37.72
C10	50.21	3064.79	0°56'19"	S64°35'50"E	50.21
C11	89.27	3064.79	1°40'08"	S65°54'03"E	89.27
C12	89.89	3064.79	1°40'49"	S67°34'52"E	89.88
C13	103.44	3064.79	1°55'02"	S69°22'58"E	103.44
C14	45.10	3064.79	0°50'35"	S70°46'16"E	45.10
C15	78.68	165.00	27°19'12"	N57°31'58"W	77.93
C16	93.79	265.00	20°16'41"	S85°33'52"E	93.30
C17	16.68	1035.00	0°55'24"	N75°53'14"W	16.68
C18	87.94	1035.00	4°52'05"	N78°46'38"W	87.91
C19	91.17	1035.00	5°02'46"	N83°44'25"W	91.14
C20	92.65	1035.00	5°07'45"	N88°49'41"W	92.62
C21	36.27	1035.00	2°00'29"	S87°36'12"W	36.27
C22	36.79	965.00	2°11'04"	S87°41'29"W	36.79
C23	91.84	965.00	5°27'10"	N88°29'24"W	91.80
C24	92.44	965.00	5°29'18"	N83°01'10"W	92.40
C25	81.69	965.00	4°51'00"	N77°51'02"W	81.66
C26	12.16	335.00	2°04'48"	S50°22'56"E	12.16
C27	92.33	335.00	15°47'27"	S85°24'03"E	92.03
C28	104.49	335.00	17°52'15"	S84°21'39"E	104.06
C29	302.75	965.00	17°58'31"	N84°24'42"W	301.51
C30	324.71	1035.00	17°58'31"	N84°24'42"W	323.38
C31	93.79	265.00	20°16'41"	S85°33'52"E	93.30
C32	61.60	215.00	16°25'00"	N72°20'10"W	61.39
C33	377.91	3064.79	7°03'54"	S67°39'32"E	377.67

LINE TABLE

LINE	LENGTH	BEARING
L1	85.16	N59°13'38"E
L2	72.22	N81°21'04"E
L3	83.88	N78°24'05"E
L4	160.87	S76°08'30"E
L5	139.51	S84°02'20"E
L6	46.05	S75°48'53"E

LEGEND

PROPERTY LINE
LOT LINE
CENTER / SECTION LINE
EASEMENT LINE
BUILDING SETBACK LINE
ADJOINING LOT LINE
PROPOSED STREET MONUMENT
SECTION CORNERS
PROPOSED STREETLIGHT
PUE/DE PUBLIC UTILITY & DRAINAGE EASEMENT
SET 5/8" REBAR WITH A ORANGE PLASTIC CAP, OR NAIL & WASHER STAMPED "PINNACLE ENG. & LAND SURV."

SURVEYOR'S CERTIFICATE

I, STEPHEN J FACKRELL DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 191517 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS

COTTONWOOD COVE PHASE 3 SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS MEET FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

BOUNDARY DESCRIPTION

PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, DESCRIBED AS FOLLOWS: (THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 89°45'55" WEST 2660.33 FEET AS MEASURED ON THE GROUND ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 28)

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COTTONWOOD COVE PHASE 1 SUBDIVISION (NOT YET RECORDED), SAID POINT BEING ON A BOUNDARY LINE AGREEMENT RECORDED IN BOOK 3185, PAGE 77, SAID POINT BEING LOCATED NORTH 89°45'55" WEST ALONG QUARTER SECTION LINE 1281.34 FEET AND NORTH 1175.47 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 28, AND RUNNING THENCE NORTH 89°05'02" WEST ALONG SAID BOUNDARY LINE AGREEMENT 256.82 FEET TO A POINT LOCATED NORTH 02°57'10" WEST 0.71 FEET FROM THE NORTHEAST CORNER OF LOT 5 OF THE BOUCHARD SUBDIVISION; THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF SAID CERTAIN PROPERTY DESCRIBED IN BOOK 3274 PAGE 336 THE FOLLOWING (3) COURSES: (1) SOUTH 89°11'10" WEST 79.66 FEET, (2) SOUTH 77°27'48" WEST 35.09 FEET, & (3) SOUTH 62°12'24" WEST 88.69 FEET; THENCE NORTH 02°23'00" EAST 314.02 FEET; THENCE NORTH 02°25'01" EAST 85.58 FEET; THENCE NORTH 17°12'28" EAST 74.90 FEET; THENCE NORTH 28°50'15" EAST 91.60 FEET; THENCE NORTH 28°07'19" EAST 92.05 FEET TO A POINT ON THE SOUTHERLY LINE OF INTERSTATE HIGHWAY 84 AS DEPICTED ON THE OFFICIAL RIGHT OF WAY MAP FOR PROJECT NUMBER I-80N-4(7)94, ON SHEET 11; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY LINE OF SAID INTERSTATE HIGHWAY 552.07 FEET ALONG THE ARC OF A 2994.79 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°33'44" (CHORD BEARS SOUTH 67°09'33" EAST 551.29 FEET) TO THE NORTHWESTERLY CORNER OF SAID PHASE 1; THENCE SOUTHERLY ALONG THE BOUNDARY OF SAID PHASE 1 THE FOLLOWING (6) COURSES: (1) SOUTH 17°33'35" WEST 10.00 FEET, (2) SOUTH 17°22'48" WEST 79.79 FEET, (3) SOUTH 47°48'22" WEST 83.50 FEET, (4) SOUTH 25°47'12" EAST 85.27 FEET, (5) SOUTH 05°42'12" WEST 71.11 FEET, (6) SOUTH 02°42'32" WEST 102.30 FEET TO THE POINT OF BEGINNING.

CONTAINING: 377,722 SQ. FT. (8.38 ACRES)

2/13/2013
DATE

STEPHEN J FACKRELL
LICENSE NO. 191517

OWNER'S DEDICATION

WE THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS, AS SHOWN ON THIS PLAT AND NAME SAID TRACT OF LAND

COTTONWOOD COVE PHASE 3 SUBDIVISION

AND HEREBY DEDICATE, GRANT AND CONVEY TO SOUTH WEBER CITY, DAVIS COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER , AND ALSO DEDICATE TO SOUTH WEBER CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES, AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE, AS MAY BE AUTHORIZED BY SOUTH WEBER CITY.

THE UNDERSIGNED HEREBY CERTIFY THAT THIS SUBDIVISION HAS MET THE ALL THE REQUIREMENTS OF SOUTH WEBER CITY ORDINANCES.

SIGNED THIS 14th DAY OF February, 2013

B.A. Morris V.P.
BOYD A. MORRIS DR RD ECON, INC

ACKNOWLEDGMENT

STATE OF UTAH)
County of Davis)

On the 14th day of February A.D., 2013 personally appeared before me, the undersigned Notary public, in and for said County of Davis in said State of Utah, the signer ( ) of the above Owner's dedication, One in number, who duly acknowledged to me that signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: 08/07/2013
NOTARY PUBLIC
RESIDING IN DAVIS COUNTY

COTTONWOOD COVE PHASE 3 SUBDIVISION

A PART OF THE SOUTHEAST QUARTER OF SECTION 28,
TOWNSHIP 5 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN,
SOUTH WEBER CITY, DAVIS COUNTY, UTAH

PINNACLE
Engineering & Land Surveying, Inc.
2738 North 350 West Suite 100
Layton, UT 84041
Phone: (801) 773-1930
Fax: (801) 773-1945

ROCKY MOUNTAIN POWER

APPROVED THIS 20 DAY OF Feb, 2013, BY A REPRESENTATIVE OF ROCKY MOUNTAIN POWER.

ROCKY MOUNTAIN POWER REPRESENTATIVE

QUESTAR GAS COMPANY

APPROVED THIS 30 DAY OF Feb, 2013, BY A REPRESENTATIVE OF QUESTAR GAS COMPANY.

Robert Carrow
QUESTAR GAS COMPANY REPRESENTATIVE

SOUTH WEBER IRRIGATION CO.

THE RECORDATION OF THIS PLAT WILL VACATE THE EXISTING EASEMENT AND/OR RIGHT-OF-WAY OWNED BY THE SOUTH WEBER IRRIGATION COMPANY FOR THE CANAL ALIGNMENT THAT HAS BEEN ABANDONED. THIS ACTION IS HEREBY SANCTIONED AND MADE PERMANENT BY THE SIGNATURE OF THE AUTHORIZED REPRESENTATIVE OF SAID COMPANY HEREON CONTAINED.

APPROVED THIS 20 DAY OF Feb, 2013, BY A REPRESENTATIVE OF SOUTH WEBER DITCH COMPANY.

SOUTH WEBER IRRIGATION CO. REPRESENTATIVE

CITY ATTORNEY'S APPROVAL

APPROVED THIS 4 DAY OF March, 2013, BY THE SOUTH WEBER CITY ATTORNEY.

SOUTH WEBER CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS 28 DAY OF Feb, 2013, BY THE SOUTH WEBER CITY PLANNING COMMISSION.

CHAIRMAN, SOUTH WEBER CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL

APPROVED THIS 25TH DAY OF FEB, 2013, BY THE SOUTH WEBER CITY ENGINEER.

SOUTH WEBER CITY ENGINEER

CITY COUNCIL APPROVAL

APPROVED THIS 26 DAY OF Feb, 2013, BY THE SOUTH WEBER CITY COUNCIL.

ATTEST:
SOUTH WEBER CITY RECORDER SOUTH WEBER CITY MAYOR

DAVIS COUNTY RECORDER

ENTRY NO. 2753820 FEE PAID $40 FILED FOR RECORD AND RECORDED THIS 15th DAY OF March, 2013 AT 10:50 AM IN BOOK 5148 OF OFFICIAL RECORDS PAGE 123

DAVIS COUNTY RECORDER

BY: DEPUTY RECORDER

ALL INFORMATION SHOWN HEREON IS NOT FINAL OR APPROVED WITHOUT THE GOVERNING AGENCY(S)'S STAMP AND SIGNATURE. ANY USE OF THIS DRAWING AND ITS CONTENT WITHOUT SAID APROVAL IS DONE AT THE INDIVIDUAL'S OWN RISK. PINNACLE ENGINEERING & LAND SURVEYING, INC. DOES NOT ASSUME LIABILITY FOR ANY SUCH USE.

5073

Utah State Tax Commission
TAXPAYER SERVICES DIVISION 210 N 1950 W SALT LAKE CITY Utah 84134-9000 Website: tax.utah.gov

alt.012 03/2018

Sales Tax License and/or Use Tax Certificate of Registration

EAST, RUSSELL D
RUSSELL EAST
1143 E CANYON DR
SOUTH WEBER UT 84405-9100

Account Number: **11573659-003-STC**

This business is registered to make taxable sales from the incorporated city of:
South Weber

Outlet: 001 Issued: September 1, 2016 Valid until revoked or cancelled. Post in a noticeable place.

This business is authorized to make taxable sales, purchase tax free for resale, collect and remit sales and use taxes in the State of Utah. The authority to engage in business is subject to city and/or county business licensing laws and other rules and regulations. This license may be revoked for violations or failure to comply with these laws, rules and regulations. If this business moves, closes or is sold, you must contact the Tax Commission immediately by calling 801-297-2200 or toll free 1-800-662-4335 and return this license to the Tax Commission for cancellation. This license is NOT transferable.

ABOVE IS YOUR

SALES TAX LICENSE

TEAR OFF AT PERFORATION AND POST IN A NOTICEABLE PLACE
Keep this portion for your records.

Account Number: **11573659-003-STC** <<< Use this number for all correspondence or contact with the Utah State Tax Commission.

Jurisdiction: **South Weber**
Issued: **September 1, 2016**

TAXPAYER ACCESS POINT UTAH TAP tap.utah.gov

Your Personal Identification Number (PIN) will be sent in a different notice in a few days.
You are required to register your account at **tap.utah.gov** for electronic filing, paying and managing your account. Your PIN is needed to register.

NOTICE OF LIABILITY

If you are purchasing a business, have the former business owner provide you a notice/receipt from the Tax Commission stating the sales and use taxes are paid in full. If the notice/receipt is not provided, Utah law requires you keep enough of the purchase money to pay the unpaid taxes. You may be held personally liable for any taxes not paid by the former owner.

TAX FREE PURCHASES

Merchandise purchased tax free, but used or consumed by your company, must be reported on your sales and use tax return. You must pay sales and use tax on goods that you or your company consume.

Return to South Weber City with Application

ASSESSOR'S USE ONLY

DIST _____ ACCOUNT # _____ PARCEL_____ AREA _____

DAVIS COUNTY ASSESSOR
NEW BUSINESS INFORMATION RECORD
PHONE (801)451-3249 FAX (801)451-3134

BUSINESS NAME: Russell D East L.L.C.

MAILING ADDRESS 1143 East Canyon Dr.
South Weber, UT 84405

BUSINESS LOCATION: 1143 East Canyon Dr. South Weber UT 84405

BUSINESS LICENSE #: 1141962 5-0160 NATURE OF BUSINESS: STR - Real Estate

FEDERAL TAX ID # (NO SOCIAL SECURITY #): [redacted]

PHONE NUMBER: (801) 645-7433 DATE OPENED: 8/16/19

TYPE OF BUSINESS (CHECK ONE):

_____ SOLE PROP. _____ PARTNERSHIP _____ CORPORATION ✓ L.L.C

STATE THE VALUE OF PERSONAL PROPERTY USED IN YOUR BUSINESS: $5,000.00
(DO NOT INCLUDE INVENTORY FOR SALE)

OWNER OR REGISTERED AGENT: Russell D East

OWNER/AGENT ADDRESS: 1143 E. Canyon Dr.
South Weber, UT. 84405

STAMP

PLEASE RETURN THIS FORM WITHIN TEN DAYS TO:
DAVIS COUNTY ASSESSOR
PERSONAL PROPERTY DIVISION
P.O. BOX 618
FARMINGTON, UT 84025-0618

ORDINANCE 19-12

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING SOUTH WEBER CITY CODE CHAPTER 10.18 ENACTING REGULATIONS PERTAINING TO SHORT-TERM OR VACATION RENTALS

WHEREAS, the South Weber City Council has a responsibility to preserve and protect the health, safety and welfare of its inhabitants, the family and other community values; and

WHEREAS, nationwide, statewide and local short-term and vacation rental applications have risen significantly; and

WHEREAS, the Council finds and determines that an ordinance is necessary to allow short-term or vacation rentals in the City limits under reasonable standards designed to regulate the industry to ensure the community's values and the citizen's health, safety and welfare are not compromised;

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Chapter adopted. Chapter 10.18 of the South Weber City Code is hereby adopted to read as follows:

CHAPTER 10-18. SHORT-TERM OR VACATION RENTALS

10-18-1 Purposes

The purposes of this chapter are to strengthen the City's values of community, family, and safety by permitting short-term or vacation rentals according to the standards of this chapter, to protect the integrity and characteristics of the land use districts, and to require that short-term or vacation rentals be conducted in a manner that neighbors, under normal conditions, would not be aware of their existence.

10-18-2 Definitions

As used in this chapter:

A. SHORT-TERM or VACATION RENTAL means a transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than 30 consecutive days as an alternative to a hotel or motel.

B. RESPONSIBLE PARTY means the owners and local representatives of the short-term or vacation rental property.

C. OCCUPANTS mean the persons renting or residing in a short-term or vacation rental dwelling unit.

D. PETS mean dogs, cats, other domesticated animals, and any other animals that the occupants of a short-term or vacation rental bring onto the premises.

10-18-3 Conditional Use Permits Required

A. Permits: A conditional use permit shall be required for each unit used as a short-term or vacation rental, regardless of the zone, type, or primary use of the property.

B. Application for Permit: The application for a conditional use permit shall be signed by the owner of the property on which the short-term or vacation rental is located and shall include:

1. the owner's daytime and evening phone contact numbers and email address;

2. a designated local responsible party with phone and email contact information if the short-term or vacation rental is not owner-occupied;

3. the number of off-street parking stalls available for occupants;

4. a checklist showing compliance with the other requirements of this chapter; and

5. the application fee established in the Consolidated Fee Schedule.

C. Review: The Planning Commission shall review the complete application for a conditional use permit under this chapter and shall approve or deny the conditional use permit based on the criteria listed in this chapter.

D. As a condition of receiving a conditional use permit and prior to conducting business, the applicant shall:

1. register the business with the State of Utah and obtain a Utah State Sales Tax identification number;

2. apply for and pay the annual City business license fee, with the license to be issued after the conditional use permit is granted; and

3. ensure that no more that one short-term or vacation rental agreement per dwelling unit is in use at any one time.

10-18-4 Tax

Each short-term or vacation rental owner shall collect and remit sales, resort, and transient room taxes to the Utah State Tax Commission.

10-18-5 Noise and Occupancy

The responsible party shall regulate the occupancy of the short-term or vacation rental and ensure that:

A. occupants and their pets shall not create noise that by reason of time, nature, intensity or duration are out of character with noise customarily heard in the surrounding neighborhood;

B. occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other similar activities between 10 p.m. and 7 a.m.;

C. occupants and their pets shall not interfere with the privacy of surrounding residents or trespass onto surrounding properties;

D. occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and

E. the rental complies with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

10-18-6 Parking

An off-street parking stall shall be provided for each vehicle the occupants bring to the short-term or vacation rental. There shall be no more occupant vehicles allowed at any one time than the number of bedrooms available in the short-term or vacation rental. Vehicles parked at the short-term or vacation rental shall not block clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on other property rights.

10-18-7 Camping

No camp trailers, recreational vehicles, tents, yurts, or any similar non-permanent structures shall be allowed for short-term or vacation rentals under the conditional use permit, except those

located in a private area licensed by the City for camping. Camps shall comply with Utah Administrative Code Rule R392-300, Recreation Camp Sanitation.

10-18-8 Pets

Owners or keepers of any pets on short-term or vacation rental properties shall not allow the animals to create noise that could be considered disturbing, to run at large, or to create a mess that is not immediately cleaned up by the owner or keeper. It shall be unlawful for an owner or keeper of any pet to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

10-18-9 Signage

Information shall be displayed in the interior of the dwelling unit listing 24 hours seven days a week contact information and the regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct. Exterior signage shall not be allowed.

10-18-10 Maintenance and Standards

Any property that contains a dwelling which is licensed as a short-term or vacation rental shall conform to the following standards:

A. Structures shall be properly maintained and kept in good repair.

B. Grounds and landscaped areas shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood or causes any hazard to the occupants.

C. Each habitable space shall meet current building codes for size, egress, and be equipped with smoke and carbon monoxide detectors.

D. Garbage shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pick up days.

E. A fire extinguisher shall be accessible.

F. A fire exiting route plan shall be posted.

G. An annual inspection shall be conducted by the fire marshal to ensure compliance with fire safety provisions. and occupancy requirements.

10-18-11 Complaints and Violations

A. Complaints received by the City from any person alleging any violation of this chapter shall be handled as stated in this section.

B. Upon receiving a first complaint, the City shall call or email, and send a letter or notification to the property owner and responsible party explaining the nature of the complaint and requiring immediate correction.

C. A second complaint will result in the City sending second letter or notification to the property owner and responsible party, explaining the complaint and warning that the conditional use permit may be in jeopardy of being revoked.

D. A third complaint will result in written notification from the City to the property owner and responsible party requiring their attendance at a Planning Commission meeting to show cause why the conditional use permit should not be revoked. The show-cause hearing shall be held even if the owner or responsible party fails to appear.

E. Following a show-cause hearing and short of revoking the conditional use permit, the commission may add any conditions or make any other adjustments to the permit it deems reasonably necessary.

F. Following a show-cause hearing, the Planning Commission may revoke a conditional use permit issued under this chapter if it finds that:

1. the permitee failed to comply repeatedly with any condition set forth in this chapter or the conditional use permit;

2. the permitee engaged in a pattern of unlawful activity; or

3. the permitee violated state law or local ordinances.

G. Notwithstanding any other remedy in this section, violations of the City Code or State law may be prosecuted as a criminal offense in the justice court.

Section 2. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 14th day of May 2019.

MAYOR: Jo Sjoblom

ATTEST: City Recorder, Lisa Smith

Roll call vote is as follows:		
Council Member Halverson	FOR	AGAINST
Council Member Hyer	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Taylor	FOR	AGAINST
Council Member Winsor	FOR	AGAINST

SOUTH WEBER CITY * 1938 * 1971 * DAVIS COUNTY, UTAH
OFFICIAL SEAL

CERTIFICATE OF POSTING

I hereby certify that Ordinance 19-12 was passed and adopted the 14th day of May 2019 and that complete copies of the ordinance were posted in the following locations within the City this 15th day of May 2019.

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

Lisa Smith, City Recorder