

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 28 January 2020

TIME COMMENCED: 6:01 p.m.

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

PRESENT: MAYOR:

Jo Sjoblom

COUNCIL MEMBERS:

Hayley Alberts
Blair Halverson
Angie Petty
Quin Soderquist
Wayne Winsor

CITY RECORDER:

Lisa Smith

CITY ENGINEER:

Brandon Jones

CITY MANAGER:

David Larson

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Jeff Judkins, David Adamson, McKay Winkel, Peggy Bateman, Scott Kendell, Bryron Bateman, Ragan Raddon, Terri Wells, Lynn Poll, Paul Sturm, Julie Losee, Kathy DeVino, Rob Osborne, Tammy Long, Michael Grant, Amy Mitchell, Paul Wells, Brian Kemp, Terry George, and Kendell Raddon.

Mayor Sjoblom called the meeting to order and welcomed those in attendance.

PLEDGE OF ALLEGIANCE: Councilwoman Petty

PRAYER: Councilman Soderquist

CONFLICT OF INTEREST: None

PUBLIC COMMENT: Please respectfully follow these guidelines:

- a. Individuals may speak once for 3 minutes or less
- b. Do not make remark from the audience
- c. State your name and address
- d. Direct comments to the entire Council
- e. Note City council will not respond during the public comment period

Scott Kendell, 1075 E. 660 S. Uintah, conveyed Uintah City denied a possible RV Park where the Riverside RV Park is to be located. He owns property a few hundred feet away from the proposed RV Park. He met with Jim Harvey, Weber County Commissioner, and reported both

Weber County and Davis County Commissioners will meet on 3 February 2020 to discuss the Weber County and Davis County boundary in this location. Mr. Kendell voiced his concern with an extended length of stay generating transient people. He questioned if the developer had received approval from the Army Corp of Engineers concerning the wetlands. He suggested all those involved review the House Bills concerning the 15' trail easement. He brought up the sewer connection fees required by the sewer district. Mr. Kendell addressed his concerns with the storm water and relayed the water can no longer be dumped into the Weber River. He requested the Council table the Riverside RV Park until the county boundaries are settled.

Michael Grant, 2622 Deer Run Drive, noted the audio is not good on the citizen broadcast of meetings and requested everyone including Mr. Winkel speak loudly and clearly into the microphone.

Michael Poff, 154 East Harper Way, discussed his concerns with Riverside RV Park and indicated long-term stays would allow those residents to vote. Mr. Poff addressed the development agreement between the City and the developer and voiced his concerns with this development having only one ingress/egress. He asked what documentation would be required to verify the boundary issue and wondered if there will be any type of connection fees. He stated they would be individual residences so should have individual connections. He questioned the calculation for 50 ERU's. He queried, referencing 12.3, if the developer can request a recalculation of ERU's in the future. He suggested tabling this item.

Corinne Johnson, 8020 S. 2500 E., had misgivings with the Riverside RV Park and the possibility of long-term stays increasing crime, pollution, noise, and other unforeseen consequences in the city. She reviewed when this plan was presented to the City Council on 13 March 2018, the RV Park was presented as a high-end park that will bring in tax revenue for the city and would not be for permanent residents. She lamented the amendment of Ordinance 10.01.100 changing from a 15-day maximum stay to 180 days and increasing the number of units per acre from 10 to 15. Transients can now live in this RV Park for an unrestricted and unlimited amount of time if they leave for 5 days every 6 months and once they stay past 31 days, the City can't collect any transient sales tax and must return the tax collected for the first 30 days. She wondered how the Transportation Utility Fee (TUF) would be collected. (see Citizen Input #1 Johnson)

Josh Falslev, of Uintah City, e-mailed the Lieutenant Governor's Office concerning the boundary lines between Weber County and Davis County. He understood the two counties are still working on clarification. He presented maps that show a portion of the property in Davis County but not annexed into South Weber City. (See Citizen Input #2 Falslev)

Paul Sturm, 2527 Deer Run Drive, presented his misgivings with Riverside RV Park. He canvassed how the length of stay would be enforced and suggested the park keep a daily log. He encouraged unannounced inspections by the South Weber City Code Enforcer. He asked the penalty for non-compliance. He questioned the requirements for tiny homes and the length of the development agreement. (See Citizen Input #3 Sturm)

Lynn Poll, 826 E. South Weber Drive, agreed with what had already been stated. He feared increased traffic with construction on Highway 89. He recommended a public open house for the next General Plan draft review. He thanked the Council for their time and service.

Nate Harmston, of Uintah City, urged the Council to table the Riverside RV Park until the boundary issue is resolved. He indicated there is a 20-year plan to widen I-84.

Nolan Birt, 6925 S. 475 E., requested the City notify individuals beyond the 300' radius. He was against the Riverside RV Park. He doubted the Park would succeed due to planes, trains and automobile noise and questioned what would happen to the land when the RV Park failed. He believed culinary water should not be the source of landscape water. He indicated South Weber Water Irrigation Company holds the water rights. He mentioned possible flooding from the Weber River.

Peggy Bateman, 626 Cottonwood Drive, echoed concerns about the flood plain. She identified the high number of propane tanks that will be in the tiny homes as well as the RV units. She contended they would be a safety hazard. She vowed she will never allow the Weber Pathway Trail to go in front of her home. The trail has encouraged relentless trespassing on her property and a nuisance of vehicles parking along the road. She requested the City consider consequences to residents.

Byron Bateman, 626 Cottonwood Drive, vocalized the parking problems with the Weber Pathway Trail as well as the damage to Cottonwood Drive. He feared possible flooding. He remarked there are people living on the trail. He identified graffiti, dogs unleashed, and continual traffic. He opposed the RV Park. He advised the Council table the item until issues are resolved. He proclaimed the RV Park is too close to I-84 and recounted experience with a past fire in the area. He suggested a performance bond requirement to assure full compliance. He thanked the Council for their service to the community.

Councilwoman Petty read a letter from **Brian Kemp, 1624 E. 7640 S.**, opposing the RV Park. (see Citizen Input #4 Kemp)

Amy Mitchell, 1923 Deer Run Drive, recommended being better neighbors to Uintah City. She agreed with what had been discussed with the RV Park. She disclosed her apprehension with the mixed-use zone. She requested limiting the total number of businesses in the City. She offered the number of parking spaces are not enough. She pled for a specific number for the portion of landscaping required for recreation use. She was in favor of the height restriction of three stories throughout the City. She requested spending equal amount of money in all existing parks. She charged Cherry Farms Park should be updated and beautified. She noticed there is not a public basketball court in the City.

CONSENT AGENDA:

- a. 2020-01-07 Minutes**
- b. 2020-01-14 Minutes**
- c. Dec. Check Register**
- d. Nov. Budget to Actual**
- e. Accept FY 2019 Audit & Financial Statements**

Councilwoman Alberts requested an amendment on page 7 of the 14 January 2020 minutes from Councilwoman to Councilman and questioned engineering fees to Jones & Associates for Riverside RV Park in the check register. David clarified that development fees are passed on to the developer, but the check register only shows expenditures and not revenues.

Councilman Halverson moved to approve the consent agenda. Councilman Soderquist seconded. Mayor Sjoblom called for the vote. Councilwoman Petty abstained from 7 January 2020 minutes. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

PRESENTATION: US 89/I-84 Corridor Study by UDOT

David Adamson from UDOT presented the US-89/I-84 Corridor Study. He announced there is no funded project at this time and voiced some of these concepts were developed to give them a cost estimate. He discussed the challenges with this area which include competing needs between local and commuters, service interchange, railroad lines, Weber River, etc. He mentioned one long-term solution (Center Bypass), one short term solution (SPUI), and Skyline Drive (CFI). He identified phasing from short-term solutions to long-term solutions. He reiterated these are conceptual drawings and there is no funded or approved project at this time. Mayor Sjoblom acknowledged there are several legislators who would like to see this project get funded. She reported residents in South Weber feel the effects of increased traffic on US-89.

Councilman Soderquist serves on the CCT committee representing South Weber City. He explained that group is a delivery group to UDOT. Mayor Sjoblom reported she had sent numerous e-mails expressing South Weber City's concerns.

Conditional Use Permit, Site & Improvement Plans: Riverside RV Park

Mayor Sjoblom relayed the City Council originally reviewed the Riverside RV Park plans and Conditional Use Permit (CUP) on December 10, 2019. After discussion, the Council continued the item to January 28, 2020 and established a working committee to research, review, and recommend to the full Council amendments to the CUP.

The working committee had completed the task and brought forward for the Council's consideration an amended CUP along with a proposed development agreement. A CUP is a tool to mitigate potential negative effects to the surrounding community that are not already addressed in City Code. A development agreement includes any other items the City and developer have negotiated.

Mayor Sjoblom commented the CUP comes forward as an action item because it was originally noticed as such for the December 10 meeting and was continued to this meeting. The proposed development agreement comes forward as a separate discussion item with action coming in a future meeting (likely the next meeting in February). Council may act on the CUP tonight and on the development agreement later or continue the CUP action to the same meeting as the development agreement so all can be considered and acted on during the same meeting.

Councilwoman Alberts referenced Barry Burton's letter of 16 May 2019 concerning number of sites. David verified there are 102 sites. Councilwoman Alberts asked if the fire chief had reviewed and approved the turnaround. David affirmed the fire marshal had reviewed and approved the design. Councilwoman Alberts anguished over the 30 tent sites to be located less than 100' from I-84.

David replied the required 100' setback is in relation to permanent structures. Councilman Halverson expressed the CUP and development agreement need to be approved on the same night. Councilman Winsor shared some unease with the development agreement. He offered if

the land isn't in the right county then discussion is moot. He was aware of threat of a lawsuit if the Council denies this request.

David clarified South Weber City has jurisdiction over development on property in the City whether it is in Davis County or not; however, South Weber boundary is defined using the county boundary. Councilman Halverson acknowledged there can be no construction on the property until approval. David conveyed there are documents that show all the property being in Davis County and documents that indicate a 4-acre portion being in Weber County. He indicated that is why the drafted development agreement directs the developer to resolve the matter before a building permit is issued. David reported South Weber and Uintah City are both requesting to be involved in the boundary discussions. Councilwoman Petty enjoined there are so many entities that it would not be wise to act until there is resolution. Councilwoman Alberts and Councilman Soderquist agreed.

McKay Winkel, developer of Riverside RV Park, addressed the 100' setback from the edge of the freeway to the development. He understood UDOT could take a portion of their property to widen I-84, but he noted the area between East and Westbound lanes and the buffer already in place. He requested Council not wait for County boundary resolution but was fine waiting until development agreement is revised and approved.

Councilwoman Petty moved to table Conditional Use Permit, Site & Improvement Plans for Riverside RV Park until February 11, 2020. Councilman Halverson seconded. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

DISCUSSION: Development Agreement with Riverside RV Resort Park:

Councilman Soderquist asked Mr. Winkel his thoughts about the noise issues with planes flying over all the time. Mr. Winkel expressed they have looked at shielding noise from I-84. He declared the citizens have the same noise problems and there is no lack of homes. Councilman Winsor asked about South Weber Irrigation. Mr. Winkel contacted every company for secondary water, and none were able to provide service. Councilman Halverson reported South Weber Irrigation investigated and they can't service this property. Mr. Winkel stated they are looking into relocating a well.

Councilwoman Alberts wondered why there was a change to the 180 days from 120 days. Mr. Winkel stated the existing City Code allowed the 180 days, so they matched it to be consistent. Councilman Halverson requested the park rules being included as an exhibit in the development agreement. Brandon Jones, City Engineer, addressed the utilities and stated any fire hydrant must be serviced by the city water line to allow maintenance and control. Councilman Winsor questioned why the development isn't required to put individual meters at each site. Brandon didn't believe that was a reasonable request or that it would be advantageous to have 102 meters because the City still maintains the mainline. Councilman Halverson remarked the City hasn't required other commercial developments to meter individually. Brandon reminded the Council they are reviewing this development only because it is non-residential. David clarified the City owns and maintains water lines to fire hydrants. Brandon explained the process of calculating the Transportation Utility Fee (TUF) for the equivalent Residential Unit (ERU's) for an RV Park. He revealed the fee is collected monthly. Councilman Winsor investigated reasoning for not requiring a secondary ingress/egress. David spelled out the City Code requirement for a second

ingress/egress is for 30 residential homes and this development is considered a commercial development. He iterated the Fire Marshall had reviewed this development and made the decision that one egress is enough. The Council directed staff to follow up with the Fire Marshall to make sure this development meets fire code and whether there is a limit to the amount of propane that can be stored on the property. Councilman Winsor added the desire to have the Fire Marshall consider the additional amount of traffic exiting from Uintah if there were an evacuation. Discussion took place regarding the length of the development agreement. Councilwoman Alberts sought to know what happens if the renter doesn't move every 60 days. David replied it would be a code enforcement issue handled the same as all other code violations. Councilwoman Alberts advocated no construction take place until boundary lines are resolved. Councilman Halverson suggested sending this item back to the committee. McKay pointed out the TUF calculation set at 50 is not to set a permanent limit but will adjust up and down. David will schedule a committee meeting.

DISCUSSION: Priority Parks Projects

Mayor Sjoblom related the Parks, Trails, & Beautification Committee had gone through a lengthy process to establish, review, and evaluate a list of potential parks improvement projects throughout the city. The committee brought forward this list to the City Council for consideration with recommendation of which projects to pursue.

city

Parks & Trails Committee Projects

Project	Budgetary Cost Estimate	Impact Fee Eligible	Committee Priority	Notes
Cherry Farms				
• New ball field	\$190,000	✓	✓	
• Replace Playground Equipment and Surface	\$300,000	✓		
• Freshen up restrooms (paint, lights, drinking fountain)	\$8,000			
Canyon Meadows				
• Small ball field	\$350,000	✓		
• Fencing around park area	\$140,000	✓		
• Parking lot (west)	\$400,000	✓	✓	Gravel \$50K
• Install pickleball courts (4 courts w/ lights)	\$150,000	✓	✓	
• Add covers & shade to dugouts	\$35,000	✓		
• Add topsoil to outfield, improve grass (0.5"/yr – 8 yrs)	\$112,000			
• Wetlands – complete Restoration Plan	\$75,000		✓	
Cedar Cove				
• Replace asphalt walking path with concrete	\$32,000			
• Add disc golf	\$20,000	✓		
Posse Grounds				
• Replace fencing (next to grass, road, parking)	\$15,000			
• Regrade parking lot	\$18,000			
• Add signage for trail route access	\$1,500			
Central				
• Replace bowery (20' x 40')	\$60,000			
• New restroom (14' x 22')	\$100,000	✓		
Cedar Loop				
• New playground	\$110,000	✓		
• New bowery (20' x 40')	\$60,000	✓		

Trails

Project	Budgetary Cost Estimate	Impact Fee Eligible	Committee Priority	Notes
Petersen Trailhead				
• Potential for Sale				
Pea Vinery Trailhead				
• Install fencing (separate from landfill)	\$85,000	✓		
• Install nature trail & road base parking lot	\$90,000	✓		
• Add signage for trail route access	\$1,500			
Canyon Drive Trailhead				
• Feasibility study for pedestrian overpass / underpass	\$40,000	✓		
View Drive Trail				
• Property/Easement acquisition	\$10,000	✓	✓	
• Trail Construction	\$350,000	✓		
<i>TOTAL Priority Projects</i>			\$475,000	
<i>Impact Fee Eligible</i>			\$400,000	
<i>Impact Fees Budgeted FY2020</i>			\$145,000	
<i>Available Park Impact Fees as of 1.23.2020</i>			\$562,000	

Councilwoman Petty as the chairperson for the Parks, Trails, and Beautification Committee reviewed the analysis process. The committee discussed how to best utilize the impact fees and put together a wish list with budgetary estimates. Councilwoman Petty remarked the survey results were used heavily in making these decisions. She then reviewed each project they chose. David indicated the five priority projects total \$475,000 with \$400,000 being impact fee eligible. The impact fees budgeted for FY2020 is \$145,000. David reported the Army Corp of Engineers accepted the City’s proposal for wetlands restoration at Canyon Meadows Park. Councilman Winsor asked why there were two survey documents. David answered they were separated by on-line results and paper mail-ins. Councilman Halverson received several comments from residents who would like to see existing parks improved. Councilman Winsor thanked the committee for putting together this information. He proclaimed the priority should be who will benefit most from the dollar amount spent. Councilman Winsor charged \$100,000 for Central Park restrooms is a greater benefit than pickleball courts for \$150,000. Councilwoman Petty conceded Central Park needs bowery updates and restrooms. Mayor Sjoblom expressed one day a year is not enough to require the additional restroom at Central Park. She related her feelings for pickleball and communicated people may think this is her personal agenda, but she emphasized it is not. She explained pickleball is a sport for all ages and abilities. The interest for pickleball has grown in the last 1.5 years. The General Plan survey had nothing to do with parks, yet pickleball was mentioned by several residents. She argued pickleball would be great for the community and she would love to teach every resident how to play. Councilman Winsor pointed out Central Park is not used one day a year, but seven days during Country Fair Days. Councilman Halverson stated restrooms can be funded through grants so impact fees should be spent elsewhere. Councilwoman Petty knows of grants right now for which the City can apply. David explained the timeline for impact fees and restrictions. He pointed out there is \$562,000 available and any budgeted money leftover can be rolled over to the next year.

It was decided the priority list of parks projects will be placed on the 11 February 2020 as an action item.

DISCUSSION: Snow Removal Policy

Mark Larsen, Public Works Director, approached the Council. Councilman Winsor wondered about the policy implementation. Mark opined the policy should be a minimum standard

guideline, especially when every storm is different. He described some of the decisions that must be made with personnel and weather condition variables. Mark explained anyone can contact the City office 24/7 with their concerns. He encouraged citizens to notify public works. Councilman Winsor wondered if the City should reach out to residents who have a Commercial Driver's License (CDL). It was stated that may be an option, but it creates other problems and liabilities.

Councilman Halverson asked Mark to explain the cul-de-sac policy. Mark articulated the difficulty with cul-de-sacs and where to pile the snow. They will no longer clean the entire bulb of the cul-de-sacs. He stated they try to put the snow in the most reasonable place. It was specified there is no parking on City streets from November to March. Mark iterated the employees don't purposely hit garbage cans or block driveways. Councilwoman Petty reminded everyone to blow the snow towards their house not into the street. Mark elaborated on the consequences Councilman Soderquist asked if the change of major and minor streets on the General Plan relates to the snow policy. David cleared up they aren't connected. Mayor Sjoblom enjoined Mark to tell the Public Works Department how much they are appreciated.

2020 Legislative Review: Councilwoman Petty suggested tracking House Bill 133. Several other bills were lightly reviewed.

New Business: Councilwoman Alberts reported the pothole on 7775 South across from the church. She identified the no parking zone on 2700 East still needs to be painted. She asked if the City's 300' radius notification for public hearings needs to be increased. David stated the City is already going above the requirement. City newsletter was considered for notice as it reaches every house; however, the time constraints wouldn't foster that option. City Recorder, Lisa Smith explained anyone can sign up for notifications on the Utah Public Notice Website. It was decided the Public Relations Committee will review the notification policy.

Reports:

Mayor Sjoblom: reported she met with Councilman Halverson, Councilman Winsor, and Sandra Layland at Tom Wright's house, across the street from the Cobblestone Manor short-term rental. They met with Brian Bean, Policy Advisor to President of the Senate, Stuart Adams. The discussion was regarding House Bill 253, passed in 2017, which provided privacy and rights to short-term rental property owners. What it failed to do was to protect the rights of surrounding homeowners and of cities to enforce their own ordinances regarding short-term rentals. Senator Adams and his counsel are looking into amending that bill. Mayor Sjoblom thanked Sandra, Tom, and Chris Tremea for their hard work in bringing this to the attention of the legislature. She was hopeful they can find a solution that will benefit all concerned parties and protect the rights of the short-term rental owners, surrounding residents, and the City. She also attended an event with President Adams the same evening and reiterated our concerns.

Mayor Sjoblom acknowledged there were a great number of committee meetings last week which she was able to attend and several planned for the upcoming week. She thanked the Council and staff for arranging each session to address immediate concerns and jump start the new committees.

Mayor Sjoblom relayed David Larson, Mark Larsen, Brandon Jones, and she met with Uintah City that morning to go over the shared waterline agreement. Discussion went well and the final

draft of the agreement would be coming forward for the Council’s approval on 11 February 2020.


Councilman Halverson: advised the Public Safety Committee met to discuss their goals with emergency preparedness and hazard mitigation plans. They also discussed with the SWC Fire Department and the changes for paramedics which are being proposed from the county and the state.

Councilwoman Alberts: vocalized the newly formed Public Relations Committee met to discuss methods of getting information to the public. The city staff was directed to investigate live video streaming options. The Mixed-Use Committee examined goals for the community and various options will be brought to Council for discussion.

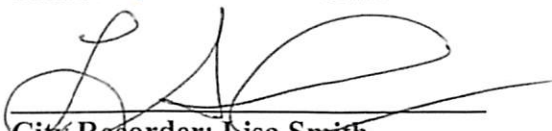
Councilwoman Petty: disclosed the Parks and Recreation Committee met with the Train Club and are in the process of amending the current agreement with them.

City Manager, David Larson: announced the streetlights on Old Fort Road were installed but half of them are turned off because a portion of the road hasn’t been completed yet. The City can control when they are off and on remotely. He appreciated the work the Council had done with their committees and all that is going on in the City.


ADJOURNED: Councilwoman Alberts moved to adjourn the Council Meeting at 9:10 p.m. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

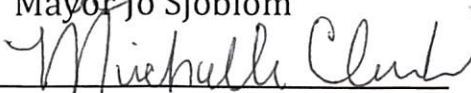
APPROVED:  _____ Date: Feb 11, 2020
Mayor: Jo Sjoblom

 _____
Transcriber: Michelle Clark

Attest:  _____
City Recorder: Lisa Smith

Amended to include public comment April 14, 2020

 _____ April 14, 2020
Mayor Jo Sjoblom

 _____
Transcriber Michelle Clark

 _____
Attest, Recorder Lisa Smith

cc 2020-01-28 Add #1 Johnson

Now you can't really blame the developer. You are the ones who opened this can of worms. And here we stand today faced with the reality that transients can live in this RV Park in our quiet bedroom community for an unrestricted and unlimited amount time, so long as they leave for 5 days every 6 months.

This result is a far cry from what was presented to the City Council. Not only can we have an unrestricted number of people living in this RV park Year-Round once they stay past 31 days, we cannot collect ANY transient sales tax and have to give the tax collected for the first 30 days back. One of the very reasons stated why this park would benefit our community is now gone. So where is the benefit to our community? I see none.

I know that many members of the city council regret approving the ordinance change. Just like you regret approving the development agreement for The Lofts. I get that and appreciate you acknowledging it was a mistake. But the unintended consequences for our city are once again Too High of a price to pay!!

As a citizen who has watched our City Planner and others recommend items to the City Council again and again that only promote the interest of the developing landowner and do not consider the impact these developments will have on the safety, well-being and rights of the adjacent property owners, nor the increased burden for policing and enforcing that will be placed on the citizens, I ask the City Council to step up and make it right. This time, we are here. We are doing everything and saying everything we can to stop this but only You can do the Next Right Thing and say NO to a long-term RV Park in our community.

In addition, here are some issues I have with the proposed development agreement.

4.- Boundary Resolution. A portion of the Development adjacent to the Weber River has Weber County parcel numbers although indications are that the property is within Davis County. The Owner is responsible for resolution of this boundary conflict prior to the granting Resolution shall mean, 1) Documentation provided by the proper authorities of both Weber and Davis Counties showing that the entire Development is located within Davis County, or 2) The written approval of the Development from Weber County for the portion of the Development located in Weber County.

Occupancy should be changed to prior to a building permit issued

5-12. Transportation Utility Fee. The City has adopted a transportation utility fee that is based on Equivalent Residential Units (ERU). The ERU is calculated using the number of trips generated by the use of the property. For all non-residential uses, the number of trips is calculated based on the current

PETITION FORM FOR REQUEST FOR AMENDMENTS TO SOUTH WEBER CITY ORDINANCE

Petitioner Mckay Winkel

Mailing Address 3651 N. 100E #125

City, State, Zip PROVO UT 84604

Phone No.: 801 377 8035 Fax No.: _____

Email Address MckayWinkel@gmail.com

OFFICE USE ONLY	
Application #	<u>018-01</u>
Fee \$	<u>300</u>
Receipt #	<u>17049200</u>
Date Received	<u>3/30/18</u>
Land Use Ord:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

City Code section(s) proposed to be amended: 10.01.100 ; ~~10.7F.1~~ ; 10.7F.2

Write here or attach a description of proposed amendment(s): see Attached

We are hoping to develop APNS 13-018-0021 + 07-109-0017 into an RV Resort + these changes are needed to feasibly do so. zone change Request will follow.

In what way does the proposal recognize the City's General Plan? Allows for the Feasible Development of a challenged parcel that would expand the city's tax base.

Dated this 28 day of March, 2018.

[Signature]
Petitioner's Signature

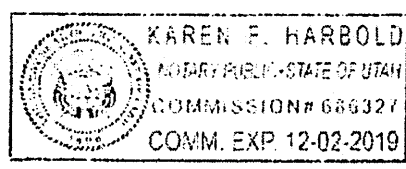
[Signature]
Petitioner's Signature

State of Utah)
County of Utah)

On the 29th day of March, 2018, personally appeared before me

Mckay Winkel, the signer(s) of the above instrument who duly

acknowledged to me he executed the same.



[Signature]
Notary Public
Residing at:
My Commission Expires:

Ordinance Amendment Summary

1. Change definitions of Short Term Occupancy (10.01.100)
2. Add definition of an RV (10.01.100)
3. Change 10.7F.1 (delete "short term", add "Recreational Vehicles" to definition)
4. Change density of RV Park Development (10.7.F2)
5. Give City Council and Planning Commission discretion to adjust setbacks (10.7F.2)

KEY

- ~~Strikethrough~~ – Recommended deletions
- Underlined text – Our proposed additions

We propose the following definitions be amended and added based on the existing length of stay identified in South Weber City Code 12.01.110 which details how long Recreational Vehicles may be located and treated in flood areas (which applies to our parcel).

We propose that the Planning Commission and/or the City Council have discretion to lower the setbacks that trailers can be located from the property line from 40 feet to 3 feet. We should be fine with standard setbacks everywhere on our site, but along I-84 we would need a smaller setback so we can create more greenspace and recreation area in the park.

We also propose that density be changed from 10 units per acre to 15 units per acre.

10.01.100 Definitions

~~SHORT TERM OCCUPANCY~~ RECREATIONAL VEHICLE PARK OCCUPANCY: The length of stay at a recreational vehicle park shall be no greater than 180 consecutive days provided that:

1. The Recreational Vehicle:
 - a. is not permanently connected to utilities
 - b. maintains wheels attached to the unit
 - c. shall not have any permanent additions attached
 - d. is in compliance with park rules
2. The patron:
 - a. maintains clean surroundings
 - b. does not contribute to a Nuisance
 - c. has left the park for at least one day between length of stays
 - d. is in compliance with park rules

~~A. Fifteen (15) days for all travel trailers and campers (self contained vehicles).~~

~~B. Seven (7) days for tent camper~~

10.01.100 Definitions

RECREATIONAL VEHICLE: A vehicle which is:

A. Built on a single chassis:

B. Four hundred (400) square feet or less when measured at the largest horizontal projections:

C. Designed to be self-propelled or permanently towable by truck; and

D. Designed to provide accommodation for recreational, camping, travel, or seasonal use.

A Recreational Vehicle also includes, but is not limited to campers, travel trailers, motorhomes, park models, and tiny homes.

10.7F.1 Conditions Required

Under certain controlled conditions, recreational vehicle parks may be allowed as a conditional use for short-term parking of campers, travel trailers, Recreational Vehicles, motor homes and tents. Neither the Planning Commission or the City Council shall approve a conditional use permit unless evidence is presented to establish:

- A. Ownership: That the site is in single ownership or unified control.
- B. Need Exists: That a need exists for the proposed recreational vehicle park.
- C. Plan Conformance: That the development plan is in conformance with the Comprehensive Plan.
- D. Exposure From Other Land Uses: That the site will not be exposed from other land uses to objectionable smoke, noise, odor or other adverse influences.
- E. Traffic: That the site has an acceptable relationship to the major traffic thoroughfare plan and that the site is accessible to recreational vehicles without causing disruption to residential areas.
- F. Utility And Drainage Facilities: That the proposed recreational vehicle park will not overload utility and drainage facilities and that sensitive environmental areas will not be adversely affected.
- G. Health And Safety Codes: That all local, County and State health and safety codes are met (in design and operations stages).

10.7F.2 Lot, Area and Space Requirements

- A. Minimum Area: The area of the lot on which such park is to located shall be at least five (5) acres.
- B. Setbacks:
 - 1. No trailer or service building or structure shall be placed or permitted within one hundred feet (100') of the road or street upon which the lot or area fronts, or within seventy five feet (75') of any other boundary line.
 - 2. The Planning Commission or City Council can approve setbacks of less dimensions than required if in its review of the site plan of the proposed RV park it finds evidence of special landscape buffering that in its determination effectively: a) visually screens the park from adjoining land uses; b) mitigates adverse impact on and from the park; and c) provides for an attractive park-like setting. In no cases shall the setback distance be less than ~~forty feet (40')~~ three (3') feet.
- C. Maximum Density: The maximum density shall be ~~ten (10)~~ fifteen (15) recreational vehicles or tent sites per acre.
- D. Open Space: A minimum of fifteen percent (15%) of the total area of the park shall be reserved for the purpose of open space or recreational facilities (nonbuilding and RV pad space). Parcels of

open space shall be sufficient size and distribution as to be a functional part of the entire development plan.

E. Vehicular Spacing:

1. Pull-through recreational vehicle sites shall maintain fifteen feet (15') between vehicle parking in adjoining sites.
2. Back-in recreational vehicle sites shall maintain ten feet (10') between vehicles, to include automobiles parking in adjoining sites.

F. Vehicle Setback To Building: Recreational vehicle sites shall be set back thirty feet (30') from any building.

(BARRY'S RECOMMENDED CHANGES TO PROPSAL)

Ordinance Amendment Summary

1. Change definitions of Short Term Occupancy (10.01.100)
2. Add definition of an RV (10.01.100)
3. Change 10.7F.1 (delete "short term", add "Recreational Vehicles" to definition)
4. Change density of RV Park Development (10.7.F2)
5. Give City Council and Planning Commission discretion to adjust setbacks (10.7F.2)

KEY

- ~~Strikethrough~~ – Recommended deletions
- Underlined text – Our proposed additions

We propose the following definitions be amended and added based on the existing length of stay identified in South Weber City Code 12.01.110 which details how long Recreational Vehicles may be located and treated in flood areas (which applies to our parcel).

We propose that the Planning Commission and/or the City Council have discretion to lower the setbacks that trailers can be located from the property line from 40 feet to 3 feet. We should be fine with standard setbacks everywhere on our site, but along I-84 we would need a smaller setback so we can create more greenspace and recreation area in the park.

We also propose that density be changed from 10 units per acre to 15 units per acre.

10.01.100 Definitions

~~SHORT TERM OCCUPANCY RECREATIONAL VEHICLE PARK OCCUPANCY:~~ The length of stay at a recreational vehicle park shall be no greater than 180 consecutive days provided that:

1. The Recreational Vehicle:
 - a. is not permanently connected to utilities
 - b. maintains wheels attached to the unit
 - c. shall not have any permanent additions attached
 - d. has left the park for at least five (5) consecutive days before returning.
 - e. ~~is in compliance with park rules~~
2. ~~The patron:~~
 - a. ~~maintains clean surroundings~~
 - b. ~~does not contribute to a Nuisance~~
 - c. ~~has left the park for at least one day between length of stays~~
 - d. ~~is in compliance with park rules~~

A. Fifteen (15) days for all travel trailers and campers (self-contained vehicles).

B. Seven (7) days for tent camper

FOR REFERENCE

South Weber City Code 12.01.110 – Flood Damage Prevention – Specific Standards

E. Recreational Vehicles:

1. Recreational vehicles placed on sites within zones A1-30, AH, and AE must either: a) be on the site for fewer than one hundred eighty (180) consecutive days, b) be fully licensed and ready for highway use, or c) meet the permit requirements of SWMC 12.01.070 and the elevation and anchoring requirements for resisting wind forces of subsection D2a of this section.
2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.²

10.01.100 Definitions

RECREATIONAL VEHICLE: A vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by passenger vehicle or light truck; and

D. Designed to provide accommodation for recreational, camping, travel, or seasonal use.

A Recreational Vehicle also includes, but is not limited to campers, travel trailers, motorhomes, park models, and tiny homes.

TINY HOME: A vehicle designed for living in temporary locations which:

A. Is towable by a bumper hitch, frame towing hitch or fifth-wheel connection;

B. Is no larger than allowed by Utah State Law for movement on public highways without special escorts;

C. Contains at least 140 square feet of the first floor interior living space and does not exceed 500 Square feet of first floor interior living space; and

D. Meets ANSI 119.2 or ANSI 119.5 or NFPA 1192 or be RVIA certified.

10.7F.1 Conditions Required

Under certain controlled conditions, recreational vehicle parks may be allowed as a conditional use for ~~short-term~~ parking of campers, travel trailers, Recreational Vehicles, motor homes and tents. Neither the Planning Commission or the City Council shall approve a conditional use permit unless evidence is presented to establish:

A. Ownership: That the site is in single ownership or unified control.

B. Need Exists: That a need exists for the proposed recreational vehicle park.

C. Plan Conformance: That the development plan is in conformance with the Comprehensive Plan.

D. Exposure From Other Land Uses: That the site will not be exposed from other land uses to objectionable smoke, noise, odor or other adverse influences.

E. Traffic: That the site has an acceptable relationship to the major traffic thoroughfare plan and that the site is accessible to recreational vehicles without causing disruption to residential areas.

F. Utility And Drainage Facilities: That the proposed recreational vehicle park will not overload utility and drainage facilities and that sensitive environmental areas will not be adversely affected.

G. Health And Safety Codes: That all local, County and State health and safety codes are met (in design and operations stages).

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A. Minimum Area: The area of the lot on which such park is to located shall be at least five (5) acres.

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- C. Maximum Density: The maximum density shall be ~~ten (10)~~ fifteen (15) recreational vehicles or tent sites per acre.
 - D. Open Space: A minimum of fifteen percent (15%) of the total area of the park shall be reserved for the purpose of open space or recreational facilities (nonbuilding and RV pad space). Parcels of open space shall be sufficient size and distribution as to be a functional part of the entire development plan.
 - E. Vehicular Spacing:
 1. Pull-through recreational vehicle sites shall maintain fifteen feet (15') between vehicle parking in adjoining sites.
 2. Back-in recreational vehicle sites shall maintain ten feet (10') between vehicles, to include automobiles parking in adjoining sites.
 - F. Vehicle Setback To Building: Recreational vehicle sites shall be set back thirty feet (30') from any building.

I've been thinking a lot about my comments tonight and it is like I have come full circle. You see I have imagined a thousand times that I could go back to before the development agreement was signed for the Lofts and say something, anything to stop it! Well here we are with the Riverside RV Park in a strangely familiar situation. We thought we were getting one thing and it turns out we are getting another. You could say -to use Former beloved Council Members phrase we got "hoodwinked" again. Unlike the Lofts you have a chance to stop something that will be detrimental to the safety and well-being of our community NOW.

We have to live under the shadow of The Lofts and we all know the problems that have resulted from an un-checked Air B&B and how hard it is to work backwards to protect the rights of landowners living adjacent to that property. It is a FACT- as evidenced by the police reports from the Ogden RV Park- that a long term stay RV Park will bring an increase in crime pollution, noise and additional unforeseen consequences into our quiet bedroom community.

When this plan was presented to the City Council on Tuesday March 13th it was presented as a family friendly short-term vacation RV park that would provide a high tax revenue from the sales tax and transient use tax. Expansion of the business model would "allow extended stay guests at the RV Park. These would be people who are here on construction job contracts that are here for a couple months to stay then they are gone. It would certainly not be for a permanent resident" Again, and again in his presentation to the City Council, Winkler stated this will not be for permanent residents. Yet, in order to facilitate his "expanded business model" Our city code was re-written.

Our Short-Term Occupancy ordinance 10.01.100 only allowed a 15-day stay for all travel trailers and campers and would have protected us from this. Well that was not going to work so he paid his \$300 fee to re-write our city ordinance – I have attached the ordinance changes. Winkler made all the changes he needed to suit his needs to create a development that would be financially viable for him- but inevitably detrimental to our community- including changing the minimum stay from 15 days to 180 days and increasing the number of units per acre from 10-15. The PC recommended this change unanimously and the CC voted to adopt the changes unanimously.

edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual. 12.1 ERU Calculation. The fee for this Development will be calculated based on the number of sites used for long-term stays versus short-term stays. For the purpose of this Agreement, a long-term stay shall be considered 31 days or more, and a short-term stay is 30 days or less. The Owner has chosen to allow up to 50 sites to be long-term stays and 52 sites to be short-term stays. This calculates as 50 ERU's and will be charged according to the City's current adopted fee schedule.

How is the Fee Collected? Monthly? How do we verify the length of stays and what happens if he has more than 50 sites rented as long term stays at a time? How is this enforced?

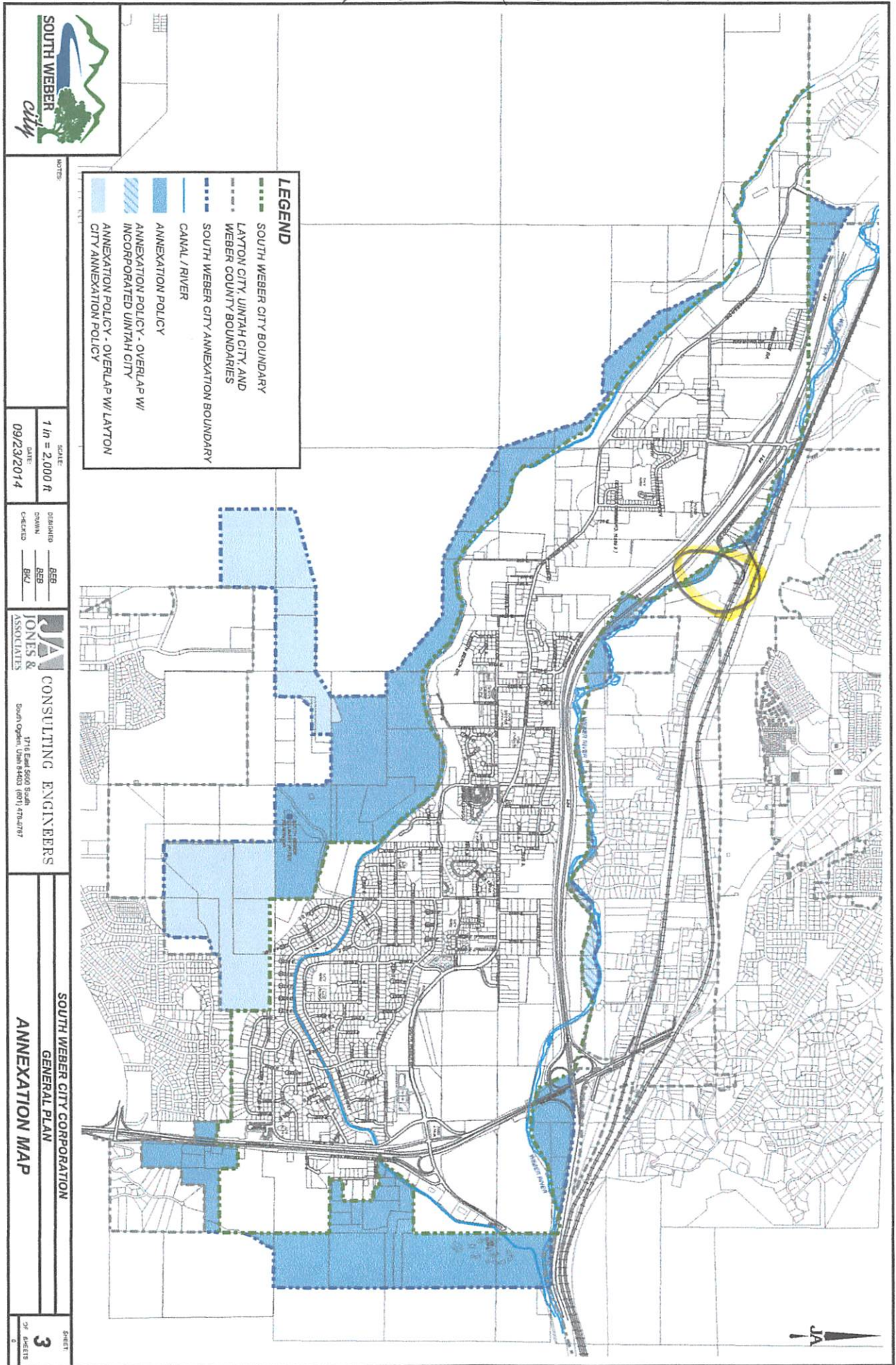
ORDINANCE COMPLIANCE: There are several conditions listed in Section 10.7F.1 of the Zoning Ordinance that I believe have all been met. The only site requirement of 10.7F.2 that has not been met is the requirement for a 100' setback for any sites to a road. The sites are considerably less than 100' from the freeway, but there is a provision in the code that allows the Planning Commission to approve something less. In this case, I don't think the freeway will be impacted in any way and there is a large approx. 70' space from the freeway right-of-way fence to the actual closest travel lane. I believe the Planning Commission has reasonable justification to approve a less than 100' setback on the I-84 side.

I am highly concerned that there will still be TENT SITES in the buffer zone! This development should not be approved with without compliance to the ordinance. There should NEVER be people in the required buffer zone.

It was discussed previously that any "long term resident" anyone who stays over 31 days must undergo a background check.

Where are the rules? We should see them before anything is signed.

CC 2020-01-28 Add #2 Falslev



QUESTIONS/COMMENTS FOR THE SOUTH WEBER CITY CITY COUNCIL SUBMITTED BY PAUL STURM

CITY COUNCIL MEETING DATE: 28Jan20

Riverside RV Park Conditional Use Permit #220-01

and

Development Agreement for Riverside RV Park in South Weber City

- 1) Riverside RV Park Conditional Use Permit #220-01
Item 5. states "Tenants may remain in a campsite a maximum of 60 days.
They must move to a different site on day 61.
 - a) How is SWC going to enforce the 180 day maximum stay under the SWC Code?
 - b) How will the RV Park prove that they have completely complied with this SWC Code?
 - i) I believe that the RV Park should have a daily log for each site in the RV Park that identifies the occupant of each site and the current number of days that the site has been occupied by that tenant.
 - ii) Unannounced periodic inspections should be performed by SWC Code Enforcement to ensure that the RV Park is compliant.
 - iii) Code Enforcement should have full access to the RV Park records.

Note: What is the penalty to be assessed upon the RV Park if they are not compliant?

- 2) I have a general question on the RV Park and how the number of sites for short-term and long term occupant is being accounted. In different versions of the discussions, the numbers of sites for "Tiny Homes" has not been disclosed. If the Tiny Homes are short-term, when do they have to be moved? If Tiny Homes only assigned as long-term rentals, how does this fit into the scheme of application of SWC Codes?

3) Development Agreement - Paragraph 21.3: In past actions by the City Council it was determined that a 10 year term for a Development Agreement was too long and this was reduced to seven (7) years.

4)

Boundary Resolution. A portion of the Development adjacent to the Weber River has Weber County parcel numbers although indications are that the property is within Davis County. The Owner is responsible for resolution of this boundary conflict prior to the granting of Occupancy. Resolution shall mean, 1) Documentation provided by the proper authorities of both Weber and Davis Counties showing that the entire Development is located within Davis County, or 2) The written approval of the Development from Weber County for the portion of the Development located in Weber County.

The statement "The Owner is responsible for resolution of this boundary conflict prior to the granting of Occupancy" is not appropriate to defend SWC against potential litigation. It should read "The Owner is responsible for resolution of this boundary conflict prior to the granting of an SWC Building Permit."

If SWC issues a building permit on land that is further determined to actually be in Weber County or Uintah City, SWC could be sued by either Weber County or Uintah City for usurpation of authority.

CC 2020-01-28 Add # 4 Kemp

Lisa Smith

From: Angie Petty
Sent: Wednesday, January 29, 2020 8:07 AM
To: Lisa Smith; Michelle Clark (mclark.1166@gmail.com)
Subject: Fwd: Riverside RV Park

Here is the letter we were asked to read at the meeting yesterday.

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From: Brian Kemp <brian_julie_kemp@yahoo.com>
Sent: Tuesday, January 28, 2020 9:56:42 AM
To: Jo Sjoblom <JSjoblom@southwebercity.com>; Wayne Winsor <wwinsor@southwebercity.com>; Angie Petty <apetty@southwebercity.com>
Subject: Riverside RV Park

Please read this at the City Council meeting.

Brian Kemp
1624 E 7640 S

In reviewing the riverside RV Park documents I noticed that it was commented in Barry Burton's letter that the city would own and maintain the water main after the water meter. I thought this was very odd since every other business and resident, as far as I know, has to maintain the water line after the meter. I contacted Hailey Alberts about this and she contacted Brandon Jones about the reasoning for this. According to Brandon the city is going to own the water main because of the fire hydrants. This seems to be unfair to all other residents of South Weber who take on this liability personally. This is like the city requiring a sprinkler system for a building and then saying they will maintain the water system for that building because of the fire sprinkler. It doesn't make sense. The fire hydrants in this area only serve the occupants of this Private Park therefore the park should maintain the lines. Yes, the city should inspect and test as needed, the same as other businesses but should not take on the high risk of this system in a flood plan.

Also in reviewing the design of the water system the engineer put in a 4 inch meter to service the water system and fire hydrants. I don't think a 4 inch meter will be able to provide the fire flow required of 1000 gpm at 60 psi. A 4 inch meter has a massive amount of flow loss and will likely drop the pressure below 60 psi.

I am not a fan of this park but if used and maintained correctly it could be ok. But the city must hold these developers to the same requirements the rest of us residents are held to. Also they should not take on another Canyon Meadows Park debacle.

Thanks Brian Kemp

Cc 2020-01-28 Add # 5 Poll

South Weber Coalition

Executive Director
Brent Poll

Technical Advisor
Dr. John Carver



28 Jan 2020

City Council and Planning Commission
City of South Weber
1600 E. South Weber Drive
South Weber, Utah 84405

Subject: Pollution in South Weber

Dear Council and Planning Commission:

You were recently provided the option of preparing something of your own to address the mess generated by giving into developers in the west end of our valley rather than protecting the health and welfare of new and future residents in those locations. You've done this by creating new subdivisions in areas which you should have known, from Superfund and NPL records available to you for 20-30 years, were heavily polluted by HAFB.

The 'owners/operators' of those 'facilities' where the Base's pollution has "come to be located" were accordingly made by your permissiveness into Potential Responsible Parties (PRPs). This deserves to be part of any warning sent to them on this matter. They deserved better from you. All your authority to function as a City comes from the State of Utah. However, even the State of Utah cannot override Federal environmental statutes (CERCLA) to appease anyone, including developers.

As explained in prior communications which you can readily validate through your own efforts, these statutes are harsh on those either passively or willfully ignorant while still placing a heavy 'strict-liability' burden on every PRP. Your excessive permissiveness is the sole cause of their new status. There is no conceivable excuse for the City's decades-long history of circumventing the intent of Federal environmental law.

Again, is the City going to address this itself or expect us/others to do it?

Sincerely,

Brent Poll
Executive Director