

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 8-12-2019
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 like 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 in 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.