



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
August 20, 2014

Present: Commissioner Smith, Commissioner Shepherd, Commissioner Papa, Commissioner Martinsen, Commissioner Henrie, Councilman Nisson, Attorney Jeff Starkey, Drew Ellerman, Lester Dalton, bob Hermandson, Katherine Staheli, Dean Wallis, Talon Shammo, Colby Covington, Nathan Sparding, Marilyn Wallis.

Invocation: Commissioner Martinsen
Pledge of Allegiance: Commissioner Smith

1. APPROVAL OF AGENDA

A. Approval of the agenda for August 20, 2014.
Commissioner Papa motioned to approve the agenda for August 20, 2014.
Commissioner Shepherd seconded the motion.
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from August 6, 2014.
Commissioner Papa motioned to approve the minutes from August 6, 2014.
Commissioner Henrie seconded the motion
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None. Commissioner Smith stated has a purpose of disclosure his firm Rosenberg had worked on item 5-A prior to the current engineering firm.

4. PLAT AMENDMENT

A. Public Hearing for consideration and recommendation to City Council for a Second Plat Amendment for Heritage Fields Phase 3 located at approximately 1538 South Heritage Fields Drive. Applicant: Mark and Heather Cannon

Background

Drew Ellerman stated the applicant is requesting approval of a second Amended Final plat for the Heritage Fields, Phase 3 subdivision, located at approximately 1538 South Heritage Fields Drive.

This particular second amendment request is solely focused on lot 75 in the platted area of the subdivision, the owners (the Cannon's) are wishing to add more square footage to their lot from the adjoining property owner to the west, that is not already within the subdivision boundary area. Thus the request to extend the boundary through the amended plat process.

Staff has reviewed the proposed second amended final plat and finds it conforms to the zoning at this particular location (PUD), the subdivision is also in conformance to the Subdivision Ordinance of the City. Staff is recommending that the second amendment be recommended for approval.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Second Amended Final Plat for Heritage Fields, Phase 3 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Henrie asked about the FEMA line.

Mr. Ellerman stated the Flood Plain Administrator could address the question but the city does watch the notes on plats. After 2005 the erosion zone was created and protections were put in place.

Bob Hermandson stated the neighbor to the west is trading property to include the small chunk of property.

Commissioner Smith asked if there is any intent to change the no build.

Mr. Hermandsen stated no.

Attorney Jeff Starkey asked about the power easements.

Mr. Ellerman stated the easement would stay in place. There is a home on the lot 75.

Commissioner Smith opened the public hearing.

No response.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Lester Dalton stated the flood plain lines needed to be properly outlined on the plat prior to City Council. He stated he would like to have it stated as an additional condition. The plat was recorded prior to the flood plain zone change.

Commissioner Shepherd asked if the homeowners are aware of the new flood plain.

Mr. Dalton stated that yes they are.

Commissioner Shepherd motioned to recommend approval to City Council with added condition #6 that the plat would reflect the correct flood zone.

Commissioner Papa seconded the motion.

Motion passed unanimously.

5. EASEMENT VACATION

- A. Public Hearing for consideration and recommendation to City Council for an Easement Vacation for Lot 6 at Rusted Hills Phase 1 located at 3216 South Camino Real. Applicant: Doug Dennett

Background

Drew Ellerman stated the applicant is requesting approval of a Retention Easement Vacation for Lot #6 of the Rusted Hills, Phase 1 subdivision, located at approximately 3216 South Camino Real. This particular request is to remove a storm water retention easement found in the southeast corner of Lot #6 of the subdivision. At the original approval time, the easement was necessary to take care of possible storm water collection. But since that time, a large regional detention pond has been created in this particular area (located on Staheli Farm), thus eliminating the need for this small retention easement that is cumbersome to the property.

Staff has reviewed the proposed storm drainage easement vacation associated with Lot #6 of the Rusted Hills, Phase 1 plat and finds that the easement is no longer necessary with the creation of the new regional detention facility found on Staheli Farms property. Staff is recommending that the requested easement vacation be recommended for approval.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Easement Vacation as found on Lot#6 of the Final Plat for Rusted Hills, Phase 1 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The existing easement found on the southeast corner of Lot #6 is no longer necessary for storm water collection and can be removed.
2. That the vacated easement will still allow the final plat to conform to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

Commissioner Papa asked for clarification on where the water will flow.

Mr. Dalton stated it will go straight west and it is piped.

Commissioner Smith opened the public hearing.

Katherine Staheli asked who is liable for flooding problems. She stated she watched a report on the news that in the Taylorsville Area there was a pond that was flooded and turned into a lake.

Commissioner Smith stated multiply people would be responsible. Dennett would be responsible because they flow into the detention area. He stated he didn't know what the agreement is with the Staheli's so he didn't know what liability it would be to the Staheli Farm.

Ms. Staheli stated she has lived here 36 years and she has not seen that much water so quickly as she has seen the last couple of days.

Commissioner Smith stated there is such a thing as Act of God and is no one's mistake or fault.

Attorney Jeff Starkey stated the liability is usually on the one that was negligent. Yesterday was about 20% of the normal rainfall at one time. The water that came the last couple of days may be beyond the 100-year event. Attorney Starkey stated the flood in Taylorsville detention pond might not be what we experienced.

Mr. Dalton stated the detention pond is designed for a 100 year 24 hour event. The event yesterday for a disposal systems cloud burst event was a 3-hour event. That is 16.4 inches going into a piping system. A detention basin 24 hours rainfall is a different figure from the 3-hour event for more storage. There is also a spillway design to handle more water for larger events 2 times the 100- year event. There are different levels of safety put in place.

Commissioner Smith explained a spillway is one of the numerous precautions taken by the city.

Mr. Dalton stated when Road Runner came in there was a note requiring an area left open for flow to the gypsum detention basin.

Ms. Staheli asked if she should be carrying flood insurance.

Attorney Jeff Starkey stated most developers don't design their property to flood.

Commissioner Smith stated most people would always blame the engineer for any problems.

Commissioner Papa stated in his opinion the property owners should investigate to see if they need flood insurance to protect their individual property investment.

Attorney Jeff Starkey stated the party that allows a retention pond should be liable. He stated in the 20 years he has been doing his job the newer a project the more attention is paid to drainage.

Mr. Dalton stated if there is a failure it is a breach in the dam or water flow. One of the criteria is the topography is higher than the basin it flows to.

Commissioner Henrie asked who is responsible for the maintenance of the pond.

Mr. Dalton stated the property owner. He stated he would help Ms. Staheli with paperwork regarding the requirement for a pond.

Commissioner Papa asked if the detention pond is a combination effort with the property owner and the city.

Mr. Dalton stated yes. It is a retention area so it will drain at a rate that is manageable.

Attorney Starkey stated Lester Dalton has done a great job in making sure there is a flood plan in affect.

Commissioner Henrie stated he is glad that Ms. Staheli came in to bring this to their attention.

Commissioner Papa motioned to close the public hearing.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Commissioner Papa motioned to recommend approval to City Council with the findings of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

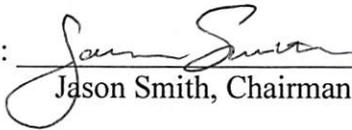
Commissioner Shepherd motioned to adjourn the Planning Commissioner meeting.

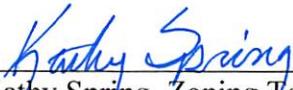
Commissioner Papa seconded the motion.

Motion passed unanimously.

Meeting adjourned: 6:23 PM

Washington City

Signed by: 
Jason Smith, Chairman

Attested to: 
Kathy Spring, Zoning Technician