

# Town of Leeds

## Planning Commission Meeting for Wednesday, May 7, 2025

### 1. Call To Order/Roll Call: 7:09 PM

ROLL CALL:	<u>Present</u>	<u>Absent</u>
CHAIR: CHUCK BENTLEY	<u>X</u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>          </u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u>          </u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u>          </u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u>          </u>
TOWN PLANNER: SCOTT MESSEL	<u>X</u>	<u>          </u>

2. **Invocation:** Commissioner Sullivan
3. **Pledge of Allegiance** Chair Bentley
4. **Declaration of Abstentions or Conflicts:** None
5. **Agenda:**

- a. Tonight's Agenda of May 7, 2025  
Motion to approve made by Commissioner Sullivan, 2<sup>nd</sup> by Commissioner Roberts.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

- b. Meeting Minutes of April 2, 2025  
Motion to approve made by Commissioner Roberts, 2<sup>nd</sup> by Commissioner Sullivan.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

- c. Meeting Minutes of April 2, 2025 Work Session  
Motion to approve made by Commissioner Sullivan, 2<sup>nd</sup> by Commissioner Roberts.

ROLL CALL VOTE:	Yes	No	Abstain	Absent
CHAIR: CHUCK BENTLEY	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: DAVID RHOADS	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: KEN HADLEY	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
COMMISSIONER: LAURIE SULLIVAN	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
COMMISSIONER: ALAN ROBERTS	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

6. Announcements:

The Chair announces the pickleball court is now open for public use.

7. Discussion and Possible Action Items:

- a. The Cove Zone Change Request.
- b. The Cove Preliminary Plat Application

Chair Bentley: Would like to have the Cove address the environmental part of the project.

Rich White: I am the Civil-Environmental Engineer, and the environmental consultant to Silver Reef environmental holdings, Silver Reef Investment Holdings, which is the developer of the Cove at Silver Reef. Continuing from the work session meeting, the development area would be graded to pad ready levels and as part of the site management plan that was developed under the voluntary cleanup program. The site management plan requires that all materials that are excavated off of anywhere in the property, whether it's on building lots or roads or utilities, any excavated material must be sampled. There will be field measurements that will be conducted in accordance with EPA guidelines as well as laboratory samples collected to verify that everything meets appropriate levels.

Concentration limits says that the areas, all concentrations of the contaminants of concern have to be below certain levels in order for the site to be deemed acceptable for construction. As I mentioned in the prior presentation, over 15,000 cubic yards of material were excavated back in the 2013, 2014 era. Since then back in 2024 there was some additional excavation of a few 100 cubic yards of material that were discovered.

Commissioner Sullivan: If you find more does your safe spot, repository have enough room for more?

Rich White: In the site management plan allows and it gives two options for handling that material. One is to expand the soil repository, the other is to haul that material off site and dispose of it in the landfill. The Wasatch County Landfill can accept that material. That is probably what would happen if we find anything, instead of opening that repository again. We do not want to open up the repository again. It is secure as it is and would rather not open it up and create issues.

Chair Bentley: Specifically how long does it take to get the results?

Rich White: The sample would take up to 2 weeks to get the results back from the laboratory. The field testing is instant. There are 2 different methods that are used that are EPA approved. One is called X-ray fluorescence and the other is just gamma radiation measurements. If anything exceeds those levels, then we would go into those locations to collect samples for laboratory analysis. The owner entered into an environmental covenant it is recorded with the county and recorded on the property. The covenant precludes development in certain areas. It says no development can occur on the soil repository. No development can occur on the head frames areas that are out there. There are certain areas that are preclude from future development. It also requires that there be that sediment controls and runoff controls that have been constructed be maintained. The covenant also assigns long term responsibility for those inspections and the maintenance it assigns that responsibility to the homeowners association. Also all homes are to be constructed with radon mitigation systems. Which is a standard whether you're sitting near a uranium mine or not. The future work that the homeowners association will be responsible for long term implementation of the site management plan, which is going to be the annual inspections and making sure that areas identified in the site management plan are maintained. Consists of making sure the erosion protection covers are properly maintained so that everything stays where its currently needed. There has been some concern expressed about uranium concentrations in the area. This was a uranium mine back in the 50's. We looked at uranium concentrations within the area of planned development, the lots themselves. I compared 55 post cleanup soil sample constant read uranium and 55 post cleanup soil samples. Compared that with 28 samples that were

collected within about 5 miles of the property, did a statistical evaluation and found out that there is a difference in concentration that the concentration on the developed area are actually less than the concentration that naturally occur around the region.

Also the legibility studies that we did and the modeling that we did indicated that there is no reasonable potential for any seepage to get through the soil repository into the groundwater. The average depth to groundwater is beneath the coal is about 210 feet. It varies from about 175 to 240 feet beneath the Cove.

Question online: What happens if the HOA does not have the money for testing of the HOA is dissolved?

Bruce B: We had considered that and we have a provision in the development agreement providing for that's commonly called a sinking fund of money that's available in case the HOA can't do it. Until build out, there will be money available if the town needs to call on it, there will be money available to make those exact same test.

Michelle Peot: Question about the environmental covenant. One of the things that I saw as an issue was that the environmental covenant did, at least with the old plat, did not apply to every lot in there. It only applied to some and the issue that I saw was where that waste rock was found was actually not within the scope of the environmental covenant, so the rules for testing and sampling that lot would not have been applied. Have you amended it such that all of the lots would then need to follow the rules.

Janelle Bauer: I'm counsel for Gary Crocker and Silver Reef Investment Holdings. The environmental covenant is applicable to all of the areas covered by the certificate of completion. We have the obligation to then put the environmental covenant language in every single deed that is transferred to a private owner of a lot. So that's in there, but as an extra protection, the new draft of the CC&R's that we will also have to record on the property takes the environmental covenant and the requirements from the site management plan and also makes those applicable to the 55 acres that wasn't part of the original voluntary cleanup program or the certificate of completion. We've tried to create a uniform set of CC&R's for the entire property so that every requirement and every institutional control applies to the whole property and all of the owners within the development.

Michelle Peot: Would you have those rules in the CC&R's so you have a comprehensive document for the lots that were within the scope.

Janelle Bauer: Yes, we have the draft and it was included in the environmental section of the NDA that we have a draft up and I've included all of the requirements, so there are currently recorded CC&R's on the whole property. I have included all of the environmental controls and the institutional controls for the entire property from those CC&R's in the new drafts.

Michelle Peot: there were two legacy versions of the CC&R's in original supplemental and this one, are they all now rolled into one?

Janelle Bauer: Yes, we have to update them with the DQ its required. The DQ will take a look at them, make sure that they are up to their standards and then we have to re record them.

Michelle Peot: Previously there was recorded a residual hazards map that was overlaid with where the prior plat map was. Are you going to do that? There is a map that had for example where there was, uranium bedrock in contact with the building.

Rich White: On the future map, because that is governed by the current certificate of completion. That area that subsequent remediation is now unrestricted so I don't think that would be going on in that. Once we put an erosion protection cover on it and it will not be part of the future inspections. They deemed that and once we put the erosion protection on it and put the sign on there they said that's adequate for us in the future and do not have to include it as part of the inspection.

Michelle Peot: How do you ensure, that your erosion controls will stay in place and that weathering and watering would cause breakdown of the uranium that would cause that service protection layer to become radio nucleotides in it.

Rich White: You're talking about soil from below that cover. The soil wont work out into the erosion protection cover. A state representative is always there at those inspections.

Commissioner Bentley: Stating that we will have a public hearing June 4, 2025. I think that people are more aware of things now than they use to be. I think that the environmental part and the sewer part will be the next parts.

The Cove Team states that they have already provided the development agreement to the commissioners. As of august of last year the development agreement has not been updated.

c. Upcoming demands on the Planning Department & Building Department.

Commissioner Bentley: We can talk about anything that we are concerned about freely. Our PUD ordinance needs to be addressed, and updated.

Discussion on the need for a standardized list of requiremenmts and documentation for subdivision requests. The list should be reviewed and approved administratively. The proposed idea of having a checklist for every land use application.

Scott Messel: I think what we should do is have checklist for every land use application. Conditional use, preliminary plat, final plat, PUD, etc.

Wayne Peterson: I believe I heard a question asked about a grapevine wash oproperties, that actually was set aside on May 25, 2016 when a zoning agreement replaced that so there is no longer a development agreement on the grapevine wash properties unless it has been instituted in the past couple years.

8. Staff Reports NONE

9. Adjournment Motion to adjorn by Commissioner Roberts and Seconded by Commissioner Sullivan.

Adjourned at 8:15pm

Approved this Day 4<sup>th</sup> of June 2024.

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Chuck Bentley, Planning Commission Chair

ATTEST:

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Cari Bishop, Deputy Clerk