

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 16 July 2015 **TIME COMMENCED:** 6:31 p.m.

PRESENT: COMMISSIONERS: Debi Pitts
Rob Osborne
Wes Johnson
Rod Westbrook
Wayne Winsor

CITY PLANNER: Barry Burton

DEPUTY RECORDER: Elyse Greiner

CITY MANAGER: Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

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

PLEDGE OF ALLEGIANCE: Commissioner Osborne

VISITORS: Marcius Mack, Lynn Coy, Tim Grubb, Kaisha Taylor, Robert Flinders, Nick Jensen, Jeff Monroe, and Kevin Udy.

APPROVAL OF THE AGENDA: Commissioner Westbrook moved to approve the agenda as written. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, Pitts, Westbrook, and Winsor voted yes. The motion carried.

APPROVAL OF MINUTES OF 25 JUNE 2015:

Commissioner Johnson moved to approve the minutes of 25 June 2015 as written. Commissioner Westbrook seconded the motion. Commissioners Johnson, Osborne, Pitts, Westbrook, and Winsor voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: None

Public Hearing and Action on:

Commissioner Westbrook moved to open the public hearing for Bowman Old Farm Estates Subdivision. Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, Pitts, Westbrook, and Winsor voted yes. The motion carried.

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

Preliminary Plan Application: Bowman Old Farm Estates Subdivision located at approx. 400 E. Old Post Office Road (Parcel #13-018-0070), 4.57 acres; Agent: Jeff Monroe.

Brent Poll, 1375 E. 7506 S., said in the work meeting you were talking about wetlands and Barry brought up the ditch. He said the wetlands started drying up when the sewer system was installed. He said we were told the springs along the hillside have kept water going. He said there were slews before the ditch. He said even geotech studies show the groundwater at 5'. He said in the 80's that area was under a foot of water. He is here also on behalf of the South Weber Coalition. He feels the Planning Commission is wrong in putting individuals in the pathway of the contamination from Hill Air Force Base. He said the City's maps are useless. He said there is no boundary. He discussed item 28 and the protective covenants for Canyon Meadows Subdivision. He said the Corp of Engineers did the pollution studies. He said it has been there and it is still there and there is no boundary. He said most of the pollution from HAFB was dumped above the South Weber valley. He said it is coming our way and it hasn't been stopped. He said the only safeguard we have is the City. He feels the Planning Commission shouldn't be putting people at risk. Commissioner Johnson asked about John Carter. Mr. Poll said when he interviewed he was told he won't nickel and dime you. He said a lot of locals put him in high regard. He said he is an environmentalist and he is very skillful. He is a professor at USU and knows his business. Commissioner Johnson asked if he has done any testing in South Weber City. Mr. Poll said "no" but he has reviewed the testing material. He said Mr. Carter disagrees with HAFB premise. He said HAFB is not fixing anything. Mr. Poll said he would like Dr. Carter to be able to do his own testing but he would have to use their testing. He said the City could hire someone, but he can't do that.

Jeff Monroe, agent for the subdivision, explained that Leonard Bowman created the trenches in the area. He said the RAB Board is having a meeting next month and is open to the public if anyone has any questions. Mr. Monroe said this is an eight lot subdivision. He is trying to be a good neighbor and they will try to do what is asked. He appreciates the City staff working with them. Mr. Monroe said he has no problem with asking the Division of Water Resource concerning who has jurisdiction. Commissioner Johnson said the Corp of Engineers said there are no jurisdictional wetlands, but the National Wetland Inventory says there is. Barry said the way we deal with that is through a geotechnical report. He said it addresses the City's interest in wetlands and whether or not the ground is suitable for construction. He said the geotechnical report does address those issues.

Tim Grubb, 6926 S. 475 E., said he owns the property on the west side of this property. He said they are excited to see anyone develop their land. He doesn't have a problem with the stub road. He then addressed what Mr. Poll stated concerning the contamination. He said studies were done and testing wells are on our property and those results show that contamination is not there. He said they test our basements all the time. He said we get the results from the testing. He said we share the secondary water with this property and he suggested getting an easement recorded for that so that everyone knows where it is because it is outside the bounds of this subdivision. Mr. Monroe said there is a line that feeds that property from Old Post Road and they are going to tie into that. He has discussed this with South Weber Ditch Company. Barry said it is coming off of Old Post Road.

Kaisha Taylor, 580 E. South Weber Drive, questioned if there is a road going through her area because she was approached by someone who wanted to take a portion of their property. Mr. Monroe said there will be no access through her property.

Commissioner Westbrook moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, Pitts, Westbrook, and Winsor voted yes. The motion carried.

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

Commissioner Johnson said one of the things Mr. Poll has brought up and stated the State of Utah, being a buyer-beware State, says the buyer has to be aware of any sort of pollution or contamination on the ground and once the property is sold the property owner is responsible for any pollution or contamination. He is wondering if there can be some type of testing before the ground is broken. Mr. Monroe said he has attended the RAB meetings over the years and has always wondered if there can be some third party involvement. He has learned that the State EPA has three individuals that monitor this area and to him that is his third party. Commissioner Johnson said he would like to see some document from the State releasing the City of any liability. Mr. Monroe said but nobody wants to guarantee it. He said Mr. Carter did attend a City Council meeting and made a presentation. He said Mr. Carter was very informative but he used old documentation from 2003. He said HAFB has done multiple testing. Commissioner Winsor would like to see the data. Commissioner Osborne feels the EPA would be all over it if there was an issue. Commissioner Winsor said you aren't going to get a blessing from the State. Commissioner Osborne said by the EPA's actions you know what is up.

Barry would like to verify, with some survey stakes, the location of the property line on Lot 3. He also has concerns with the grading with the lack of a grading plan. He is fearful it will impact the lots in that they may not be functional. He would like to make sure it functions.

Commissioner Winsor moved to table the approval of the preliminary plan application Bowman Old Farm Estates Subdivision located at approx. 400 E. Old Post Office Road (Parcel #13-018-0070), 4.57 acres; Agent: Jeff Monroe subject to the following:

- 1. The City should receiving a grading plan**
- 2. Boundary and or setback of the building on lot 3**
- 3. Items listed in Brandon Jones letter of 13 July 2015**

Commissioner Johnson seconded the motion. Commissioners Johnson, Pitts, and Winsor voted yes. The motion carried. Commissioners Osborne and Westbrook voted no. The motion carried 3 to 2.

Discussion and Action on:

Preliminary Plan Application: Valley Flats (formerly Udy Acres) Subdivision (6 lots), located at approximately 7470 S. 1900 E. (Parcel #'s 13-033-0060, 13-033-0061, and 13-033-0064), 3.2 acres; Developer: Nick Jensen (public hearing October 23, 2014):

Commissioner Osborne said Brandon Jones and Barry Burton have submitted letters concerning this application.

Commissioner Osborne discussed the 70' right of way. Nick Jensen said Mr. Flinders did come to the Planning Commission and City Council concerning the width of the road. Mr. Jensen understands the 70' doesn't increase the asphalt but does change the width of the park strip and sidewalk. Barry said a 70' will work. Commissioner Osborne would like to see what a sketch will look like with the 70'. Barry pointed out if this goes through, as it is, there will be the same situation with the property to the north.

Bob Flinders, 7486 S. 1900 E., said the City had the City Engineer put together three different sketches. Mr. Flinders doesn't feel a 70' right of way is necessary. He feels a 70' right of way is a runway into this subdivision. Commissioner Westbrook said the City ordinance requires 70'. Nick Jensen said the Planning Commission can make a recommendation to the City Council. Commissioner Westbrook said the 70' right of way was approved and if it is changed for one person others will request the same. He said Canyon Vista was required to have the 70' and the developer was recently in here and said many people have commented on the liking the 70' with wider sidewalks.

Commissioner Winsor understands the 60' grand father aspect, but giving this developer 60' will perpetuate to other property owners. Commissioner Pitts agrees that it should be a 70' right of way. Barry Burton feels the decision was made when the ordinance was approved.

Commissioner Osborne said the concrete pad has to come off of Lot 2. Duncan said there is also a fee in lieu of detention for the developer. Nick doesn't object to that fee.

Commissioner Westbrook moved to approve Preliminary Plan Application for Valley Flats (formerly Udy Acres) Subdivision subject to:

- 1. Items listed in Brandon Jones Letter of 10 July 2015.**
- 2. Amend the drawings from 60' to 70' right of way.**

Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, Pitts, Westbrook, and Winsor voted yes. The motion carried.

PLANNING COMMISSION COMMENTS:

Commissioner Osborne:

Sign Ordinance: He reported that the City Council recently approved the sign ordinance.

Commissioner Johnson:

Plans along Cottonwood Drive Trail: He said Weber Pathways is still working on it.

CITY MANAGER ITEMS:

Alcohol Ordinance: Duncan reported that the alcohol ordinance was not ready to be presented. He said the City Attorney is still reviewing the State law.

Zoning Change: Duncan stated at the next Planning Commission meeting there will be a rezone request from R-M Zone to R-L Zone.

ADJOURNED: Commissioner Westbroek moved to adjourn the Planning Commission meeting at 7:38 p.m. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, Pitts, Westbroek, and Winsor voted yes. The motion carried.

APPROVED: _____ Date
Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest: _____
Deputy Recorder: Elyse Greiner

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 16 July 2015

TIME COMMENCED: 6:00 p.m.

PRESENT: COMMISSIONERS:

Debi Pitts
Rob Osborne
Wes Johnson
Rod Westbroek
Wayne Winsor

CITY PLANNER:

Barry Burton

CITY MANAGER:

Duncan Murray

DEPUTY RECORDER:

Elyse Greiner

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: Brent Poll, Jeff Monroe, Kevin Udy, and Nick Jensen.

Public Hearing and Action on Preliminary Plan Application:

Preliminary Plan Application: Bowman Old Farm Estates Subdivision located at approx. 400 E. Old Post Office Road (Parcel #13-018-0070), 4.57 acres; Agent: Jeff Monroe.

Barry Burton, City Planner, explained that at the Sketch Plan Meeting there was a question as to whether or not the name was taken for this subdivision, and it is not. He is concerned about the terrain that the project sits on and the viability of the lots there. He said a grading plan was requested at the Sketch Plan, but he still has not seen it. He said the cul-de-sac is right on the grade change. Jeff Monroe said he has the street elevation. Barry said the problem is the City doesn't know what the lots look like, and how they relate to the land around them. He said the other issue in Lot 3 has an existing barn on it. He understands there is a dispute concerning the property line. Jeff Monroe said there is no dispute. Barry said if there is a 10' setback from that line, when you look at the photograph it is right on the property line. Jeff said if you visit the property and look at it, it is 10' away from the property line. He said Reeves should have staked it so that you can see it. Duncan asked if Reeves can put on the drawing the distance. He said and then any final plat can be signed off by an adjacent property owner. Barry said if what Mr. Monroe is saying is accurate, there is no need to have the neighbor sign off. Mr. Monroe said he will have Reeve show it on the plat.

Mr. Monroe explained why they identified the road as 625 East. Barry said Brandon will want to sign off on that. Commissioner Johnson questioned the wetlands through Lot 5 & 6 and the northern part of Lot 8. He said the Corp of Engineers has no issues and states there are no jurisdictional wetlands on the property, but these are wetlands identified by the State of Utah. He said this is off of the National Wetland Inventory. He has taken a look at them and the training he has had says they are wetlands. Mr. Monroe said the County stated there were no

wetlands. Commissioner Johnson is wondering if the Division of Water Resource needs to take a look at this. Barry said if there is a geotechnical report then the developer would have to follow it. Barry said some of the water to that property has been cut off when Canyon Meadows went in. He said the ditch is no longer used as a ditch. Mr. Monroe said he was present when the Corp of Engineers drew the samples. Commissioner Osborne said if the Corp of Engineers has looked at it and given their approval, he doesn't have a problem with it. Barry said he has never heard of the State having any jurisdiction over wetlands. Brent Poll said the letter from the Corp of Engineers suggests contacting other entities. Mr. Monroe said he would be willing to contact the Division of Water Resource. Duncan will look into it as well and get an opinion.

Commissioner Osborne would recommend moving this forward since it is a preliminary and not final plat approval.

Discussion and Action on

Preliminary Plan Application: Valley Flats (formerly Udy Acres) Subdivision (6 lots), located at approximately 7470 S. 1900 E. (Parcel #'s 13-033-0060, 13-033-0061, and 13-033-0064), 3.2 acres; Developer: Nick Jensen (public hearing October 23, 2014)

Barry Burton, City Planner, reviewed his letter of 13 July 2015. He said the subdivision meets the provisions of the R-M zone. The name "Valley Flats Subdivision" is not found elsewhere in the county and is acceptable. Barry stated the title report is from 2014 and only indicates 2013 tax status. He said the City needs an updated title report showing tax status for 2014. Barry stated there is only one issue on the layout; the roads have been designated as 60' right of ways and should be 70'. Redesign will affect the size of the lots, but there is sufficient area that this can be done and leave all lots in conformance with the minimum area requirement of 9,000 square feet.

Nick Jensen discussed the reason why they are going with the 60' right of way. He gave a brief history of when Bob Flinders came to the City Council and Brandon Jones also gave three options for that road. Nick said they feel the 60' is sufficient and adequate for the needs of this subdivision.

Duncan said the City Council did approve the 70' as the City standard. He said the density provisions now match the requirement. Nick Jensen said if you look at this property, Flinders are adamant amount their situation. He said this property will never connect to a main thoroughfare. Commissioner Osborne discussed the thought behind the width change helping with snow removal and safety issues. He said the Planning Commission has to follow the City ordinance. He said the developer does have the option to appeal to the City Council.

Barry recommended tabling this proposal until it is redesigned with appropriate right of way widths and necessary lot adjustments made.

ADJOURNED: 6:30 p.m.