
Planning Commission Minutes
October 16, 2019

Present: Commissioner Coats, Commissioner Phetsomphou, Commissioner Hansen, Commissioner Hollie, Commissioner Musso, Councilmember Ward, Drew Ellerman, Brandon Wright, Kathy Spring, Eric McFadden, Conner Atkin, Quinn Allgood, Linda Foley, Bruce Waldron, Gerard Kurr, Kade Beaty, Gerry Brown, Mark Whitworth, Matt Freguson, Keith Reber, Landin Rogers, Curtis Rogers, Nick Whitney, Mary Jane Rogers, Amy Matsumori, Kress Staheli, Michael Goold, Bob Hermansen, Ryan Lay, Dave Horlacher, Jason Smith, Patty Jensen, David Jensen, Greg Savage, Kurt Ivie, Scott Faux, Roxanne Faux, Georgette Kent, Neil Kent.

Commissioner Coats excuses Commissioner Henrie

Meeting called to order: 5:33 PM

Invocation: Commissioner Hollie

Pledge of Allegiance: Commissioner Hansen

1. APPROVAL OF AGENDA

- a. Approval of the agenda for October 16, 2019.

Commissioner Phetsomphou motioned to approve the agenda for October 16, 2019.

Commissioner Hollie seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

- a. Approval of the minutes from October 2, 2019.

Commissioner Hollie motioned to approve the minutes for October 2, 2019.

Commissioner Phetsomphou seconded the motion. Commissioner Musso abstained. He was not present.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

Commissioner Phetsomphou disclosed that he lives less than a mile from item 4A.

4. PRELIMINARY PLAT

- a. Public Hearing for consideration and recommendation to City Council for the Commerce Hospitality Center Preliminary Plat located at approximately 954 North Commerce Blvd. Applicant is Dean Terry Investments LC.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a Preliminary plat for the Commerce Hospitality Center subdivision, located at approximately 954 East Commerce Way. The applicant is proposing 10 lots on an area of coverage of 12.92 acres. The zoning designation at this particular location is Service Commercial (C-2). The surrounding zoning is C-2 and PCD to the north, C-2 and R-3 to the west, C-2 and R-3 to the south, and Sienna Hills PCD to the east.

The proposed subdivision conforms to the approved zoning. The request meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Commerce Hospitality Center subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A preliminary and final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscape plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

Commissioner Coats asked about lots 8, 9 and 10 and if there should be an easement for maintenance.

Mr. Ellerman stated he thinks that is a good idea. He asked Brandon in Public Works to make sure the size is sufficient. He started lot 8 is the Best Western Motel.

Commissioner Coats opened the public hearing.

No response.

Commissioner Phetsomphou motioned to closed to public hearing.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

Commissioner Hansen motioned to recommend approval to the City Council with the findings and conditions of staff with additional condition # 12 that an easement on the

hillside slope behind lots 8, 9 and 10 be created for access maintenance before the final plat is submitted.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

- b. Public Hearing for consideration and recommendation to City Council for the Red Water Industrial Park Preliminary Plat located at approximately SE of Country Way, 800 South 2700 East. Applicant is Walter Plumb III.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a Preliminary plat for the Red Waters Industrial Park subdivision, located at approximately southeast of Country Way at roughly 800 South and 2700 East. The applicant is proposing 42 lots on an area of coverage of 66.30 acres. The zoning designation at this particular location is Heavy Industrial (I-2). The surrounding zoning is Heavy Industrial to the north, Open Space to the east and west, and Washington County zoning to the south.

The proposed subdivision conforms to the approved zoning. The request meets the subdivision requirements and other city ordinances as it relates to this location, including Hill Side Overlay Committee approval (mitigations are included in the plat design). Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Red Waters Industrial Park subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A preliminary and final geotechnical study shall be submitted to the City for review and

approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.

3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.

4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:

A. A title report.

B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).

6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscape plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

Commissioner Coats asked about the property south of the landfill.

Mr. Ellerman answered it is the Hughes property.

Commissioner Musso asked if the road improvements along lots 1 through 9 will be done.

Mr. Ellerman answered yes. They will have to pave and improve the road on the southeast side of Country Way. The roads in industrial are usually 60 foot wide roads. With curb and gutter but not sidewalks.

Commissioner Coats asked if Country Way is a dedicated road.

Mr. Ellerman answered yes.

Commissioner Hollie asked how far the road will be paved.

Mr. Ellerman answered that the roads will have to be improved and paved as the subdivision boundary comes in for approval.

Commissioner Hansen asked if there is a demand for this type of Industrial zone.

Mr. Ellerman answered yes and Dennett Industrial Park is a good example of the need because it is almost built out and almost full.

Commissioner Hansen asked how long the owner has owned the property

Mr. Ellerman answered about a year.

Commissioner Hansen asked about the chain link fencing.

Mr. Ellerman answered it is for safety to have the fencing line. The other line on the plat is because the Hillside Protect Committee required it.

Commissioner Coats asked about access to lots 26 through 32 and lot 1, will they not have driveway access off of Country Way.

Mr. Ellerman answered that is correct.

Commissioner Coats asked about lots 35 doesn't have access.

Mr. Ellerman answered there will have to be a shared access easement for lots 35 and 38.

Commissioner Musso asked about traffic onto the Country Way.

Mr. Ellerman stated there is traffic off of I-15 that would come across from Coral Canyon.

Commissioner Hollie asked if there can be a weight restriction.

Commissioner Coats explained it is a 66 foot wide road. The road was designed for the heavy traffic. There can't be a weight restriction.

Mr. Ellerman stated it use to be an 80 foot wide road on the transportation master plan but it was built smaller. It was a master planned road before Country Way Subdivision came in. The bridge was a great thing for Washington City because it allowed a way to cross the river. There is supposed to be another bridge around the SR 7.

Commissioner Hollie asked if there could be a brake restriction.

Mr. Ellerman stated there has been a lot of research on this road and this road wouldn't allow for that.

Commissioner Coats opened the public hearing.

Greg Savage stated he lives on Country Way and his concern is the bridge is only 42 feet. He stated it will carry the weight but the heavy truck traffic is ridiculous. The dust is already a mess and the speed of the truck is a concern.

Neil Kent stated he lives on Washington Dam Road. He would like to see the plan for the bridge. The city changed the zone to the north to high density, to the south was residential. He stated the bridge didn't pass inspection because it didn't have rebar.

Commissioner Coats stated it did pass all inspections and there isn't a requirement for rebar. The State does the inspections and the inspections were done before the city took it over.

Mr. Kent stated there isn't rebar and the plan was changed in the middle of the building of the bridge. He stated the intent was not to have the big rigs travel on it.

Nick Whitney stated his concern is if there will be chemicals with industrial uses.

Mr. Ellerman stated chemicals are regulated by the State.

Mr. Whitney stated that from the south HWY 7 there are a lot of big rigs. He stated the roads are dusty and rock chips that damage windshields. He would like to have restrictions on what type

of debris is allowed on the roads. He stated the landfill is to the north of this and it smells in that area.

Commissioner Coats stated there should be a note on the plat that within a certain distance there is a landfill in the area.

Mr. Whitney asked about the water rights.

Mr. Ellerman stated there is a water model that is reviewed by Public Works.

Kress Staheli asked where is Landfill Road.

Commissioner Coats stated it is to the northeast.

Mr. Staheli stated he would rather the heavy traffic take the Landfill Road. He asked if the traffic for the industrial uses take the Landfill Road.

Bob Hermansen stated there are three roads that could be used, He stated the next item on the agenda will show more.

Mr. Staheli stated he is concerned about dust before the road is improved.

Mr. Hermansen stated there are 4 way intersection stops to slow traffic and it is raised for that purpose.

Mr. Staheli stated he is concerned with the health and safety and would like asphalt instead of dirt roads to protect Country Way residents. Large trucks create dust.

Gray Brown stated the density is a concern. He stated that the bridge was built by Dee Atkin for residential and not industrial use. He stated Mayor Clove stated they didn't have anything to do with building the bridge. He stated there isn't enough steel in the bridge.

Bob Hermansen stated there will be 4 way stops along Country Way. There are two at the south and two to the north.

Commissioner Musso asked if the residential will be first.

Mr. Hermansen stated they will be concurrent.

Commissioner Musso stated the 4 way stops will be a deterrent for speeding traffic.

Mr. Ellerman stated they will have a raise at the intersection.

Curtis Roger stated the area was designed for industrial. He stated people move next to cows and then complain about the smell. He stated if you don't like the transportation master plan roads that have a large road, don't live on one. If you don't like an industrial area, don't live there.

Nick Whitney asked if the developer owns the property. He stated we would like to ask if the developer will pave the road first.

Commissioner Coats stated it is expensive to put in roads so usually the development paves as they go.

Commissioner Hansen motioned to close the public hearing.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

Commissioner Hansen stated he has questions about the bridge and if there were inspections.

Mr. Ellemran stated the State has to inspect bridges and stamp them and they are registered with the State. Mike Shaw in Public Works would have been involved with the process of accepting the bridge.

Commissioner Coats stated usually there is a consultant that the State hires.

Mr. Ellerman stated the bridge was built before his time with the city.

Commissioner Hansen asked if there is proof that the city has of the inspections.

Commissioner Coats stated Dee Atkins had the bridge and when the city took it over it had to pass an inspection.

Commissioner Hansen stated he would suggest that Mr. Shaw is at the City Council meeting to explain to the citizens the inspections that were done.

Mr. Elleman stated Mr. Shaw is at the City Council meetings.

Bob Hermansen stated his understanding is the bridge was taken over by the city.

Commissioner Coats asked about the asphalt between the two developments.

Mr. Hermadsen answered about a mile that they have to lift about 1,000 feet to Country Way so the intent is not to pave until development of each pods.

Commissioner Hansen asked about access for lots 35 and 38.

Mr. Hermadsen answered they have access as a shared access. They are still working on the access because of the curve of the existing road.

Commissioner Coats asked Brandon Wright if this is a part of the capitol facility plan.

Brandon Wright answered it is in a 10 to 20 year master plan to improve Country Way.

Commissioner Hansen suggested the public go to City Council because they are the approval body.

Commissioner Hansen motioned to recommend approval to the City Council with the findings and conditions of staff with additional condition #12 that there is an access easement for lot 35 through lot 34 or lot 36 and lot 38 through lot 37.

Commissioner Musso seconded the motion.

Commissioner Musso Nay

Commissioner Phetsomphou Aye

Commissioner Hollie Nay

Commissioner Hansen Aye

Commissioner Coats Aye

Motion passed with a 3-2 vote.

- c. Public Hearing for consideration and recommendation to City Council for the Red Water Preliminary Plat located at approximately 2750 East Country Way. Applicant is Walter Plumb III.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a Preliminary plat for the Red Waters subdivision, located at approximately 2750 East Country Way. The applicant is proposing 109 lots on an area of coverage of 29.72 acres. The zoning designation at this particular location is Planned Unit Development - Residential (PUD-R). The surrounding zoning is Open Space to the west, and PUD to the north, east and south.

The proposed subdivision conforms to the approved zoning. The request meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Red Waters subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

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

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A preliminary and final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscape plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

12. Preliminary Plat is only contingent upon approval of a LOMR by FEMA.

13. Construction Drawings cannot be submitted until the LOMR has been approved by FEMA.

14. The specific conditions of the approved PUD-R zoning of this project will be followed.

Commissioner Coats asked about the 4 way stops and if all the intersections have a 4 way stop.

Mr. Ellerman answered yes one by the park and the others are going to be at the intersections.

Commissioner Coats asked Brandon Wright if the LOMAR has to be in place before the final plat.

Brandon Wright answered yes.

Commissioner Coats opened the public hearing.

Greg Savage asked where is the detention.

Mr. Ellerman answered in the park.

Commissioner Hansen asked if this detention area is grass.

Mr. Ellerman answered it is a park.

Commissioner Hollie asked the time frame for the LOMAR and FEMA.

Bob Hermandson answered they have prepared the LOMAR and are working with FEMA.

Commissioner Hollie asked how long that would take.

Mr. Hermandson answered about 3 months.

Commissioner Hollie motioned to close the public hearing.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

Commissioner Musso asked if this is single family homes.

Mr. Hermandsen answered yes about 1,600 to 2,400 sq foot homes.

Commissioner Musso stated that this should be entry level homes.

Commissioner Coats asked about the road in Phase 1 and if it would be paved.

Mr. Hermandsen stated they could consider it.

Commissioner Coats asked if the Country Way road could be improved to lot 3, two lane.

Mr. Hermandsen stated there will be about 30 feet of asphalt for pod 1.

Commissioner Musso asked about the parking lot.

Mr. Hermandsen stated that is another phase but they could look at that.

Commissioner Phetsomphou asked about lot 7.

Mr. Hermandsen stated it is a private ownership pad the rest is common area. It is smaller.

Commissioner Phetsompjou stated he asked because it looks close to lot 6.

Commissioner Musso motioned to recommend approval to the City Council with the findings and conditions of staff with the additional condition #15 that the road be full width to the park and half width to lot 3.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

- d. Public Hearing for consideration and recommendation to City Council for the Washington Vista Phase 3A & 3B located at approximately Washington Parkway and Fairway Drive. Applicant is First Nation Investments LLC.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a Preliminary plat for the Washington Vista, Phase 3A & 3B subdivision, located at approximately Washington Parkway and Fairway Drive. The applicant is proposing 40 lots on an area of coverage of 19.17 acres. The zoning designation at this particular location is Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10). The surrounding zoning is Open Space to the north and east, R-1-10 to the south, and PUD to the west.

The proposed subdivision conforms to the approved zoning. The request meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Washington Vista, Phase 3A & 3B subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A preliminary and final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscape plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

Commissioner Coats stated he is concerned with the block wall on lot 7 with the tier wall and if the trail could be expanded.

Brandon Wright stated they will look at it on the construction drawings.

Commissioner Coats stated he is concerned that the wall will obstruct the trail.

Eric McFadden stated that the trail pulls away to the east. He stated it will connect to the existing trail. He stated the HOA will maintain it.

Commissioner Coats asked if there is an existing trail to the reserve.

Mr. Ellerman stated the reserve is the one that gives the access.

Commissioner Coats opened the public hearing.
No response.
Commissioner Phetsomphou seconded the motion.
Motion passed unanimously.

Commissioner Phetsomphou motioned to recommend approval to the City Council with the findings and conditions of staff.

Commissioner Musso seconded the motion.

Motion passed unanimously.

5. ZONE CHANGE

- a. Public Hearing for consideration and recommendation to City Council an Extraction Overlay Zone request Z-19-13 located at approximately 273 East South Nichols Peak Road. Applicant is Larry Adams/Joseph Young.

Background

Drew Ellerman reviewed report: The applicant is requesting approval to add the "Extraction Overlay Zone" designation to this currently Agricultural - 20 Ac. Min. (Ag-20) zoned property. The area requested is approximately 7.00 acres in size and located at approximately 273 East, South Nichols Peak Road.

The proposed change is for the purpose of having the availability to excavate and remove material from the development site at the address (area) stated above. This material is being removed from the site in preparation for agricultural development on Mr Adams property.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-19-13, for the zone change request of adding the Extraction Overlay Zone to the currently/existing Agricultural - 20 Acre Min. (Ag-20), specifically the southwest face of Nichols Peak, to the City Council, based on the following findings and subject to the conditions below:

Findings

1. That the proposed use, at this particular location, is necessary to provide for the overall progression of Mr. Adams agricultural development; and
2. The proposed use will comply with the regulations and conditions specified in this article for such use; and
3. The proposed use will conform to the intent of the general plan.

4. That the conditions as approved by the Hill Side Protection Committee will be followed for mitigation into the Hill Protection Overlay area.

Conditions

1. No part/portion of the extraction operation will be permitted closer than 100 feet to a residential subdivision.

2. A grading permit will be obtained for the Washington City Public Works Department before work will commence.

3. Extraction operations shall be strictly controlled so as to minimize any possible contamination of 'any' ground water.

4. Hours of operation will be limited to 7:00 A.M. to 7:00 P.M. excluding Sundays (no work shall be done) or legal holidays.

5. All equipment on and off the site, utilized in the extraction process shall be operated and maintained so as to minimize the creation and dissemination of noise and vibration from the site. Access and haulage roads on the site shall be maintained in a dust free condition.

6. A time limit of forty-five (45) calendar days will be allowed for this Overlay Zone approval, an additional 15 calendar days may be applied for/granted by staff, due to weather or other related delays of down time. The time limit starts the day after City Council approval of the Extraction Overlay Zone.

7. The finished grade(s) of the newly created area(s) will be as approved by the Hillside Committee, also, trees will be planted along the slope base of each hillside cut at as approved by the Hillside Committee.

Commissioner Coats asked about the trees and if they are existing trees.

Mr. Ellerman stated no there is a scar. He stated the Hillside Committee wanted new trees to cover the face of the cut.

Commissioner Phetsomphou asked if this is because they are moving material.

Mr. Ellerman answered because they are removing material off the site they have to have an extraction overlay. Usually it is that the material is for sale. It is not long term.

Commissioner Coats stated the trees show differently on the exhibits.

Jason Smith stated the exhibit showing the trees along the cut is accurate. He stated one of the exhibits is not accurate. The existing trees will likely die. He stated the knob will not be removed.

Commissioner Coats asked how much material is left. He asked what the time frame to complete the extraction.

Mr. Smith answered about 40,000 to 45,000 yards is still there. He stated it will take about 6 months.

Commissioner Coats asked what route is going to be taken.

Mr. Smith answered the extension of Merrill Road.

Commissioner Coats asked if they need a permit.

Mr. Ellerman stated they need a grading permit.

Commissioner Phetsomphou suggested that they spray to cover the cut.

Mr. Smith stated the Hillside Committee decided not to go through the process. They felt it wasn't that much of a difference.

Commissioner Musso asked how high is the cut.

Mr. Smith answered about 70 feet.

Commissioner Hollie asked the width of the cut.

Mr. Smith answered 150 to 200 feet.

Commissioner Coats asked about a drainage plan for the back of the slope.

Mr. Smith stated they don't have one yet.

Commissioner Musso asked what the use is going to be.

Mr. Smith stated he doesn't know for sure, it is an agricultural use.

Mr. Ellerman stated they may want to move the cows from the road or put up hay stacks.

Commissioner Coats asked if Mr. Adams owns the property to the west of this.

Mr. Smith stated this goes to the property line.

Commissioner Hansen asked how this was brought to the attention of the city

Mr. Ellerman stated Councilman Belliston brought it to staffs attention. He stated most of the property especially the alpha field is in the County.

Commissioner Coats opened public hearing.

Matthew Ferguson stated he was concerned about how close it was to his property. He stated he was approached and offered \$60.00 a load for the rock to sell to Stone Cliff.

Commissioner Coats stated it is a 3 to 1 minimum slope.

Mr. Ferguson stated this is a cliff so they can't do anything agriculture.

Mark Whitworth stated he is a partner with Mr. Ferguson and they have been doing this for awhile. He stated this is a cliff.

Commissioner Hansen asked how close is it to the road.

Mr. Whitworth stated less than 10 feet. He stated he would rather it be stopped and this to be denied.

Commissioner Musso asked if extraction is going on now. Will they cut more or just what they have done.

Mr. Ellerman answered no. They would have to clean up the shelf. They will go to the 2600 number on the exhibit then clean it up.

Commissioner Phetsomphou asked for clarification on the overhead what they have done.

Mr. Smith showed on the overhead what has been done and what they will do to clean it up.

Commissioner Musso asked what potential use they could do.

Mr Smith stated they could do a feedlot or hay barns or store equipment.

Commissioner Hansen stated he is having trouble visualizing a 70 foot vertical cut.

Mr. Smith answered it is difficult to explain a 70 ft cut.

Commissioner Coats stated his concern is the 70 ft cut, 3 to 1 slope.

Commissioner Hansen asked Mr. Ellerman if he has had something like this before.

Mr. Ellerman answered not since he has been with the city.

Commissioner Coats asked how deep is the property.

Mr. Smith answered 150 feet.

Commissioner Hansen asked Mr. Ellerman if he could help them get through this.

Mr. Ellerman stated the problem is that it exists and it needs to be fixed. He stated if they would have come before they did the cut the answer would be no. He stated the Hillside Committee are engineers, GEO Tech and Architects.

Commissioner Phetsomphou asked if there is a heavy rain what would happen to the pile. Could the pile become a rock slide.

Mr. Ellerman stated it is on the property owners.

Commissioner Hansen asked what is the highest drop off.

Mr. Smith answered the area they haven't extracted is about 30 feet.

Commissioner Phetsomphou asked Mr. Ferguson if the house on the top is his.

Curtis Roger suggested a buffer zone with a fence. He stated the mess needs to be cleaned up.

Matt Ferguson stated there isn't room for a fence. He stated it does need to be clean up but he doesn't know how. He stated it is a stable cliff because it is solid rock.

Commissioner Musso stated this was done illegally. Are we rewarding him.

Commissioner Coats stated they thought they could do it because it was agriculture zone and they can do things without the city approval. He may have been in for the gain but he thought it

was okay.

Commissioner Musso stated if they moved the cows he would be for it.

Greg Savage stated they have to consider homes coming in in the future.

Kurt Ivie stated he is concerned with the water run off with sandstone.

Nick Whitney asked how steep is the road off of South Nichols peak Road. Could they move the road.

Neil Kent stated they should go out and see what needs to be done.

Commissioner Hansen stated he hasn't been out to the site but the committee has been out there and have made recommendations.

Commissioner Hansen motioned to close the public hearing.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

Commissioner Coats stated there is a choice that they put it back. He stated he is concerned with the road. There needs to be a buffer from this and the adjacent property line.

Commissioner Phetsomphou asked if they did blasting and were they using heavy equipment.

Mr. Elleman answered they did blasting and they are using equipment.

Commissioner Hansen would like to go onsite with the committee.

Commissioner Coats stated they could move the material on his property.

Commissioner Hansen stated he would like to table this.

Commissioner Phetsomphou stated this is a safety issue.

Commissioner Hollie motioned to table item 5 A until November 6, 2019 to allow an onsite visit with the committee.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

- b. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-19-14 to change from RA-1 Residential Agriculture minimum 1 acre to I-1 Light Industrial located at approximately west of Country Way and north side of Washington Dam Road. Applicant is Brian Norton.

Background

Drew Ellerman reviewed report: The applicant is requesting approval to change the zoning of approximately 6.93 acres, located at approximately 2055 East Washington Dam Road. The requested change is from the current zoning of Residential/Agricultural - 1 acre min. (RA-1) to the proposed Light Industrial (I-1) zoning designation. The (I-1) request is for the purpose of developing the parcel into a future storage facility development.

The General Plan Land Use Designations for this location is the Industrial (I). The Industrial designation allows for zoning districts of Light Industrial, Heavy Industrial and Business Park. The surrounding zoning to this parcel is RA-5 to the north, RA-1 to the east and south, and I-1 to the west.

Staff has reviewed the requested zone change and finds it to conform to the General Plan and the Zoning Ordinance.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-19-14, for the zone change request from Residential/Agricultural - 1 acre min. (RA-1) to the proposed Light Industrial (I-1) zoning designation, to the City Council, based on the following findings.

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. The utilities that will be necessary for this type of development will be readily accessible to the site.

Commissioner Hollie asked if this is going to be storage.

Mr. Ellerman answered his understanding is it is mancave units.

Commissioner Coats asked about the gap on the zoning map.

Mr. Ellerman answered that piece is open space. The General Plan is Estates and the only zone would be RA to the east. This request is industrial on the General Plan. It has split zoning on this property on the General Plan.

Commissioner Hansen asked about the property to the front and is the home part of this. He asked about the easement.

Mr. Ellerman answered it is a utility easement. The house is not part of this request.

Commissioner Musso asked about the design of the man cave and if they are owned or are they condos.

Mr. Ellerman stated they can't show it on a zone change.

Commissioner Coats asked if they could do the man caves on a commercial zone.

Mr. Ellerman answered yes. But we don't want to do spot zoning.

Commissioner Coats opened the public hearing

Scott Faux stated he moved where he lives because it was agriculture. He lives just south of this request. He stated the ordinance stated I-1 zone that the intent is that there isn't an offensive nuisance to the residents. He stated to the west he was aware of the industrial and has had issues with them. He stated he is opposed because it is offensive. He stated the access is next to his driveway.

Gary Brown stated that years ago it was to the west industrial and the rest was going to agriculture with large lots. He stated the traffic on the Washington Dam Road is a concern to him. He feels that the industrial is encroaching on the agriculture and the animals. He stated east of 1900 East is ugly and dirty. It is full of trucks and junk. He stated he is opposed to this proposal and is concerned with the traffic.

Neil Kent stated the industrial was a buffer zone but the industrial is encroaching into the agriculture and animals that are already there. He asked if this is creating an island for the Faux's. His access is next to the access to this property. He stated Western Rock was there and the area isn't an ideal place to live but they knew these places were already there.

Greg Savage stated he agrees with everything that Mr. Kent just stated.

Georgette Kent stated she went into the office and found out that there was double zoning, half was industrial and half residential. She doesn't think it should be double zoning and is concerned for the Faux's. She asked what the zoning is across the street. She stated she would like this denied.

Commissioner Coats stated the zoning across the street is RA-1.

Roxanne Faux stated she is concerned with industrial because of the noise at night that is next to them now. She stated there was supposed to be a wall built and it isn't built yet. There are trucks that run at 5:30 in the morning. She stated that because they turned it in they get air horns. She stated she doesn't want them to access the property next to their drive. She stated they

bought out there so they could have horses. She stated she would rather have a subdivision behind them.

Dave Jensen stated his family has been in trucking for 55 years. He stated he knows what it is to have noisy trucks. He stated that roads need to be engineered to handle the weight of the trucks.

Linda Fouley stated the Fauxs are accepting the industrial that is there first but it is right to have them accept more.

Commissioner Hansen motioned to close the public hearing
Commissioner Phetsomphou seconded the motion.
Motion passed unanimously.

Bob Hermandsen stated the General Plan is industrial and RA-1. He stated the applicant isn't asking anything more than the General Plan designation.

Commissioner Hansen asked how long this has been on the General Plan.

Mr. Ellerman answered longer than he has been with the city 13 years.

Commissioner Hollie asked what the applicant is going to build.

Mr. Hermandsen stated they will be like the man caves at SunRiver.

Commissioner Hollie asked what if they don't build the man caves.

Mr. Hermandsen stated that is what they plan to build but if it is they will look at something else.

Commissioner Hansen stated it seems odd that it was split.

Commissioner Coats stated he feels it is a jump to change it to industrial.

Commissioner Musso stated he is concerned with what if they don't do man cave.

Commissioner Musso motioned to recommend denial to City Council based on because it created spot zone to the home to the south.
Commissioner Hollie seconded the motion.
Motion passed unanimously.

Recess called at 8:25 PM

Meeting called to order 8:30 PM

6. GENERAL PLAN AMENDMENT

- a. Public Hearing for consideration and recommendation to City Council a General Plan Amendment G-19-04 to change from OS Open Space to CCOM Community Commercial located at approximately 3650 South 1500 East. Applicant is Robert Steffes.

Background

Drew Ellerman reviewed report: The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately 3650 South 1500 East. The requested area covers 15.13 acres. The current Land Use designation is Neighborhood Commercial (NCOM) and Detention Pond. The applicant is seeking approval to have the Land Use designation changed to Community Commercial (CCOM) for the possibility to develop the area into a future commercial project when the Highway 7 interchange is developed.

The surrounding General Plan Land Use designations are Neighborhood Commercial (NCOM) to the north and east, Detention Pond to the west, and Open Space (OS) to the south.

As stated above, the applicant is wishing to amend this parcel, in hopes for future commercial development at this location. The Community Commercial designation allows for the C-2 and C-3 zoning designation, whereas the Neighborhood Commercial designation only carries the AP and C-1 commercial zoning districts.

Staff has reviewed the request change and finds no problem with the minor adjustment from neighborhood commercial to community commercial especially with the possible future highway interchange to the east of this requested area. It needs to be stated that before any zone change would be allowed to be applied for, that the "formal approval" from the Flood Control Authority, and FEMA approval of a LOMR would have to be in place. Currently the Flood Control Authority has given a verbal agreement, but all the required filings with associated new maps etc., have not been officially granted. They feel comfortable moving forward at this present time.

Recommendation

Staff recommends that the Planning Commission recommend approval for G-19-04 application, to amend the General Plan Land Use Map from the current Neighborhood Commercial (NCOMM) designation, to the proposed Community Commercial (CCOM) designation, as outlined above and shown on the exhibit attached hereto, onto the City Council.

Commissioner Hollie asked for clarification on the exhibit.

Mr. Ellerman stated it is the hash red and blue on the exhibit.

Commissioner Musso asked what the rectangle striped area is General Planned.

Mr. Ellerman answered that it is open space.

Commissioner Hansen asked where is 3650 located.

Mr. Ellerman answered it is to the north.

Commissioner Musso asked the difference between C-1 and C-2.

Mr. Ellerman answered that AP is office spaces, C-1 minor retail like a mom and pop shop and C-2 is more strip malls and grocery stores. A good example is the Albertsons store. C-3 is heavier commercial big box stores.

Commissioner Hollie asked if there could be a gas station.

Mr. Ellerman answered yes.

Commissioner Coats opened the public hearing.

Mary Jane Rogers stated she is opposed to commercial in the area. She stated she would like to table this so there would be more people to attend because it is fall break.

Commissioner Coats stated there were notices sent to at least 30 property owners.

Nick Whitney lives on Nazareth Drive he asked for clarification of the location to where he lives. He asked about the connectivity to HWY 7.

Mr. Ellerman showed on the overhead the location of the proposal and HWY 7.

Mr. Whitney stated he would like to see a fuel station as long as it is away from his neighborhood. He stated he would like to see commercial in the location but would like to see a plan first.

Quinn Allgood stated he is pro growth but he feels there should be a buffer with neighborhood commercial. He stated there are already areas that are C-2 for commercial. He stated a gas station should be closer to the Southern Parkway.

Patty Jensen stated she would like to see a park in the area.

Commissioner Coats stated he thinks the parks department is looking at BLM property in that area.

Gerard Kurr asked if there is an RV park going in Stucki Farms because there is a sign that says commercial is coming.

Commissioner Hollie stated they don't know what is coming in.

Mr. Kurr stated he is opposed to box stores and would rather have smaller commercial use. He stated he moved there so he wouldn't be next to commercial especially 3 story buildings.

Linda Foley stated she doesn't want the area to turn into commercial. She stated she doesn't mind the smell of cows and loves neighborhood where you can see kids playing. They were there first.

Dave Jensen stated now kids can play wherever they want. He stated he is opposed to the change because it is a family oriented area. He stated he doesn't want more traffic.

Connor Atkin stated the Staheli Farm area is already designated commercial and would rather this not be changed.

Amy Matsumori asked why the change when there isn't an interchange. She stated she was told that they have a year to build once approved.

Commissioner Coats stated development has to improve roads for their project. He explained that they have to start to build within a year not finish. If a phase is recorded it could take awhile for the other phases to be built.

Ms. Matsumori stated Washington Field Road is already busy.

Commissioner Coats stated 3650 South is master planned and will get built.

Commissioner Musso stated the reason the city does master plans early so citizens know what the plan is.

Commissioner Hansen stated Washington Fields Road will be the same width as Telegraph. He stated 3650 will be larger.

Commissioner Hollie motioned to close the public hearing.
Commissioner Musso seconded the motion.
Motion passed unanimously.

Commissioner Phetsomphou motioned to recommend approval to the City Council with the recommendation of staff.

Commissioner Musso seconded the motion.

Commissioner Coats Nay.

Commissioner Musso Aye

Commissioner Phetsomphou Aye

Commissioner Holliee Aye

Commissioner Hansen Aye

Motion passed 4-1 vote.

- b. Public Hearing for consideration and recommendation to City Council a General Plan Amendment G-19-05 to change from OS Open Space to CCOM Community Commercial located at approximately 3650 South 1300 East. Applicant is Doug Dennett.

Background

Drew Ellerman reviewed report: The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately 3650 South 1300 East. The requested area covers 3.48 acres. The current Land Use designation is "Detention Pond" and Open Space (OS). The applicant is seeking approval to have the Land Use designation changed to Community Commercial (CCOM) for the possibility to develop the area into a future commercial project.

The surrounding General Plan Land Use designations are Detention Pond and Open Space (OS) to the west, Open Space (OS) and Neighborhood Commercial (NCOM) to the north, Neighborhood Commercial (NCOM) to the east, and Detention Pond and Open Space (OS) to the south.

As stated above, the applicant is wishing to amend this parcel, in hopes for future commercial development at this location. The Community Commercial designation allows for the C-2 and C-3 zoning designation. The property is currently designated as Detention Pond and Open Space due to previous design of the regional debris basin which it sets in. Recently, surrounding developments have required more research of the area and it has been found that the current debris basin can be, and currently is, being re-designed and allowing for property to be removed from the necessary size of the basin itself. This parcel is one of those areas being applied for coming out of the designated debris basin boundary.

It needs to be stated that before any zone change would be allowed to be applied for, that the "formal approval" from the Flood Control Authority, and FEMA approval of a LOMR would have to be in place. Currently the Flood Control Authority has given a verbal agreement, but all the required filings with associated new maps etc., have not been officially granted. They feel comfortable moving forward at this present time.

Recommendation

Staff recommendation for the Planning Commission for the proposed G-19-05 application, to amend the General Plan Land Use Map from the current "Detention Pond" and Open Space (OS) designation, to the proposed Community Commercial (CCOM) designation, as outlined above and shown on the exhibit attached hereto, onto the City Council.

Commissioner Hansen asked about the property to the south.

Mr. Ellerman answered the exhibit is correct. It is the property line.

Bob Hermandsen stated the slivered property to the south is an easement. He stated the exhibit shows the current flood line.

Commissioner Coats opened the public hearing.

Quinn Allgood asked if they are asking for open space to be commercial.

Commissioner Coats answered yes.

Mr. Allgood asked about a park in the area and if they can go next to a C-2.

Linda Foley stated she feels they will keep encroaching more and more commercial. She asked that it stay Neighborhood.

Mary Jane Rogers stated leave it as is.

Dave Jensen stated ditto

Connor Atkin stated ditto. He stated he would like to see more feathering.

Amy Matsumori asked how they change flooding area to something else.

Commissioner Coats stated when this was added to the flood zone they didn't have development to change the flow, they will relook at the channel and look at the edges.

Commissioner Hollie motioned to close the public hearing,
Commissioner Phetsomphou seconded the motion.
Motion passed unanimously.

Commissioner Coats stated he knows they need commercial but there isn't a buffering to the neighborhood. He stated he would like to see commercial in the fields but a good feathering. He feels that this is reversed.

Commissioner Hansen stated he would like to see feathering and a park.

Mr. Ellerman stated the park is more to the south.

Commissioner Hansen asked if the flood plain could go away.

Mr Ellerman answered no.

Commissioner Coats stated that the General Plat is neighborhood commercial now, it should be reversed. Higher commercial next to the interchange and then neighborhood commercial.

Commissioner Musson asked about the size of the proposal.

Mr. Ellerman stated it is about a quarter of a mile. The size of this is from Zions Bank to the car wash past Walmart.

Commissioner Coats stated that off of an interchange is usually higher commercial.

Commissioner Hollie motioned to recommend denial to the City Council based on it doesn't fit harmoniously with the area.

Commissioner Hansen seconded the motion.

Commissioner Hansen Aye

Commissioner Hollie Aye

Commissioner Phetsomphou Nay

Commissioner Musso Nay

Commissioner Coats Aye

Motion passed with a 3-2 vote.

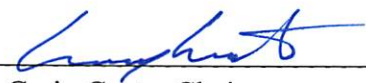
Commissioner Hansen motioned to adjourn the Planning Commission Meeting.

Commissioner Musso seconded the motion.

Motion passed unanimously.

Meeting adjourned: 9:36 PM

Washington City

Signed By: 
Craig Coats, Chairperson

Attested to: 
Kathy Spring, Zoning Technician