

Newton Planning Commission Meeting
April 13, 2023, 7:00 P.M.
Newton Town Hall, 51 South Center, Newton UT
Minutes

Agenda

1. Call to Order/Roll Call
2. Opening Ceremony Rich Olsen
3. Approval of February 2023, minutes
4. Road development discussion, parcel 13-022-0035 for access to parcel 13-002-0027, Bill David, 112 North 200 East
5. Larsen Farms, lot 1, parcel 13-077-0001, 15 South 400 West, building permit plan change
6. Newton Hills subdivision, phase 2, parcels 13-028-0002 and 13-028-0003, approximately 200 North 300 West, Newton
7. Draft water exaction code review
8. Town right-of-way code review
9. Adjournment

1. Roll Call

Members present: Justin Cooley, Martin Empey, Barry Myers and Rich Olsen

Karla Ferguson – Recorder.

Absent: Reid Smith

Others present: Brett Petersen, Jeremy Cooley, Kent Fabricius, Bill David, Ben Johnson, Brandt Helstern, Mike Benson, and Clair Christiansen

2. Opening Ceremony – by Rich Olsen

3. Minutes for February 2023, approved. No meeting was held in March 2023.

4. Road development discussion, parcel 13-022-0035 for access to parcel 13-002-0027, Bill David, 112 North 200 East – Bill David explained he owns parcel 13-002-0027, at 112 North 200 East, which is adjacent to the North of the town owned parcel of 13-022-0035. This parcel is owned by the town and intended for future extension of 100 North Road. Bill David would like to develop a gravel road in parcel 13-022-0035 for access to the back of his parcel. Bill David explained plans to clean up the lot and fix the fence to be located entirely on his parcel rather than the town owned parcel. Eventually, Bill David may subdivide the parcel and would want street frontage for the back portion of the lot. The town property was viewed and discussed. Abandoned vehicles, old sheds and a corral exist on the town property. Martin Empey explained that the gravel road would need to meet road standards with a gravel road base. Bill David discussed that he would develop 100 feet of gravel road for now. It was discussed further that the property belongs to the town and the road would need to meet town road specifications with a turnaround. Clair Christiansen explained that a letter was sent in the 1990s when the adjacent property was purchased that parcel 13-022-0035 belongs to Newton Town. That property owner has continued to use the town property. It was discussed that research should be done on rights to remove vehicles, shed and corral from town property. While research is being done Bill David plans to continue to clean up his property and remove lower sheds, bushes and put in a new fence on his property.

5. Larsen Farms, lot 1, parcel 13-077-0001, 15 South 400 West, building permit plan change – Barry Myers explained that the builder has decided to change permit plans instead of a second

garage they will change it into living quarters with a bedroom and bathroom. The building inspector wanted approval from Newton Town on the change. The setbacks will not change. Barry Myers checked on the septic permit and it is okay for the change. Barry Myers will follow up with the building inspector to make sure there are no other considerations and give approval for the change.

6. Newton Hills subdivision, phase 2, parcels 13-028-0002 and 13-028-0003, approximately 200 North 300 West, Newton – Justin Cooley stated he has an interest in the property being developed as he is a beneficiary of the property. Brandt Helstern showed the Planning Commission the final plan for the subdivision phase 2. The town engineer, Eric Dursteler has reviewed the plan and all correction requests have been addressed. Brandt Helstern reviewed that the Planning Commission asked that they make an application to the Army Corp of Engineers for building the road over the slough area. The letter from the Army Corps of Engineers was read stating that because it is less than 1/10th of the area being affected that they are okay. The approval permit from the Army Corp of Engineers and state of Utah for crossing the slough area were given. The only change from last August when last reviewed was adding the pressure release valve to the pipe as required by the town engineer. Barry Myers asked to be reminded what the plans for lots 22 and 23 are. Brandt Helstern explained that the study showed these areas were not wetland, so no mitigation is needed. They plan to capture water from the ditch and divert it by drain along 200 North to the slough area rather than across these lots. Clair Christiansen asked about the 200 North right-of-way. Ben Johnson, the subdivision engineer explained where the boundary line is located. It was discussed that in phase 1 a small portion was annexed to clean up and straighten the boundary line along 200 North. Barry Myers discussed the implications of water scarcity and if they can start selling lots with a water connection moratorium. Mike Benson said the Town Council plans to clarify with the town attorney about issuing building permits without water connections at this time. There was a discussion of if lots are sold if there will be an expectation that the town can provide enough water. Barry Myers asked about the timing of installation of infrastructure and getting a performance guarantee bond. It was discussed that the next step would be for the Town Council to hold a public hearing for the subdivision. Carson Maughan asked about drainage installations. Ditches, drains and culverts along 200 North were discussed. A motion was made to approve the final plat for Newton Hills subdivision, phase 2.

Roll call vote:

Justin Cooley – yes

Martin Empey – yes

Barry Myers – yes

Rich Olsen – yes

Reid Smith – absent

Motion approved.

7. Draft water exaction code review – Brett Petersen reviewed draft water exaction code. Brett discussed that the code should be for water rights and not a source of water. Current water rights owned by Newton Town were discussed. Brett Petersen discussed the test well and preserving our current water rights. Current water sources were discussed. Brett Petersen asked for edits on the draft code to be submitted to him before April 27.

8. Town right-of-way code review – Mike Benson asked for a code review to determine if the current code is sufficient or if changes are needed. Justin Cooley discussed that current code is adequate, it is just located in different sections of code and may need to be relocated to one chapter of code. Enforcement of code was discussed. State of Utah legislative changes were discussed. Mike Benson suggested forming a committee to review the town right-of-way code. A

summary of the code should be published on the town website. Summarizing the code into one chapter was discussed. Mike Benson asked planning commission members to look at the right-of-way code and make suggestions on enforcing or any changes to the code to Rich Olsen by April 27.

The meeting adjourned.

Minutes prepared by: _____
Karla R. Ferguson, Newton Town Clerk Approval Date _____