

SOUTH WEBER CITY PLANNING COMMISSION WORK MEETING

DATE OF MEETING: 23 May 2019

TIME COMMENCED: 6:00 p.m.

LOCATION: South Weber City Office at 1600 East South Weber Drive, South Weber, UT

PRESENT: COMMISSIONERS:

**Tim Grubb
Debi Pitts
Rob Osborne (excused)
Wes Johnson
Taylor Walton**

CITY ENGINEER:

Brandon Jones (excused)

CITY PLANNER:

Barry Burton

DEVELOPMENT COORDINATOR:

Kimberli Guill

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Brent Poll and Blair Halverson

Approval of Consent Agenda:

- **Minutes of 25 April 2019**
- **Minutes of 09 May 2019**

Public Hearing and Action on Final Approval for Riverside RV Park Conditional Use: At approx. 852 E Cottonwood Ln. (11.85 acres) parcel 13-018-0021 & 07-109-0017 by FM Winkel Family LLC: Commissioner Osborne asked if there are any questions concerning the Riverside RV Park Conditional Use. Kimberli Guill, Planning Coordinator, said members of the Uintah Planning Commission have contacted the city and are not in favor of this conditional use permit. Commissioner Grubb asked why the developer isn't responsible to install any improvements for the trail. Commissioner Johnson said Weber Pathways is going to install the trail and maintain it. Barry said the difference is, the city isn't asking Weber Pathways to give the trail to the city. He said Weber Pathways has said they will do it. Commissioner Grubb said it seems like Weber Pathways would take a donation for the trail. He said the developer isn't required to install sidewalk, curb, and gutter; therefore, he feels they should have to help with the cost of the trail. Barry said there is a need for a parking lot at the trailhead. Commissioner Walton discussed his concern with one point of egress. Barry said this is not residential development. It is more like a parking lot. He said the developer does have two permanent structures which will need elevation certificates certifying they are above base flood elevation. He said that is a requirement of the city ordinance.

Barry Burton, City Planner, memo of 16 May 2019 is as follows:

GENERAL INFORMATION: The Park will consist of 100 sites, 23 of which will be Park Units (tiny homes) that will be rental units with 77 back-in or pull-through spaces. This is well within the number of spaces allowed by the ordinance on an 11.62-acre parcel. There will also be an office building and a restroom/shower building that will be permanent structures. Amenities include a swimming pool and a pickle ball court and, of course, the river trail that will be built by others.

ORDINANCE COMPLIANCE: There are several conditions listed in Section 10.7F.1 of the Zoning Ordinance that I believe have all been met. The only site requirement of 10.7F.2 that has not been met is the requirement for a 100' setback for any sites to a road. The sites are considerably less than 100' from the freeway, but there is a provision in the code that allows the Planning Commission to approve something less. In this case, I don't think the freeway will be impacted in any way and there is a large approx. 70' space from the freeway right-of-way fence to the actual closest travel lane. I believe the Planning Commission has reasonable justification to approve a less than 100' setback on the I-84 side.

OTHER: The main waterline within the site will need to be City owned and maintained and will therefore require an easement be granted to the City for that purpose. Other utilities within the site will be private. The developers are willing to grant an easement along the river for the purpose of a public trail. The trail, however, be built by Weber Pathways at a later date. Therefore, Weber Pathways will need an easement for public use along the trail alignment. We propose that those easements be surveyed after construction in order to have a more accurate description of the locations and that the easements be provided prior to occupancy.

STAFF RECOMMENDATION: I recommend the Planning Commission approve this conditional use/site plan with the reduced setback along the freeway frontage.

Action on Final Approval for Harvest Park Phase 2 (6 Lots): At approx. 725 E South Bench Drive (2.07 acres) parcel 13-018-0085 by Bruce Nilson, Harvest Park Community LLC: Barry Burton, City Planner stated this is a 6 lot phase that is different from the original phase 2 as shown on the preliminary plat. The reason for this deviation from the original phasing is because there are a lot of utilities that go through this area to serve Phase 1. Also, with the imminent construction of the abutting part of South Bench Drive this summer, the construction of this small phase will provide the needed second access and allow potential buyers to get there more directly. The lot layout is exactly as approved in the Preliminary Approval. This part of the development is entirely in the R-M zoned portion of the development, therefore no worries about building height. There will be a minimum 6' chain link fence required along the east side of this phase. Discussion took place regarding the open space and who will maintain it.

Brandon Jones, City Engineer, memo of 16 May 2019 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Harvest Park Subdivision Phase 2, dated April 30, 2019. We recommend approval subject to the following items being addressed prior to approval from the City Council. Some items are mentioned for information purposes only.

GENERAL

1. Final plans need to be submitted to the South Weber Irrigation Company and an approval letter provided indicating that the improvement plans meet their requirements.
2. This phase provides the second ingress/egress for this subdivision, connecting to South Bench Drive. The 30-lot limitation is no longer in affect for the Harvest Park development.
3. A letter from the geotechnical engineer needs to be provided with recommended depths for the basements, due to high groundwater.

PLAT

4. The subdivision boundary needs to be revised to exclude South Bench Drive, as that property has already been deeded to the City for the road.

5. Addresses for the lots are as follows:

Lot 201 - 6737 S.	Lot 202 - 6729 S.	Lot 203 - 6721 S.	
Lot 204 - 6713 S.	Lot 205 - 6726 S.	Lot 206 - 6734 S.	Open Space - 6718 S.

6. The basement depth table needs to be populated according to the recommendations of the geotechnical engineer.

7. The Rocky Mountain Power notes and signature block can be removed, as they do not apply to any of the property within this plat.

8. The Open Space is being dedicated to the City, as required with the overall preliminary plan that was approved. We recommend determining the final use of this ground when the adjacent property to the east (currently owned by Watts) develops.

IMPROVEMENT PLANS

9. The streetlight at the Harvest Park Lane / South Bench Drive intersection needs to be moved to the southeast corner behind the sidewalk pointed out to South Bench Drive.

10. A 6' vinyl fence needs to be shown and called out in the plans along the east property line as shown in the preliminary plans.

11. The new land drain laterals to lots 201 – 204 appear to be in conflict with the 30" storm drain.

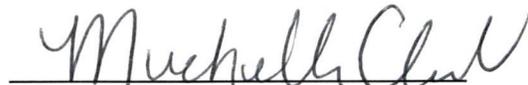
12. The note for the land drain laterals needs to be revised as follows: "Land Drain laterals to be perforated & sleeved with geotechnical sock, *outside the road right-of-way only.*"

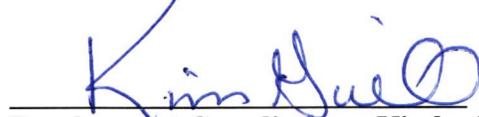
General Plan Review: Revisit Trails & Address Moderate Income Housing: (No discussion on this item)

ADJOURNED: 6:30 p.m.

APPROVED:

 _____ **Date** 13 Jun 2019
Co-Chairperson: Debi Pitts

 _____
Transcriber: Michelle Clark

 _____
Attest: Development Coordinator: Kimberli Guill

SOUTH WEBER CITY PLANNING COMMISSION MEETING

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Wes Johnson
Taylor Walton

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones (excused)

DEVELOPMENT COORDINATOR:

Kimberli Guill

Transcriber: Minutes transcribed by Michelle Clark

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

ATTENDEES: Brent Poll, Jon Arends, Brett Parker, Blair Halverson, Gordon & Robyn Cutler, Mark Staples, Tyler Nielson, Jeff Stuart, and Linda Miner. There were individuals who did not sign in.

PLEDGE OF ALLEGIANCE: Commissioner Walton

APPROVAL OF CONSENT AGENDA

- Minutes of 25 April 2019
- Minutes of 09 May 2019

Commissioner Walton moved to approve the consent agenda and table the minutes of 9 May 2019. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Pitts, and Walton voted aye. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Grubb moved to open the public hearing for Final Approval for Riverside RV Park Conditional Use: At approx. 852 E Cottonwood Ln. (11.85 acres) parcel 13-018-

0021 & 07-109-0017 by FM Winkel Family LLC. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Pitts, and Walton voted aye. The motion carried.

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

Public Hearing and Action on Final Approval for Riverside RV Park Conditional Use: At approx. 852 E Cottonwood Ln. (11.85 acres) parcel 13-018-0021 & 07-109-0017 by FM Winkel Family LLC:

Commissioner Pitts asked if there was any public comment.

Brett Park, 6465 Combe Road, Uintah: Mr. Park said he is representing the Uintah City Planning Commission. He stated as a neighboring community, having over 80 Uintah households and hundreds of residents living within 300 feet of the proposed Riverside RV Park, as well as multiple other Uintah households bordering the South Weber River, located at or within the following locations: Cottonwood Estates 975 East 6600 South in Uintah, the elected officials of the City of Uintah are not in favor of a Final Approval for Riverside RV Park Conditional Use at this time. Mr. Park stated a postponement of the permit was delivered to South Weber City requesting an official sit-down meeting to further discuss the following concerns:

Nuisance

- Noise (all hours of the day and night – ATV’s, parties, dogs, kids, fighting, generators etc.)
- Smell (sewer systems and other smells not currently in the area)
- Smoke (from open fires, bbq grills, and automobile exhaust)
- Dust (excessive occupants in the area)

Privacy

- Transient non-residents (crime and invasion of privacy/safety – non vetted occupants entering community)
- Encroachment (occupants entering private party, such as anglers, rafters, teenagers, criminals, etc.)
- Video surveillance (assuming surveillance is installed, resident’s person and property would be monitored)

Environmental

- Fire risk (from cigarettes and campfires)
- Trash (litter blowing around from the canyon winds)
- Natural habitat (the river, landscape, and wildlife)
- Dust (from excessive vehicles and trailers)
- Dumping (hazardous waste and unknowns being exposed into the river)
- Road maintenance (additional road maintenance and damages beyond what Uintah City calculates as “normal use”)

Brent Poll, 7605 S. 1375 E., and representative of the South Weber Coalition, said he would like the letter he sent to the city to be attached to the minutes (See Attached). He wants the city to consider the ground contamination in the city. He said the city is responsible to protect the health and welfare of the citizens and future citizens of this city. He said you are putting people at risk. He said this is indisputable. He said there is no excuse. He suggested the Planning

Commission read the information and reports. He said people are going to be a potential responsible party.

Gordon Cutler, Mayor of Uintah, said Uintah City has delivered two letters to the city. He said we are concerned about how the RV Park will affect citizens of Uintah. He said there is a lot of activity going on along the Weber River. He said we are not against any type of economic development. He would like the Planning Commission to consider how this will impact Uintah. He said we are worried about traffic on Cottonwood Drive. He said they are also concerned about open pit fires. He said city officials are more than welcome to meet with South Weber City officials. He thanked the Planning Commission for their service.

Jeff Stuart, Weber Pathways Representative, said over the twenty years we have been in existence we are actively involved in building trails. He said one of our master plan projects include the trail from Cottonwood Drive in South Weber City to Riverdale City. He said they have been working for fifteen years to acquire land and right of ways to continue the trail to Highway 89 and Uintah Springs Business Park. He said we don't have strong feelings whether or not the RV Park should be approved but would like the plan to include the trail. He said Mayor Sjoblom has been very active and serves on the committee for Weber Pathways.

Barry Burton, City Planner, memo of 16 May 2019 is as follows:

GENERAL INFORMATION: The Park will consist of 100 sites, 23 of which will be Park Units (tiny homes) that will be rental units with 77 back-in or pull-through spaces. This is well within the number of spaces allowed by the ordinance on an 11.62-acre parcel. There will also be an office building and a restroom/shower building that will be permanent structures. Amenities include a swimming pool and a pickle ball court and, of course, the river trail that will be built by others.

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STAFF RECOMMENDATION: I recommend the Planning Commission approve this conditional use/site plan with the reduced setback along the freeway frontage.

Commissioner Walton moved to close the public hearing for Final Approval for Riverside RV Park Conditional Use: At approx. 852 E Cottonwood Ln. (11.85 acres) parcel 13-018-0021 & 07-109-0017 by FM Winkel Family LLC. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Pitts, and Walton voted aye. The motion carried.

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

Commissioner Johnson said his mother has lived in the Uintah trailer park over the last 30 years. He understands this is an uncontrolled area. He said there have been paint ball wars, transients, dust, etc. He doesn't see any of this happening with an RV Park. He said it will be a controlled area. He said the brush will be removed to remove fire hazard. He said the RV Park will be monitoring trash and liter. He said dead trees will be removed. He said dumping of hazardous waste has been happening for years, but once again this will be controlled. He has been on the Weber Pathways Committee and said there is a great emphasis to continue that trail. He feels there will be an improvement with the quality of the environment. He has seen RV Parks that have been very well managed. He said there will be full hook ups and power. He doesn't think open fires will be allowed in the park. He feels there will be a vast improvement on this property verses what it currently is. He hasn't seen any flooding in the mobile home park.

Commissioner Walton feels the interface between the two cities will be safeguarded. He asked when the city received the two letters. It was stated the city received the letters yesterday.

Tyler Nielsen, of Gardener Engineer, and representing the Winkel family, said the developer sees this project as they will own and maintain it as a family. He said they are quite experienced at running this. He said the owner will look at preserving as many existing trees as he can. He said there has been dumping over the years and they are working to clean it up. He said they have been meeting with South Weber City for six months now. He said during those meetings, Uintah City has been discussed. He said this will be a paved project and there will be no open fires. He sees this project as an effort to clean up the area. He said there will be 24 hour on-site management.

Commissioner Grubb asked about quiet hours. Tyler said he will talk to the owner and get those hours to the city. Commissioner Grubb said the rules should be posted. Tyler said there are no fire pits allowed. Commissioner Grubb said garbage is a big concern. Tyler said there will be at least two dumpsters with one in the middle and one towards the exit. He said there are 6' to 8' tall lights and they will comply with the city ordinance. Barry said it needs to be dark sky compliant. Commissioner Grubb said the patrons need to comply with the dark sky.

Ruben Menna, developer, said there are quiet time rules. He said there is one common area for a fire pit, but there will not be a fire pit on every site. He said grills are only in the common area. Tyler said all the dead trees will be removed. Commissioner Johnson suggested contacting Wildlife Resource to identify which ones need to be removed. Ruben said they have hired two individuals to decide on the trees. He said the quiet hours are 10:00 p.m. to 7:00 a.m.

Commissioner Grubb said the Weber Pathway Trail is part of South Weber City's master plan. He stated the plan requires a 10' path. Jeff Stuart said they need a minimum of 10' and would like 12' to 14'. Commissioner Grubb said the pathway needs to be put in along the frontage. He said the developer should be required to install the pathway with road base. It was stated the pathway is along the north side of the RV Park.

Blair Halverson asked if the developer is going to install the trail. Tyler said it was his understanding that they will provide the easement and Weber Pathways will install the pathway and road base. It was stated that Weber Pathways will be required to maintain the trail. Commissioner Johnson said the path needs to be wide enough for a truck.

Jon Arends, Planning Commission member for Uintah, said we are not trying to intervene with your decisions, but we are asking for a risk assessment. He asked what will be done with the increased traffic on 6600 South. He asked if Uintah officials can sit down with South Weber officials.

Commissioner Walton said the Planning Commission has discussed several of these items in meetings and he feels they have done their due diligence.

Barry discussed the size of the trail. He feels it is appropriate to have a 15' easement of the trail. Commissioner Grubb wants to make sure the pathway is installed before occupancy. He said the portion that fronts 6600 South needs to be included and completed as part of this on both sides of the entrance.

Commissioner Pitts said the two permanent structures will need elevation certificates. Barry said there has been some discussion, because of the amount of concrete that has been dumped on the property, the developer would like to crush that concrete for the trail. John said they have discussed that. Barry said if you decided to crush it on site, then the developer will need another conditional use permit approval to do that.

Commissioner Grubb moved to recommend to the City Council the Final Approval for Riverside RV Park Conditional Use: At approx. 852 E Cottonwood Ln. (11.85 acres) parcel 13-018-0021 & 07-109-0017 by FM Winkel Family LLC subject to the following:

1. City Engineer, Brandon Jones, letter of 16 May 2019.
2. City Planner, Barry Burtons, letter of 16 May 2019.
3. 24 hour on site management.
4. Removal of dead trees and shrubs as approved by Wildlife Resource hired Arborist Consultant.
5. No open fires in individual camp sites.
6. Quiet hours 10:00 p.m. to 7:00 a.m.
7. Lighting is to follow quiet hour rule and protect dark sky.
8. A 15' easement for a 10' path minimum be provided to Weber Pathways prior to occupancy and improved for use prior to occupancy thru this property and along the frontage of 6600 South and Cottonwood Drive.
9. RV Park rules must be posted on-site and given to all patrons.
10. Developer provide the elevation certificates for two permanent structures.
11. Provide easement as installed for the culinary water line.

Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Pitts, and Walton voted aye. The motion carried.

Commissioner Johnson would like to be invited to any meetings between South Weber City and Uintah City.

Action on Final Approval for Harvest Park Phase 2 (6 Lots): At approx. 725 E South Bench Drive (2.07 acres) parcel 13-018-0085 by Bruce Nilson, Harvest Park Community LLC: Commissioner Grubb asked Mark Staples, of Nilson Homes, if he has seen the two letters

from Barry Burton and Brandon Jones. Mark said he has not. Barry referred to Brandon Jones letter of 16 May 2019 has given addresses and basement depths. Commissioner Grubb asked about the parcel designated as open space. Barry said Brandon feels the final use of this ground can be determined when the adjacent property to the east (currently owned by Watts) develops. Mark Staples suggested designating the open space to be part of Lot 205 but is not buildable.

Barry Burton, City Planner, memo of 16 May 2019 is as follows:

Plat/Layout: This is a 6 lot phase that is different from the original phase 2 as shown on the preliminary plat. The reason for this deviation from the original phasing is because there are a lot of utilities that go through this area to serve Phase 1. Also, with the imminent construction of the abutting part of South Bench Drive this summer, the construction of this small phase will provide the needed second access and allow potential buyers to get there more directly. The lot layout is exactly as approved in the Preliminary Approval. This part of the development is entirely in the R-M zoned portion of the development, therefore no worries about building height. There will be a minimum 6' chain link fence required along the east side of this phase.

Recommendation: The Phase 2 Plat meets the requirements of Preliminary Approval except for the phasing. Since nothing has changed in the approved layout of the entire subdivision, I see no problem with approving this and recommend forwarding this plat to the City Council with a recommendation of approval.

Brandon Jones, City Engineer, memo of 16 May 2019 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Harvest Park Subdivision Phase 2, dated April 30, 2019. We recommend approval subject to the following items being addressed prior to approval from the City Council. Some items are mentioned for information purposes only.

GENERAL

1. Final plans need to be submitted to the South Weber Irrigation Company and an approval letter provided indicating that the improvement plans meet their requirements.
2. This phase provides the second ingress/egress for this subdivision, connecting to South Bench Drive. The 30-lot limitation is no longer in affect for the Harvest Park development.
3. A letter from the geotechnical engineer needs to be provided with recommended depths for the basements, due to high groundwater.

PLAT

4. The subdivision boundary needs to be revised to exclude South Bench Drive, as that property has already been deeded to the City for the road.
5. Addresses for the lots are as follows:
Lot 201 - 6737 S. Lot 202 - 6729 S. Lot 203 - 6721 S.
Lot 204 - 6713 S. Lot 205 - 6726 S. Lot 206 - 6734 S. Open Space - 6718 S.
6. The basement depth table needs to be populated according to the recommendations of the geotechnical engineer.
7. The Rocky Mountain Power notes and signature block can be removed, as they do not apply to any of the property within this plat.
8. The Open Space is being dedicated to the City, as required with the overall preliminary plan that was approved. We recommend determining the final use of this ground when the adjacent property to the east (currently owned by Watts) develops.

IMPROVEMENT PLANS

9. The streetlight at the Harvest Park Lane / South Bench Drive intersection needs to be moved to the southeast corner behind the sidewalk pointed out to South Bench Drive.
10. A 6' vinyl fence needs to be shown and called out in the plans along the east property line as shown in the preliminary plans.
11. The new land drain laterals to lots 201 – 204 appear to be in conflict with the 30" storm drain.
12. The note for the land drain laterals needs to be revised as follows: "Land Drain laterals to be perforated & sleeved with geotechnical sock, *outside the road right-of-way only.*"

Commissioner Grubb moved to recommend to the City Council the approval of Final Approval for Harvest Park Phase 2 (6 Lots): At approx. 725 E South Bench Drive (2.07 acres) parcel 13-018-0085 by Bruce Nilson, Harvest Park Community LLC subject to the following:

1. City Engineer, Brandon Jones, letter 16 May 2019.
2. City Planner, Barry Burtons, letter of 16 May 2019.
3. Amend Lot 205 boundary to include open space and show the restricted area on the final plat for Lot 205.

Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Pitts, and Walton voted aye. The motion carried.

General Plan Review: Revisit Trails & Address Moderate Income Housing:

Barry Burton, City Planner, said Mayor Sjoblom, David Larson (City Manager), Brandon Jones (City Engineer), and he met with UDOT's Region 1 Director. He said they discussed bike lanes on South Weber Drive. Barry discussed considering ways to extend the Old Fort Trail eastward to the fisherman's access along the south side of Highway 84. Barry said we want to show bike lanes along the entire length of South Weber Drive. He said he would like to separate trails and bikeways into an Active Transportation Section. Commissioner Walton said the development agreement for Staker Parsons will expire in five years. He questioned if the master plan needs to include a trail thru the gravel pit.

Moderate Income Housing:

Barry reviewed his memo of 20 May 2019. He stated South Weber City is already doing the following items:

- (A) Rezone for densities necessary to assure the production of moderate-income housing.
- (B) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate-income housing.
- (F) Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
- (G) Encourage higher density or moderate-income residential development near major transit investment corridors.
- (U) Apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provide technical planning assistance.

He said the Legislature is tying funding taking positive actions to improve the chances of development of moderate-income housing or retention of moderate income housing to the city. He discussed item E (Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones). He discussed mother-in-law apartments and if there is a need to include them in the master plan. Commissioner Grubb suggested opening it up to more residential zones.

OTHER BUSINESS:

Property on 2100 East & South Weber Drive: Commissioner Johnson discussed the possibility of a city office located on this property.

Public Input Communication: Barry said we need to focus on how to get public input for the master plan.

ADJOURNED: Commissioner Grubb moved to adjourn the Planning Commission meeting at 8:35 p.m. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Pitts, and Walton voted yes. The motion carried.

APPROVED: Debi Pitts Date 13 Jun 2019
Co-Chairperson: Debi Pitts

Michelle Clark
Transcriber: Michelle Clark

Kimberli Guill
Attest: Development Coordinator: Kimberli Guill

South Weber Coalition

Executive Director
Brent Poll



Technical Advisor
Dr. John Carver

21 May 2019

Planning Commission
City of South Weber
1600 E. South Weber Drive

Subject: 23 May 2019 Public Hearing
City Planning Commission

Dear Planning Commission,

Please include the following items as one input for the public hearings scheduled to be conducted at the subject hearings regarding new developments in the western portion of our City:

- (1) HAFB instructions for use of its website to access pertinent records concerning its Superfund Sites (OUs 1, 2 and 4) which have polluted our valley.
- (2) An example prepared for tax appeal hearings, regarding our family properties, which shows the reliable use of this particular website (in combination with simple research through Google). Those research tools collectively provide CERCLA laws, HAFB/EPA/UDEQ Superfund decisions with background materials, pertinent Federal Court decisions, and a host of other related formal documents which directly identify the pollution threatening our valley.
- (3) A copy of a 10 May 2019 email to Barry Burton. It concludes that the official records from the Base's website are proof that the plume maps, contained in the City's current and prior General Plans, have always been much smaller and invalid/inaccurate than those formally endorsed by HAFB/EPA /UDEQ. The narratives in our General Plan are often also contradicted by those official records..

Let me know if you have questions about this submission for the subject hearings.

Raid
by: Shellie Cook
5/22/19

Brent Poll

Executive Director

#1

Reply Delete Junk Block ...

RE: Website for HAFB Superfund Documents

- S/MIME isn't supported in this view. To view this message in a new window, click here
- You forwarded this message on Mon 4/29/2019 5:07 PM

F FISHER, BARBARA F GS-12 USAF AFMC 75 AB
 W/PA <barbara.fisher.1@us.af.mil>
 Mon 4/22/2019 10:56 AM
 You

Navigation icons: back, forward, etc.

Using Air Force Administrative... 220 KB	Agenda Hill RAB 4-25-19 Mtg... 50 KB
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2 attachments (270 KB) Download all Save all to OneDrive

Brent,

Here is a link to the Air Force Administrative Record website: <http://afcec.publicadmin-record.us.af.mil/Search.aspx>

All of Hill AFB cleanup documents should be on the site, including the last Five-Year Review. I'm also attaching a PDF of instructions for using this site. This is the same information I've sent you a couple times before. I don't know of any newer information.

Below (and also attached) is the agenda for Thursday's RAB meeting.

Barbara Fisher
 75th Air Base Wing Public Affairs
 Hill Air Force Base, Utah
 (801) 775-3652
barbara.fisher.1@us.af.mil

Hill AFB
 Restoration Advisory Board Meeting
 6:30 p.m., April 25, 2019
 Sunset City Building (Sunset Room)
 200 West 1300 North
 Sunset, Utah

RAB Meeting Agenda

6:30	Welcome	Darrin Wray, RAB Air Force Co-Chair
	RAB Business	Tim Sueltenfuss, RAB Facilitator
	Action Items	



New Administrative Record

- **Transitioning to web based repository**
 - <http://afcec.publicadmin-record.us.af.mil/>
 - **Contains documents through early 2011**
 - **Working on uploading documents since 2011**
 - **Priority 1 – Decision Documents**
 - **Priority 2 – Documents after July, 2014**
 - **Priority 3 – Documents between 2011 and July, 2014**

Integrity - Service - Excellence



Login Screen

← → ↻ AF Administrative Record x

http://afcec.publicadmin-record.us.af.mil/

U.S. Air Force
Civil Engineer Center

AF Administrative Record

Version: 1.0.3

The AFCEC CERCLA Administrative Record Search website provides a means to search and review public documents regarding environmental testing and sampling conducted at Air Force installations in compliance with the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These documents form the basis for environmental response actions and demonstrate the public's opportunity to participate in and comment on the selection of the response action. AFCEC continuously updates the Administrative Record for each installation until the remedy selection documentation is complete.

AFCEC provides integrated engineering and environmental management, execution, and technical services that optimize Air Force and joint capabilities through sustainable installations. AFCEC is the lead center in worldwide engineering and environmental services - enabling sustainable Air Force and joint installations to project global air, space, and cyber power.

For consistency and ease of access, documents are stored and presented in standard PDF format. A PDF viewer is required to view the documents. Adobe Reader is available as a free download from Adobe software.

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Finding Documents, cont.

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Active Duty
 Air National Guard
 BRAC

Installation List Hill AFB, UT

Fort Eustis, VA

Fort Richardson, AK

Fort Sam Houston, TX

Fort Yukon AFS, AK

Galena AFS, AK

Goldwater AFR, AZ

Goodfellow AFB, TX

Grand Forks AFB, ND

Granite Mountain RRS, AK

Grissom ARB, IN

Gulftport AFRH, MS

Hanscom AFB, MA

Hill AFB, UT

Holloman AFB, NM

Homestead ARB, FL

Hurlburt Field AFB, FL

Indian Mountain LRRS, AK

Johnston Atoll BR, HI

Kaala AFS, HI

Kaena Point STS, HI

Kalakaket Creek RRS, AK

Keesler AFB, MS

King Salmon AFS, AK

Kingsley Field AFB, OR

Kirtland AFB, NM

Subject or Title:

Full Metadata Search:

Full Document Search:

Author: Author Affil:

Recipient: Recipient Affil:

Sites	OUs	RODs
AOC N-051 UTTR Area of Concern	OU 1 LF001	ROD_1061 Final Record of Decision
AOC N-052 UTTR Area of Concern (M	OU 1 LF001	ROD_1119 Record of Decision Oper
AOC XS-208 UTTR Area of Concern (OU 3 ST004, WP005	ROD_1231 Record of Decision for O
AST A00036.1 AST A00036.1	OU 5 SS017, SS091	ROD_129 U.S. Air Force Installation
AST A00519.0 AST A00519.0	OU 6 ST022, OT026	ROD_1297 Record of Decision for ar
AST A00570.1 AST A00570.1	OU A Little Mountain	ROD_1348 Final Record of Decision
AST A00758.1 AST A00758.1	OU NR-1 WP025	ROD_1393 Decision Document for IF
AST A00783.0 AST A00783.0	OU1 FT009	ROD_1412 Building 786 No Further I
AST A00925.1 AST A00925.1	OU10 SS109	ROD_1432 Pond 7 Area No Further I
AST A01214.1 AST A01214.1	OU11 OT097	ROD_1739 Decision Document for IF

Documents After: Documents Before:

Records returned: 6

KBs	View	Subject or Title	Author / Author Affiliation	Document Date	AR #
4,410	Q	FINAL Record of Decision for Operable Unit 12	MWH	09/23/2008	2761
96	Q	Basewide Sampling and UST Monitoring and Maintenance. Cost Reimbursable Request # 1 - UST Site 914 2009 Groundwater Elevation and Free Product Monitoring	Anne Parry / CH2M HILL	04/08/2008	3293
2,885	Q	FINAL Remedial Action Report for Post-ROD Activities at Operable Unit 5	MWH	09/30/2007	2554
3,347	Q	Final Record of Decision for Operable Unit 5	MWH Americas, Inc.	07/01/2006	1061
4,642	Q	Final Record of Decision for Operable Unit 8	Environmental Management Directorate, Hill Air Force Base	03/01/2005	1348
1,674	Q	FINAL Record of Decision for Operable Unit 3		09/30/1995	692



Finding Documents, cont.

- **Select “Hill AFB, UT” in the Installation List**
- **Click “Search” to see a list of all documents for Hill AFB**
- **Type key words in “Full Metadata Search” or “Full Document Search”, then click “Search” to find specific documents**
- **Click on the magnifying glass next to the document to open and view**

#2

Poll Enterprises LLC

Members:

Glen Poll
Lynn Poll
Brent Poll
Margie P. Mayfield



Managing Members:
Lynn Poll
Brent Poll

Diane Law
Davis County Tax Administration
P.O. Box 618
Farmington, Utah 84025

29 April 2019

Subject: Evidence Relating to 2018 Tax Appeal
Appeal Numbers 18-2128 and 18-2131

Dear Ms. Law,

The vast majority of our evidence, relating to the subject appeals, is within public records. Contact with the State Tax Commission indicated that we are obligated to outline the means for your office to access this information. We will provide you with an email prepared by the HAFB Public Affairs Office which includes a direct link to the copious pertinent records which the Base originated (as the Lead Agency working together with EPA and UDEQ). This link is essential to ready access. I had difficulty mastering it at first, and found that it was unforgiving for even the slightest of clerical errors. However, it is an enormous help and includes everything in computerized form that would fill a room if not so reduced. While the detailed background material is important, our case focuses on the finite conclusions/decisions. This follows numerically (1-6):

1. Most impactful of the documents is the 'Record of Decision for Operable Unit 1.' It was finalized in September 1998 after approval by the United States Environmental Protection Agency (EPA Region VIII), the State of Utah Department of Environmental Quality, and Air Force Material Command Wright-Patterson Air Force Base, Ohio. It contains the following indisputable evidence:

(a) See page 1-1, item 1.0.0.6. This provides the official definition of the "plume associated with the on-Base Source Area disposal sites" as then migrating "approximately 2200 feet north/northeast of the Base property boundary."

This includes every portion of every parcel relating to our appeals before the Utah State Tax Commission. Moreover, the background materials behind this Record of Decision (ROD), document our comprehension of this problem and our efforts/precautions to facilitate genuine remediation.

(b) See pages 6-10 & 6-11, items 6.3.5.2. and 6.3.5.4. Those tables respectively show the projected costs of considered remedial alternatives for both the source and non-source areas. Those range from the least effective/cheapest (SA1/NSA1) remedial alternatives at under \$4 million to the most expensive/most effective alternatives (SA7/NSA6) at about \$306 Million.

(c) See page 7-8, item 7.1.3.3. This shows the ROD selection of a combination of the lower-end remedial alternatives. This was at a projected cost of \$8,214,700. This was less than 3% of the amount acknowledged as being most immediate and most protective of the affected population. Background material, documented in this ROD, showed that we (including our Technical Advisor, Dr. John Carter) predicted that this controversial choice would fail and why failure was inevitable.

(d) See page 7-3, item 7.1.0.9. This shows that part of the above \$8 million plus would be spent to excavate the arsenic on the Poll Enterprises LLC property and "dispose of it off-site at an appropriate disposal facility." Every seep and spring cited here are located on our properties.

(e) See page 7-9, item 7.2.1.1. This shows HAFB/EPA/UDEQ claiming in its 1998 ROD that its selected alternative would prevent "the contamination currently migrating offsite" from continuing to do so. Containment is an absolute EPA prerequisite for Monitored Natural Attenuation (MNA) which the ROD promised would eventually "reduce groundwater contaminants" and "should prevent potable use of the groundwater in the non-source areas." This should happen within as "few and 12 years." If true, then the Operable Unit 1 would have been resolved by 2010. However, it remains unresolved. Excuses/justifications abound. Nevertheless, the 1998 ROD failed to satisfy its commitments. This failure also left those at risk and their properties still seriously compromised. This failure, complete with excuses and renewed dubious promises for improvement, are documented in mandatory Five-year Reviews in 2003, 2008, 2013 and 2018. Those too are available for review through the link provided by HAFB. However, their collective value seems negligible except for projections that real remediation may yet be decades away. We agree except even this prolonged wait is too optimistic. For instance, arsenic and certain other contaminants never 'naturally attenuate' and will remain just as toxic thousands of years from now as they are today.

(2) Baseline Risk Assessment for Operable Unit 1

(a) Exposure Assessment. Review page 3-1, item 3.1.0.3. This shows that the potential human receptors of the Base's pollution are those "within a one-mile radius of the center of OU1." This was about 600 residents in 1991. This includes "sensitive sub-populations, such as infants, pregnant mothers and elderly people."

(b) Review potential exposure pathways from page 3-2, item 3.2.0.1. This shows that three components must exist for a "complete exposure pathway." Those three are: a contaminant source, a receptor and a route by which the contaminant can migrate from the source to the receptor. Eliminate any of the above three elements and risk can be avoided.

The 1998 ROD attempted to shut off the pollution sources from migrating into the valley. It failed. The sources still leak. Moreover, huge amounts of pollution had already flowed into the valley before the Base even started its remedial efforts. This pollution can lay seemingly harmless for years and then reconstitute itself from a solid to a liquid and/or gaseous form to again threaten valley residents. This is considered a 'cross-media transfer.'

(c) See page 5-16, item 5.3.01. 'Uncertainties.' "The total uncertainty associated with the risk estimate is the combination of the uncertainties associated with the exposure estimates and the uncertainties in the toxicity evaluations."

This bold and unsettling statement of fact may make more sense after studying the more than 100 pages of documentation {see item (d) below} describing the threats that the various contaminants pose for potential human receptors in our valley. Reviewers will often find a total absence of reliable health standards for many of the known toxic elements threatening us. It is widely accepted that those are highly toxic but there are often no proven standards for qualifying or quantifying this condition. Time, since the 1991 Risk Assessment, has not measurably enhanced matters. In fact, some studies suggest greater risks now than seen then. For example, some studies now claim that the presence of multiple contaminants produce a multiplier effect whereby the sum of the individual parts are less than the risks associated with the total contaminant mixture.

The toxicity uncertainties, while definitely troubling, seem less so to most than the vast uncertainties associated with exposure. While it is well-known that human receptors can inhale, absorb, and digest pollution of all types; there are no concrete means yet to measure exactly if, when, where or how it has collectively been inhaled/absorbed/digested and how much this might adversely affect us. This is especially troubling when trying to evaluate the long-term effects of living (as within our largely contaminated valley) where long-term, at least low-dose exposures, are far more than just possible.

This dilemma should be universally unacceptable. Our political leaders caused this with their 'discretionary exception' for military polluters. See *Waverley View Investors vs USA*, 13 January 2015 and 40 CFR Subchapter 300.400 (i)(3). Until Congress reverses its 'discretion,' for military polluters, no one should expect them to spend the money necessary to either remove pollution as now threatening the Base's neighbors; or to compensate/relocate those threatened from areas polluted by the Base.

(d) Review pages A-2 through A-109. Those show risks posed by the numerous chemicals, compounds and toxic heavy metals which comprise the contamination from OU1. The total collectively threatens virtually every aspect of human health.

(3) Supplemental Human Health Risk Assessment for Operable Unit 1 Hillside.

Page ES-2, item ES.0.0.9 Data Evaluation. "Data and information that were not applicable to the Risk Assessment were screened out during the data evaluation. For example, arsenic results from the deep soils were excluded because there are no complete exposure pathways between deep soils and the hypothetical receptors (resident and visitor/trespasser) that were considered in the risk assessment."

"Deep soil" is defined as any beneath 3" or more of cover. The Base knew, before this bogus \$53,000 study, that virtually all the arsenic was already under three or more inches of sediment accumulated between its discovery in the 1980s until the time the Base sought to remove it decades later in conformance with the 1998 ROD. Its contractors contacted me to show them where the arsenic was several feet deep on the surface in the 1980s. Once thus shown, they dug down through the accumulated sediment and found the arsenic at issue. However, the Base still underestimated the volumes of arsenic requiring removal so it soon exceeded its allocated \$1.2 million budget for the project. Rather than finding additional funding for removal as mandated, the Base concocted a story

that the hillside was “too steep” to continue. It then engineered its phony \$53,000 ‘study’ to exclude all arsenic from consideration as noted above. This ended its removal requirements as documented in the 1998 ROD.

This decision by the Air Force made it impossible for us to even dig a post hole on our affected property without subjecting ourselves and possibly others to the arsenic at issue. Therefore, a Freedom of Information Act (FOIA) request was generated to see the proposed study indicating that the hillside was simply too unsafe to continue with the 1998 mandate. The FOIA response was that the Air Force had “no record” of such a study. Without some documentation (studies cost money and work directives so SOME record should have been created), the Base apparently lied instead. The steepness issue was only misdirection to accommodate the bogus study which was then used to avoid the arsenic-related 1998 ROD requirements. A second FOIA was then generated to determine whether the Base had even tried to estimate the amounts and related costs to actually remove all arsenic defined in the 1998 ROD. After years of delay, the Pentagon admitted that it had records of this nature that would be of interest to the affected public. Nevertheless, it elected to withhold it from public view with the excuse that it might needlessly “confuse” those learning of those records. The right to appeal to Federal district court accompanied this decision, but the impact of the subsequent Waverley case convinced our family that the entire arsenic-removal mandate had become effectively moot.

The \$1.2 million the Base spent on its arsenic problem, before dropping it as shown above, reflected only a small fraction of the land area at issue. Although derived by the Pentagon of the Base’s own estimates on this matter, it is fair to project from areas cited in the 1998 ROD that the actual costs for complete removal could have been at least five to ten times higher than the Base’s \$1.2 million grossly incomplete arsenic-removal fiasco.

(4) Explanation of Significant Differences for Operable Unit 1

Review table 1 on Page 5

(a) The 1998 ROD required removal and disposal of arsenic. The bogus Supplemental Hillside study noted above excluded arsenic under 3” or more of cover from consideration. Therefore, there was obviously a change in criteria for defining the excavation. The outcome, due to this change, “no additional excavation of spring sediment” was dubiously deemed appropriate.

(b) Non-source area restoration timeframe was estimated in the 1998 ROD at 12 years (ending in 2010). This prediction failed so a new projected restoration was set for some uncertain timeframe but expected to be in the 2040s. This obviously is a much longer timeframe for those threatened to remain at risk. Nevertheless, the Base documented this as increased restoration costs for itself but made no allowances for those living within the area still threatened by its unresolved OU1 plume.

(5) Purpose and function of the National Priority List (NPL). Those are available through Google. Also see 40 CFR 300.425(e).

Readily available guidelines show why listing occurs and how delisting can be achieved. Note that the affected State must concur regarding the delisting of those listed. Moreover, only after “clean-up is

complete” can the affected areas “be made available for public use.” The guidelines are quite self-explanatory.

(6) The liability of landowners of polluted property. This is also readily available on Google.

There is substantial volume of official EPA generated information/guidelines on this topic. A constant is that Federal Environmental law clearly places potential liability on any entity which owns or operates polluted properties. There are some exceptions and ‘precautions’, but our lawyers found nothing to exclude us from being PRPs. Others who could be deemed as possible PRPs (including every single property owner inside the plumes and otherwise threatened areas cited above) should become as well-informed and functional as possible (such as taking ‘precautionary’ actions to preclude others from potential exposures) about this very serious topic.

A prime concern relating to Potential Responsible Parties (PRPs) is that “CERCLA makes passive ignorance a liability.” Likewise, the practice of “don’t-ask-don’t-tell won’t work.” Owners of properties have legal obligations to be forthright with all concerned (including future buyers) about the plumes admittedly allowed to flow through/under/over their properties as documented by HAFB. Lenders and others involved in such ownerships too might be considered PRPs. Being ‘reasonably-well informed’ on this very germane topic is essential when making “fair-market evaluations” of properties known to be polluted by a Superfund site presently on the National Priority List (NPL) as one of the country’s most immediately threatened and thus requiring remediation.

42 U.S. Code Chapter 103 is CERCLA (Federal environmental law). Relevant evidence therein include subsections which define owners, lenders and a broad definition of the what is officially construed as a ‘facility’ (see subsection 9601 (9)(B); and subsection 9607 (a)(1), (b)(3), (e)(1)(2) which directly addresses potential facility-owner liability.

We found no comparable evaluations relating to properties KNOWN/ACKNOWLEDGED to be contaminated by a Superfund site in the State of Utah. Our own decade-old appraisal, prepared as required with our mother’s passing in 2008, remains the only such document. It alone stresses the huge negative impact of owning property polluted to this known degree. Another copy of this will be hand-carried to the County soon, and another presented to the State Tax Commission before the hearing (unless notified that the State needs this earlier).

Please let me know if you have questions about this submission.

Sincerely,
Brent Poll
Managing Member
Poll Enterprises LLC

#3

Outlook

Search



+ New message

Reply Delete Archive Junk Sweep Move to Categories

Favorites

Revisions of the City's General/Master Plan

2

Deleted Items 578

BP Brent Poll Fri 5/10/2019 10:31 AM

Inbox 8

Add favorite

Folders

BP Brent Poll Yes. I was remiss in providing the appeal #s. Those are: 18-2... Fri 5/10/2019 10:08 AM

Inbox 8

See 3 more messages

Junk Email 246

BP Brent Poll Thu 5/9/2019 2:20 PM BBurton@southwebercity.com; "Lynn & Kathy"; glenpoll41@gmail.com; jedpoll@

Drafts 319

Barry,

Sent Items 3

This is in response to the flyer on the City's bulletin board at City Hall wherein your email address was provided as the proper place to address concerns and proposals regarding the above subject.

Deleted Items 578

My concern, regarding our primary planning guideline (our General Plan) is the apparent absence of actual, fact-based planning on the most critical factors impacting this document and ultimately the present and future residents in our City. The two most impactful affecting our City and our properties in particular are:

Archive

bill@co.davis.ut.us

Conversation History

New folder

Mares Fin Buckles...	\$14.95
Neosport 2mm Me...	\$69.95
ScubaPro Twin Jet...	\$16.95
Mares Amara...	\$16.95
Sea Elite Surface...	\$29.95

Upgrade to Ad-Free

Upgrade to Office 365 with premium Outlook features



(1) The plume maps and related dialog provided by HAFB which the City has embraced in the General Plan as genuine reflections of the full scope of risks associated with the Base's pollution which is well known to threaten our valley.

The maps used by the City in its current Plan are now and have always been bogus as City planning tools. They contradict the official plume/risk definitions provided (as agreed and documented) by the Air Force, EPA and the Utah Department of Environmental Quality (UDEQ). For example, the official area of risks just for OU1 (by far the largest of three affecting us) is expansive covering approximately 2200 feet north from the Base's northern boundary (read 1998 OU1 ROD Executive Summary for OU1); and the 1991 Risk assessment for OU1 that even more expansively defines risk for this one Operable Unit as within one-mile of the center of OU1 (read the sections relating to risks/exposures in this document). Moreover, the Army Corps of Engineers, operating out of Sacramento, met with a large group of City officials and residents in our elementary school in the mid-1980s. Therein they described, in great detail, the spread of this plume throughout the entire western part of South Weber including the Weber River.

The maps so terribly misused by the City in its previous General Plans are never shown in the formal RODs and Risk Assessments affecting our valley. Those maps, to our knowledge, were always meant only as 'MODELS.' The common purpose of those models, as with most models, was to use them as a smaller version to test a larger hypothesis. This complimented the Base's cheap/passive/ineffectual remedial plan of site containment coupled with monitored natural attenuation. Thereby, the Base could test a finite small but well-tested 'model' to ascertain whether the levels of pollution were diminishing over time with hopefully enough certainty to make reliable projections of such success throughout the full scope of the much larger risk area as actually defined above by HAFB/EPA/UDEQ. Coincidentally, had this model-versus-reality scheme proved successful, OU1 would have been restored to pre-pollution safety by 2010. However, those models proved that the sources still leak and the threats to present and future residents in our our valley will continue for decades at least to come.



Date: May 23, 2019

To: South Weber City

From: Uintah City

Subject: **Public Hearing and Action on Final Approval for Riverside RV Park Conditional Use (2nd Notice)**

As a neighboring community, Uintah has over 80 households and hundreds of residents living within 300 feet of the proposed Riverside RV Park, as well as multiple other Uintah households bordering the Weber River.

The elected officials of the City of Uintah are **Not in Favor** of a Final Approval for Riverside RV Park Conditional Use at this time, based on the following list of concerns, which do not fully represent all of the concerns. A requested postponement of the permit was delivered to the City of South Weber, requesting an official sit down meeting to further discuss the below concerns:

NUISANCE

- Noise (all hours of the day and night - ATV's, parties, dogs, kids, fighting, generators, etc.)
- Smell (Sewer systems and other smells not currently in the area)
- Smoke (from open fires, bbq grills, and automobile exhaust)
- Dust (Excessive occupants in the area)

PRIVACY

- Transient Non-residents (Crime and Invasion of Privacy/Safety – Non Vetted occupants entering community)
- Encroachment (Occupants entering private party, such as anglers, rafters, teenagers, criminals, etc.)
- Video Surveillance (assuming surveillance is installed, residents person and property would be monitored)

ENVIRONMENTAL

- Fire Risk (from cigarettes and camp fires)
- Trash (litter blowing around from canyon winds)
- Natural Habitat (the river, landscape, and wildlife)
- Dust (from excessive vehicles and trailers)
- Dumping (Hazardous waste and unknowns being exposed into the river)
- Road Maintenance (Additional road maintenance and damages beyond what Uintah City calculates as “normal use”)

The undersigned officials of the City of Uintah support this **Not in Favor** action.

Gordon Cutler

Mayor Gordon Cutler

Michelle Roberts

Michelle Roberts
City Council Member

Kristi Bell

Kristi Bell
City Council Member

Jerry Smith

Jerry Smith
City Council Member

FOR: Jon L. Arcudi

Robert Guiler
Planning Commission Chairman