

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 27 February 2014

**TIME COMMENCED:** 6:34 p.m.

**PRESENT: COMMISSIONERS:**

Delene Hyde  
Rob Osborne  
Wes Johnson  
Rod Westbrook  
Wayne Winsor

**CITY PLANNER:**

Barry Burton

**DEPUTY RECORDER:**

Emily Thomas

**Transcriber:** Minutes transcribed by Michelle Clark

---

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

---

**VISITORS:** Brent Stauffer, Brandon Jones, Bruce Dickamore, Pete Petermann, Scott Argyle, Nolan Birt, Jed Schenck, Melanie Schenck, Candace Mikesell, Ryan Mikesell, Mayor Tamara Long, and Jared Bryson.

**2014 Position Appointments – Chair, Co-Chair, Sketch Plan Liaison:** Emily Thomas gave the oath of office to Wes Johnson and Wayne Winsor. The Planning Commission discussed the position and responsibilities of the Sketch Plan Liaison and whether or not someone from the Planning Commission should attend. Brandon Jones suggested having someone.

**Commissioner Westbrook nominated Commissioner Hyde as the chairperson. Commissioner Winsor seconded. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.**

**Commissioner Hyde nominated Commissioner Westbrook for the co-chairperson. Commissioner Winsor seconded. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.**

Commissioner Hyde suggested Commissioner Westbrook be assigned to the Sketch Plan Committee with Commissioner Winsor as an alternate.

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

**APPROVAL OF MINUTES OF 23 JANUARY 2014:**

Commissioner Osborne moved to approve the minutes of 23 January 2014. Commissioner Westbrook seconded the motion. Commissioners Hyde, Osborne, and Westbrook voted yes. Commissioners Johnson and Winsor abstained. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:**

Commissioner Osborne moved to open the public hearing for preliminary subdivision application for Riverbend Estates. Commissioner Johnson seconded the motion. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Preliminary Subdivision Application: Riverbend Estates (41 lots), Parcel #13-018-0015, located at approximately 545 East 6650 South; Developer: Brent Stauffer.**

Brent Stauffer representing Riverbend Estates stated they are proposing a 41 lot subdivision on a (7) one acres (14) 1/2 acre and the rest are 1/3 acre lots. He said they are looking for horse property and feel South Weber City has a need for that. He feels it is a good area for that with the property being close to the posse grounds. He would like to see the junior posse program back again.

Commissioner Hyde asked if there was any public comment. There was none.

Commissioner Westbrook moved to close the public hearing for preliminary subdivision application for Riverbend Estates. Commissioner Johnson seconded the motion. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.

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

Brandon Jones, City Engineer, believes this is ready for a preliminary approval but there are a fair number of things that need to take place prior to final. He said these items were discussed in the work meeting prior to this meeting.

Brandon referenced his letter of 20 February 2014. Concerning item #14, he suggested the he work with the geotechnical engineer to establish an elevation reference from the back of curb that the basement can not go below or the floor elevation can't go below. He said in some of the areas there was 3 1/2 ft to 4 ft deep to the ground water. The development isn't installing a land drain system.

Brandon discussed the road connecting to 475 East. He recommended the city staff meet with Mr. Doug Stephens to see what his intentions are. Brandon feels it is the developers responsibility on the south and north side running along the power substation property. Barry said there is a section of the Rocky Mountain property that would need to be improved with this subdivision. He said given the complexity of the transportation plan and folding Old Fort Road into 475 East there will need to be some public information and public hearings because it will affect the traffic flow in that area. He said we haven't looked at how this will affect west of

6650 South. Barry said existing traffic flows will change and so there will be a lot of public relations kind of input. Commissioner Westbrook said it looks like the plan is to change the flow of traffic from not going up 475 East but going through Old Fort Road. Brandon said in relation to this subdivision, they will be required to do improvements and if it is possible to get Mr. Stephens to participate, so much the better. Brandon said the intent will be to get the traffic flow to head east on Old Fort Road which would continue to 1200 East (Cottonwood Cove Subdivision). He said this will encourage traffic off of 6650 South and 475 East. Barry said it will also take some traffic off of South Weber Drive. Commissioner Osborne likes the future plan of this road but he isn't sure it is worth it to just stop at the posse grounds and somewhat deadend. Commissioner Johnson asked if there has been any consideration to installing a roundabout at that intersection. Brandon said at that intersection there are a fair amount of homes that are close to the road. He isn't sure a roundabout would be the best option at this intersection. Commissioner Westbrook said some homes would need to be taken out to fit a roundabout.

Brandon said concerning item #28 of his letter of 20 February 2014, he would recommend the city staff meet with Mr. Stephens and find out what his plans are.

Commissioner Westbrook asked about item #8 of Brandon's letter. Brandon said it is the feeling that the developer put in escrow the funds to remove the surface improvements but the city would handle vacation of that road in working with Perry Homes and current owners of the lots to amend the plat and possibly create another lot there. He said the city would take responsibility for that. He said it would also include the capping off the utilities to Petersen Parkway.

Barry feels the subdivision meets the subdivision requirements for width, frontage, and so forth. He said it looks like they are all developable lots. Commissioner Osborne asked about lot #4 with the power lines. Barry said it is a huge lot and there is enough room on both sides of the easement to put a home. Commissioner Osborne asked about lot #3. Barry said it is like a corner lot with two frontages. Commissioner Westbrook feels a home can be built on all the lots.

Barry said concerning the detention basin, the city needs it now, but may not need it in the future, depending on Bryson Meadows or another subdivision. He said there is always the chance that may not happen. He feels the solution is to include it into the adjacent parcel and the city take an easement on the property. In the future, the owner of the property could amend the plat and divide it off and the city would vacate the easement. Brandon said the ground would be owned by the property owner, but there is a question as to who would maintain it. Commissioner Hyde suggested going forward as if the detention basin is going to be permanent. Brandon agreed but suggested having it be part of lot #40 with an easement. He said typically the city maintains detention basins. Barry suggested an agreement between the current owner and the city that is recorded against the property concerning the maintenance of the detention basin.

Barry said there are street lights on the current plan, but they are not located at every intersection. Barry said all easements are covered on the plat. Commissioner Winsor asked how many lots will have access onto Old Fort Road. Brandon said lots 41, 40, 39, 38, & 1 can access off of Old Fort Road. Brandon suggested encouraging or requiring those lots to have hammerhead driveways. Barry said if there is room to do it, what about a circular driveway.

Commissioner Winsor asked about the contamination in the groundwater and a letter that was circulated stating contamination is going up. Barry said the city has information that states the groundwater is not affected at this time. He said it only becomes an issue when the groundwater comes in contact with people. He said the city has no evidence that this ground is affected.

Commissioner Hyde suggested adding the letter from South Weber Land Coalition to be included in the minutes.

Commissioner Hyde discussed items from Sketch Plan that need to be completed.

1. Fire Hydrant locations.
2. Item #7 on Brandon's letter of 20 February 2014
3. Name 6650 South Old Post Road
4. Chain link fence from 5' to 6'
5. Add two more street lights
6. Updated Geotech to address basements and pavement
7. Updated letter from Irrigation Company

Brent Stauffer stated the irrigation company water is now pressurized and it is a fee of \$7,000 just to get a letter and that doesn't guarantee that we will get approval. Brandon said it does put the developer in a difficult situation. Brent said if the property is sold, the \$7,000 doesn't carry with the property. Emily said the city ordinance requires a will serve letter. Barry said he hasn't seen any other city with that type of requirement. Brandon said it puts the city in an awkward position because the city ordinance requires secondary water.

Commissioner Hyde said it seems as though there is still a lot that needs to be completed. She said we can table, approve, or deny it. Commissioner Westbrook said the City Engineer feels comfortable with approval.

**Commissioner Westbrook moved to approve preliminary subdivision application for Riverbend Estates subject to the following conditions:**

1. **Complete Sketch Plan Items.**
2. **Amend item #14 of City Engineer's letter of 20 February 2014 to add an updated geotech report to address basements and pavement.**
3. **Concerning item #28 of the City Engineer's letter of 20 February 2014, the city staff will meet with Mr. Stephens to address his plans for 6650 South and widening on north side.**
4. **Amend item #8 of the City Engineer's letter of 20 February 2014, to include the developer will escrow funds for stub road and remainder will fall upon the city.**
5. **The developer is to address additional street lights.**
6. **Address the detention basin on lot #40 & #41. Combine adjacent parcel and city take an easement on lot #41 and the city will maintain the basin with an agreement.**
7. **Concerning item #15 of the City Engineer's letter of 20 February 2014, the geotech study should address whether the application of 3 inches of road base will hold up.**
8. **City staff to meet with Irrigation Company concerning secondary water commitment.**

**9. Lot 1, 38, 40, & 41 – hammerhead driveway. Lot 37 & 2 will enter on Windriver Drive.**

**Commissioner Winsor seconded the motion. Commissioners Hyde, Johnson, Westbrook, and Winsor voted yes. Commissioner Osborne voted no because he feels there are too many questions and the Planning Commission needs to review the master plan. The motion carried 3 to 1.**

**Commissioner Osborne moved to open the public hearing for Rezone Application #2014-01. Commissioner Johnson seconded the motion. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Rezone Application #2014-01: An Application to Rezone Parcel #13-030-0004, located at approximately 1643 East South Weber Drive, from Residential Low (RL) to Agricultural (A); Applicant: Gary Schenck:** Jed Schenck, of 1650 East Bateman Way, is requesting to rezone parcel #13-030-0004 located at 1643 East South Weber Drive from Residential Low (RL) to Agricultural (A) to put in a private driveway and put a home on the back acre of that property as well as another home on the private driveway facing west. He said it is his dad property. He came to him and asked him if would like to purchase the property. Jed said this is an opportunity for him to build a new home.

Commissioner Hyde asked if there is any public comment. There was none.

Emily said the private driveway is only allowed in the Agricultural zone. The back portion of the property is already Agricultural.

**Commissioner Westbrook moved to close the public hearing for Rezone Application #2014-01. Commissioner Osborne seconded the motion. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.**

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

Jed said the property 495 ft deep and 85 ft wide. He said the final plan is to make two lots. Barry asked if the existing house will stay. Jed said the old house will be gone and two new homes will be constructed. Barry said the only problem with this proposal is that the parcel that is remaining with the house that is going to stay, once split off, it doesn't meet the current zoning. Barry suggested rezoning that parcel into the Residential Moderate Zone. He said you don't always have to have a petition from an applicant to rezone. He recommended the Planning Commission make a recommendation to rezone that portion to RM, which will meet the general plan. He said there will be a new parcel number. It was decided this item needs to be tabled and reviewed further because the city ordinance requires the property to be in the agricultural zone for a private right-of-way.

**Commissioner Osborne moved to table Rezone Application #2014-01. Commissioner Westbrook seconded the motion. Commissioners Hyde, Osborne, Johnson, Westbrook, and Winsor voted yes. The motion carried.**

**Conditional Use Application #2014-01: Model Home to be located at 7258 South Old Fort Road; Applicant: D.R. Horton Inc. (\*A public hearing for this items was held January 23, 2014.)**

Pete Peterman, of D.R. Horton, said Dr. Horton Inc. has applied for a model home for the Cottonwood Cove subdivision. The model home is to be located at 7258 South Old Fort Road. Emily said the applicants are currently operating the model home. She said it is a Class B Misdemeanor to operate without a business license. After holding the public hearing on January 23, 2014, the Planning Commission moved to table the decision because a representative was not present to answer pertinent questions.

The Cottonwood Cove subdivision has 55 approved building lots, with 9 total building permits issued (16.3% built out). Discussion took place regarding the noncompliance of signs on and off the premises. Some signs have been removed. Pete said hours of operation are Monday 1:00 p.m. to 6:00 p.m. and Tuesday through Saturday 11:00 a.m. to 6:00 p.m. Emily said the garage is currently a sales office and will need to be converted back into a garage when the model home is changed.

Commissioner Westbrook said John Combe was penalized \$650 for moving into his home too early, and he is having a hard time with the fact that this developer hasn't been penalized by the city for operating without a business license. Emily said the person moving into the home was told "no" and they did it anyway. Brandon asked if the penalty is different. Commissioner Hyde said Commissioner Westbrook has a point. Commissioner Osborne is concerned about the off premise signs. Emily said the signs need to be removed per city code.

**Commissioner Westbrook moved to approve Conditional Use Application #2014-01 with the following conditions:**

- 1. City to consider fining the developer for operating without a business license.**
- 2. Advertisement signs for the subdivision to be removed.**
- 3. Developer must obtain a business license within five business days.**
- 4. The model home hours of operation will be Monday 1:00 p.m. to 6:00 p.m. and Tuesday through Saturday 11:00 a.m. to 6:00 p.m.**

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

**Discuss & Work on General Plan Update \*\*Public comments are welcome in person and/or in writing. The official public hearing will be held at a later date:** The Planning Commission discussed ways to get the public involved with an open house and contacting large landowners. Barry feels it is a good idea to contact the large landowners and those on the annexation map. Emily suggested advertising in the city newsletter, city marquee, and on the city utility bill.

Brandon stated the majority of the city's water is purchased from Weber Basin. If the city increases density, we can purchase more water. In order to move forward and meet the current projected build out population needs, the City will need to purchase additional water. He said once district #2 water is gone, district #3 would need to be approved prior to more development.

Barry reviewed the Annexation Map. He said some properties have been eliminated including the HAFB golf course and landfill because the city cannot provide services to these areas. Barry

discussed areas south of the river and where the river has moved. Commissioner Johnson received information from Weber Pathways that suggests Uintah not wanting to annex that property. Brandon discussed a portion of Layne Kap's property that is located in Weber County. He said right now the city can't service that property. He said there is a benefit for the city to have that property in the city.

The Planning Commission recommended not changing the Land Noise/Crash Map. Discussion took place regarding what happens if the noise zones change. Barry said HAFB doesn't really know what the F-35 will do. Brandon and Barry suggested leaving it as it is.

The Sensitive Land Map was reviewed. Barry isn't recommending a lot of changes, but he did identify the yellow and orange spots being the plumes from HAFB. Brandon said this map tells you if the property you want to develop is in this sensitive area, then you need to follow the sensitive land ordinance. The city staff did recommend taking out the purple areas.

Barry discussed potential areas for a new zone between RM and RH. He is looking at 6 to 7 units per acre. It would be to create a pedestrian friendly neighborhood. Brandon identified areas on the map where this new zone would be appropriate.

The Planning Commission reviewed the Developable Land Map. Brandon said this is not a general plan map, but a working map. Brandon pointed out that nobody is requesting bigger lots until Riverbend Subdivision. He doesn't know if buyers are seeking smaller lots, but that is what the staff is seeing. Commissioner Winsor discussed about the 12.51 acres east of the posse grounds designated for commercial use. The Planning Commission isn't sure this area is best used for commercial.

Brandon suggested the need for a transportation study for the entire city. He said this could help with the general plan.

Commissioner Osborne discussed the school access trail by the Highmark Charter School. He suggested moving the easement to the west near Poll property.

The Planning Commission will continue this discussion at a work meeting to be held on 13 March 2014 at 6:00 p.m.

### **OTHER BUSINESS:**

Commissioner Hyde reminded the Planning Commission that if you have more than three unexcused Planning Commission meetings, you will be released.

**ADJOURNED:** Commissioner Westbrook moved to adjourn the Planning Commission meeting at 9:41 p.m. Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Chairperson: Delene Hyde

\_\_\_\_\_  
Transcriber: Michelle Clark

Attest: \_\_\_\_\_  
Deputy City Recorder: Emily Thomas



**Planning Commission Work Meeting  
February 27, 2014**

**Time:** Work meeting began at 6:08 p.m.

**Attendance:** Commissioners Hyde, Westbrook, Osborne, Winsor, and Johnson, Deputy Recorder Emily Thomas, City Planner Barry Burton, City Engineer Brandon Jones

**Visitors:** Jared Bryson, Bruce Dickamore, Brent Stauffer, Scott Argyle

**Public Hearing for Preliminary Subdivision Application: Riverbend Estates (41 lots), Parcel #13-018-0015, located at approximately 545 East 6650 South; Developer: Brent Stauffer.**

Commissioner Hyde turned the time over to City Engineer, Brandon Jones, to discuss the issues brought forth in his memo. Brandon stated that this is a preliminary approval and will be coming back before the Planning Commission. The length of his memo should not insinuate that the Developers aren't prepared, there is just a lot to cover at this stage.

One of the main issues revolves around detention. The City has a regional detention basin planned for this area; however, it is based upon another project that has not yet been approved. In order to move forward, this project must be able to stand alone. This area has been included in the regional detention basin calculations. Brandon proposed creating a detention basin for this project that could either be temporary and one day piped to the regional detention basin, or if needed, could be a permanent detention basin.

Barry asked if this would be done through an easement or through ownership. Typically, the City owns and maintains detention basins. If the ownership of the detention basin remained in separate ownership, would the City then have an easement over the property for the detention and maintenance? If it is just an easement, it would still be considered to be a building lot and would be taxed as such.

Scott Argyle asked if the detention basin could be added to the adjacent lot and the easement placed over it for the detention basin. At the time the detention basin is vacated, the plat could be amended and the parcel split. Bruce Dickamore added that they would like to plan for it and develop it (the detention basin) as a buildable lot – installing infrastructure to the lot, etc.

Commissioner Hyde asked about naming 6650, Old Fort Road. Brandon stated that this has already been established with the Cottonwood Cove subdivision. Typically, the City uses numbers, but in this case a street name made more sense as the coordinates do not align for the entire road to be called 6650.

Commissioner Hyde asked if there was anything else from the City Engineer's memo that needed to be discussed at this time. Bruce Dickamore stated that they would like to have daylight or partial basements. This would be subject to the geotechnical report. Brandon stated that a base elevation for the basements should be established and a restriction note should be added to the plat. The elevation should be measured from the back of the curb.

If this requires further clarification from the Geotech, another letter will be required. Commissioner Winsor inquired about the ground water and mitigation methods. Barry stated that the intent is to not allow anything to be built into the water table. This development does not have a proposed land drain system. Commissioner Winsor stated this would be anything below four feet.

Brandon stated he is concerned about the geotechnical report and the recommendations for paving. The recommendations did not seem sufficient. He would like to see the traffic counts recalculated and adjusted to meet the type of traffic that will be part of this development (i.e. horse trailers).

Commissioner Hyde asked about the proposed vacation of Spaulding Drive. Barry stated that it would be best if the City handled this portion of the project as it deals closely with another project the City is working on. The City will take care of the vacation process and the Developer will be responsible for removing the improvements and installing new curb, gutter, and sidewalk in this area. Commissioner Hyde questioned this proposal. Barry stated that the traffic flows without this connection. The Sketch Plan Committee was fine with this proposal.

Bruce Dickamore stated that Mr. Stephens would like to participate in the widening and improving of 6650; however, he would like to improve the entire length rather than just the area bordering this proposed development. Barry suggested creating a 6650 road dedication plat and not having Mr. Stephens be part of this development process (i.e. he would not need to sign the subdivision plat). The road dedication plat can run concurrently with the subdivision. If Mr. Stephens did not complete the road dedication, the Developers would still be required to complete the improvements on their side of 6650 for the length of the development. Brandon suggested a meeting with all parties and staff to discuss this proposal. The City has plans to change the flow of traffic on 475 East and change the intersection between 475 East and this section of 6650 South. If the entire length of this section of 6650 were to be improved, the City planned improvements would need to be completed as well.

The work meeting adjourned at 6:30 p.m. Work meeting minutes transcribed by Deputy Recorder, Emily Thomas.

23 Feb 2014

City of South Weber  
1600 E. South Weber Drive  
South Weber, Utah 84405

Subject: Proposed 41 lot Subdivision

Dear City Council and Planning Commission,

Our Coalition suggests you table this proposal (Spaulding properties) until you can ensure that the land at issue is not now contaminated by pollution from the Base and/or threatened by pollution which could again move through it as it did during the wet seasons of the 1980s. While so tabled, we believe the City should press the Base for faster/better remedial programs rather than the cheap/passive alternatives it has chosen to date. The City should also champion the interests of City landowners by asking the Base to acquire development rights for the properties in question until it can certify/indemnify that its pollution is no longer a potential threat.

Our City has a documented history in audio-taped and written minutes of meetings, over recent decades, showing great deference to developers over the safety and health concerns of residents. However, by City ordinance and State law, the needs of present and future residents are supposed to be your paramount concern in making land-use determinations. When approving the Canyon Meadows Subdivision, immediately south of the subject property, you required an item in its Protective Covenants which acknowledged the presence of pollution. However, the City made buyers stipulate that they would not hold the City, the developer, or any other party liable for any damage to life or property resulting from this pollution. Hopefully, the current Planning Commission and Council will question the propriety of such a disclaimer.

The State Legislature is currently considering a 'two-mile buffer' from Stericycle or other new comparable organizations engaged in medical waste incineration. As

your records show, we have often suggested that the City embrace a comparable buffer regarding Superfund sites OU1, 2 and 4 above our valley. Even a one-mile buffer would exclude additional residential development for the entire west-end of the city. This exclusion could be lifted as soon as our problem with pollution is resolved. The Base documented the disposal of millions of gallons of chemicals (including about 700,000 gallons of TCE in one year alone) plus countless tons of toxic heavy metals, which its own records show are projected to remain a concern for decades to come.

Consistent with the same reasoning now being advocated by the State regarding Stericycle, we believe it would be reckless and irresponsible to keep adding to the problem by placing more potential receptors to exposure within pathways of the Base's migrating pollution.

Attached is a germane communication from EPA Region 9. Note the portion which updates the potential risks to expectant mothers where as little as 24-hours of TCE exposure could cause malformed hearts in their babies. We also suggest that the City ask landowners and developers to review Federal Environmental laws (CERCA and RCRA) then provide their conclusions over liability for developing properties containing or threatened by pollution. Such evaluations should be documented in the City's land-use determinations.

I will be out of town Thursday evening and unavailable to attend the public hearing on this subject, so include this letter in the record of the hearing. We are available later, with our Adviser if needed, to further this discussion.

Sincerely,

Brent Poll  
Executive Director

1 attachment

cc: Dr. Carter  
Hill AFB  
Davis School District  
EPA  
UDEQ  
South Weber Elementary