

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 28 August 2014

TIME COMMENCED: 6:34 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde
Rob Osborne
Wes Johnson
Rod Westbroek (excused)
Wayne Winsor

CITY PLANNER:

Barry Burton

DEPUTY RECORDER:

Elyse Greiner

CITY ENGINEER:

Brandon Jones

CITY MANAGER:

Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

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

VISITORS: Jared Bryson, Dak Maxfield, Nefi Garcia, Owen & Marie Cash, Roger & Becky Parrish, Gardner Crane, Michael Peterson, Leland Jones, and Jon Nix.

Commissioner Hyde excused Commissioner Westbroek from tonight's meeting.

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

APPROVAL OF MINUTES OF 17 JULY 2014:

Commissioner Johnson moved to approve the minutes of 17 July 2014 as written. Commissioner Winsor seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: Commissioner Johnson declared a conflict of interest with the Claude Nix item on the agenda because he is a neighbor to the property.

Annual Presentation regarding the Staker Parsons Gravel Pit: Dak Maxfield, of Staker/Parsons, approached the Planning Commission and gave a brief history of this gravel pit. He said gravel operations commenced in the late 1950's. Residents did not exist quite some distance from the pit at that time and continued that way until the late 1990's. Multiple residents began building within .25 miles of the pit in 2001-2002. In December 2003, the City and operator entered into a development agreement and fugitive dust monitoring agreement. At this time, Dak said measures were agreed to and put into place. As outlined in the development agreement, use of main and sprinklers will be used to wet down the gravel pit operations on a daily basis. All roads within the pit and in ingress/egress access points will be watered daily by water trucks. They also use magnesium sulfide on all gravel pit exposed roads twice a year (currently, also being used on heavily traveled (egress/ingress) roads in, around, and out of the pit. Four or five years ago they began the use of wind fences. They have been placed in strategic places along the west side. They also left the asphalt surfaces during the 2002 Olympics to help control the dust as well. They grass seed every year areas that are not currently growing. This helps control the dust and helps with erosion. They have also done some beautifications projects around the pit. They have spent a lot of money on the berms. They also conduct air monitoring on days the City designates. The Fugitive Dust Monitoring Agreement includes: operator must perform air sampling at its own cost and expense, sample in designated areas, operator records results and certified by an independent lab, results are supplied to the City, the operator and City agreed to a stipulated standard of 265 micrograms per cubic meter for any given 24 hour period. Anything above constitutes an exceedance. Any sampling that would otherwise be an exceedance will not constitute an exceedance when the wind speed exceeds 25 milers per hour within the 24 hours sampling period. Dak reported that since entering into the agreement in 2003, current records indicate there have been four exceedances. Three of those exceedance occurred in 2007 (highest production rate in history of pit). All but one recorded exceedance occurred during a period when winds exceeded 25 miles per hour. Dak said if there is an exceedance, the penalty is between \$50 to \$500. He then went over the mining and reclamation plan. He reviewed the 2003 Topo map, phasing, mining & reclamation plan for last Topo. He said they have completed phase 1 & 2 and are still mining phase 3. He said right now they are mining in the north pit. He said they are limited to a five acre active area in the pit. He said currently they are wrapping up/reclaiming Phase 3 and concentrating solely on the floor of the pit wit no more than 5 acres exposed final floor open at one time. Reclaiming will occur behind mining operations (as new acreage is open up, old will be reclaimed – not exceeding 5 acres of finished floor). Commissioner Johnson asked about the life expectancy of the pit. Dak said a lot of it depends on the market, but they do have until 2024 in the agreement. He said there is a lot of sand left in the pit. They anticipate getting through all the rock and see what they will do with the sand that remains. He said with the economy the way it is, they are not pushing as much out the door. Commissioner Hyde said it doesn't look to her like the reclamation is working at all. She said there are a lot of exposed slopes. Dak explained those are areas where we are stock piling. He said they do apply the magnesium sulfide to those slopes. He said anything you see exposed is probably the pond finds. Dak explained that they water every early morning in the dark until 7:00 a.m. or 8:00 a.m. They have six water cannons. He said depending on the water pressure is whether or not they use all the cannons. Barry asked about the air monitoring reports. Brandon said he doesn't see any of those reports. Dak said we send them to Mark Larsen. Duncan said he has reviewed the agreements but not those reports yet. Dak said they monitor twice a month and email the City the results. Commissioner Winsor asked about hours of operation because the City has received complaints about the pit operating the crusher after hours. Dak said we aren't consistently operating after 10 p.m. but when we do,

we notify the City. He said there are times with UDOT projects that they will notify the City. They usually notify Mark Larsen or the City Manager. Commissioner Johnson discussed the location of the wind sensor on Hill Air Force Base. Dak said Weber State currently has a wind sensor on their premise.

Mike Petersen, 2025 E. South Weber Drive, asked about hours of operation. Dak said typically 7:00 a.m. to 10:00 p.m. Mike said he gets up at 4:00 a.m. and he can hear them working. He said if he opens his windows, he has a lot of dust in his house.

Jan Parrish, 7297 S. 1550 E., said the dust control is not working because they have a covered patio and she constantly has to dust her patio off.

Leland Jones, 2035 E. South Weber Drive, feels that the last three years have been the worst. His rain gutters have been completely full of sand.

Commissioner Hyde said when people wake up and their house has dust, obviously what you are doing is not working. Dak said there are two gravel pit operators in this City. He said there is absolutely nothing being done across the street. He said west slopes that are totally exposed with no vegetation will provide the most dust. He said they get dumped on with dust as well.

Commissioner Osborne said it sounds like the City needs to communicate the hours of operation changes on the web-site. Mike Petersen said he cleaned his patio two weeks ago and he would be willing to show it to Mr. Maxfield. Barry asked about the stock piles. Dak said the stock piles are smaller than they have been before.

Commissioner Johnson asked if the City has an agreement with Geneva. Brandon said Staker/Parsons has been the only one willing to sit down and work with the City. Commissioner Hyde would like to see Staker/Parsons make more of a conscious effort to keep it watered and get on the reclamation. Dak said he would be willing to take anyone on a tour to see what is being reclaimed.

Application for Verizon Wireless to add onto an existing cell tower located at approximately 694 to 744 East Cottonwood Drive (on or near Parcel # 13-007-0027), just North of Interstate 15, in South Weber City: Duncan said Crown Kastle actually owns the tower with a lease by the homeowner. He said the homeowner is okay with this add on. He said items 8 and 6 will be additional equipment with some power boxes and equipment just outside the fence. He said the City Engineer and Public Works Director has reviewed this application and have no concerns.

Nefi Garcia, of Verizon, explained the location of the cell tower and what their intentions are.

Commissioner Johnson moved to open the public hearing. Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Commissioner Hyde asked for public comment. There was none.

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

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

Commissioner Osborne moved to recommend approval of the Verizon Wireless to add onto an existing cell tower located at approximately 694 to 744 East Cottonwood Drive (on or near Parcel # 13-007-0027). Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

Amend and Update General Plan:

Barry Burton, City Planner, reviewed trails. Commissioner Johnson recommended adding language that high priority is given to build the Canyon Drive Trailhead. He also recommended deleting line 821. He said there is no 2010 Parks Master Plan. He suggested adding the charter school to line 141, and line 835. He suggested line 309 remove “critical” and put “high value”. Barry will continue to work on the language for 6650 South. Commissioner Hyde said 6650 South can’t be the only access for a development. Brandon said he will make the change on the charter school trail and amend it to a sidewalk. Barry will add that to the text as well.

Commissioner Winsor move to open the public hearing for the general plan. Commissioner Johnson seconded. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Leland Jones, 2035 E. South Weber Drive, has some property that is identified on the map as residential moderate. He said right now it is residential low and the back is agricultural. Commissioner Hyde said the property will remain that way unless there is a request to rezone.

Commissioner Winsor move to close the public hearing for the general plan. Commissioner Johnson seconded. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Commissioner Osborne moved to approve the recommendations of the 2014 General Plan with updates by Barry to be sent to the Planning Commission by September 4, 2014 and with response from the Planning Commission by September 8, 2014. If all in agreement, the 2014 General Plan will move on to the City Council agenda for review. Commissioner Winsor seconded. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

Review of Conditional Use Permit for Claude Nix Construction at 1458 E. South Weber Drive: Commissioner Johnson excused himself from the Planning Commission. Commissioner Hyde said the City has received complaints about Nix Construction Company expanding. She

stated the City received a letter from Marie Cash which needs to be entered into the record (see attached). Commissioner Hyde discussed the front portion of the property identified as “employee and visitor parking”. Jon Nix, representing Nix Construction Company, explained the equipment that is currently located in this parking area. He said he has a truck bed that is for sale. He explained that he did receive a delivery of pipe that was dumped in that area. He said he is trying to sell some older equipment as well. He said typically he will let Mark Larsen know what he is doing. He explained that in a week or so the pipe will go to Orange Street in Salt Lake City. He said he was forced to take delivery of the pipe. Commissioner Hyde asked if it was part of the conditional use permit to not allow any equipment in that parking area. Jon said he doesn’t really know, but the pipe isn’t going to sit there for long.

Commissioner Osborne asked why the Planning Commission is dealing with this. Barry said it is a conditional use issue. Commissioner Hyde said in her mind, the Planning Commission is to review it to make sure that Nix Construction Company is complying with their conditional use permit. Commissioner Hyde said in reviewing the conditions in 2009 it doesn’t say anything about allowing any items in that parking area. Barry recalls them keeping the equipment in the fenced boundaries. Barry said he is not certain what that means. Jon said there are trees there. Barry said he recalls that they are to keep materials and trucks behind the trees. John explained that everything is behind the trees but there are items in the parking area that are for sale. The Planning Commission reviewed the pictures of the parking area. Commissioner Winsor read from the 1999 minutes from the City Council where it discusses the mag-chloride. Commissioner Hyde said one of the options to control the dust is mag-chloride, but isn’t required.

Marie Cash, 1428 E. South Weber Drive, said to begin with Nix Construction had to submit a plat concerning what they were doing. She said they were given rigorous conditions which they haven’t followed. She said they haven’t followed the conditions with the parking lot or noise. Commissioner Hyde said the plat/drawing designates areas in which what they intend to use the land for. Mrs. Cash said they have been bringing the cement barriers in there forever. She complained that the equipment isn’t parked where it is suppose to be. She said Grandma’s house and the barn area weren’t supposed to be used for the company and now they are using it. She said in 2006 they were told they can’t use this property so they moved it and now then a few months later they moved it back.

Commissioner Hyde explained that the City Council makes the final decision and the Planning Commission gives recommendation.

Roger Parrish, 7297 S. 1550 E., said he sent a letter to Mayor Long but hasn’t heard a response. He read from his letter and stated years ago South Weber City issued an ordinance that governed legal non-conforming businesses that existed in residential areas. That ordinance provided there could be no expansion as to equipment for land utilized by businesses, at the time the ordinance was enacted. At the time of the ordinance, Nix Construction Company was not conducting business at the current South Weber City location. He said some of us took issue with the fact that they were there doing business. As a result, the City determined Nix Construction Company did not meet the requirement for legal non-conforming so they allowed the business to apply for a conditional use permit. He said Nix Construction Company has not met some of those conditions. He said they have more equipment and are using more property (space behind Nix home). Roger said they have taken down the fence and now equipment is closer to his home. He

said when they moved Jasco down here, they doubled their equipment. He said Mr. Claude Nix said he would have this permit for 10 years, and they have exceeded that. He said his wife and he have tried to discuss their concerns with Stephanie (employee of Nix Construction Company) and she told them it is Nix Construction Company's land and they can use it as they want to. He said in the 2006 meeting, Stephanie said they couldn't do the landscaping to the land because it belong to her Aunt, Carol Plum, but that property has since been sold to Nix Construction Company. Jon Nix said he doesn't really know who owns it. Commissioner Hyde said it is irrelevant as to who owns that property. Roger said he would like the fence put back.

Wes Johnson, 1471 E. Canyon Drive, said Jon has done some clean up of the storage area. He then referred to 11 May 1999 minutes item C which states, "The business shall be required to landscape its site in the residential or agricultural zone so that, as much as possible, it is in harmony with the surrounding uses". He talked with Mr. Pedri (former employee) concerning landscaping the north side of the Nix property. He said there has been some oil dumping along the fence line. He said the fences are to be maintained and there are a couple of areas where the fence posts have been pushed back.

Jan Parrish, 7297 S. 1550 E., discussed the fence that has been removed. As a result, she said they have expanded over into that area. She feels there should be a sound barrier installed. She said Nix Construction Company is not a good neighbor. She said her husband has planted a lot of trees along their backyard and built a 20 ft. tall shed so they wouldn't have to look at some of this stuff. She said they have been in their home long before Nix Construction. She said they have been given the bad end of the deal.

Commissioner Hyde reviewed the conditions for the conditional use permit set at the City Council Meeting on 11 May 1999. She read the underlined conditions as follows:

- A. The business shall take all necessary steps to prevent the escape of dust from the site in the residential or agricultural zone.
- B. The business shall take all necessary steps to prevent excessive noise and light from emanating from the site in the residential or agricultural zone so that the business's operations do not become a nuisance affecting the surrounding uses.
- C. The business shall be required to landscape its site in the residential or agricultural zone so that, as much as possible, it is in harmony with surrounding uses.
- D. The Planning Commission or Cit Council shall set reasonable hours of operation for the business. These hours of operation shall be set on an individual basis and shall reflect the needs of the surrounding residential and/or agricultural uses.
- E. The business shall agree that no hazardous materials (as defined by applicable stated and federal statutes and regulations) are stored on the site with the exception of fuels for motor vehicles which shall be stored in sealed underground tanks or other containers approved for such storage by the State of Utah. Other hazardous materials my not be stored at the site without specific written permission of the City, which shall not be given until after a public hearing has been held on the request.
- F. The Planning Commission or City Council shall include a condition prohibiting the business from expanding its use on the site within the residential or agricultural zone beyond the limits set out in the application and the building inspector's report of the use of the property unless expansion is first approved by the City Council.

- G. All business operating sites within a residential or agricultural zone shall be required to have a current business license from South Weber City and shall keep all other required licenses and permits, which may be issued by South Weber city or any other governmental entity, current as a condition of operating the business within the residential or agricultural zones.
- H. The Planning Commission or City Council shall set such other conditions as are reasonably necessary to ensure the safety of persons on the site or on the surrounding properties and to ensure compatibility with surrounding properties so far as possible.
- I. House numbers will be added as part of the fire inspection.

Commissioner Hyde feels that asking Nix Construction to install a sound barrier is excessive. Mrs. Parrish said any kind of solid fence would be nice. Commissioner Hyde said the two property owners can work together concerning what type of fence. Roger said the hog wire fence has been taken down and needs to be replaced. Commissioner Winsor would like to see Nix Construction follow up on some of these complaints as well as take some measures to look at a possible privacy fence on the west. Jon said he doesn't agree with what they are saying. He said he doesn't really know how they are doing them harm. Commissioner Hyde said if the fence is down and dirt has been pushed then you have violated the conditional use permit. She suggested Jon replace what was taken down and put it back where it was. Roger said the current legal nonconforming condition use permit (page 19) states that care should be given to any commercial development adjacent to a residential area. There should be a buffer between the two land uses, which reduces the negative impacts of the commercial development as much as possible. Jon said he has helped both residents with things they have asked him to do. He has moved a tree out of the Parrish's and Cash's yards. He feels they have done things to be a good neighbor.

Commissioner Hyde said the fence is gone and needs to be put back up. She suggested each group work together to get along.

Owen Cash, 1428 E. South Weber Drive, said they are violating working on Sunday. Jon said last fall he had to work in Colorado so he had to load a truck on Sunday. He then discussed there is another condition that they will control dust. Commissioner Hyde said they are to control it to the best of their ability. He said there is another condition that the front area will be used for parking only. Commissioner Hyde said it doesn't say they can't put equipment on the employees parking. He said they break conditions when they have these rush jobs.

Commissioner Hyde told Jon he needs to put the fence up and take care of the dirt within 30 days. She asked Jon to make a conscious effort to move the items from the employee parking area if he knows they are going to be there a while and to keep it cleaned up. She suggested if he knows items are going to be long term, to put the equipment back in the yard. Jon said he will try to move the pipe tomorrow or next. Commissioner Osborne said his neighbors do things that he doesn't like but he has to deal with it. He suggested they try to get along.

Review Jones & Associates Memo and Analysis for Weber Basin Purchase:

Brandon said Commissioner Johnson requested this item to be placed on the Planning Commission agenda. Commissioner Johnson asked if the Planning Commission is suppose to recommend a scenario to the City Council. Brandon said this item has already been presented to the City Council. Brandon said one concern that has been brought up by Commissioner Winsor

is that developments are being approved and the question is whether or not the City has the water for those developments. Commissioner Johnson asked if this information needs to be added to the general plan. Barry said he has not seen this type of information in a general plan but should be added into a Capital Facilities Plan. Duncan said this information will be added to the City's Capital Facilities Plan. Commissioner Osborne asked about the well's capacity. Brandon said the actual capacity, based on the water right, is close to 400 AF per year; but its ability doesn't exist. Commissioner Osborne asked if there is an opportunity for the City to trade its water right for water purchase. Brandon said that is a question that can be asked to Weber Basin. He thinks the time frame that we are up against is that District II water will be gone possibly by the end of the year. He feels a decision needs to be made within the next month. He feels the City needs to purchase as much District II water as they can before it is not available. He said the next purchase will be District III. Commissioner Osborne asked why the City can't require a developer to bring a certain amount of culinary water to the subdivision. Barry said he knows that Syracuse City requires a developer to present a certain amount of water rights for culinary water. Commissioner Johnson discussed turning over secondary water rights for culinary. Brandon said it is unclear as to how a developer finds a water right that can be used to trade for culinary water. He isn't aware of a city that makes a developer somehow bring culinary water. Commissioner Hyde asked if Brandon can research that and have it for the next meeting.

ADJOURNED: Commissioner Winsor moved to adjourn the Planning Commission meeting at 9:02 p.m. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

APPROVED: _____ Date
 Chairperson: Delene Hyde

 Transcriber: Michelle Clark

Attest: _____ Deputy Recorder: Elyse Greiner