

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **February 28, 2006** at 6:30 p.m. at the Riverdale Senior Center, 4433 South 900 West, Riverdale, Utah.

Members Present: Don Farr, Chair  
David Coles  
Norm Searle  
Bart Stevens  
Kathy Tanner

Members Excused: Don Hunt  
Allen Miller

Others Present: Randy Daily, Community Development Administrator  
Jan Ukena, City Planner  
Steve Brooks, City Attorney  
Michelle Douglas, Planning Commission Secretary

Deland Moghimi	Susan Wheelwright	Darrell Eddington
Mark Roginski	Greg McDonald	Norm Frost
Kent Hill	Lorin Parks	Joyce Hamilton
Robert Hamilton	Mr. & Mrs. Van Albert	Roy Miller
Norma Miller	Alan Nicks	Lee Cammack
Ruth Van Erden	Carly Brown	Robert Warren
Mike Williams	Mary Jenne	Diana Woods
Pat Crezee	Kevin Crezee	Cherie Crezee
Ted Combe	Glenna Combe	David Combe
Shelly Jenkins	Pam Johnson	Merrill Johnson
Gary Christenson	Stacey Haws	Del Helm
Sheila Helm	Greg Slatterlee	

Chair Farr called the meeting to order and welcomed all those in attendance. He excused Commissioners Hunt and Miller and acknowledged that all other members were in attendance. Chair Farr welcomed the Commission's newest member, David Coles, and welcomed all members of Staff that were in attendance as well.

### **Consideration of Minutes**

Chair Farr explained at this time the Commission was not going to approve the minutes that were presented for approval at this time, which were the minutes of Joint City Council/Planning Commission meeting of January 24, 2006; and the Work Session and Regular meeting minute of February 14, 2006.

### **Conditional Use Permit / Home Occupation Application**

#### **Deland Moghimi- Clearview Window Washing Service**

Mr. Deland Moghimi was present at the meeting to discuss his conditional use permit for a home occupation business for providing window washing services. Mr. Moghimi lives in the Riverdale Mobile Home Estates, which he is the manager, and he provided the City a letter of approval to utilize his dwelling for a home-based business.

Mr. Moghimi indicated that he would like to start a residential and commercial window washing service. The only items he would keep at the dwelling is supplies; he added that on an occasion a UPS truck would deliver supplies to the home. He informed the Commission that he would utilize a cleaning solution called Glison and for now, he would only keep a quart of cleaner at the dwelling.

**Motion** Commissioner Tanner moved to grant the conditional use permit for a home occupation located at 5100 South 1050 West #F171 for Deland Moghimi, Clearview Window Washing Service, as requested. Commissioner Coles seconded the motion. The motion passed unanimously

#### **Susan Wheelwright - Simply Sue's Crafts**

Ms. Susan Wheelwright was present at the meeting to discuss her conditional use permit for a home occupation business for a scrapbook business. Ms. Wheelwright lives in an R-2 zone, and she rents her dwelling. Ms. Wheelwright present the City with a letter of approval from the property owner to utilize the home for a home-based business.

Ms. Wheelwright informed the Commission that she would be making scrapbooks and she would not have very many individuals to her dwelling. She explained the majority of her business would be conducted online and mail order.

**Motion** Commissioner Tanner moved to grant the conditional use permit for a home occupation located at 756 West 4300 South for Susan Wheelwright, Simply Sue's Crafts, as requested. Commissioner Stevens seconded the motion. The motion passed unanimously

#### **Consideration of PowerPoint Presentation provided by the Lower Weber River Watershed addressing the issue of housing construction and storm water management - Darrell Eddington**

Mr. Darrell Eddington, Utah State Extension Lower Weber River Coordinator, was present at the meeting to provide the Commission with a PowerPoint presentation addressing the issue of housing construction and storm water management. Mr. Eddington indicated that it is his job to make sure the water standards are maintained that pass through the counties he works. He noted that he works with the Department of Water Qualities and he was not present at the meeting to promote or condemn development; he was here to promote awareness.

Mr. Eddington highlighted the following topics:

- ◇ Explosive growth in the upper watershed
  - When housing was built, recreation areas were built as well, which jeopardizes water quality
  - Storm water and construction related pollutants, sediments, nutrient and lawn care chemicals primary impacts to water quality from growth.
  - Post development impacts, impervious surfaces, increased run-off flows, more flooding potential, more scouring flows in area streams
  
- ◇ Discussion regarding homes being built in the floodplain - armoring of streams and rivers
  - The closer construction/development activities are to streams, the grater potential to water quality impacts

- Septic tank considerations (minimum distance requirements). Riparian function and importance; riparian sponge concept.
- ◇ Water Quality Regulatory Overview - Clean Water Act (1972)
  - Restore and Maintain the chemical, physical and biological integrity of the nation's waters
  - Administered by the EPA, States and Tribes
  - Focus was on point source discharges (industrial, Municipal, etc)
  - Current focus on no-point sources (storm water, agriculture, etc)
- ◇ Water Quality Standards
  - Maximum concentration on a pollutant allowable to sustain
- ◇ Beneficial Use Designations
  - Class 1c - drinking water
  - Class 2a, 2b - recreation uses
  - Class 3a, 3c, 3d, aquatic wildlife
- ◇ 303d List - contains all water bodies that are assessed as impaired for more than their designated beneficial uses and identified pollutant
  - Water bodies in Weber, Morgan and Davis Counties on the 303d list or with approved TMDLs (written plans and analyses that establish the maximum amount of pollutants)
- ◇ Planning Steps to Minimize Water Quality Impacts
  - Develop and enforce building codes to protect tentative streamside areas
  - Adopt measures to minimize construction related to storm water impacts
  - Utilize measures to minimize impervious surface areas
  - Involve water quality input in reviewing development proposals

**Presentation provided by Hill Air Force Base addressing the issue of Operable Unit 6**

Mr. Mark Roginske, Hill Air Force Base (HAFB), Operable Unit 6, was present at the meeting to address the Planning Commission regarding Operable Unit 6. Mr. Roginske informed the Commission that he is the project manager of Operable Unit 6 and that Operable Unit 6 contains only groundwater contamination. There is no soil contamination in the off-Base areas of Operable Unit 6. Mr. Roginske presented the Commission with a packet of figures that coincided with his presentation and as a matter of public record. Mr. Roginske said it was his understanding the Commission had some specific questions regarding the property in the Peacock Ridge Area.

Mr. Roginske referred to the first figure; he indicated the chemical is Trichloroethylene, which is commonly referred to as TCE. He explained TCE is a solvent, which was utilized to clean plane and engine parts. He said that the contamination source area is near the 2000 Area (shown on the figure), but HAFB is unsure where the contamination point sources are, but they are likely from undocumented spills. He went on to explain they have two pump and treatment systems-one on base and one off base- that have been in operation for several years. He noted that the water is pumped out and sent from that area for treatment.

Mr. Roginske indicated the goal for the treatment systems are: 1. prevent the plume from expanding and 2. remove contamination mass.

Chair Farr inquired how many years the treatment systems have been in operation. Mr. Roginske explained the treatment systems have in operation since approximately 1990; he noted that they would be looking at treatment system performance and overall site information again this year. They believe the monitoring network needs to be expanded. He indicated that things have stayed stable; however, there are some unknowns; things such as, why this plume arm shown on the figure is going off to the north, which he does not believe is part of the natural groundwater flow.

Chair Farr questioned if contamination is going through springs. Mr. Roginske indicated the contamination is in groundwater; he explained the TCE spilled or disposed on the ground surface goes through the ground to the groundwater and it is then transported with the natural flow of the groundwater. Chair Farr suggested that it could go into the springs. Mr. Roginske informed the Commission they have seen some contamination in one spring located on the Peacock Ridge property.

Commissioner Tanner questioned if the contamination is continuing farther. Mr. Roginske explained their pump and treatment system should keep it from moving farther, but that they would be doing some more investigation this next year. Commissioner Stevens mentioned that Mr. Roginske is talking about groundwater; he inquired if they monitor for vapors. Mr. Roginske explained they do have an indoor vapor monitoring program. He went on to explain TCE is a chemical that is volatile and they do actively monitor for it in residents homes. He noted that as part of the program, they send out flyers to residents who live over the groundwater plume requesting to collect a sample of their indoor air. HAFB has established mitigation action levels for TCE with the EPA and UDEQ. If TCE is detected in a home above the mitigation action level, they recommend to the homeowner that they install a vapor mitigation system in the home. They will also install a vapor mitigation system in a home where TCE is detected, but below the mitigation action level, if the resident requests it. The vapor mitigation systems remove the vapors below the building's foundation before the vapors can enter the home. HAFB pays for those systems to be installed.

Commissioner Searle inquired if cutting and grading the hillside would affect the TCE levels. Mr. Roginske indicated that TCE levels would not change, but that contaminated groundwater may be exposed to the surface. With regards to the northern arm of the groundwater plume, they do not know if there is another source on the base. The northern arm may be flowing along an unknown drain line. HAFB will be investigating this during the next year.

Chair Farr indicated you (Mr. Roginske) said it could be spreading. Mr. Roginske explained we do not know - it is possible. If to say there is disruption in the soil if they were to develop Peacock Ridge, could it cause the spreading of it - I do not know. If during the spreading of the soil, contaminated groundwater came to the surface, we would ask the property owner to test the groundwater at the surface and try to eliminate any risk to humans if the water were contaminated.

Mr. Roginske referred to the second figure; the area highlighted on the figure is the area in Peacock Ridge where HAFB performs their monitoring - the garage spring, pond, and seep.

Mr. Roginske referenced figure three; the figure illustrates the locations (garage spring, pond, and seep) where HAFB collects samples and shows the most recent results. He explained that the pond has TCE levels of 15.5, which is parts per billion (drinking water has a level of 5 parts per billion)

and the garage spring has TCE levels of 15.4 parts per billion. Mr. Roginske noted that they have monitoring wells throughout the plume. The colors within the plume on the figures indicate the different TCE concentrations.

Mr. Roginske referred to his last figure, which is their plan to manage the contaminated garage spring water, which goes into the pond. Mr. Roginske explained the pond is contaminated because of the spring. He indicated they want to reroute the spring to the cul-de-sac where they have pipes running to their treatment facility. He said they believe once they reroute the spring, the pond will dry up and it is their understanding the property owners will remove the pond as part of the property development.

Mr. Roginske informed the Commission they are currently working with the property owners to obtain an easement to connect a pipe from the garage spring to the cul-de-sac.

Chair Farr inquired what would happen if they did take out the pond with the contamination. Mr. Roginski explained the garage spring would be rerouted to their piping, which would go to their treatment facility. In addition, there should not be a concern with contamination in the pond once the spring water is rerouted; the pond is contaminated because of the spring.

Discussion followed regarding indoor sampling. Mr. Roginske referred to the figure, which represented all the historic indoor sampling in Riverdale City, which was color-coded showing what they have sampled in each home. Mr. Roginske explained in other plume areas, they have other byproducts and it show where they have installed mitigation systems.

Commissioner Tanner questioned why there are mitigation systems in some homes that are below the level to have one installed. Mr. Roginske explained they would install a system at a residents request even if TCE was detected, but below the mitigation action level.

The second figure pertaining to indoor sampling is the most recent air sample. Mr. Roginske explained they will go back to an individual's home to make sure the systems are working properly.

In summary, Mr. Roginske informed the Commission as of August of last year there were 48 homes sampled; five homes had contamination levels above the mitigation action levels, and four homes had vapor mitigation systems installed.

Commissioner Tanner inquired if there is a specific form explaining what TCE is to potential home owners and what it is. Mr. Roginske explained they hold information fairs and open houses to residents and send out flyers inviting them to come so they may show them the areas of contamination and explain the health risks. He noted that they do periodically offer the information to the residents of Riverdale City. Commissioner Tanner said HAFB has been good over the years. However, her questions is, is there something in the disclosure process to a future buyer to explain what TCE is or is it buyer beware. Mr. Roginske noted that he did not know; he is an engineer and not a real estate agent and it might be a question better answered by a real estate agent.

Commissioner Tanner referred to the February 14, 2006, meeting. She noted that the petitioner said HAFB would supply mitigation systems for the proposed dwelling in the area. Mr. Roginske explained that they recommended to the property owners to include a passive vapor mitigation system as a part of the home design and if the property owners decided not to, HAFB would include those dwellings on their mailing list and request to be allowed to sample the indoor air. Chair Farr inquired how deep the plume in the area in question is. Mr. Roginske explained the plume is eight to 10 feet.

Mrs. Ukena addressed all those in attendance. She explained the reason HAFB came and gave a presentation to the Planning Commission is because they are the professionals with answers to questions that Staff felt they were not able to answer.

**Information provided by Greg McDonald of the Utah Geological Survey addressing questions about the Geotechnical Study done on the proposed Peacock Ridge PRUD**

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Mr. Greg McDonald, Utah Geological Survey, was present at the meeting to address questions regarding the geotechnical study prepared for the proposed Peacock Ridge PRUD. Mr. McDonald informed the Commission he did not come prepared with a formal presentation because it was his understanding that the Planning Commission had questions for him to answer; he noted that he did receive a list of general questions forwarded to him by Mrs. Ukena prior to the meeting.

Mr. McDonald indicated that it was questioned if it was likely or possible that there are subsurface spring or a shallow ground water layer that are undocumented and how would they contribute to the stability of the hillside. Mr. McDonald explained Earthtec documented springs below the site and there is an issue with springs on the site; and yes, there is the possibility of water contributing to the instability of the hillside. He went on to say there was information on regional ground water on the site when the study was conducted; however, their models did not consider possible local, perched groundwater saturated conditions.

Mr. McDonald addressed the question, "does the state recognize the possible applications to control run off". Mr. McDonald informed the Commission that he cannot required anything in regards to that particular question. The UGS is not a regulatory agency; one of our roles is assist/advise local governments

Mr. McDonald referred to the question "filling in a buttress and with an engineered designed retaining wall, could it stabilize a hill". Mr. McDonald explained that is an engineering issue; they recommend their engineer review that to make sure it is adequate. Chair Farr indicated they have had a lot of geotechnical reports and they know where the water is. Mr. McDonald said there is some general knowledge from the hill (Hill AF Base) study regarding the regional ground-water levels and that is what was used for slope-stability models.

Mr. McDonald addressed the next question, "when more weight is added at the bottom end of a hill, does it help stabilize it". Mr. McDonald explained that too is an engineering issue.

It was questioned what a deltaic deposit is and are they common along the Wasatch front". Mr. McDonald noted that the New Orleans area is a deltaic deposit; the bluff the hillside sits on a deltaic deposit. He explained along the bluff, in his opinion, could not be considered stable. The areas get eroded by other means. He noted that deltaic deposits are characterized by fine-grained soils. Deltaic deposits associated with Lake Bonneville are common along the Wasatch Front at the mouths of major canyons.

Mr. McDonald was questioned if a saturated hill was subject to change. Mr. McDonald indicated that the slopes are sensitive to ground-water levels. In addition does grading change to help prevent slides and what is surface sliding. Mr. McDonald indicated that surface sliding can be caused by over seeping; however, he indicated that he was not quite sure what Staff was asking.

Mr. McDonald addressed the question pertaining to trenching. "Is a five to 15 foot trench deep enough or does another standard (deeper trenches) provide more information to existing conditions"? Mr. McDonald indicated if you want to characterize trenching; five to 15 feet is the standard in trenching.

Commissioner Tanner pointed out the delineation has not taken into consideration the run out beyond the study zone and it has not been adequately addressed and it warrants further evaluation. Mr. McDonald explained a slump-type landslide in the run out area for the special study zone could use setback for hazard reduction, and they could have a slide like the one in South Weber, which fluidized and it went out 150 feet. In that case, setback is not possible, and there are already existing home in the potential run out area.

**Public Hearing for a proposed application to develop a Planned Residential Unit Development (PRUD), The Pines at Combe Farms, located at approximately 575 West 5400 South**

**Public Hearing**

Chair Farr explained a public hearing is necessary to receive comments from the citizens of Riverdale concerning the proposed application to develop a Planned Residential Unit Development (PRUD), The Pines at Combe Farm, located at approximately 575 West 5400 South.

He indicated the City has done all necessary public notifications and the notice was published in the newspaper, and he went on to explain the public would be able to make public comments after staff and the petitioner have made their presentations. He then opened the public hearing at approximately 8:10 p.m.

Chair Farr invited staff to present the proposed development to the Planning Commission and all those in attendance. Mrs. Ukena explained that Mr. Norm Frost is the developer of the proposed development located at approximately 575 West 5400 South, which is the Combe property. Mrs. Ukena inquired if the proposed plan that is being presented is the same plan he intends to move forward with. Mr. Frost indicated it is. Mrs. Ukena explained the property is zoned R-2 with a proposal to overlay the property with a Planned Residential Unit Development (PRUD); she explained with a PRUD, it disregards all of the regular subdivision regulations. A PRUD has open space, the Planning Commission can stipulate things, and they can take public input from the public.

Chair Farr said at this time he would turn the time over to the petitioner so he may explain his proposal. Mr. Frost said he is sure there will always be complaints no matter what an individual does. He explained that the proposed development is more of an adult community; it would have more access to the park and take traffic off 600 West. He indicated as far as value goes, the lots are smaller; however, this is what his potential buyer wants and they should not be penalized because this is what they want.

Mr. Frost explained the yards would be taken care of by the homeowner's association and the lots would be fenced. Mr. Frost went on to explain he has developed a similar project in Harrisville with 115 units and the value of the homes in the surrounding area have accelerative. In addition, these projects are not a tax on the school system and as far as neighbors, they are excellent.

Mr. Frost acknowledged the lots are small; however the average homes would range from 1,800 square feet to 2,100 square feet. The homes would have a uniform front and the yards would be completed and installed at the time of sale. He went on to say the average sale of the homes in Harrisville were between \$185,000 to \$220,000.

Mr. Frost said the idea is to have open space and at the same time have some control. He explained there is a homeowners association. He mentioned it is not like they would be putting a lot of wild people out on the street.

Mr. Frost referred to the road, which would curve around and through the proposed development. He explained the road would actually go out and connect to Adams Avenue. He noted that is in the plans with Washington Terrace City, and the plan has already been drawn up. It was inquired if the connection would be completed in the next year. Mr. Frost indicated it is his intent to have it done in a year.

Chair Farr opened the discussion at this time for public comments.

**Greg Satterlee, 302 West 5650 South, Washington Terrace**

Mr. Slatterlee pointed out the proposed development has 56 unit, which would probably accommodate two cars per unit; he expressed concern there would be 112 cars in the proposed development. In his opinion, the developer is proposing a high-density development. He thought it would be better to put in 1/3-acre lots and keep it a nice development.

**Russell Langford, 33s West 5650 South, Washington Terrace**

Mr. Langford explained his sister went through a similar experience, which Mr. Frost is proposing. He indicated she had a rock retaining wall and an individual came in, and dug eight feet into her retaining wall and her rocks slid down. He expressed that he was concerned about retainage and how it would affect the hillside. He stated he did not want his house to slide down the hillside. In addition, he too is concerned with the traffic, property values, and density. He noted that the property values in his neighborhood range from \$300,000 to \$500,000.

**Rob Warren, 5282 South 575 West, Riverdale**

Mr. Warren indicated that he believes it is good for Mr. Frost to do the proposed development; however, he is concerned about where the cars will go in and out of. He explained they get a lot of

people that speed in and out of there area. He recalled that Mr. Frost said the proposed development would be older individuals, but they will have visitors as well. He noted the area is tucked away, but his concern is the traffic. It is a tiny street and he has a neighbor that has up to nine grandchildren at their home at one time; in addition, his other neighbor has children. Mr. Warren reiterated his primary concern is the traffic.

**Michael Williams, 363 West 5650 South, Washington Terrace**

Mr. William inquired if the proposed development is in fact a retirement community. Mr. Frost explained it is primarily a development for people without children. Mr. Frost explained they cannot restrict by age; however, they can restrict by the number of people that live in the home. Mr. Frost indicated that in Harrisville, the majority of the individuals were older but one family had one child. Mr. Frost explained the kind of people that will purchase a home such as these are older individuals. For \$210,000, a family would purchase a more accommodating home. In addition, the restrictive covenants say they would have to sell the home if they have more then three people living in the home. Mr. Frost went on to say they have another project in Layton and they have not sold any homes to any one under the age of 50.

Mr. Williams inquired if a geological plan has been completed to see about the natural drainage off those lots; could that require some landscaping modification to the homes above. Mr. Frost explained the geotechnical study is still in the process of being completed. If there are problems, they will be taken care of.

Mr. Frost noted the open space would be maintained. He explained the only reason they are having a public hearing is because they are trying to get a PRUD with some open space and to have more control. He went on to say he did not think it is quite fair when someone builds one thing and for them to think their property is going to be devaluated when someone else builds something else. He believes everyone has the right to live somewhere nice.

**Merrill Johnson, 5322 South 575 West, Riverdale**

Mr. Merrill inquired what would keep the homeowner's association from changing their rules. Also, Mr. Merrill indicated that he has a concern with the water ways and will that affect the residents in Riverdale City. Mr. Frost explained that all the water for the proposed development is Riverdale City water. They would be running a parallel 8-inch line, and they found they could take the water all the way up and give more pressure to the existing residents than they have now. In addition, there is a culvert that will run under the railroad tracts for storm water and sewer.

Mr. Frost informed all those in attendance that it would take 75 percent of the homeowner's association to change any of the rules.

It was inquired how quick the homes would be built and how they would they handle the diversion of construction traffic. Mr. Frost indicated they would work with Washington Terrace; however, at this point they do not know. He said with the infrastructure work, they do not expect to have a lot of traffic; however, the traffic will come with building the homes. Unfortunately, some of that traffic will come through Washington Terrace. It was questioned if the Adams Avenue connection would be completed prior to construction. Mr. Frost indicated that he did not know; however, he knows that the City wants it quite badly. It was inquired how fast Mr. Frost thought it would take

to sell out the proposed development/or what his success was in Harrisville. Mr. Frost indicated in Harrisville they sold 60 units in one year.

**Motion** With no further public comment forth coming, Commission Tanner moved to close the public hearing. Commissioner Coles seconded the motion. The motion passed unanimously. The public hearing closed at approximately 8:34 p.m.

Commissioner Searle referred to the above-ground power lines that run across the property; he inquired if homes would be built under the power lines. Mr. Frost explained that his attorney is working on abandoning those easements and those areas would be open space. The other power lines would be buried. Mr. Frost informed the Commission no homes would be built under any power lines.

Mrs. Ukena added clarification for the proposed development and its density. She explained the total acreage is approximately 16.08 acers and the zone is R-2. Mr. Frost is proposing 58 building lots and he could actually propose 87 building lot under the regular R-2 zone. She went on to explain under the R-2 zoning there are no requirements for open space and in the PRUD he only has to have open space if the Planning Commission deems it necessary.

Commissioner Tanner referred to the CC&R's, she clarified how many people could live in the dwelling. Mr. Frost indicated that three people could live in the dwelling. Commissioner Tanner inquired who would enforce that number. Mr. Frost explained that the homeowner's association would be entrusted with enforcing the rules of the CC&R's

Commissioner Tanner noted if the PRUD concept were approved, she believes speaking for the entire Planning Commission; they would like to see some type of trails. She inquired what Mr. Frost had planned for open space. Mr. Frost explained the "trail thing" has been difficult to work out, as each individual homeowner would have their own fenced yard. He pointed out where they would have picnic areas and benches where there would be a beautiful view. He noted that the other area is a very steep area and there is not a lot of room for a trail. He said the rest of the area they would try to make as accommodating as possible, and they would provide a landscaping plan as well.

Discussion followed regarding the proposed homes. The proposed homes will be rambler style, patio homes, without basements; the exteriors will be brick with stucco with a front porch and a walkout back porch. Chair Farr inquired what the front setback would be. Mrs. Ukena indicated that her recommendation is 20 feet.

Chair Farr referred to lots 52, 54, and 55; he said it looks like it would be difficult to built a slab-on-grade home due to the slop of the hill. He inquired what the slope of the hill is. Mr. Frost indicated that he does not know at this time; they may have to put some fill in place to construct those homes as slab-on-grade.

Mrs. Ukena informed the Commission that she discussed the idea with Mr. Frost to replace the cul-de-sac with a knuckle instead; he would not loose any lots. Mr. Frost indicated they have not hammered that out as of yet. He explained they platted the scenario out; however, the engineer said there was not a way to get it to work. Commissioner Tanner inquired what the length of the cul-de-sac was. Mr. Frost said it is approximately 240 feet.

Commissioner Tanner questioned if Mr. Frost considered developing some nice, up-scale homes in the area instead of developing the proposed PRUD. Mr. Frost said he thought about it; however, this way more people could enjoy the area and if they did it the other way, it would put bigger families in the area.

**Motion:** Commissioner Tanner said in order to fully evaluate the information the Commission received this evening, she would move to table the application for the proposed PRUD, The Pines at Combe Farm, located at 575 West 5400 South. Commissioner Stevens seconded the motion. The motion passed unanimously.

**Preliminary Site Plan for The Pines at Combe Farms, located at approximately 575 West 5400 South**

Chair Farr noted the agenda item to discuss the preliminary site plan for The Pines at Combe Farms would be postponed at this time.

**Discussion regarding answers raised during the Public Hearing held February 14, 2006, for the Peacock Ridge PRUD**

Mr. Kent Hill and Lorin Parks were present at the meeting to address questions, which were raised during the public hearing held February 14, 2006, for the Peacock Ridge PRUD.

Mr. Lorin Parks indicated that Commissioner Tanner inquired if vapor-monitoring systems would be installed with the houses. Mr. Parks explained the systems cost approximately \$500 to \$600 a systems and the system would be installed when a house was built.

Mr. Kent Hill referred to the stability of the hillside. He noted they got a cross section of every lot. He said what they did was an improvement that would be put in the property in every case except one lot, which is lot 18 or 19. He stated we are adding stability to the hill. He went on to say all findings show the hill is stable. In addition, they got a copy of Terracon's geotechnical study and their (Terracon's) findings along with their findings come out to be the same.

Mr. Lorin Parks explained they received a copy of the 1988 study and map completed by Mr. Mike Lowe and visited with Mr. Lowe as well. The study/map is a generalized view area; it does not mean everything in the area is; site-specific study should be done in the area, and they told Mr. Lowe that is what their study is.

Mr. Hill noted in the same area is a school and Riverdale City's water storage tanks, which contains 25-million gallons of water.

It was questions if the three trenches were adequate. Mr. Lorin Parks explained that Terracon did some bore holes as well, which are listed as b2 and b3 in Terracon's report, and they bore down to 86 feet and 98 feet and their finds were reviewed by Earthtec and found to be the same. In addition, they dug to 1,000 and 200 feet and they had a lot of information on that. He went on to say Earthtec was worried about finding water on the surface and they did not find any.

Mr. Lorin Parks again referred to Terracon's report. Terracon's report found the hill to be "grossly stable." Mr. Parks indicated that "grossly" is defined as "in whole or in toe". He stated this is Terracon, the engineering firm, which did the study for the Canal Company in April 2000. In addition, Hill Air Force Base's study was reviewed by Applied Geotech.

Mr. Kent Hill indicated that they met with Hill Air Force Base, and the base has a side profile that shows where every pocket of water is down 1,000 feet. He indicated that he could provide the City with a copy of the picture if they were interested.

Mr. Lorin Parks pointed out one of the other things that was mentioned was the special study zone and it was said Ruby River put in a retaining wall on their hillside; and it was asked about the stability of their hillside and the east side of the valley is more of a concern. He stated that both sides are a concern.

Mr. Hill said it was stated the slide on the east are deep seeded. He said that was not necessarily true. They are the same on both sides.

Mr. Parks referred to the slopes on the hillside and slides in other areas. He said they vary with different soil compositions and they have requested information from the State Geological Survey from various years, canal leakage, and canal modification.

Mr. Parks indicated that May Lynn told them there was a canal breach in 1945. He went on to say when they took this picture, which they presented to the Planning Commission, when Mrs. Crezee called regarding the slide in her back yard; they determined it is the same location where the canal breached before. Mr. Parks indicated they spoke to Mr. Greg McDonald regarding the slide, and they asked him if it could be consistent with a canal break and he said he could not be sure.

Mr. Parks said the Canal Company has made great efforts to correct their past problems. He presented a picture of the buried canal and a photo taken near the west end of their property. He noted that they walked up there with their engineer and everything they could see appears to be in good shape.

Mr. Parks noted that another question was water control on their property. He referred to the February 14, 2006, meeting, which Mr. Ivan Ray said they have done a lot of work, and they may have been negligent over the years, and they understand there have been a lot of emotions. For all they can tell, they have been addressed and corrected.

Mr. Kent Hill referred to water running across their property, which has been decreased by 2 million gallons and that is only from the Coolidge Spring. He noted that is the spring to the south and the garage spring.

Chair Farr said that was 2004; however, the last two years they have had really wet weather.

Mr. Lorin Parks informed the Commission they did some calculations; 2.7 million gallons of water is 11.61 inches of water across their entire property. It would be in the area of 50 inches of water, which makes a substantial amount of water.

Mr. Lorin Parks said with the safety of the canal and our property improving since 1999, they spoke to Mr. Dave Marble, Echo Dam Engineer. Mr. Parks indicated that Mr. Marble said as long as they were not compromising the hillside and increasing the stability of the hill; he did not oppose their development.

Discussion followed regarding the comparison of South Weber to the petitioner's property. Mr. Hill noted they have been compared to the situation, which occurred in South Weber a year ago. He said fill was added and if you read through the report, it was a strong contributor to the report. In addition, there is a note on there: the static-factor/pseudo-static is 1.0 and it states the factor was 1.0, which was a fairly accurate estimate. He went on to say that was well below what is on our property. Mr. Parks informed the Commission that Earthtec's report indicates the static-factor is 1.5, which is considered suitable for development. He noted that underground those are regulatory standard and those are engineering issues. He went on to say from Earthtec's report the rest of the results are well above 1.5 with the exception of one, which is 1.4 and that is on the western side with the steepest areas where they did not put any homes.

Mr. Parks stated what is under consideration is our property not other parts of the valley. When you make a comparison, there is a big difference between South Weber and our property. The static-factor and pseudo-static are different.

Mr. Hill presented the Commissioner with some old photographs so they could get a better perspective of the property. He noted that there are already 20 manmade structures in the area. Along the bottom, there is already a road, which to his understanding, was put in place to put an improved road at some time. There is an old road that runs from the bottom of the property to the top; and there is an old ditch on the property.

Mr. Kent Hill indicated the Planning Commission has three reports, which seem to be pretty clear. He acknowledged there are problems on the hill; however, the reports indicate it is stable for construction on the areas they want to build on. He said they appreciate the time the Commission has put into their proposed development.

Mr. Parks said it was mentioned that no geotechnical study has been completed for the western portion of the property; however, it was reference four times in their geotechnical study. He went on to say it was said they needed to do further study on the western portion of the property - that is why they were told the Commission made the determination they did.

The Commission recessed from 9:36 p.m. to 9:41

Chair Farr explained the Commission has been presented with more information from the City's Legal Counsel. He went on to say in light of the fact that material has been presented tonight, in an effort to answer questions raised in the previous hearing, if the petitioner feels, in anyway, they need time in order to review and/or comment on this, then time should be granted.

Chair Farr then questioned the petitioners if they felt they have been harmed or unfairly treated concerning what was presented tonight. Mr. Hill indicated that they did not feel like they had been harmed or unfairly treated; however, they would like an opportunity to submit a written response to

the City. Mr. Hill was given until March 6, 2006, to submit all written responses or comment to the City and the Planning Commission would consider the agenda item during their next regular meeting on March 14, 2006, for their final decision.

It was then inquired if any other party felt they needed more time to review any of the material presented tonight or if they have been harmed or prejudiced thereby. There were interested parties in attendance at the meeting that indicated they would like an opportunity to submit written responses to the City. The interested parties were given the same opportunity to submit all written responses or comments to the City and the Planning Commission until March 6, 2006.

It was inquired if the material submitted by the petitioners would be available for public inspection. Mrs. Ukena indicated that anything submitted by the petitioners would be a part of the public record.

Mrs. Ukena reiterated that Staff would need all comments in writing by March 6, 2006, so the Planning Commission could hear the agenda item again on March 14, 2006.

**Public Hearing regarding various proposed amendments to Title 10, Riverdale City's Zoning and Subdivision Regulations. Amendments are being proposed in the following Chapters: §10-13G, the Mixed-Use Zone; §10-22, the Planned Residential Unit Development (PRUD) Ordinance; §10-9C, Residential Zone - Article C. Single-Family and Single-Family with Rental Unit Residential Zone (R-2); §10-10A, the Commercial Zone; §10-11A, the Manufacturing Zone; §10-14-12, the Nonresidential Development Landscape Requirements; §10-28, Residential Landscaping; and §10-16-7, Off-Premises Signs**

#### **Public Hearing**

Chair Farr explained a public hearing is necessary to receive comments from the citizens of Riverdale regarding various proposed amendment to Title 10, Riverdale City's Zoning and Subdivision Regulations,

He indicated that the City has done all necessary public notifications and the notice was published in the newspaper; he went on to explain the public would be able to make public comments after staff made their presentations. He then opened the public hearing at approximately 9:48 p.m.

Mrs. Ukena explained the reason for the public hearing is because the City is continually having to update their ordinances. For tonight's public hearing, there are seven ordinance being proposed for amendments. She noted that she would go through the list of amendments and explain what is being proposed for each Chapter.

Ordinance §10-13G, the City's Mixed-Use Ordinance is being proposed for amendment because there were a few things that need to be changed. The commercial section of the ordinance needs to be better identified and after speaking with the Council, it was thought that list of conditional uses should be added back into the ordinance, which was removed when the ordinance was originally adopted.

Ordinance §10-22, the Planned Residential Unit Development (PRUD) Ordinance; it has been discussed by Staff and thought it is best to eliminate it from the City's Title 10 in its entirety. Mrs. Ukena informed the Commission that PRUDs tend to get a bad reputation and in her opinion they are a "double taxation" on the City's residents because of the property tax and the association fee the owner pays. She noted that the City does not do anything for the residents that live in these types of developments; we do not plow their streets, provide them with garbage service, maintain their streets/utility lines, etc. She believes the City would be better able to handle these developments with a developer's agreement.

Ordinance §10-9C, Residential Zone - Article C. Single-Family and Single-Family with Rental Unit. Mrs. Ukena indicated that the R-2 zone is basically a single family residence with the possibility of a rental unit. She believes it would be in the best interest of the City to add clarification that the home has to be owner-occupied. She added that thinks this would eliminate the possibility of Riverdale City having absentee landlords, which are sometimes referred as "slum lords".

Mrs. Ukena referred to the new landscaping ordinance; §10-14-12 Nonresidential Development Landscape Requirements; §10-28, Residential Landscaping. She indicated that the City Council did not think the notice was advertised as residential landscaping. She noted that the same language is added in the residential landscaping and nonresidential landscaping so if someone looked in one place and not the other, it would be found in either one.

Discussion followed regarding Ordinance §10-16-7, Off-Premises Signs. Mrs. Ukena recalled that they have discussed this proposed amendments a few times, and she reminded the Commission that a business wanted to put an off-premises sign on Riverdale Road. She explained that Staff wanted to amend the ordinance so off-premises signs can only be along the I-15 corridor, which are regulated by the State of Utah. Furthermore, there are currently three off-premises signs in Riverdale and the only way for those three off-premises signs to remain, is as a conditional use and they have to be kept in good maintenance and repair.

Mrs. Ukena addressed the Commercial Zone; §10-10A, the Manufacturing Zone; §10-11A. She explained that these two Ordinances do not state that permitted uses have to go to the City Council for approved (please referred to §10-10A-5 and §10-11A-4). However, the process has always been that a petitioner has had to go to the City Council, which they are not reference to Chapter 25 (Commercial and Manufacturing Developments). Mrs. Ukena informed the Planning Commissioner they either need to amend Chapter 10A and 11A and reference Chapter 25 or not change the language and keep it the way it is written. She stated that she just wants the City to come into compliance.

#### **Unknown Citizen**

It was inquired why staff was recommending to delete the PRUD ordinance. Mrs. Ukena explained she does not like PRUDs; she believes they are an unfair taxation. She went on to explain Riverdale City only has two other PRUDs. However, the new and upcoming thing are developer's agreements and why should they have PRUDs when they could utilize a developer's agreement.

Mr. Brooks added this is a Staff recommendation; the City Council will take the Planning Commission recommendation and they may or may not move forward with the recommendation. He noted that

North Ogden City removed their PRUD ordinance from their Zoning and Subdivision Regulations as well.

**Cherie Crezee, 5509 South 1200 West,**

Ms. Crezee addressed the amendment to the R-2 zoning. She mentioned that many of the homes in her neighborhood are rental properties. She inquired if the homes that are currently rental properties would be grandfathered. Mrs. Ukena explained if the City Council approved the amendment to the R-2 Ordinance, the properties in question would be grandfathered from that point forward. However, as Mr. Brooks, the City's legal counsel, pointed out, if there is a house right now being utilized as a rental property and it is sold; once it changes ownership, it would lose its grandfathering rights.

**Kevin Crezee, 5509 South 1200 West**

Mr. Crezee inquired if the R-2 amendments would mean a homeowner would not be able to rent out their entire dwelling. Mrs. Ukena indicated that would not affect an individual from renting out their entire dwelling nor would it place restriction on individuals from renting out their entire dwelling. The R-2 amendments only has to do with single-family dwellings with rental units located within the dwelling, basically utilizing them as a duplex.

**Motion** With no further public comment forth coming, Commission Tanner moved to close the public hearing. Commissioner Searle seconded the motion. The motion passed unanimously. The public hearing closed at approximately 10:05 p.m.

Commissioner Tanner noted that she just received her legal, draft ordinance with all of the legal formatting and amendments formatted into the ordinance.

**Motion** Commissioner Tanner moved to table the remainder of the public hearing since she just received her ordinance this morning. Commissioner Searle Seconded the motion. The motion passed unanimously.

**Discretionary Business**

Commissioner Tanner inquired if 300 West would be closed on Monday, March 6, 2006, only. Mrs. Ukena informed the Commission that 300 West would be closed from March 6, 2006, through approximately August 31, 2006. It was thought that would be the best alternative.

With no further business to come before the Commission at this time, Commissioner Coles moved to adjourn the meeting. Commissioner Tanner seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:10 p.m.

Attest:

Approved: March 14, 2006

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Michelle Douglas  
Planning Commission Secretary

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Don Farr  
Chair