

Minutes

Price City Planning and Zoning

July 9, 2001

Price City Hall

6:00 P.M.

Present: John Angotti, Chairman Francis Duzenack, Zoning Administrator
Larry Bruno, Vice Chairman Carolyn Vogrinec, Secretary
Laurel Marinos Penny Sampinos
Alfred Richens Gary Lyon
Joe Piccolo

Excused: Vern Jones, Community Administrator

Also

Attending: Val Young Richard D. Richey
Trish Anderson Boyd Anderson
Roland L. Tallerico Mike Gagon
Jeff Ohlwiler

I. MINUTES OF JUNE 25, 2001

There were no corrections or additions and Penny Sampinos made a motion to approve the minutes of June 25, 2001 as read. Laurel Marinos seconded and the motion carried.

II. HOME OCCUPIED BUSINESS - OFFICE USE ONLY
WILD WEST DRAFTING AND DESIGN
435 EAST 100 SOUTH
RICHARD RICHEY, OWNER

Mr. Richey explained he will be doing drafting and design and will meet with his clientele at their location. He plans to draw architectural, mining, residential and business plans upon request. He may have a sign in the future, but has no sign plans at this time. There were no further questions or concerns and Larry Bruno moved forward a favorable recommendation to Price City Council for the Home Occupied Business - Office Use Only for Wild West Drafting and Design - Richard Richey, Owner. Gary Lyon seconded and the motion carried.

Price City Planning and Zoning

Minutes of July 9, 2001

Page -2-

III. HOME OCCUPIED BUSINESS - OFFICE USE ONLY
RLT SAFETY TRAINING & CONSULTING
333 EAST 300 SOUTH

ROLAND L. TALLERICO

Mr. Tallerico explained all training and planning will be done outside of the home. It will be used for office space, record keeping and other secretarial work done only by family members. There were no concerns and Alfred Richens moved to forward a favorable recommendation to Price City Council for the Home Occupied Business - Office Use Only for RLT Safety Training and Consulting, Roland L. Tallerico, Owner. Laurel Marinos seconded and the motion carried.

IV. CONDITIONAL USE PERMIT
PRO REHAB PHYSICAL THERAPY
TEMPORARY RELOCATION TO 21 EAST MAIN STREET
JEFF OHLWILER AND MIKE GAGON

Both Mr. Ohlwiler and Mr. Gagon appeared before the Commission explaining they cannot not come to terms on a lease agreement with the present landlord and find it necessary to relocate. The location at 21 East Main will be temporary until such time as they can again relocate to a permanent location. They are considering a facility in the Bookcliff Medical Plaza at 590 East 100 North, Suite #1. Francis Duzenack explained the Commission was polled by telephone on June 29, 2001 concerning the move to 21 East Main, but the move to Bookcliff Medical Plaza must be brought back to the next Planning and Zoning Meeting as a separate item. The vote tonight will be only for ratification of the Commission telephone poll. Following discussion, the Commission decided because the offices at Bookcliff Medical Plaza were previously used as a medical facility and ProRehab Physical Therapy provides a medical service, they will be allowed to relocate and operate their business at the Bookcliff Medical Plaza, returning to Planning and Zoning for approval of their sign only. Joe Piccolo made the motion to forward a favorable recommendation to Price City Council for ratification of the Commission Poll of June 29, 2001 for the Conditional Use Permit - Relocation to 21 East Main Street - for ProRehab Physical Therapy - Jeff Ohlwiler and Mike Gagon, Owners. Alfred Richens seconded and the motion carried.

V. CONDITIONAL USE PERMIT
FILL WORK AT APPROXIMATELY
355 SOUTH HIGHWAY 55
VAL YOUNG

Mr. Young explained he has been approached by Nielsen Construction, on behalf of the Wal-Mart Project, to take fill dirt from the property prior to construction. The Young property, an acre lot with road frontage along Highway 50 & 6, is between Super Wash Car Wash and north of the Davis Home. He will water and pack the dirt down to eliminate as much dust as possible. Joe Piccolo asked if the drainage problem in the area will be aggravated by this fill. Mr. Young indicated the drainage problem has been there for several years, but the only water coming in there is the water that runs off the highway. The drainage is there because the neighbor farther down the road has installed a culvert which is always plugged, so the water backs up on both the Davis and Young properties. When he bought the property, it was not a wetlands, but the culvert is full of sod and the water trickles through and forms a wetlands

area. Joe Piccolo asked if there are any wetlands in that area and Mr. Young said the wetlands have been created by the plugged culvert. Mr. Piccolo asked if the Army Corp of Engineers has recognized any part of that to be a wetlands area. Mr. Young explained the Corp was down and looked at the property and after some discussion, told Mr. Young that if the culvert was unplugged, the wetlands would go away. Francis Duzenack explained the culvert belongs to John and Sylvia Platis. They installed the culvert on their property years ago and that seems to be the cause of the problem now. Mr. Duzenack indicated there could possibly be a wetlands area because there are cattails growing there and, after reviewing the Wal-Mart Project, they may very well classify some of this area as wetlands. Joe Piccolo asked if there will have to be a study done on these areas before the fill can be moved. Mr. Duzenack indicated the majority of Mr. Young's property is above the wetlands area and, that as long as he stays away from the cattails, everything will be fine. Mr. Piccolo expressed his concern that perhaps the Commission might pledge their support to something the Army Corp of Engineers will not approve. In looking at the Wal-Mart Property, Mr. Piccolo indicated it would have been difficult for him to classify any of that property as wetlands, however, the Army Corp of Engineers has a type of designation that does not allow it to just be marshy before it becomes a

Price City Planning and Zoning
Minutes of July 9, 2001
Page -4-

(VAL YOUNG - FILL WORK, CONTINUED)

wetlands area. Wal-Mart property has half an acre of property which is mitigated as a wetlands area so drainage is still available. Mr. Piccolo encouraged Mr. Young to look into this aspect of the situation before he begins, otherwise, the fill could become a bigger liability than a benefit. Mr. Duzenack indicated that if Mr. Young deposits his fill dirt away from the lower area where the cattails are located, he will probably be alright. Mr. Young asked why they were filling in the area because, since the farms have become homes and developments, there is no water coming underneath road and going to the housing project. Mr. Duzenack indicated there is a small amount of water from time to time. Joe Piccolo said as more dirt is covered with pavement and the development is completed, it will be natural for the water to drain to that spot and something will have to be done to allow the water to drain or there will be some problems. With the development of Wal-Mart, it has been made certain this will not happen because steps have been taken to assure the run off water is contained and channeled in the original channel. Mr. Young indicated he too would like to keep the water in the channel, but now the water path is not deep, but is wide and this helps to enlarge the wetlands. Francis Duzenack suggested Mr. Young contact the Army Corp of Engineer and have them review the site. Mr. Young indicated has called the Army Corp of Engineers in Ogden, leaving his name and phone number, however, they have not yet returned his call. Mr. Piccolo also suggested contacting State Water Engineer Mark Page or EIS Environmental Engineers Dave Varner or Mel Coonrod for help locally. Mr. Young was told by the State Office that it is Price City's responsibility to talk to Mr. Platis and make certain that he keeps his culvert open to improve the drainage. It has never been kept open and has created this problem. The ditch sits on Mr. Young's property and his fence sits on top of the bank to the east where the Platis property begins. Mr. Young told the Commission he would like to fill the ditch, but would keep a drainage ditch there in case any water does come through. Culvert will be installed, but not all the way through.

Francis Duzenack explained this situation came about because of the Wal-Mart Project. Both he and Mr. Young were contacted by Nielsen Construction, who asked to put excess fill dirt on

both the Young and Duzenack properties. They felt it would be a shorter haul and less expensive because they will be

Price City Planning and Zoning
Minutes of July 9, 2001
Page -5-

(VAL YOUNG - FILL WORK, CONTINUED)

removing a lot of dirt from the Wal-Mart site. The entire area underneath and a 10' parameter around the proposed building will need 3' of fill in order to allow better drainage. Unless the fill totals more than 1000 cubic yards, a Conditional Use Permit is not required for the fill work; however they expect it will exceed the 1000 cubic yards. The overall contour of the Wal-Mart Site will still be down from the highway and up to the store and will remain low where the drainage is now located. Mr. Piccolo indicated he was in favor of the fill work to be done on Mr. Young's property, however, as a precaution, he recommended Mr. Young check further with the Army Corp of Engineers because this is beyond the Planning Commission's control and the repercussions may be unpleasant. He again suggested contacting Mark Page of the State of Utah Division of Water Rights and let him know there is an urgency concerning this matter and his help is definitely needed.

Mr. Young told the Commission there is yet another problem. He knows how much water runs off the highway and into the field and it's a good sized stream of water. When Wal-Mart's big parking lot starts draining and that stream of water comes through there, it will flood all the way back up to the road and into the field because of the blocked off culvert. Mr. Piccolo told Mr. Young that Wal-Mart has had to create a catch basin, 10' deep and close to an acre in area, to contain most of the storm water from their parking lot. It has been specifically designed to catch the water and hold it there until it can be slowly released into the ground or beyond. Mr. Piccolo's concern is that, if it is full, where will the excess water go. There will have to be a culvert or ditch going past the Young Property to move the water further south. Mr. Young said it will still be blocked off by the Platis culvert because the water cannot not get through even now. Mr. Piccolo told Mr. Young that the Planning Commission does not have any control over Mr. Platis at this point, but if they make sure that he, Mr. Young, doesn't restrict the flow of water through that natural ditch in some way, then Mr. Platis will have to step up and do the same thing. He explained this is how Planning Commissions get their job done, by making certain that foresight is applied by both the Commission and the applicants. The problem is water flow is needed there and how do we get it? Now is an opportunity for the Commission and Mr. Young to work together for the future. Mr. Young told the Commission that a V-shaped ditch, approximately 4' to 5' deep could be placed in the area. Mr. Piccolo said this

Price City Planning and Zoning
Minutes of July 9, 2001
Page -6-

(VAL YOUNG - FILL WORK, CONTINUED)

indicates we have suggested a natural waterway stay intact and this is good. In addition, newer and larger culverts will be installed to help handle the drainage. There was no further discussion and Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit for Fill Work at approximately 355 South Highway 55

- Val Young, Owner, contingent upon the natural waterway remaining intact. Mr. Piccolo also recommended Mr. Young contact the Army Corp of Engineers concerning his project for information and review. Alfred Richens seconded and the motion carried.

VI. CONDITIONAL USE PERMIT
FILL WORK - WATER LINE
AT APPROXIMATELY 1300 EAST 300 SOUTH
FRANCIS DUZENACK

Francis Duzenack stepped down as Zoning Administrator and approached the Commission as a private citizen and owner of the above shown property.

Mr. Duzenack explained his request is related to that of Mr. Young. Nielsen Construction would like him to accept fill dirt on his property, but have not yet told him how much fill will be coming. While the reconstruction of 300 South is in progress, he would also like to install an 8" water main in the road and stub a fire hydrant into his property, both of which will be turned over to Price City. Right now, the only line going out on 300 South is a private line owned by the Housing Authority and the size is uncertain. The Housing Authority's line is on the north side of the road, but its exact location is unknown. There is a meter vault in the street on the south side of the Grace Baptist Church for their line. Joe Piccolo expressed concern with having two waterlines on one street for Price City to maintain and feels it may be better to replace the existing line if it is not up to Price City Standards. Mr. Duzenack indicated that, at one time, the Housing Authority was going to transfer the line to Price City, along with the road. However, it turned out they did not own the road and decided to retain the water line. The line is in the Price City right-of-way at the intersection, but no one knows where it goes from there. If the Housing Authority line becomes a Price City line, then he will hook onto it across the street. He does not want to hook onto a private line because he is not certain if

(FRANCIS DUZENACK - FILL WORK/WATER LINE, CONTINUED)

it is up to standard and knows they don't have the manpower or equipment to maintain the line. Price City does not maintain this line and has never done so. Thomas Development (Roscrea Apartments) is hooked up to the Housing Authority line and since those apartments have been built, Jack Leautaud has brought his water line up from 500 South, connecting and making a loop through to where 300 South and 500 South are connected. Alfred Richens asked if, with the re-construction of 300 South, will Mr. Duzenack's new waterline be next to the right-of-way and far enough from the load cone of the roadway. Mr. Duzenack indicated it would be out in the roadway on the south side of the street. He feels now is the time to do this work, rather than later and have to dig up the new roadway. It is his plan to install the 200' - 250' water line and the fire hydrant 10' off the curb. Joe Piccolo said if Price City does not own the Housing Authority line, it might be wise for the City to try and find some way to lay that waterline underneath the road now while the road is open. Joe Piccolo asked if there was a ditch on this property and Mr. Duzenack explained the ditch ran totally on Mr. Young's property. The very southwest corner of the property drops down to a lower area, but it is not in the drainage area.

Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit for Fill Work at approximately 1300 East 300 South - Francis Duzenack, Owner, contingent on the natural waterway remaining intact. Mr. Piccolo also recommended Mr. Duzenack contact the Army Corp of Engineers concerning his project for information and review. Larry Bruno seconded and the motion carried.

In regard to the water line, Mr. Piccolo indicated he would like to determine whether or not the Housing Authority Water Line on 300 South is a private line or if it has been deeded back to Price City. He does not want the City to maintain a waterline on both sides of the road. The Housing Authority has their private line on the north side of the road and, if the City has no intention of ever taking it over, then the new 8" line on the south side of the road could become the main water supply to that area. There is poor water flow to the Roscrea Apartments, but by installing an 8" waterline, the situation would improve. He understands that because of the ownership of the private line, Price City may never have access to it, but now would be the time to

Price City Planning and Zoning
Minutes of July 9, 2001
Page -8-

(FRANCIS DUZENACK - FILL WORK/WATER LINE, CONTINUED)

establish that fact and proceed. Mr. Duzenack indicated he would like to have a resolution on the old line or approval to install an 8" water main and fire hydrant. Joe Piccolo moved to forward a favorable recommendation to Price City Council for the Conditional Use Permit for Fill Work, Water Line and Fire Hydrant at approximately 1300 East 300 South - Francis Duzenack, Property Owner, contingent upon fully researching the location and ownership of the current 300 South water line and take advantage of improving it if we have the authority, prior to this installation. Penny Sampinos seconded and the motion carried. For clarification purposes, Gary Lyon asked Mr. Duzenack if he had to cross the street to the north side of 300 South in order to install the 8" line and bring it back to his property, would he be responsible for that expense? Mr. Duzenack indicated he assume responsibility for the expense. He plans to install enough pipe to reach his property and install a hydrant so he will have water. If Price City can acquire the line, then he would take the cost of this line and apply it towards the line on the north side. Mr. Lyon indicated this is a good deal for both parties.

VII. ZONE CHANGE
JAMES & CAROL EAQUINTO
AND BOYD & TRISHA ANDERSON
REQUEST TO CHANGE FROM SF-6 TO NC
AT APPROXIMATELY 1400 EAST 800 NORTH

Boyd Anderson appeared before the Board to request a zone change from SF-6 to NC. The property in question is next to a piece of property zoned Neighborhood Commercial and owned by Ellis Pierce. Although Mr. Anderson's equipment is off the street, he would like to get the zone changed allowing him to park his equipment on the property. Mr. Anderson told the Commission that once the zone has been changed, he would like to fence off a section of his property and install a garage or similar structure in which to store his equipment. The only time the equipment will be used is during the summer months as he will be doing very little snow removal. He will landscape and securely fence his storage area. He has 4.3 acres of

property and will be using the property further in and off the street for his storage. He would like to keep the front part of the property open for future development.

Price City Planning and Zoning
Minutes of July 9, 2001
Page -9-

(ZONE CHANGE REQUEST - JAMES & CAROL EAQUINTO
AND BOYD & TRISHA ANDERSON)

Mr. Piccolo indicated this is a reasonable request as this property is contiguous to other property presently zoned Neighborhood Commercial. He feels it will improve the area and made a favorable recommendation to forward this zone change to Price City Council where a date will be set for a Public Hearing concerning the matter. Laurel Marinos seconded and the motion carried.

Francis Duzenack reminded Mr. & Mrs. Anderson that if and when the re-zoning is complete, they must still return to Planning and Zoning for a Conditional Use Permit for the operation of their business and include a site plan for the entire property.

VIII. STAFF

A) ACTIVE RE-ENTRY

Mr. Duzenack advised the Commission that Active Re-Entry will be moving temporarily to the BTAC while their new building on Fairgrounds Road is being built. Construction time is expected to be a year.

B) DENTAL OFFICE BUILDING/MARK OLSEN, D.D.S.

Larry Bruno inquired on the status of the dental office building presented by Mark Olsen, D.D.S. Mr. Duzenack indicated Dr. Olsen has moved out of town and practices here only a few days a week. Nothing further has been done concerning his project.

C) PRICE CITY POLICE DEPARTMENT

Joe Piccolo indicated he has had a first hand opportunity to watch the Price City Police Department at work and highly complimented them on the performance of their duty.

Price City Planning and Zoning
Minutes of July 9, 2001
Page -10-

There was no further business and Gary Lyon made a motion to adjourn. The meeting adjourned at 7:15 P.M..

John B. Angotti, Chairman

Carolyn Vogrinec, Secretary