

1 **MINUTES**

2 **Oakley City Planning Commission**

3 **Thursday, October 10, 2019**

4 **Oakley City - City Building**

5 **6:00 pm**

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7 **Commissioner Gerald Young opened the meeting, welcome those in attendance.**

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9 **Planning Commission:** Commissioner Chairman Gerald Young, Commissioner's Eric Woolstenhulme,
10 Christopher Hanson, Richard Bliss, Stephanie Woolstenhulme

11 **City Staff:** City Treasurer Konni Thompson, City Planner Amy Rydalch

12 **Others in Attendance:** Nancy Riepmann Vanduzer, Renate & Peter Goodlow, Brenda Scharman, Ross
13 Wilson, Susan Wade, Shawn McNair, Farley Eskelson City Engineering, Matthew Harper, Linda Morrison,
14 Marina Moore, Shawn Moore, Cliff Goldthorpe, Jack Walkenhorst, Mike Johnston, Michael Kirklen, Paul
15 Woolstenhulme, Katherine Scott, Lindsay Wagner

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17 **1. APPROVAL OF JUNE 13TH, 2019 & SEPTEMBER 12TH, 2019 MINUTES:**

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19 *Commissioner Chris Hanson made a motion to approve the minutes of June 13th, 2019 as written.*
20 *Commissioner Eric Woolstenhulme seconded the motion. Commissioner Eric Woolstenhulme, Stephanie*
21 *Woolstenhulme, Bliss, Hanson, all voted Aye. The vote was unanimous, all in favor. Motion passed*

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23 *Commissioner Chris Hanson made a motion to approve the minutes of September 10th, 2019 as written.*
24 *Commissioner Eric Woolstenhulme seconded the motion. Commissioner Eric Woolstenhulme, Stephanie*
25 *Woolstenhulme, Bliss, Hanson, all voted Aye. The vote was unanimous, all in favor. Motion passed.*

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27 **2. Extension of approval for the RWW Subdivision Preliminary Plat**

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29 **Amy Rydalch, City Planner** explained to the planning commission the RWW Subdivision preliminary plat
30 was approved by the Oakley City Planning Commission meeting on July 28th, 2016 and by the Oakley City
31 Council meeting on September 12th, 2016. The condition of approval being that the applicant secure
32 approval from UDOT for access onto State Road 32. Approval from UDOT has been lengthy and has
33 impaired the applicant from seeking final plat approval. It appears that the applicant is nearing approval
34 from UDOT for access onto SR 32 and is preparing documentation for final plat approval. Section
35 13.25.090 of Oakley City Land Management Development Code stats that the validity of a preliminary
36 plat approval is two years from the date of approval. The planning commission may grant an extension
37 of one year if the plat still complies with the development code and city ordinances. The applicant is
38 outside of the two year preliminary plat validity but is requesting an extension of the approval as the
39 plat is unchanged, it still conforms with current zoning and land use ordinances, and the applicant was
40 unaware of the time restrictions as they were working with UDOT. The extension allows for the

41 applicant to finish the approval the approval process with UDOT and make preparations for final plat
42 approval in the near future.

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44 *Commissioner Hanson made a motion to approval the extension for the RWW Subdivision Preliminary*
45 *Plat. Commissioner Stephanie Woolstenhulme seconded the motion. Commissioner Bliss, Eric*
46 *Woolstenhulme, Stephanie Woolstenhulme voted Aye. Motion passed.*

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48 **3. Public Hearing for Conditional Use Permit for Linda Morrison Accessory Dwelling located on**
49 **parcel #OT-31 with possible action**

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51 **Amy Rydalch, City Planner** stated the applicant, Linda Morrison is requesting conditional use approval
52 for an accessory dwelling. She would like to assign/designate the existing dwelling located on the
53 property as the accessory dwelling. By designating this existing dwelling as an accessory dwelling it
54 allows for a main dwelling to be built in the rear at a future date. The square footage of the existing
55 dwelling is 844 square feet of living space, under the maximum square footage allowed for an accessory
56 dwelling and therefore qualifies for such designation. The proposed primary dwelling would be located
57 in the rear of the existing home and would share the existing access to SR 32. The new structure will
58 meet all required setbacks as set forth in the Oakley City Land Use and Development Code.

59

60 **Commissioner Stephanie Woolstenhulme** asked if there would be a new water meter for the new
61 dwelling? Amy stated the city doesn't require a new meter, but it could be something the city could
62 discuss when the dwelling gets a building permit.

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64 **Commissioner Young opened the public hearing and ask for any comments.**

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66 **Commissioner Richard Bliss** asked how the dwelling fits on the lot.

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68 **Amy Rydalch** stated the setbacks might be a little tricky, the house would have to face a certain way,
69 but it does fit.

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71 **Commissioner Stephanie** ask if both dwellings would be rented out.

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73 **Amy Rydalch** stated no, the owner of the dwellings would need to be living in one of the dwellings.

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75 *Commissioner Chris Hanson made a motion to approve the Conditional Use Permit for Linda Morrison*
76 *Accessory Dwelling located on parcel #OT-31. Commissioner Eric Woolstenhulme seconded the motion.*
77 *Commissioner Eric Woolstenhulme, Stephanie Woolstenhulme, Bliss, Hanson, all voted Aye. The vote was*
78 *unanimous, all in favor. Motion passed.*

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80 **4. Public Hearing for Preliminary Plat Oakley Pasture Subdivision with possible action**

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82 **Amy Rydalch, city planner** stated the applicant, Steve Wheelwright, is requesting preliminary plat
83 approval for the Oakley Pasture Subdivision located on OT-201. On June 10, 2019 the Oakley City Council
84 agreed to a zoning change on parcel OT-201 from SL A-40 to SL A-5. This zoning change was contingent
85 upon conditions set forth in a signed and recorded development agreement with the city dated June
86 10th, 2019. (See Attachment B) The preliminary plat addresses the conditions set forth in this
87 development agreement. Certain provisions of the development agreement will be met upon
88 completion and recording of the subdivision plat. A site visit has been conducted by the City Planner,
89 City Engineer, and the Fire Marshall. Based upon that site visit the following conclusions and criteria
90 were established.

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- 92 1. The city engineer is not requiring further engineering studies at this time for the proposed
- 93 building sites. However, if building envelopes/sites change, further studies may be required.
- 94 2. Fire hydrant placement and turnaround as indicated in the preliminary plat meet with Fire
- 95 Marshall approval. Hydrants must be located within 250 feet of home.
- 96 3. The water line dissecting the Wheelwright property is thought to be a 6" line but will be verified
- 97 before building commences.
- 98 4. All easements will be acknowledged and included on the plat. Including but not limited to PUE's,
- 99 River Road turnaround, easements across city property, access across lot 4 for lots 2 & 3 and
- 100 emergency access.
- 101 5. If development is to be gated it must meet access requirements of the Fire Marshall and other
- 102 Emergency services.
- 103

104 Mike Johnston, the engineer for Steve Wheelwright, and Farley Eskelson, the city engineer are present
105 to represents their respective parties interests to the commission. The primary access for lots 2,3, and 4
106 are being accessed further west from along Weber Wild than originally planned. The topography lends
107 itself to easier access at the new point of departure from Weber Wild Road. The fire marshal has
108 approved the turn around and the placement of the two fire hydrants. The shaded area on the plat
109 along Weber Wild Road and Pinion Lane is the dedicated ground to the city. The length along Weber
110 Wild is dedicated for trails and future road widening/expansion. City will hold property in trust until
111 residents organize and secure funding for improvements to Weber Wild Road. The existing water line
112 that traverses the Wheelwright property is thought to be a 6" water line. There is a turnaround located
113 from River Road onto the Wheelwright property – granted by easement – and dedicated on the plat.
114 Building lot #1 is the old Trivett place. The existing Trivett home will be demolished and a new home
115 will be constructed further back from pinion road. There is currently a barn under construction on
116 building lot #1. The city engineer, city planner, Mr. Wheelwright, and Mr. Wheelwright's engineer have
117 walked the property together. The city engineer does not feel that there are additional engineering
118 reports needed at this time. City planner would like to ask that a condition of approval include plat note
119 that indicates that this property is subject to a development agreement signed June 10, 2019 that
120 restricts future development of this property. **Commissioner Young** asked Farley Eskelson if the issue
121 regarding the placement of the fire hydrants had been resolved. Farley and Mike Johnston stated the
122 yes and indicated that the placement was correct on the plat. **Commissioner Young** asked if the
123 commissioners had any questions. **Commissioner Bliss** asked if the water line is a 6" line will it meet the

124 requirements for a fire hydrant? Farley stated that it needs to be an 8" line that connects to the hydrant.
125 We need to determine the size of the line that traverses the Wheelwright property. Amy stated that
126 Kent Leavitt, the fire marshal, had a discussion with the contractor who installed the line and his belief is
127 that it is a 6" line. **Commissioner Hansen** asked if the line is in fact a 6" line and it needs to be replaced
128 with an 8" line who bears the cost of the replacement? Farley recommended a flow test before making
129 any decision to replace the existing line traversing the property. **Commissioner S. Woolstenhulme** asked
130 about the turn around from River Road and asked if it is an easement or a transfer of property. City
131 planner and engineer stated that it is an easement. **Commissioner S. Woolstenhulme** asked if there
132 were planned living quarters in the barn that is currently under construction? City planner stated that
133 there are no living quarters nor water/sewer serving the barn. It is for storage only. Another item for
134 the commission to consider is a triggering mechanism for the infrastructure improvements. Building lot
135 #1 is separate from this mechanism because of its access to Pinion Road and existing fire hydrants.
136 Discussion regarding triggering taking place at the application of the first building permit pulled on lots
137 2, 3, or 4.

138 **Commissioner Young** opened the meeting for public comment.

139 **Cliff Goldthorpe** stated he has talked with Amy, city planner, and he just wants to clarify that there is to
140 be no building permit issued on lot #1 until the demolition of the existing home/structures complete.
141 Amy stated that is correct, that the building permit for a residence is conditional upon the demolition of
142 the current home. **Mr. Goldthorpe** asked about increasing the size of the water line and if it would come
143 up River Lane? He's certain that the line going up River lane is 6" if the water is looped the line
144 traversing Wheelwright's property is probably 6". If that's the case when would the line be upgraded to
145 an 8" line. Farley stated that would be determined by the flow test on the existing line. Is the line on
146 pinion an 8"? City stated that it is most likely a 10" line on pinon. Discussion as to when the timing of
147 replacing lines would take place along Weber Wild. Implication would be that improvement to water
148 line along Weber Wild road would be at the time of the road widening. **Mr. Goldthorpe** asked Amy for
149 clarification on the plat notes that lot #3 remain open ground/pasture. Amy indicated that on the plat
150 there is a delineation line that prohibits building pads from being located to the west of that line. **Mr.**
151 **Goldthorpe** asked if that prohibited accessory buildings such as barns. Amy stated that
152 agricultural/accessory buildings can be built in that zone because it is allowed in all agricultural zones.
153 **Shawn McNair** expressed concerns regarding the traffic that the trails will bring to the area. Amy spoke
154 to the state of Weber Wild Road that although it is considered a private road there is National Forrest
155 access along that road which requires public access along Weber Wild road. **Mr. McNair** expressed
156 frustration regarding public access and no assistance in maintaining Weber Wild Road. Amy stated that
157 the trail planned is pedestrian in nature and not open to vehicular traffic. Traffic/parking will be located
158 on the western portion of Weber Wild and Pinion Road. Suggestion was made to look at the property
159 adjacent to this area that is unbuildable as a possibility for the city to acquire and assist with the parking
160 and safety on the corner.

161
162 **Katherine Scott** asked what was going to happen on the corner of Pinion and Weber Wild Road to make
163 that area safer? Amy stated that Mr. Wheelwright is dedicating, with this plat, a 15' strip of ground
164 along the western boundary of his property to allow the city to widen the shoulder and clean up the
165 willows to facilitate better garbage collection and safety on the corner. Mr. Wheelwright has also agreed

166 to contribute \$1,000 toward engineering costs regarding the corner on Pion. There has been brief
167 discussion of acquiring the property west of Pinion to assist in the improvements on the corner but it is
168 currently only discussion. **Katherine Scott** asked if these improvements are required for a building
169 permit for lot #1. Amy stated that the city is well-aware of the problems in the corner area but that
170 possibly securing property and addressing some of these issues regarding the corner are separate from
171 the development of Lot #1. Discussion of the subdivision process and that the plat when recorded is a
172 lawful document that is binding. Further discussion to press the city to acquire the property west of
173 Pinion. **Commissioner Hansen** suggested to the residents of Weber Wild and River Lane to bring the
174 idea of purchasing the ground west of Pinion to City Council. **Peter Goodwill** asked about the
175 construction traffic on the narrow Weber Wild Road. Amy stated that the construction access will come
176 from Pinion Lane and go East via an agricultural access through Wheelwright's property. No
177 construction vehicles will be on Weber Wild Road. Discussion regarding improvements to Weber Wild
178 Road and that since it is a private road it is the residents responsibility to organize such as an HOA or a
179 road organization and seek funding for the improvements to Weber Wild Road. South Fork was cited as
180 an example. Organization facilitates accessing grant money to improve the road. Once the road has
181 been brought to city standards the organization can apply to the city for adoption. This is why the
182 additional ground dedicated by Mr. Wheelwright is important as it allows for future widening for Weber
183 Wild Road. Further discussion regarding who's responsibility it is to improve the road. City planner, Amy
184 stated that it is the private residents responsibility because it is a privately owned road.

185
186 *Commissioner Young closed the public hearing. Commissioner S. Woolstenhulme made a motion to*
187 *approve the preliminary plat map for Oakley Pasture Subdivision as presented with the following*
188 *conditions: a plat note is included that indicates the property is subject to a development agreement*
189 *signed and dated June 10, 2019; a second plat note that states the issuance of a building permit on lot 2,*
190 *3, or 4 initiates the requirement for installation of infrastructure improvements (road, water line,*
191 *hydrants, et.al); and that the water line requirements are determined prior to final plat approval.*
192 *Commissioner Hansen Seconded the motion.*

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195 **5.Public Hearing for Preliminary Plat Twilight Moon with possible action**

196 **Amy Rydalch, city planner** stated the applicant, Dewain and Jenny Campbell located on 425 East
197 Boulderville Road, are not in attendance, Matthew Harper is here to represent the Campbell's. The
198 applicant wishes to create a subdivision on 16.13 acres. This will be a 2-lot subdivision, current zoning is
199 A-5. The applicant has included of a non-exclusive easement agreement and a license agreement with
200 the Bureau of Reclamation for the Provo Canal and access to the subdivision. There is an existing home
201 in the subdivision that is located on Lot 1. The applicant would like to provide water to the subdivision
202 via well as the existing home is serviced by well and eliminates bringing city water over the canal.
203 Sanitary waste disposal will be by septic as city sewer lines are currently not available in this area.

204

205 **Farley Eskelson, Dominion Engineering** would like the applicant to:

- 206 1. Extend 8" water line from Boulderville Road to the end of Lot 2.
207 2. The water line should be installed on the west property line in the Public Utility Easement.

- 208 3. The water line will be designed to attach to the bottom of the existing bridge crossing the
209 Weber-Provo diversion Canal and be in an all-weather metal casing. There will be a valve where
210 connected to existing Oakley Water Line on Boulderville.
211 4. Installation of a fire hydrant within 250 feet of home is required.
212 5. The culinary connection will be from the 8" waterline to the proposed home. A blow off valve at
213 the end of the 8" water line is required.

214
215 **Commissioner E. Woolstenhulme** asked who owns the access to the right of way? **Mr. Harper** stated
216 that the Millburns' easement allows for access to four homes. **Commissioner E. Woolstenhulme** stated
217 that he believed it was one home. Amy read from the easement agreement that stated "future use may
218 include four or more future lots." **Commissioner E. Woolstenhulme** asked for the reason behind this
219 additional home. Commissioner Woolstenhulme stated that the first home is not in compliance with
220 current city ordinances. He stated the violations were in regards to a conditional use permit that was
221 denied for nightly rentals but the applicants have continued to use property in said manner. He further
222 referenced a city ordinance violation of using firearms within city limits. **Mr. Harper** asked if these
223 violations preclude approval of the preliminary plat? Does not subdivision to be contingent upon that.
224 **Commissioner E. Woolstenhulme** stated that it is a concern when there has been a disregard for
225 following city ordinances. **Commissioner Young** asked Farley, city engineer, for his comments. Farley
226 stated that the easement is wide enough, 100', for water line. Farley stated the easement is on the west
227 side of the property. **Mr. Harper** expressed concern regarding the water line. He is concerned about
228 getting the water from Boulderville to the home is a problem. Farley stated it won't go around the canal
229 but across/on the bridge. Farley, city engineer, responded that the reason for wanting the water
230 connection is because the water is there (Boulderville Road) and for fire protection. **Mr. Harper** would
231 like the city to consider other means of fire protection such as sprinkling or CO2. Farley responded with
232 the dependence upon electrical means for fire protection with these other systems. Electrical is the first
233 to be affected in a fire. The fire marshal wants a fire hydrant within 250 feet of the home.
234 **Commissioner Young** stated that there are instances when the irrigation season is over there have been
235 instances when wells on Boulderville have been dry. **Katherine Scott** stated that she thought that the
236 Campbells had already experienced septic issues with the existing home. She also stated that her well
237 has dropped twenty feet in the last few years and she believes that the city should require them to
238 connect to the city water line. **Mr. Harper** stated that it's cost prohibitive to bring the water to the lot.
239 **Cliff Goldthorpe** stated that it isn't up to the planning commissioners. The planning commissioners are
240 required to adhere to the fire marshals requirements. It is cost of development
241 **Commissioner Young** stated that the water line has to be a requirement of approval.

242
243 *Commissioner Hanson made a motion to approve the preliminary plat for the Twilight Moon Subdivision*
244 *with the following conditions: city water is to be brought to the lot as per city engineering requirements*
245 *and city standards, a fire hydrant must be placed within 250 feet of the home, all easements including*
246 *access, ditches, waterways and other landmarks are required on the plat, the right to farm provision is*
247 *noted on the plat, and the existing home in the subdivision must be brought into compliance with*
248 *current city code. Commissioner Bliss seconded the motion. All voted in favor.*

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6. Discussion – Potential Subdivision OTBV-285 4450 New Lane Road

Amy Rydalch, city planner stated Justin Harding, the property owner, is considering a four-lot subdivision on parcel OTBV-285, located on 4450 New Lane Road. On site there is currently one single family home, an accessory dwelling, and a barn. Access to the property is from the New Lane Road. The access off of New Lane is not up to city standards and would have to be brought up to city standards for the development. Justin Harding has been apprised that he will need to seek a conditional use permit retroactive for the existing smaller home/cabin. The square footage of the cabin will most likely qualify for the square footage requirement of an accessory dwelling. Justin Harding would like to apply for a zoning change for the one area of the parcel that is in A-40 to A-5. He is in possession of a zoning map from 2004 that shows that area as A-5 zoning. He is seeking input from the commission as to favorable circumstances/conditions for the development.

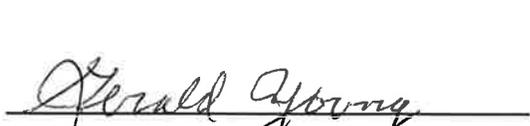
Amy Rydalch, city planner, stated that this proposed development abuts the proposed Twilight Moon Subdivision. **Farley (City Engineer)** Stated that the water would need to come from Boulderville/via Twilight Moon subdivision and loop through to New Lane. **Commissioner Young** expressed concern about fire access. Farley stated that Mr. Harding would have to go to the Bureau of Reclamation to get permission for a secondary access. **Commissioner Young** also stated that the New Lane access is also too narrow for access. **Paul Woolstenhulme** asked when sewer connection becomes a requirement. **Commissioner Hanson** stated that it depends on how close sewer is. City planner, Amy stated that main sewer lines are not in close proximity. **Mr. Harding** expressed his concern over the confusion of the zoning on a portion of his parcel and is asking if he should continue to pursue the development and apply for a zoning change. Further discussion of density and how it is related to the parcel and how to apply the zoning requirements. **Commissioner S. Woolstenhulme** stated that the first step would be to apply for a zoning change for the portion that is A-40 approx. 7 acres to A-5. **Commissioner Hanson** reiterated that submitting a zone change application would be the landowner's next step.

7. Other Business: NONE

8. Planner Items: the code has been updated to reflect the current code online. Amy ask the board to look at the code for any items that they want to be examined and to email her that list for consideration.

Commissioner Hanson made a motion to adjourn. Motion was seconded by Commissioner Bliss. All vote in favor.

Approval is to form 14 day of November, 2019


Gerald Young, Commissioner Chairman


Konni Thompson, City Treasurer