

Planning Commission Chair: Robert Guillier
Planning Commission Vice-Chair: Glen Woolsey
Commissioners: Brett Parke
Scott Dixon
Brent Stuart
Secretary: Christie Blackner
City Council Representative: Dave Boothe

UINTAH CITY
PLANNING COMMISSION MEETING
MARCH 28, 2023 7:00 PM



2191 East 6550 South – Uintah, Utah 84405

(801) 479-4130 Fax: (801) 476-7269

Attendees: Robert Guillier, Glen Woolsey, Brent Stuart, Brett Parke, Scott Dixon, Dave Boothe

Meeting Called to Order by Robert Guillier

Pledge of Allegiance led by Brett Parke

Roll Call: Robert Guillier

Conflict of Interest: Scott Dixon

Agenda Items:

1. **Public Comment (2 minutes per person)**
2. **Approval of the Planning Commission Meeting Minutes held 09/27/2022**
Presenter: Robert Guillier
 - Brett Parke Motion to accept minutes as written.
 - Scott Dixon Second
 - Motion Passed
3. **Discussion/ Action: The Dyes Re: proposed road the in the General Plan that goes through their property,**
Presenter: The Dye Family

Kirk Dye: spoke first and stated that it had come to the family's attention that there was a proposed future road in Uintah's General Plan running North and South on the Dye's family property 1950 E 6850 S. Their comments would be, how that would allowed, what sense does it make and why would Engineer put it in that location? When it is spaced properly, it would be better at the current "right of way" near 2000 E. We would suggest that it was related to Mr. Dixon's suggestion that it may get put there, His engineering firm may have had input to the Horrocks Engineering firm because it serves his purposes but not ours. We know that Mr. Dixon has acknowledged the right of way because he's seen the deed to it. It was titled for Rulon Dye by his father a long time ago to insure access to that property. The right of way was written and noted by Weber County. At this point in time, Mr. Dixon has put gates and even a fence across the right of way. We would like to see if his plans moving forward, include that right of way and so that the right of way would not be restricted. We would like to see that the proposed road across the property be removed from the city's general plan, At that, I would like to turn the time over to my sister to bring up things that are not stated or that I may have notice.

Heather Dye Giles: daughter of Gayla and Rulon stated that upon further research, the legal binding abilities details for a deed of right of way, discovered that even with the sale of that piece of land, the legal and binding deed including the right of way, is not dissolved upon sale. A right of way is an easement which is legal and binding until both

The servient and dominant property holders both agree to release it or dissolve it. At this time my parents have not done that and their property is one of those that is a dominant property in regards to the right of way and receiving access into their land that is a part of the reason that the right of way was created by his parents (Rulon's Parents) upon the time that he created four separate properties for his children, he created that deed so it is a legal and binding deed from all my research and speaking with the ombudsman's office in Salt Lake City. I have the exact number of their office, Utah Department of Commissioned Office, Ombudsman Office. It has also come to our attention that has rezoned his property from Agricultural to Residential. At the point that that happened, if my research is accurate, everyone with 300 feet should have been notified of the reclassification. My parents and my brother are both within that location and they were not notified. Concerns with that, and once again we are learning that Mr. Dixon is fully aware that it is part of their legal their binding purchase of the property purchased when he purchased his own lots, the easement is clearly on them as shown at the Weber County Recorder's office, the easement is listed on the parcel he purchased and the parcel my dad owns. Just so it is clear it is attached to both parcels.

I think that is my biggest concern is just that is a legal and binding contract which cannot just be dissolved on someone's idea to dissolve it, it has to be legally and officially dissolved or legally and officially reclassified or legally or officially relocated by both the agreements of the dominant servient property holders. So, I am very concerned about that, just that it needs to be a legal process and it is a legal and binding document with the right of way and I have deeds and abstracts to show to show that it is attached to all those parcels, so I think that is where I would like to end my comments. Thank you.

Holly Dye Gill: daughter of Gayla and Rulon Dye. As far as the actual proposal, we haven't seen it from the Uintah town Planning Commission. We would like to know where to find a copy of plan cause what we have seen has come directly from Mr. Dixon to our parents. So, we would like to know when that was proposed to the town and to have more access to that information. Kirk already mentioned the location to the access road in regard to, Buena Vista and 2125 E, it feels like the new road would be better suited if it went between Brent Wayment and Leora Dye's property. It seems like the proposed road is to access any new development in that area. Rulon and Gayla and all of their children are in agreement that we have no interest in developing that land and at this foreseeable time, we want to leave it as Agricultural. We also enjoy having that land to the east side of our parents' place between their home and Mr. Dixons which they own, for family recreational use. We've played kick ball and Volleyball and all sorts of stuff out there together. We don't want a road there. We feel like there is two other accesses that Mr. Dixon can use to access the property that he owns and wants to develop, and we would like to see the Uintah town counsel look into using those two other accesses, one would be from the east at 2125 E and the other would be between Leora and the Wayman's. Our other concern with any new development of that land back there is to correct the irrigation flow that goes right back into Rulon's agricultural land because currently it flows through the Dixon's property, and we have been grateful to access it this many years but we know that if he develops that land there that the irrigation is going to need to be recreated so that there's better access to the irrigation. So, we appreciate your time in not moving this forward too quickly so that we can resolve all of those other concerns as this development comes in. We expect that it will occur, but we appreciate it not moving too fast so that we can resolve all of the challenges that it presents. Thank you.

Rob Guiller: Asked if there was anything else you want to share? Again, Thank you so much. One of the things on the agenda is that we want to do is to capture all the things that you say, so we can hear through you. One of the things that the Commission does, and I think City Council ready to serve every person in the community. So, it really is about being together as a community and walking forward as best we can as we move forward. I think looking back, there was the master plan where there proposal was projected proposal on the master plan which is kind of the thirty thousand feet being way back and so, as the city continues develop and grows and each plan each property owner decides what's right for them individually, our heart is to work with the whole community so I appreciate you sharing so that we can capture also so that we heard exactly what you said so that when it gets transposed, that is right word, so that when the recording gets transposed it is captured so we can walk forward as Commission and ultimately as a City Counsel so we can serve you so I going to ask my building inspector who ultimately so he is the one who walks along side of us to stand up at the microphone and share some thought or perspectives. He's the one that walks me, us through that process.

Jeff Monroe: I name is Jeff Monroe and I am the city Building Official. As I reviewed this, of course I think most of the comments are really good, I think that it comes down to, this was a study for the Master Plan and the street master plan. Unfortunately, sometimes those things don't actually get captured as being things that maybe come up later on through research that has taken place and so the master plan gets approved and passed and those issues that were on there will come to a head later on like as they have now. So, what happens is that we still have ordinances in place for those things to be done correctly so that if there is ever a subdivision, even though it's on the master plan, that still can be adjusted. So, as the subdivision approval process goes through, the notice, the public hearings come forth and the residences that especially are neighboring that property will have that opportunity to make sure that they are heard and if that doesn't agree with them, maybe that road project or that subdivision the way it is laid out, they can bring that input in and hopefully we can work then with the engineer, with the developers and the owners of the property and correct those things. That's what hopefully, we will do and try to establish. Unfortunately, you've got caught and the master plan being already approved, and that is why you are see the master street plan showing that road. You are correct on your assumption that that right of way or deed of easement, will then continue, even if the subdivision comes in, it will have to be incorporated into that subdivision if you don't want to use that as a road. At this time, they would have to come back to, of course we have a moratorium on any building at this time so there is no building at this time until that is lifted, and then we will be able to look at that and review that and go through the process of subdivision approval and be able to hopefully answer those questions. That is where we are at, at this time. There really isn't anything that is going to impact you at this time. Hopefully we can continue to be good neighbors. That is all really from my perspective.

Kirk Dye: I thought I had attended the meeting where that Master Plan was approved and I didn't see the road on it at that point time.

Rob Guiller: Yeah, anything that was on here was on the original master plan. It was a projection it wasn't a requirement.

Kirk Dye: I thought that I had been to all the meetings and so I was unaware that the road had been placed there, it just appeared so I want to know, when, how, why.

Rob Guiller: Absolutely and thank you again for capturing that so that the information is there for those who need it.

Brent Stuart: We have in our information that we have and it is not dated, so I don't know but it says Uintah City Transportation Master Plan, so if this is the latest one, there is not a road on your property shown. So, I don't know what is the latest but the important thing to know that until somebody develops, be that Dixon's or Wayman's or whoever, their not going to build a road on your property. When you decide to develop it, you'll come to the Planning Commission, we'll say, hey we have this in the master plan and we will say to you hey we need you in your planning, we need a road here. Until you develop it, we're not going to build a road there. So, if Scott Dixon wants to develop his property, we'll go through the same thing. If there is an already established right of way, we would say hey, that's a good spot for a road. So, the fact that it's in the master plan or not, which I don't know if it is because what we are looking at, it's not there, so I would say don't worry be recognized that as development happens, it will come to the Planning Commission and eventually the City Counsel we'll hear your comments then. I haven't seen a subdivision that doesn't go through two or three iterations as we make comments and kind of work with who is developing it. So, I would say don't worry but keep an eye out for development as it happens on your property or property around you.

Heather Giles: So, I guess that would be our ultimate goal, is that because there is a right of way in existence that would benefit all current shareholders, could the city at future meetings, hopefully propose and consider utilization of that right of way as access to our property as well as Mr. Dixon's. Pursuant that one day we could choose to also develop. It would make a lot of sense to have a centrally located street pursuant to the development of all parcels.

Brent Stuart: I think that your comments need to be forwarded to our engineer. I don't know how often we update our master plan, five or ten years maybe. I don't know when the next one is due, but that information ought to go to him and I would dare say, that he may not have known about the right of way when they drew a road in there. So, that is good information for him to know. It's good information for all of us to know as we move forward and potentially see development in that area.

Kirk Dye: the engineer, do we have his name? **Brent Stuart** answered and stated that we have a firm, and we may contract with someone else to update the master plan. We have a City Engineer that hasn't been directly involved but, he's been involved a little bit but it's not Horrocks. I don't know the history of that. Both **Christie Blackner** and **Debra Wickizer** stated that Jones and Associates used Horrocks engineering to create this.

Scott Dixon: I think my comments can answer these questions. **Rob Guillier:** We are a small city, this is a community, so it's really not a problem to solve this attention to manage and that tension is that as a Planning Commission and City Counsel, we meet every month. We're here to hear and talk back and forward and kind of fall forward together. So I'm going to ask two people to speak right now. So. Jeff Monroe will go first and then Mr. Dixon.

Jeff Monroe: I want to get an understanding. What I am hearing is that basically the Dyes are concerned about being land locked and I know that Scott Dixon knows this and as any development occurs in the city or anywhere, they can not land lock a piece of ground and it is the city's responsibility to make sure that it isn't lane locked. I just want you to be aware that we are not going to allow anyone to develop or land lock the property.

Scott Dixon: Well, I guess I feel a little bit responsible for the comments because we as a family have been very open with the Dye's. We've had Kirks and his sisters and Rulon in our home to discuss our developments as the barn was coming down behind Leora's house, we had pictures taken, we taken a video. Julie and I also had the recent

opportunity and bless her heart we visited with Leora Dye and her son Jonathon shortly before she passed away just to talk about our development. So, I feel a little bit, the reason everyone is here is because of our trying to explain to everybody what we were doing. No subdivision has been submitted to the city, no we haven't taken it out of the green belt so there's no residential, finalized design back there. So, I just want to be clear about that. Again, I don't want to make this confrontational, but I have gone back, Kirk, you were at a Planning Commission meeting on 02/23/2021, the transportation plan was discussed. You came to City Counsel on 03/16/21. The same issues were reviewed so I want to be sure that everyone knows that this is open, and we have since acquired the Stu Boyd property, behind us as well and our subdivision (as to Miss Dye's comment) is coming from the east. It will come off of 2125, we show that. That was really our original plan but there was a time that we said well, maybe it's not a bad idea if the Dyes have an interest in do a development behind their home we could have a brief discussion and that didn't go very far. We could tell that Rulon wasn't interested and it was okay, our original plan was to come from the East. So, we understand what a right of way is, and we honor that right of way. We're not changing the deed we're not eliminating the right of way, but I think that we all have got to understand what a right of way is and I have the definition here; the term right of way is used to describe a right allowing a party to pass over the land of another. The owner of the soil retains the rights and benefits of ownership. Probably the analogy that I would use is, it would be like a cleaning service coming in here to this building and they would be given a key to the door. They have a "right of passage" they can come and go. Someone takes that right and says, hum downstairs there's a lot of room, I could move in, I could take ownership. That's not what a right of way is. It's a means of passage, to come in and go out on that right of way and I have explained that time and time again to the Dyes' that's what the right of way is. It's not a means of improving, running utilities, making a road. You don't have ownership of it. The ownership of that land came with the property that we acquired. The right of way, the means of crossing over, transfers with the property. We acknowledge that, we honor that. So, the right of way will stay. To say now that it should be a roadway, that's stretching it. So, I just want to be clear, that we are coming from the east, we will meet all codes and ordinances of where our subdivision. So, let me back up a little bit. When we bought the property, our attorney Scott Bueller, assured us that's what the term right of way is. The title agent Mike Hendry, our civil engineer Jim Flint, our surveyor Roger Slate, everybody agrees and understands that, that is a passage. We will allow the right of way to be met. Now to the point about a gate or a fence, you can actually with a right of way, and Jeff you can concur with this, we can put stipulations on that. We can put a gate, we can lock it, we can define terms, hours, that you are able to cross over. That is what a right of way allows. To try to say that there is unlimited use is not a fair statement. So, our design is in harmony with all the codes. Nobody's land locked. A right of way is a nice way of allowing access to cross over. We haven't rezoned it. We haven't done any of that yet so, er are in the preliminary stages. I just felt like we as a family were being kind and courteous to our neighbors. To Leora and her family, to Bruce Wayment, to the Rulon Dye family. I thought at one point in time, that Kirk understood that if this is going to happen and we want a roadway back here, Dixon's idea is not a bad way to come between the Rulon Dye property and the Dixon property but apparently that was a misinterpretation. So, there's no other award in the right of way other than ingress and egress. It's not meant to be improved, to be dug on, to be help with utilities, to pave a road and then ultimately dedicate that back to the city. So, I think the big issue is that we are coming from the

east with our subdivision. The right of way will be maintained. It will be honored. Any Questions?

Heather Giles: I do have a few questions. From my knowledge and my observations with current fence lines and where the right of way officially is, I think one of Mr. Dixon's southern most fences is actually on a portion of that right of way. From my knowledge you can't a permanent structure on that right of way. **Scott Dixon:** Ok, if we want to start changing things, the road that you Dad's has used for how many years Gayla 50-60 years, **Gayla Dye:** over 60 years. **Heather Giles:** It's for this house I understand, it's for this house. **Scott Dixon:** That road is what he has deemed as the right of way, the actual right of way, **Heather Giles:** Verbally or on paper? **Scott Dixon:** I just know he has driven on it and that has been his access and it coincides with where the Dyes put the ditch. So it is next to the ditch. It's in a common-sense place but if you want to legally say where's the right of way, it's not that location. **Heather Giles:** Ok. Right, which is what I want to clarify. Then from, also from my reading research and speaking with the office in Salt Lake City, that there has to be access that is not limited in anyway. Such as horses that are pasturing and that my father has to check in before he uses it to make sure that horses don't get loose etcetera, etcetera. **Scott Dixon:** I would probably beg to differ because a right of way, you can put terms on it. **Heather Giles:** but there aren't terms. **Scott Dixon:** We could now, put terms on it. **Heather Giles:** They'd have to be agreed on by the dominant and servient properties holder. **Scott Dixon:** Remember the definition here says that the terms, all the ownership of the soil, retains all the rights and benefits of ownership. I have been counselled by our attorney Scott Bueller, that you can make stipulations on a right of way. **Rob Guiller:** We don't normally do this but as the Planning Commissions show and Jeff will send us, as we walk the process forward, the check lists get bigger and bigger and a little more refined. So, tonight it was on the agenda, so to honor the agenda and conversation, we want to do that but the deeper and more clarifying questions, that would be a different time but nothing and I think that Brent said it, nothing will... we are here to serve the city and to walk us through the process and we have an extensive check list and as we walk forward and things get developed, the check list gets finer, and finer. My request as the Planning Commissioner, would be to pause for tonight for now because it really is getting into the minutiae and the weeds of the process and the refining of it but we have captured it tonight so what everybody shared, what they shared. Mr. Dixon shared his and so as we walk forward, we will do everything in our power to walk through the process in a clean and clear and kind of community type way. **Heather Giles:** Ok. **Scott Dixon:** Can I just answer two more questions? **Glen Woolsey:** We should stop Scott the chairman wants to stop Scott and I agree with him. We can't settle this in this forum and I know you want to say...but now is not the time I don't believe. **Gayla Dye:** Can I take a minute I know I am not on the schedule. **Rob Guiller:** Nobody was on the schedule ma'am; we are starting to get into deeper questions that I don't have the right to start to answer in this forum. We will answer those as we go forward but I don't have the bandwidth in this forum to get into those discussions on a deeper level. If you would all honor me as the Commissioner, I would like to pause for tonight, revisit what we have captured, use my building inspector and everyone involved and walk the process through as cleanly as can. There's a lot to talk about and a lot of discussion to take and a lot of clarification to take place as we go but we are going to do everything in our power as the Planning Commission to serve you and serve our community. My heart is that I have to serve every member of our community. So, it really is about hearing from everybody and then us walking forward as commissioners tonight is that would be ok.

- Brent Stuart motioned to acknowledge what has been said here tonight

- Brett Parke Second
- Motion Carried

4. Discussion/ Action: Todd Bruestle Camrey LLC CUP 1585 E 6650 S

Presenter: Todd Bruestle

- Brent Stuart motioned to table until Todd Bruestle is here
- Brett Parke Second
- Motion Carried

5. Discussion/Action: Annex for Matteos, 1609 E 6650 S as requested by the Mayor

Presenter:

The Matteo's want to build a big garage behind their home. Part would be in Uintah City and part would be in Weber County unless they annex. In reviewing and discussing the pros and cons, the Planning Commission were in favor of Annexing however, Jeff Monroe brought up that we have allowed others to do the same without requiring them to annex, we can't compel someone to annex if we have allowed others to build and not annex.

- Brent motioned to Annex
- Glen Second
- Motion Carried

6. Discussion/Action Rick Prater Re: property at 2021 E 6550 S

Presenter: Rick Prater

Mr. Prater wanted to discuss the possibility of buying the property and rezoning it to accommodate a trucking business. The business would have large trucks such as dump trucks to be located at the property. Jeff Monroe advised that the property would need to have a residence on the property to have a business like that in the city as it would impact the roads and citizens. Brent Stuart advised Mr. Prater to review the city ordinance under chapter 7.

7. Commissioner's Responsibility reports and follow-up from previous meeting.

- New business Licenses- Christie:
- CUP's-Brent Stuart-
- Commercial Building- Scott Dixon-
- Training- Glen Woolsey-
- Nuisance- Brett Parke-
- Other: Rob Guiller

8. Meeting was adjourned.

- Brett Parke Motioned to close Meeting
- Brent Stuart Second
- Motion Carried

APPROVED by the Planning Commission this 25th day of April 2023
Commission Chair



Planning Commission Chair