

Staff Present: Ronda Kippen, Principal Planner Jolene Andrus, Neighbor Lance Parks, Applicant (Lot 34)
Kary Serrano, Secretary Donald Andrus, Neighbor Trevor Anderson, Applicant (Lot 33)
Tiffany Bennett, Office Specialist Jody Chidester, Neighbor
Blaine Frandsen, Engineer

1. Consideration and action on an administrative application for approval of the Eagles Nest Subdivision, 1st Amendment, for Lots 2 and 3 located at approximately 10450 E 200 S in the Agricultural Valley (AV-3) Zone. Janalee Tidwell Wesche, Applicant

Ronda Kippen said this item has been pulled from the agenda and will be re-noticed for a future meeting.

2. Consideration and action on an administrative application for the final plat approval of Cedar Cove Estates Amendment 4 Subdivision located at 6696 S 2850 East in Uintah, including the concurrent consideration and action of the Cedar Cove Estates Amendment 4 Hillside Review and access via a private right of way requests for Lot 34 in the Residential Estates (RE-20) Zone. Lance Parks, Applicant; Trevor Anderson, Agent

Ronda Kippen said that the request is for an existing lot in Cedar Cove Estates currently platted as Lot 28; and the property owner would like to divide that due to the overall area that has enough acreage for two parcels. With it is in the RE-20 Zone that requires 20,000 sq. ft. and they have 1.47 acres. Currently the exterior boundaries are not changing and there is a previously platted detention basin that is part of Lot 28. They do have a stream corridor and there is a fault line that runs along the eastern most property. They had a fault line study done by a qualified Geologist and the setbacks have been reduced based on the Geologist recommendations. There is a 50 foot setback from the stream corridor and on the western side of the fault it has been reduced 24.9 and then 20 foot setback on the eastern most side of the fault line. Access for Lot 33 will come off of the cul-de-sac; access for Lot 34 will come by a private access easement, and the Fire Marshal has approved the design and easement from the turnaround on the lot. Based on the configuration of the proposal; it meets all of Fire, Engineering, Surveying, and Planning standards. This has the unanimous approval of all review agencies and is ready to be recorded.

Jolene Andrus said that the water that comes off the mountainside, and there is a drainage that goes down through there, so how is that going to be kept. Ms. Kippen replied basically the drainage easement located in this area that comes into this detention basin, and this is the drainage and the stream corridor located in this area and that continues on down. That was never part of the overall Cedar Cove Estates. In this area is the detention for more water runoff that is part of the initial Cedar Cove Estates. Regardless she could no deal with this block. If they have other storm water issues, they would need to deal with that as a Home Owners Association (HOA).

Donald Andrus asked did this originally start out as Hinckley Subdivision by Mr. Green, because years ago there is a Geo Tech that says that there is a stream that runs on the east side of his property. Ms. Kippen replied no, this is the original one and this area is the east side of their property and this area is the stream. There are setbacks that are set from that.

Donald Andrus said that they could not be responsible from the runoff off of the land up above their property. Jolene Andrus added that what they are asking for is the natural drainage of what was set off of this property by the Department of Land Management above them. Ms. Kippen replied that would not be Weber County.

Donald Andrus said there was a plat done because Mr. Green showed him a few years ago; that showed the natural runoff from his property that was set on that side of the mountain, so somebody has to have that.

Ronda Kippen said she did not know who Mr. Green was. Mr. Andrus replied that he was the original developer for Hinckley Subdivision that eventually became Cedar Cove. Ms. Kippen replied that they are only dealing with this lot. They are not dealing with all these other lots and they have nothing to do with the Board of Land Management (BLM).

Donald Andrus said that their concern is that they do not want to be responsible for the land water that comes off that mountainside; because it's going to run into their property and there isn't any way to stop it as it goes into the holding pond. Ms. Kippen replied that this area is the drainage easement that goes to the detention basin.

Ronda Kippen said as she had previously stated on the phone, that this is a civil matter and she could not help them to

not sue each other if water comes off the mountain and gets into their basement. They will have to work as an HOA or the BLM to accomplish that.

Donald Andrus said if they look at this plot, this is natural drainage coming off of that mountain. Ms. Andrus said if they block that and that's their concern and when it rains that area there is a flood situation. Ms. Andrus said it gets so bad that it has flooded their basement. Ms. Kippen replied that is the risk that everybody takes.

Jolene Andrus said that is why they want it in writing; and Mr. Green had indicated on the plot of the natural drainage. Ronda Kippen asked if Mr. Green had that recorded against that subdivision. Ms. Andrus replied that he did record it.

Donald Andrus said that Mr. Green had shown him the plot, so someone had to have the plot for the natural runoff.

Ronda Kippen said that this includes what was recorded for drainage; they can't look outside of this and this is a private street, this is a private development.

Donald Andrus said that the only thing they want done is a release from anything if the water comes off of that mountain and runs through his property. Ms. Kippen replied as previously stated, she could not release them from that; that is private and she could not tell them who to go to for that. This is between you and the applicant and this is a civil matter.

Ronda Kippen said if they were aware of how land use works on what may have been originally approved with the Hinckley Plat. The way that land use works is when a new plat is recorded over that it vacates that. So whatever may have been approved 40 years ago, what is currently approved is what exists. Everything underneath that Mr. Green may have put in place, and that's on Geologic and that's not Weber County. That's on Geo-Gizmo and if they look at the disclaimer when they pull that up, that is a courtesy, not very accurate mapping system and is taken from aerial views that is taken from Bing and Google Earth. If they are looking for somebody to agree not to sue them, that is not a land use element and not a County Engineering Element. This is a private situation between two neighbors, this is all owned by the HOA; that is what you as a neighborhood gets to come together and work towards that. Staff can only deal with what is their land use code which the applicants meet.

Lance Parks, applicant said they are going to build a home that is not going to flood. They plan to landscape and do everything they can do to plan for that water that comes down the mountain. They worry about the neighbor's house because of where that rock wall is and they do understand. They are neighbors and they plan have pipes going around their property to channel around so they don't have water in their basement.

Ronda Kippen said that when she had talked to the applicants, and this property is unique, and they have designed around every last natural element, they found a buildable area that got approved by the Geologist. The Engineer's vetted through their whole process and it meets the standard of care. At anytime where these stream corridors are coming off of the mountain, and they do see people fill those in; they have every right to contact the Army Corp of Engineers that take this very seriously. Because anything somebody does up stream, now deflects that water onto somebody else's property and they cannot alter those stream corridors without approval from the Utah State Water, Daniel Rasmussen and the Army Corp of Engineers which is federal.

Trevor Anderson, Applicant said with all of those best practices that were designed to be in place for that runoff and for that flood. Unless it has been altered above and beyond from what was originally designed for the subdivision all of those best practices are kept. Whether the detention basin is still place, the stream corridor is still in place, so everything will stay where it is at. Neither he nor Lance wants to deal with water issues so they have taken the necessary steps to make sure they take care of those issues.

Ronda Kippen said that they would encourage for them to work together as neighbors that flooding measures have been mitigated, and all three of these applications stand approved based on review by the Planning Director and look forward to recording the Mylar.

4. **Adjournment:** There being no further business, the meeting was adjourned at 4:30 p.m.
Respectfully Submitted,
Kary Serrano, Secretary; Weber County Planning Division