

January 7, 1985

**NAPLES CITY PLANNING & ZONING COMMISSION**

The Naples City Planning & Zoning Commission meeting that was scheduled for Thursday, January 10, has been cancelled due to a lack of business.



**NAPLES PLANNING & ZONING COMMISSION**

The regularly scheduled meeting of the Naples Planning & Zoning Commission set for February 14, 1985 has been cancelled due to a lack of business.

The next meeting will be at the regularly scheduled time and day, March 14, 1985 unless you are notified and told different.

PROCESSES OF THE ...

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NAPLES PLANNING & ZONING COMMISSION  
March 14, 1985

MINUTES

This regularly scheduled meeting of the Naples City Planning and Zoning Commission was held March 14, 1985 at the Naples City Office. Robert Kay, Chairman, called the meeting to order at 7:00 P.M. Those in attendance were:

Commission Present

Robert Kay, Chairman; Wesley Bowden, Charles Olsen, Ralph Dart, Phillip Manwaring. Norman Haslem.

Alternates Present

Shane Mayberry, Brad Gale.

Others Present

Ken Lind.

Approval of Minutes of December 13, 1984

Brad Gale moved to approve the minutes of the December 13, 1984 meeting. Charles Olsen seconded, the motion passed unanimously.

Vacating of Part of the homestead Subdivision - Ken Lind, Location 2250 South 1500 East Highway 40

Ken Lind presented his petition to vacate the easterly section of the Homestead Subdivision. The Commission reviewed his request, discussion followed.

Charles Olsen moved to recommend to the City Council that the petition to vacate be accepted. Dennis Judd seconded, the motion passed unanimously.

Review of Zoning Ordinance "Sign In Residential Neighborhood"

Home Occupation recipients would like to advertise their wares or location. Discussion followed. More information from other areas will be needed for further study.

Review of Zoning Ordinance - Update and Copy

The Commission reviewed the ordinance. It was suggested that section numbers and page numbers be simplified.

Other Business

The Commission reviewed projects they are working on with the City.

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Adjournment

No other business having come before the Commission, the meeting was adjourned at 8:00 P.M.

PLANNING & ZONING COMMISSION

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Robert Kay  
Chairman

ATTEST

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Craig Blunt  
Secretary

May 10, 1985

NAPLES CITY PLANNING & ZONING COMMISSION

The Naples City Planning & Zoning Commission meeting that was scheduled for Thursday, May 10, has been cancelled due to a lack of business.



June 14, 1985

NAPLES CITY PLANNING AND ZONING COMMISSION

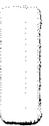
The Naples City Planning & Zoning Commission meeting that was scheduled for Thursday, June 14, has been cancelled due to a lack of business.



July 11, 1985

**NAPLES CITY PLANNING AND ZONING COMMISSION**

The Naples City Planning & Zoning Commission meeting that was scheduled for Thursday, July 11, has been cancelled due to a lack of business.



NAPLES PLANNING & ZONING COMMISSION  
August 1, 1985

MINUTES

This Naples Planning and Zoning Commission meeting was requested by Judge Davidson to be held August 1, 1985 at the Naples City Office. Wesley Bowden acting as Chairman called the meeting to order at 7:00 P.M. Those in attendance were:

Commission Present

Wesley Bowden, Ralph Dart, Charles Olsen.

Commission Absent

Robert Kay, Norman Haslem, Phillip Manwaring.

Alternates Present

Brad Gale, Shane Mayberry.

Council Representative

Dennis Judd, present but not active due to conflict of interest.

Others Present

Clark Allred, Ann Nash, Lee Nash, Lynn Payne, Ray Hunting, Ralph Walker, John Junting, Uel Hunting, Kent Steed, Marilyn Merrell, Dallas Merrell, Beth Pack, Dee Jay Pack, Evan Hansen, Joe Shoemaker, Anthony Beals, John Henderson, Dave Rasmussen, Willis Southam, Adam Blunt

Sluice Box - Uel Hunting & David Rasmussen; Location of Project 2600 East 2500 South

Clark Allred:

This matter is hereby last filed on the contract dated November, it has to do the sluice box Mr. Hunting is constructing here in Naples. The matter was brought to court, about the 19th, two weeks ago and the District Court Judge asked that the matter come back to the Planning Commission and that you make some recommendations to the City Council and that they act on those. His feeling was that the transcript reveals that there were a lot of unanswered questions last time about the sluice box, why ways as far as they have could be modified to make it less of an obstruction those types of things. And so Mr. Hunting now as I understand has additional information so that we can answer those questions, and then based on that we need to make some recommendations to the City Council. What the Planning Commission is supposed to act as a hearing body for the City Council so the City Council doesn't have to hear the whole thing again. We're supposed to be qualified in the area and be able to get the information and make some detailed recommendation on

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the matter and hope that the City Council has enough information from our recommendation that they don't have to have their own hearing. So that's why I think this evening we really need to do that. The other thing I'd recommend, and I understand that Mr. Bowden is going to be the Chairman, is to keep it organized, sometimes the meetings get out of hand. I think probably the best procedure is to find out who's spectators and who is here to have a say. What we ought to do is to find out who is going to have a say and list all parties down. You'll each get your turn and then when your turn is over, you're through, and when everybody is through, then the Planning Commission can have their discussion and make their recommendations without continued input. The first person during these proceedings would be Mr. Hunting since he is the applicant and the party with the sluice box that this meeting is held for.

David Rasmussen:

By the way, I want to interject there that this isn't just Mr. Hunting, the lawsuit the way it sets now is Mr. Hunting, and I had to withdraw for various reasons. But the sluice box was put in jointly by Mr. Hunting and myself even though he did most of the work, like contracts, arrangements and agreements and so on. So I think I need to clarify that, that he isn't in this alone, it was a proving agreement that we both signed with the SCS and the ASCS office, in order to use cost sharing to a maximum benefit to both of us, so I think the board needs to understand that and everybody else, that isn't just Mr. Hunting, I'm involved 50/50 on the structure as it stands right now and the project's approval down the road provided that we can go on with it.

Wesley Bowden called the meeting to order:

Well, lets call the meeting to order. Is there any questions you fellow's have first of all.

Well then, I guess we can hear from Mr. Hunting then.

Lynn Payne:

I'm going to, if you'll allow me. I though maybe I'd get up here and if you don't mind I'll stand here.

Mr. Washburn is representing Mr. Hunting in this matter and we have brought some people with us today that can answer some of your questions. The Court wanted to come back here and have us answer whatever questions you have regarding this structure. Let me introduce some people to you. Joe Shoemaker, the fellow with the glasses over there and Evan Hansen, are from, is it Empire Engineering?

Ralph Walker is here from the Central Utah Ditch Company. Dave Rasmussen is here. He's introduced himself. I believe most of you know Uel Hunting who is the person who is named in the lawsuit. We expected to have Clair Prestwich here. Clair Prestwich is an engineer for the Soil Conservation Service, he's in charge of the project now. John Henderson is here, and also Tony Giles. When it was constructed, Nancy Tipton was in charge of the project as far as engineering. We've also asked Ken Steed to attend the meeting. He's the Vernal City Building Inspector and has been a Building Inspector in various communities in Utah for 6 or 7 years, and those are the people

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I think that can answer any of your questions regarding the project. I'll give you a brief overview and tell you what we've got on our mind and then you can direct your questions either at me or at Uel or at Dave, whoever you feel you'd like to obtain an answer from and if you just have a general question, maybe I can help or direct it to whoever will be appropriate to answer it. We're back here at the Court's direction as Mr. Allred has indicated and we're here in good faith and we are going to try to answer all of your questions, however the lawsuit still continues, and I noticed that Mr. and Mrs. Merrell are here today. This is a government sponsored funded project designed to take the salinity out of the water in order to provide for a more effective sprinkling system, in order to prevent salium elements to get into the water tables then eventually into the streams and cause losses in the production of crops and all of the other problems. It's funded by the government. Mr. Henderson has been involved since the first in coordinating the project with Mr. Hunting and the engineer. This project began approximately last summer. The project initially began with Mr. Hunting and Mr. Rasmussen constructing or doing some excavation for the structure that is there. They did quite a bit of work throughout the summer. They began pouring the structure in September, I think on September 7th... September 4th. They had seven different pours between September 4th and September 20. During that period of time, nobody came to Mr. Hunting and/or to Mr. Rasmussen and expressed any problem with it. This is a structure that is within a couple hundred yards of Mr. Merrell's house, he was certainly aware that it was going on. The pour's had been completed to the point that it was the last pour, and then Mrs. Merrell came over and complained about the structure itself. By that time, the structure had been designed and the design had been implemented and placed vertically into the location and there wasn't anything that could be done to change it. Up to that time, Naples City had not said anything about it, and no one had obtained a building permit as you know and no one had requested a building permit be obtained from Mr. Hunting. The reason I have Mr. Steed here and others that are familiar with right-of-ways and ditches is to tell you, that throughout the history of this community so far as we are able to find out, no one has ever obtained a building permit for a structure that was put in a ditch right-of-way, it's never been done, it's never been required in Uintah County. Uintah County is identical to Naples City. It's never been done in Vernal City which has an ordinance that's very similar. Mr. Steed would tell you that he has had experiences as a full time building inspector in other communities, and those communities haven't required a building permit for people who construct a structure within the easement right-of-way. So it's no wonder, I think that you know that's the history throughout this community. I know that you guys are aware of our valley here, no one has ever been required to get a building permit, so it's not unusual, and in this case Mr. Rasmussen and Mr. Hunting didn't even consider it, whether or not they would be required to get a building permit. It never crossed their minds that they would have one, until after the structure was put in and Naples City came to them. The reason that I wanted to talk to you a little bit about that and one other matter before I start to tell you about the project is it evidences the point of view. Our position in this matter is that a building permit is not required. Now I want to talk to you a little about the ordinance. If you turn to your ordinance 02-02-03, that's the ordinance that your building inspector is requiring a building permit under. Now you read that, it says no building structure, pipeline, transmission line, conveyor belt, or railroad shall be constructed, reconstructed, nor shall the use of land be changed except after the issuance of a permit for the same by the building inspector. Now, we have never been really sure about what part of the project is being objected

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to. If you are objecting to the laying of pipe, this ordinance says that no pipe shall be laid without obtaining a building permit. We're concerned with that because we believe that Mr. Rasmussen and Mr. Hunting ought to be treated the same as everybody else, so that if you're going to require a building permit because he has laid pipeline then I think that it would be only fair for you to go out to all the farmers in the area and whenever they lay pipeline to require a building permit for that purpose.

Clark Allred:

I think you're sounding out of line. The place for a building permit is with the Building Administrator or Board of Adjustment. This is the Planning Commission you're here to explain the project to them, and if you want to say you're people acted in good faith, I don't have anything to say about that, but the question of whether or not a building permit is necessary is not really a matter of the Planning Commission.

Lynne Payne:

It is because it is this body that decides whether or not a building permit is even required because the ordinance goes on to say in certain circumstances, building permits aren't required. But this body can say that no building permit is required at all in this situation. And that's what our position is.

Craig Blunt:

In this case, we're talking about a site plan, you're building in a road easement which will interfere, we're looking at what could happen or what we'll have planned for future development in our roads, so that's one aspect of Planning and Zoning to look at. It's permit procedure is what we're asking for so that we know what the project is, what it entails, and that's what we're here to find out.

Lynn Payne:

Am I right in saying that Naples City is saying that all we have to do is meet your requirements with respect to construction within the public easement. That's the reason we're here, not for building permit but for a ability to construct within a public right-of-way, is that right?

Clark Allred:

No.

You're here under the zoning ordinance. The Planning Commission isn't the one that decides whether or not you need to get a building permit.

Lynn Payne:

I Believe they do .... the ordinance goes on to exempt certain structures which are classified as structures that are minor in character, and then it says as defined herein, and nowhere in your ordinance then define for your what's

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minor. So I think that one of your positions is the way what this ordinance is constructed doesn't give you or the building inspector any guidelines by which you should decide whether or not a building permit is required in the first instance.

Wesley Bowden:

I'd like to ask one question there, does Mr. Steed run up against this same thing? He's in Vernal City, would this same kind of a structure be constructed in Vernal City?

Mr. Payne:

There has been at least one, Mr. Bowden, that has been constructed in Vernal City, there has been a couple that have been constructed in the County, the County Inspector who has the same ordinance that you do and he had told us that they have not required a building permit in the County, Vernal City has not and if they were to apply for one, that they would be turned down because there is no standard to measure whether or not a building permit is required.

Mr. Bowden:

I have one question, you referred to these same structures being built in Vernal City, and Uintah County, were they built in road easements, next to the roads?

Mr. Steed:

Yes, they were, one by Kentucky Fried Chicken.

Mr. Bowden:

But, you kenw about it...

Mr. Steed:

I knew nothing about it, they just put it in. No one ever brought it in. Mr. Walker ended up paying for the road removed. It was built in the old existing road easement.

Mr. Walker:

I might mention that the Canal Company has 25 feet on the upper side and 45 feet on the lower side easement, and I've put in five structures and I've never asked for them and nobody has ever questioned and we have one that narrows right in the street, running in the road way. And another thing, when the telephone company put the pipeline through central canal, they didn't put it right up by Glines Ward Church and I've told get it out and they said they had their right-of-way from the State, and I said you'd better get a right-of-way from me too. They moved the pipe out, we've got the right-of-way through there.

Lynn Payne:

An important point is that we are constructing this pursuant to permission from the Ashley Central Canal. This map would designate the project. There is the existing structure that has been there where it goes under the culvert and drains off across the road which is .2500 South. The structure is right here and it's positioned within the existing right-of-way for the Ashley Central Canal's lateral there. I want to talk about a couple of things. I'm going to talk about the design of the project, the location of the project, the height of the project, the project itself - what it entails, and there has been some question about the feasibility of drawing it over the project and so I'll address all of those areas. Now, Mr. Hansen is an engineer who has looked at this thing and also Mr. Prestwich is familiar with the project, so some of the technical things if you have questions after I've given my portion of it you may want to ask them. The project itself consists of the unit here which is the sluice box and in connection with the project remember one of the purposes for the sluice box is to take out the sand out of the water and the materials in the water by allowing it, the water to slow down and the particles to settle out. One of the features of the project would then be when that sand collected in the bottom there will be an outlet right here which will flush out the sand and once it's in place over a period of time, that will necessitate a pipe being constructed. It needs to go across the road, and I suppose the best way to do it is just to take that directly south across the road along the right-of-way down here and then dump back into the canal, and this canal continues on down into some property that Mr. Hunting and in that property is another settling tank and it will be settled out again. What that allows is for the water that goes on through the project down to the area that will be surfaced by it in terms of the pipe system or the speaker system to be free of materials and then it goes back down into Mr. Hunting's property and again the material settles out again and he cleans that out occasionally with a machine that he has, a farm tractor or something. The other thing that is a part of his...there will be a four inch pipe. wherever you locate this pipe to flush it out we need to run another pipe across the street, there is a couple of property, one's owned by Mike Haslem and the other one is owned by Beth Pack and that four inch pipe will surface those two pieces of property over there. The third feature of the project is a pipe that will continue along or near the ditch bank and they'll have to keep pretty close to that ditch bank because of the utilities that are already in there and goes down approximately to where Mr. Hunting lives and then crosses the street then, and that will be the pipe sprinkling system.

Wesley Bowden:

How big of a pipe is that going to be?

Hohn Henderson:

15 inch.

Brad Gale:

Well these others he's talking about, four inch pipe, that won't handle much of a stream of water will it?

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John Henderson:

No.

Lynn Payne:

In order to get enough pressure for down in the field for Mr. Rasmussen and Mr. Hunting, it was determined by the SCS that you couldn't put this any further down stream than where it is in order to get the pressure needed to run the irrigation project. If you put it further upstream you would increase your pressure but you would have to locate it on the other side of the existing canal and that would be even closer to the road, so by putting where it's located, it's in an existing right-of-way one that's already been used and it doesn't need located along the side of the canal so SCS determined that that would be a point that the structure would be located, there has been some discussion about that, I'm sure that if any of your questions need to be addressed it wasn't Mr. Hunting or Mr. Rasmussen's decision to put it at that particular location. That location was designated, through Mr. Henderson he decides what your needs are, and then you take it to the Engineer and the Engineer makes these decisions. Mr. Rasmussen is not an engineer. These design features are made by SCS based upon what is needed as determined by the conversations with the project owner. I want to talk to you about design with the project owner. I want to talk to you about design now. The project is designed to do four things. It is designed to desalinate, settle out the particles, to do that the minimum they require is a three minute retention in the structure so that when the water comes in the structure it's got to reside or maintain or be inside the structure for at least three minutes in order to give it enough time to slow down and to settle out the particles in order to do any good. This particular structure was designed for three minutes, I think that that is a minimum. Mr. Hansen will indicate that to go below that would be not desirable and I think Mr. Prestwich would in terms of the design one of the things we talked about was lowering the structure, that structure, is designed for normal, water line, if you reduced that water line, and lowered the structure below the water line what you would be doing is taking away the volume that is needed to accomplish the desalinization process. If you lowered the water table what you would be is reducing the volume of water and structure which would increase the flow and you wouldn't have three minutes so you wouldn't be meeting the design specifications.

Wesley Bowden:

Isn't this structure higher than the ditch itself?

Lynn Payne:

There is a drawing on here showing the heights of the natural ground on it seemed like the north side.

Wesley Bowden:

Is the headgate higher than the ditchbank or the mound?

John Henderson:

What it is Mr. Bowden is when you design the structure one of the things you're doing in the process of that structural working at point the water is going to be flowing in there and that's going to be the end of the canal where the canal turns. There's got to be an area above the water line and that's called the freeboard area to provide a safety measure because that water sometimes comes down that canal a lot faster than other times. So if you just had the top of that canal an inch or two over the water line, at those high water times it would just go over the top of that structure so you provide a margin statement there and that's a foot in the structure.

The two headgates, which are at each end, cannot be changed, the middle one you can change. And I'll talk about a couple of things. The difference of elevation between the structure and the place it needs to serve is 4", there is 4" of fall; that's verily enough to pressurize this. Anything you do that would reduce the water level would make that line useless. The people can't get water except through this thing, because they are higher than the canal. Their only chance of getting water is through this facility. So, the third thing in terms of the height, is in order to provide the sprinkling system with enough pressure you have to have that head pressure there, if you reduce that water level this thing is so tight that if you reduce it very much you're not going to have enough pressure down in the fields to operate the system, so whatever you do, you're not going to be able to, I don't think reasonably go below that water level. If you take anything out of that structure you're going to take out what is the safety factor is that one foot. That's called the free board. Now, I've talked to Mr. Hansen and he tells me that the State requires in retention ponds two feet of free board area in anything they approve. This was designed with one foot. It was designed for a safety factor. In order to protect Mrs. Pack and Mr. Southam and the people who live in that area from that water getting loose and getting across the structure. If you start lowering that you're taking away their safety margin. You're working with a foot and if you lowered it 6" then you've already got 6" of safety factor and all you've done is reduce that thing that much. Clair, rebar is how thick?

Clair Prestwich:

It's an inch thick on the end walls and the sides it's a half an inch thick.

Lynn Payne:

How close together are they?

Clair Prestwich:

On the head walls it's eight inches, on the sides it's twelve inches.

Lynn Payne:

That thing is just full of rebar and to reduce it that much when you consider the safety factor involved and what might happen to the people in the area, our position is it is just not called for.

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Wesley Bowden:

What does the Court want us to do?

Lynn Payne:

I think that the court wants to come back and us present our project to you for you to ask questions and make any decision that you may want then. I think that we've already made a decision. You know this like a re-run to a lot of people, they say why are we going back, and you may have asked the same question. We're here because the court asked us to be here, we're going to answer any question that you want. We're her eto answer questions as far as I'm concerned.

Wesley Bowden:

Now, did I understand you to say you've already made your decisions?

Well I just understood you said that "We've already made our decisions," why come here then if you've made your decisions not to give us anything?

Lynn Payne:

Well I don't know, we have our opinions. We're here to see if we can make you feel good about it, you know sometimes the court asks you to do something you may not especially want to do, but we're here in good faith, we put this thing on the table, we've got four or five professional people here for you today, we want to answer every question that you have in order for you to have the information that you need to do whatever you feel is appropriate with this project.

Clark Allred:

At this time the City Council required that an arbitrary decision be made. The Judge looked at it and said well there is just not enough information there, the City Council had a whole lot of questions that were never answered. The Judge said look, you've got the engineers, you have all these people sitting in the court room, I don't want to listen to listen to them right now, you take them back down before the Planning Commission, give them in detail what the project is, answer their questions about whether it can be lowered whether it can be modified whether it has to be where it's at, costs and expenses if there has to be some for the modifications. But the Judge's feeling was that as he read the transcripts there is just not enough information to tell you or the City Council what is being talked aobut here, questions like. Does the height have to be that high, can we knock some height off of it so it doesn't stick up quite as high, or can we build something so it can be driven over? That's some of the questions I saw being raised by the City Council and by you that nobody ever answered.

All the Court is asking from Naples City is that you get the information about the project and get your questions answered and that you make some recommendations to the City Council and let the City Council decide what they want to do.

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Wesley Bowden:

Okay, so, then what this says to me is that maybe we should come up with two maybe three alternatives or recommendations that the City Council could weigh over after this hearing is over.

Lynn Payne:

What the Planning Commission is supposed to do is take some of the burden off the City Council by hearing all the facts and the information and saying to the City Council we recommend that you approve this because it can't be moved, it can't be lowered, it can't be this or we recommend that you approve subject to these changes, because we find that these changes could be done and wouldn't be a real burden and it is a burden to the landowners, or we recommend that it ought be totally removed, or whatever.

Brad Gale:

I have one question. I have a picture here I'm assuming is on the site next to the fence, one and one half inches above the ground. What's the difference between the elevation to the top of the box and the road.

Mrs. Merrell:

As much as 21 and 1/2 inches.

Clair Prestwich:

We went up there and took three cross sections, we took one at approximately 90 feet on each side of the canal, ninety feet from each side of the structure. 190 feet upstream, 190 feet downstream to the structure and the middle ninety here is to the structure. This scale is has really been exaggerated so you can see it. The horizontal point is ten feet and vertical one inch is one foot. Here would be the road and here would be the fence line, and the construction site here.

It's about 15 feet off the road.

Wesley Bowden:

Is anybody against it besides Mr. and Mrs. Merrell?

well, I guess Mr. and Mrs. Merrell are against it, those who are in favor of it need to express their opinion.

Lee Nash:

My way of thinking is there is no real advantage to going in at this point and start cutting it up or taking it out. It serves a good healthy purpose down there, it increases the value of the property, makes the farmers more productive in what they do. You know there are several families because of this.

Wesley Bowden:

Did you go down and ask them for a permit, Craig?

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Craig Blunt:

Once we found out about it, all I did was stop the work to find out what it was, who was it who was building, and that sort of thing. That was what the hearing was for to see who was building it, for what purpose, why was it in the easement and whether they needed a permit or not. The main thing was the permit process should have been followed. Another ordinance that needed to be followed was for road easements which was another one which requires a permit.

Wesley Bowden:

I'd just like to ask one other question here. The said that Merrell's didn't protest, I'd like to enter just whether they did or whether they didn't, now this side said they didn't, now, I'd like to know whether they did or whether they didn't.

Merrell's:

Yes, we did protest, before it was in. When we realized how high it was going to be, we thought it was something that was going to be underground, so we didn't protest it, we had no objections. When they poured that south side, we saw how high it was, this interfered with our plans and we went down and talked to Mr. Hunting and the Soil Conservation the next day and talked to this gentleman over here. The north side had not been poured. We discussed it a little bit up there about the form. I said I didn't want them to pour that other cement until things had been worked out because they hadn't processed the permit, as I understand the ASC program would have to have permission from each property owner because they hadn't talked to us concerning this, not at all. Not one word was said, but they went right ahead and poured the rest of the cement which was following Friday, I believe after we had protested to the ASC and also to Mr. Hunting.

I might say that I also protested three times when Dave came here on vacation I was down there talking to them and told them it did not fit in our plans it was destroying our entry way into our property, it was landlocking it. One day I came home and Uel and Darin were there pouring cement. I also protested I could have these people come if you'd like. One Saturday I went down, Uel, John and Lorrin were there. I told them again it was against our plans and John and I had a bit confrontation, in fact if Lorrin hadn't been there he'd have smacked me in the face with his fist, so don't say we haven't protested.

Lynn Payne:

Okay, we admitted that they did protest, all that was left was the final pour. We have admitted this and that's all that was poured was that final pour that was the final wall.

Wesley Bowden:

Okay, I just wanted to hear what they had to say.

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Ralph Walker:

I hate to think that on that twenty miles of canal that I had to get a building permit to structure in my canal.

Ralph Dart:

That isn't a canal, that's a ditch they put that in. You keep calling a canal right-of-way that's a small ditch to the east of the canal.

Lynn Payne:

It's in a right-of-way that's owned and maintained by the central project.

Ralph Dart:

Our position as far as Planning & Zoning Committee stems back to these ordinances here, and I think that there is two or three that we didn't feel like were complied with.

Lynn Payne:

Mr. Dart I have records of your prior Zoning meeting and I can show you where you voted to approve the permits to construct within the right-of-way, as far as crossing the canal. It's in the records.

Ralph Dart:

That's just the right-of-way of putting in the pipe. Crossing the road and working in the right-of-way, it has nothing to do with the building, structure itself. The City Council didn't approve those road cut permits.

Clark Allred:

It seemed to be because nobody answered the questions about where it should be, is it the right height, can it be lowered, can something be built so you can drive over it, those are questions that kept coming up because those were never answered, and again never got answered at City Council, that's why the judge sent us back and said okay, the engineer is now looked at and they're here, lets have that Planning Commission, ask the questions, can you drive over it? If you can't, why? Can you cut it down? If you can't, why? Does it have to be there? Or any other questions you have, and then we need have you make a recommendation to the City Council.

Will you address those things right now?

Wesley Bowden:

I have one question for the Merrell's. So your main concern is access to your property. Is that correct?

Merrell's:

Right.

Wesley Bowden:

Do you feel comfortable if there was something, some way of crossing over that, if it was covered that you could drive over that, would you feel more comfortable?

Merrell's:

Well, it's quite an eyesore...

Wesley Bowden:

Do you feel that, if it were covered it you'd have access to your property?

Merrell's:

Yes, we feel that if it's sculptured as we think ought to go over it to meet our plans, we're not objecting to it. We thought that's what it was going to be until they poured that south wall and that's when we realized that it totally blocks us.

The next issue would be if it is feasible to drive over. I'd like to hear from the engineers.

Wesley Bowden:

The first question we need to address. Can it be cut down, and second can be built over so that it could be driven over?

Clair Prestwich:

It wasn't designed to hold loads of cars driving over it, or a concrete deck over it. One could be placed over it, but it would have to be designed with other footings, so as not to depress the sidewalls of the structure. It wasn't designed, it will cave it in.

It could still have footings put to the side of it, there wouldn't be any reason for not doing that.

Shane Mayberry:

Okay, am I correct in judging then that the main priority on keeping the height where it was, or putting it up at the top of the headgate was to get you enough edge so you could put the flow down on the other end of the country?

Which was primary, was it to get enough edge, and secondary to keep it from flowing over the top. Is there really a problem with it flowing over the top when you have that length of a structure with a three minute...

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Clair Prestwich:

Yes, well all I know is you shut off the sprinklers everyday to change them, you shut off that it changes the flow, the water backs up, and it takes 15 minutes to  $\frac{1}{2}$  hour to change the wheel, it only takes the water 3 minutes to go through it.

Shane Mayberry:

Where is the water going to go then when you back it up...

Clair Prestwich:

Back in the canal, across the road.

Lynn Payne:

The ditch has flowed over before, lots of times. When the high water comes down with the height the ditch is it flows over.

Uel Hunting:

That only comes if there is an obstruction in the ditch though.

Clair Prestwich:

We jsut went down there and measured that capacity of the structure itself and for a three minutes retention time we came up with 3.22 minutes which is a the minimal margin, a little thin there to cut down, if you start cutting it down you'll lose retention time, and it's just the minimum. On experimenting on the design there, it's just struck down to the bare bones.

Shane Mayberry:

If the structure is lengthened out will the increase your three minute retention time?

Clair Prestwich:

That would increase it but, what are you gaining?

You cut down on the height, you break loose your pressure, that's why it was up there, and so you've got a combination of two things there, the pressure has to be, the water has to be a certain height and you've got the settling factor.

Shane Mayberry:

What if there was a top on that structure?

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Clair Prestwich:

Well, it can't be a sealed top, it would probably be a manhole or something like that...referring to plat. The way that's designed there is an old headgate and basically the structure starts from that, and it has a slight incline, in fact there is about six inches of freeboard, and another six inches in forty-five feet plank. The water level is right here, this is one foot at this point and six inches at this point. In fact the safety factor, freeboard is all that you can move. With it here regardless of where it's at, it's going to back it up, and spill it back through the old structure. So the only margin you have is your freeboard or safety factor. You cannot lower the entire structure and then bring the water down here and put water where you need to go, the water level is going to be the same irregardless, and it's either going to stay here or it's going to spill over the end. The water when you first turn it in there, or in a flood situation has a volocity when it hits that headwall, and it's going to splash into that causing turbulence. That's what the freeboard is for.

Merrell's:

Okay, that three minute time that it takes to go across that 45 foot structure then it's hitting with such force that it's splashing out, that doesn't make sense to me. But if it backs up that much pressure it's going around it to the north because it's about 21 inches higher at my property, it's going to be going over the road to the south because it's lower still I believe, you just don't get that much pressure, the pressure is controlled by the headgate going into it, when it raises so much in there it's going to pressure in the canal, it's not going to go a foot higher than the water in the canal, not a bit, it's not going to be a bit higher than the water in the canal. And if it goes as high, you need all that eighteen inches or 22 inches?

Clair Prestwich:

Six inches on one end and twelve on the other.

Merrell's:

Well that's above the property line, it's 22 inches above my property line on the north side, it's also higher, what's the difference between the road, how much higher is that above the road, you've got the figures right there.

Clair Prestwich:

It says 21 inches.

Merrell's:

See you're talking about that 21 inches that you've backed up, it's not going to be going into that system it's going to be going around it all the way. The headgate at the top controls the flood.

Shane Mayberry:

I'll make a motion that we issue a conditional use permit.

Merrell's:

It's not going to be controlled by the structure, it's going to be controlled by the headgate above. That's why it's in place, it has been for years. And that's going to control the flood, not the structure, because it's not going to back up that high, no way can it back up that high, it would go into the road, it will be going into the road 21 inches deep before it goes over into that structure.

A motion was made that the Commission take a break for 5 minutes:

I've got a couple of few questions that I'd like to go over with Craig on a couple of these items here. Can we dismiss this to a private session for a few minutes and go over a couple of these things with Craig on this ordinance?

Well, I'm not asking everybody to leave, we can step into the other room and go over it.

Shane Mayberry:

I have one more question for the engineers that might interest you. Is there anywhere else that it could be put to serve their needs? Up the canal, across the road, down the street, whatever. Where up the canal?

Anywhere else.

Lynn Payne:

Look, may I explain that, it could be done up the canal, however, up the canal which is not at the end of the ditch, there are other water users who's water would have to be diverted around it. Another point, there has already got to be a spillgate there, because there is water in that central canal even during the winter time we don't divert it out of the creek. It naturally drains to the valley and there is no way you can do away with that unless you cross the road up there farther somewhere. It's just a must that that be there.

Wesley Bowden:

Okay, now there was a motion brought up, is there a second to that motion?

Brad Gale:

I second.

Can the structure be lowered, put a top on it, and can it be beefed up with footers on the side?

Clair Prestwich:

I think speaking as for engineering at any rate, I don't know about the SCS, but that's safety factor is very important probably even with a top on it, and would not recommend lowering that substantially. Where you're, we're already talking 6 inches on the other end and in good faith, I'd say that I wouldn't recommend lowering it at all. Putting a top on it I think basically

Clair Prestwich - what was being indicated, that structure was not intended to support a top itself and I think, particularly back to the extend of driving cars on it, you're basically talking about building a bridge across it that's totally non-supported by this structure, probably would be rather difficult to tie in such a way that it would be watertight. So, basically I would say that it is not feasible.

Ralph Dart:

I thought we had one engineer say that it was possible to put a top on.

Clair Prestwich:

Definitely possible at a broken cost, like building a bridge.

You all said that there has to be a certain slope to be able to drive up and that would also extend further out toward the road.

How is this going to impact any future planning? Now the other thing about that structure is there strigs and stuff in that, some way you've got to get down in there to clean the trash out. You have access problems. The headgate wheel has got to be above water.

Ralph Dart:

If you put a top over it, if you could put a top over that would have the appearance of just throwing something three or four inches above this. Between that and your structure you go over the top of it, the time you get that high you're going to be high to the approach to the road.

Lynn Payne:

I don't think you want to make it any higher. That would be one of the results of putting a top on it.

Shane Mayberry:

I think Mr. Henderson would be the one to address these two. My question is how many pounds of pressure is on this system the way it's designed.

Mr. Henderson:

I'm not the engineer, and we just said, everybody said he could go. I would say that the minimum, I mean I don't know but I would speculate that the minimum on that is going to be no less than twenty pounds of pressure in the top field.

Shane Mayberry:

What does it take to operate a sprinkling system.

Mr. Henderson:

Well we go by our specifications, you can probably get water from out of the sprinkler at six pounds or less than that, but we go by the efficiency of distribution of water and we will not go less than that 20. It takes 2.31 feet to get one pound of pressure.

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Shane Mayberry:

How many feet is this structure to the sprinkling system?

Mr. Henderson:

What you're talking about is not just elevational fall, but also the hydraulics of pipeline, because there are friction losses, I can't tell you all the hydraulics of the type because I didn't design it.

Shane Mayberry:

Give him some rough numbers.

Mr. Henderson:

Okay, and these are not absolute, we did not feel like it was necessary to duplicate the work that the engineer did, but in order to at least be familiar with it, we have a rough calculations here. And it is from station 00 which is the structure down to transition point which is 2490. We've got to do a little adding. There are three different sets of station, the first set is 24.49, that's down where it crosses the road.

Shane Mayberry:

How much difference is there in elevation from there to the structure?

Mr. Henderson:

43 feet. From the structure to the point that it crosses the road, down by Mr. Hunting's house.

Shane Mayberry:

Does that cross the road to the top of the hill or the bottom of the hill?

Mr. Henderson:

Top of the hill. That's 2,490 feet.

Shane Mayberry:

How, how many feet of fall is there from there to where the system starts?

Mr. Henderson:

From there to where the system basically starts in the general area here is another 2,100 feet and it has an additional drop of 16 feet.

Shane Mayberry:

You're wrong on your figuring that's a lot more drop off than that.

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Brad Gale:

I'd like to make a few comments if I could Mr. Chairman. I appreciate everyone's attendance tonight, and your input, you know it's a tough decision to make and our recommendations are just recommendations to the City Council, we have the interests of everyone within Naples City boundaries, we also have the responsibility of seeing that our City Ordinances are abided by. In that light, I'd like to move that we recommend to the City Council based on the information given to us by the engineer's that they take into consideration the feasibility of putting a cap on the structure thereby allowing the Merrell's to have access to their property and keeping in mind the necessity to keep the height of the cap down so we don't get a lot of distance above the road, we don't want it higher than it already is. I understand footings are going to be needed and I make that motion feeling the best interest of everyone involved. (Brad Gale)

Wesley Bowden:

Is there a second to that motion?

Ralph Dart:

I'll second it.

Wesley Bowden:

All in favor?

four voted yes. One voted no. Motion passed.

Brad Gale:

One thing we feel like that we have acted within our bounds and that by going any further it would severely breach our bounds and we could have requested that the structure be put somewhere else, or that it could have been lowered or that additional studies could have been done so that it could have been lowered, etc., or we could have recommended that it left as is, but knowing that the Zoning and Planning Commission has to act on behalf of everyone concerned not just one party but all parties concerned, we feel like this is a suitable compromise. Anything beyond this has to do with civil wrongs, outside of our authority and must be decided in the court room, so that is our position.

I move that we adjourn.

Thank you gentlemen.



NAPLES PLANNING & ZONING COMMISSION  
August 8, 1985

MINUTES

This regularly scheduled meeting of the Naples City Planning and Zoning Commission was held August 8, 1985 at the Naples City Office. Wesley Bowden acting as Chairman called the meeting to order at 8:00 P.M. Those in attendance were:

Commission Present

Wesley Bowden, Charles Olsen

Commission Absent

Robert Kay, Norman Haslem, Ralph Dart, Phillip Manwaring

Alternates Present

Brad Gale

Alternates Absent

Shane Mayberry

Council Representative

Dennis Judd, present.

Others Present

Ray Mobley, Gary Rhodes, Richard Carnes

Interpretation of Zoning Ordinance, Secion 02-18-002-2

RE: How many dogs are allowed in RA-1 Zone? What constitutes a kennel and is a kennel allowed in an RA-1 Zone?

Mr. Richard Carnes presented his facts - size of lot, location in High Country Estates etc., to the Planning Commission. After discussion, Dennis Judd moved that the Planning Commission allow a conditional use permit for 6 dogs for 6 months. The Kennel on Mr. Carnes property is to be reviewed in 6 months. MR. Carnes is to reduce his dogs to 3 within those 6 months.

As to Kennels in RA-1 Zones, these will be reviewed and approved on an individual basis by the Board. Three dogs are the limit in an RA-1 Zone. Brad Gale seconded, the motion passed unanimously.

IMI - Building of a 5000 Sq. Ft. Building at 1255 E. 1000 So.

Ray Mobley and Gary Rhodes presented their plat and project for review. Mechanical shop - repair engines, pumps and oilfield related work.

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After discussion, Brad Gale moved the following:

1. To have at least six yard lights around the building.
2. To have a 6' chain link fence around the yard.
3. To have a fire hydrant within 200 feet of the yard.
4. To be on sewer, water and power.
5. To have adequate drain rock around the yard for storm drainings.
6. Any off building signs to be approved prior to construction.
7. To asphalt the parking and drive area.
8. 5% grass and shrubs or as shown on site plan.

Charles Olsen seconded. The motion passed unanimously.

Adjournment

No other business having come before the Commission, the meeting adjourned.

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Wesley Bowden  
Acting Chairman

ATTEST

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Craig Blunt  
Secretary

NAPLES PLANNING & ZONING COMMISSION  
November 8, 1985

MINUTES

This regularly scheduled meeting of the Naples City Planning and Zoning Commission was held November 8, 1985 at the Naples City Office.

Commission Present

Wesley Bowden

Alternates Present

Shane Mayberry

Due to lack of members to make a quorum, the meeting was adjourned at 8:10 P.M.

The next scheduled meeting will be December 19, 1985 at 7:00 P.M.



NAPLES PLANNING & ZONING COMMISSION  
December 19, 1985

MINUTES

This regularly scheduled meeting of the Naples City Planning and Zoning Commission was held December 19, 1985 at the Naples City Office. Chairman Robert Kay called the meeting to order at 7:20 P.M. Those in attendance were:

Commission Present

Robert Kay, Chairman; Norman Haslem, Vice-Chairman; Wesley Bowden.

Commission Absent

Ralph Dart, Charles Olsen, Phillip Manwaring

Alternates Present

Shane Mayberry

Alternates Absent

Brad Gale

Council Representative

Dennis Judd, absent.

Others Present

Craig Blunt

Approval of Minutes

August 1, 1985 Minutes: Wesley Bowden moved that the Planning & Zoning Commission approve the minutes of the August 7, 1985 meeting. Shane Mayberry seconded, the motion passed unanimously.

August 8, 1985 Minutes: Wesley Bowden moved that the Planning & Zoning Commission approve the minutes of the August 8, 1985 meeting. Shane Mayberry seconded, the motion passed unanimously.

March 14, 1985 Minutes: Norman Haslem moved that the Planning & Zoning Commission approve the minutes of the March 14, 1985 meeting. Wesley Bowden seconded, the motion passed unanimously.

Planning Certificate Program/Public Affairs & Administration

The Commission read letter. Discussion folloed. The Commission approved the education packages and set meeting time to 7:00 P.M. on:

- January 09, 1986 - The Planning Commission
- January 16, 1986 - Zoning & The Zoning Ordinance
- January 23, 1986 - The Planning Process
- January 30, 1986 - Subdivision Development & Control
- February 13, 1986 - Board of Adjustment
- February 20, 1986 - Citizen Participation
- February 27, 1986 - Know Your Community Services

The Commission also would like to invite Board of Adjustment and Council to attend.

Planning & Zoning Commission Term's End

3 Year	Chairman	Robert Kay	Jan 1987
	Vice-Chairman	Norman Haslem	Jan 1987
2 Year		Charles Olsen	Jan 1986
		Dennis Judd	Jan 1986
		Shane Mayberry	Jan 1986
1 Year		Ralph Dart	Jan 1986
		Phillip Manwaring	Jan 1986
		Brad Gale	Jan 1986

Commission reviewed and those in attendance who's terms end in 1986 requested to stay another term.

Adjournment

No other business having come before the Commisison, Norman Haslem moved to adjourn at 8:00 P.M.

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Robert Kay, Chairman

ATTEST

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Craig Blunt  
Secretary







