

Pleasant Grove



Utah's City of Trees

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4 PLEASANT GROVE CITY
5 LAND USE HEARING MINUTES
6 WEDNESDAY, MARCH 13, 2024
7

8 **PRESENT:** Craig Call, Hearing Officer
9 Neal Winterton, Public Works Director
10 Aaron Wilson, City Engineer
11 Daniel Cardenas, Community Development Director
12 Christina Gregory, Planning Assistant
13 Jacob Hawkins, City Planner
14 Tina Petersen, City Attorney
15 Mark Shurtleff, Attorney Representing the Densleys
16 Levi Lloyd, Mr. Shurtleff's Employee
17 Kelsey Densley, Property Owner
18 Nathan Densley, Property Owner
19 Biff Densley, Nathan Densley's Father
20

21 Hearing Officer, Craig Call, called the meeting to order at 3:00 PM.
22

23 **1. Public Meeting – Variance from City Code Section 8-6-8: Land Disturbance Permits.**
24 **(Grove Creek Neighborhood)**

25 Public Meeting to Consider a Request of Nathan Densley for a Variance from City Code
26 Section 8-6-8: Land Disturbance Permits, which Section Requires a Land Disturbance
27 Permit when Land Disturbing Activity takes place on one or more acres of land. The
28 Property is located at 543 North 1380 East in the R1-12 (Single-Family Residential) Zone.
29

30 Hearing Officer Call identified himself as the Hearing Officer appointed to hear certain
31 administrative issues for the City of Pleasant Grove. He had not spoken to anyone or received any
32 information about the issue at hand other than the Staff Report. The matter to be decided today
33 was whether a Land Disturbance Permit is required for Mr. Densley's work on the referenced
34 property. The procedure to be followed included the City explaining the situation followed by Mr.
35 Densley's response, and then a conversation between all parties in the hope of reaching a
36 resolution. As the proceeding was recorded, he asked that all parties present identify themselves
37 for the record. The individuals present as listed above were identified.
38

39 The Applicant's attorney, Mark Shurtleff, reported that they did not receive the Staff Report prior
40 to the Hearing. He indicated that Mr. Densley had never been told which ordinance he violated.
41 A copy of the Staff Report was requested.

1
2 Officer Call provided his copy of the Staff Report for Mr. Shurtleff to review. He stated that, if
3 necessary, a continuance could be ordered, as he wanted to ensure that the Applicant and his
4 attorney were fully informed moving forward. He asserted that a decision did not need to be made
5 today. All parties could discuss and review the information, and if the information isn't complete,
6 the hearing could be continued.

7
8 Officer Call gave an overview of the contents of the Staff Report, which covers the City's sequence
9 of events, aerial photographs, and correspondence from the Water District which claims ownership
10 of certain neighboring properties. Staff had not made a recommendation or provided additional
11 information.

12
13 Mr. Shurtleff reported that he and his client were not previously made aware of stormwater
14 violations. The only violations they were aware of pertained to soil removal and excavation. They
15 submitted a Government Records Access and Management Act ("GRAMA") Request and received
16 photos included in the Staff Report but have no knowledge of which area is alleged to have been
17 disturbed.

18
19 Officer Call stated that the City would present the Report in detail, and then the Applicant and his
20 attorney would have an opportunity to respond.

21
22 City's Position

23
24 Public Works Director, Neal Winterton, reported that the Public Works Department is charged by
25 the Environmental Protection Agency ("EPA") and the State of Utah, through the Municipal
26 Separate Storm Sewer Systems ("MS4") Permit, with ensuring that waterways stay clean. He
27 explained that the City has created ordinances to address land disturbance, which includes tracking
28 and mud. The City's goal is compliance with its Permitting requirements, and in almost all cases
29 communication between the parties will resolve any issues.

30
31 An aerial map was displayed showing the two parcels owned by the Densleys. Mr. Winterton
32 indicated on the map where the Densley's two parcels are accessed via a cul-de-sac on the east side
33 of Pleasant Grove. It is adjacent to Fee Title Property owned by the Metropolitan Water District
34 of Salt Lake and Sandy. The Salt Lake Aqueduct, which supplies water to one million people in
35 the Salt Lake Valley, runs through that property. The Metropolitan Water District inspects the
36 Aqueduct weekly or biweekly. After one of these routine inspections, Inspector Jon Jeffries
37 contacted the City to express concerns about work done on the Densley property. That e-mail
38 correspondence, dated April 28, 2023, was included in the Staff Report.

39
40 Mr. Winterton reported on the 2014 aerial map of the area, that the lot was covered in sagebrush,
41 and there were no erosion issues at that time. The August 27, 2023, aerial map showed the
42 extensive changes to the site that preceded the Stop Work Orders. Photos of the Stop Work Order
43 signs, which he indicated were placed in the center of the access road, were displayed. He pointed
44 out that each sign includes the inspector's name, Mark Atwood, and the Public Works Department's
45 telephone number.

1 The goal of the Stop Work Order is for the landowner or developer to contact the Department and
2 obtain a Land Disturbance Permit. For the Permit, the City requires you to show Best Management
3 Practices (“BMP”), a common term used in stormwater management. BMPs can include installing
4 a trackout pad, silt fencing, and possibly inlet protection. The goal is to have compliance in
5 trackout and erosion and to protect adjacent property owners.
6

7 The City did not receive a response to the first Stop Work Order, so they issued a second and then
8 a third. Mr. Winterton understood that the Applicant's position was that they did not meet the
9 requirements for a Land Disturbance Permit but the City disagreed with that position.
10

11 In response to a question from Officer Call, Mr. Winterton confirmed that excavation and trackout
12 continued after the Order was issued. They could not discern exactly how much material had been
13 moved but pointed to tracks associated with large earth-moving equipment, grading, and
14 disturbance on the site photos.
15

16 In response to a question from Officer Call, Staff indicated that the combined parcel is 1.4 acres
17 in size. The Stop Work Order was for the upper parcel, 0.86 acres. The lower parcel is part of an
18 existing subdivision within the City, but the upper parcel is not part of a subdivision.
19

20 Officer Call asked for clarity regarding the City's preferred resolution. City Engineer, Aaron
21 Wilson, responded that the City has a Code that establishes the requirements for when a Land
22 Disturbance Permit is necessary. Several different criteria are included in the Code, and meeting
23 any of those criteria would require a Permit. The City's goal is compliance in getting a Permit.
24 The Permit will protect the residents of Pleasant Grove City from having to pay to clean up dirt,
25 mud, et cetera that is tracked onto the road or into the water system. He also indicated that if a
26 major storm came through the area, the current conditions could cause flooding and mud or debris
27 flows onto neighboring properties because the slope is currently unstable.
28

29 Mr. Winterton stated that even if the parcel in question were flat, a Permit would be required due
30 to potential dust and disturbance of the land. The City's position is that the Stop Work Orders were
31 justified, and the City requests that Officer Call require the Applicant to obtain a Permit. In
32 response to a question from Officer Call, he stated that the issuance of a Land Disturbance Permit
33 would address the stormwater issue as well.
34

35 Mr. Shurtleff interjected that Mr. Densley was never told which provision of City Code 8-6-8
36 applies to his actions on his property. The Code cites ten different circumstances for which a Land
37 Disturbance Permit is required. He stated that in a discussion related to the criminal case, Mr.
38 Higgins suggested it was provision 8-6-8-A-10, "Excavation or disturbance of more than one
39 thousand cubic yards of material in any non-agricultural earth moving activity." He asked how the
40 City had determined that more than one thousand cubic yards of soil was removed and indicated
41 that his client had not moved that much soil.
42

43 Mr. Shurtleff further stated that 8-6-8-D describes exemptions from the Land Disturbance Permit
44 requirement, which he believes apply. He reiterated that 8-6-8-A-1 applies to land-disturbing
45 activity that generally disturbs one or more acres of land. He stated that the City is combining
46 both of Mr. Densley's parcels to meet that requirement, but the Stop Work Order was only posted

1 on one parcel. He pointed out that the Staff Report confirms the Stop Work Orders were for the
2 property located at 543 N 1380 East. Which is one parcel of less than an acre. His position is that
3 it cannot be a requirement under 8-6-8-A-1 because the parcel is less than an acre.
4

5 In response to a question from Officer Call, Mr. Shurtleff stated that his client owns two properties.
6 He lives at a home on Murdock Drive. He has been charged with misdemeanor offenses for not
7 obtaining a Land Disturbance Permit and excavating without a Permit, but the Land Disturbance
8 charge was dismissed.
9

10 Ms. Petersen clarified that the second charge is in regard to Mr. Denley's residential property. The
11 City has storm drain easements on that property. They allege that Mr. Densley removed the basin
12 in the storm drain easement and reconstructed it without permission. Mr. Shurtleff denied the
13 validity of the allegation and stated that it would be argued in court. Ms. Petersen stated that the
14 City does not know if the calculations were done correctly and whether the basin will retain the
15 correct amount of water, but confirmed that it is a separate issue. The issue before Officer Call is
16 regarding land disturbance, and she believes the exhibits clearly show that the disturbance occurred
17 on both parcels and affected more than an acre of land. Mr. Shurtleff indicated that there is a
18 pending motion to dismiss all charges. The City has until Friday to submit an opposition to the
19 motion or dismiss those charges. He mentioned the pending charges because of a threat to charge
20 the land disturbance issue as an additional misdemeanor.
21

22 Continuing to address the relevant Code, Mr. Shurtleff stated that Section 8-6-8-A-3 applies to
23 "Land disturbing activity of less than one acre of land, if, in the discretion of the city engineer,
24 such activity poses a unique threat to water or public health or safety." He then asked if notice of
25 the Stop Work Orders was ever mailed to Mr. Densley. After receiving a negative response, he
26 asked if the ordinance requires notification by mail, email, or telephone.
27

28 Mr. Wilson stated that he did not know if it was the same Nathan Densley, and he did not want to
29 presume that it was the same person.
30

31 Mr. Shurtleff restated that Mr. Densley did not receive any communication from the City regarding
32 the Stop Work Order. Mr. Densley found one of the Orders at a later date and also received photos
33 of them through the GRAMA request in June.
34

35 There was discussion about which sections of the City Code apply. Staff stated that the City's
36 position is Sections 8-6-8-A, Items 1, 2, 3, and possibly 10 apply to this situation, and that any of
37 these items would require a Land Disturbance Permit. It was clarified that Section 8-6-8-A-1
38 applies to land disturbance activity on one or more acres of land, not parcels.
39

40 Officer Call reread the pertinent sections and summarized that Item 10 is in dispute because there
41 is no hard evidence that more than one thousand yards of soil was removed. He restated the City's
42 position that any one of these circumstances would require a Land Disturbance Permit. The
43 question before him is if the Code applies in this case, and if so, what is the remedy? If the remedy
44 is obtaining a Land Use Permit, Mr. Densley needs to understand that conditions of obtaining the
45 Permit could restrict activity on the land.
46

1 Mr. Shurtleff asked for clarification on this point. He asked if, in the event Officer Call determines
2 that a Permit is required, Mr. Densley can do anything on his property. Officer Call confirmed
3 this.

4
5 Referring to the current aerial map from 2023, Mr. Shurtleff pointed to the Bybee home at the top
6 right of the cul-de-sac. He stated that over time, the Densley's parcel was changed substantially
7 by the Bybees' contractors dumping excavation material on the Densley property, and that
8 photographic evidence of such would be provided. The City did not issue a Stop Work Order
9 against that property. He asked if, when Mr. Densley removes that materials or levels out the
10 parcel, it will require a Land Disturbance Permit. Mr. Winterton confirmed that if one of the
11 subsections of 8-6-8 applies, a Permit will be required.

12
13 Applicant's Position

14
15 Mr. Densley emailed a presentation to City Planner, Jacob Hawkins, for display at the hearing.
16 Following along with the presentation, the Applicant presented the following history of events:

- 17
- 18 • February 24, 2016: Densleys closed on the parcel in question. Mr. Densley referred to a
19 photograph from December 30, 2015, to indicate the terrain and slope at that time.
20
 - 21 • May 31, 2016: Work commenced on the neighboring Bybee property. Construction crews
22 parked excavation machinery on the Densley parcel. Excavated material was dumped on
23 the parcel, then compacted, smoothed, and spread over the lot, raising the grade. Mr.
24 Densley stated that he requested the soil be removed, but they did not do so. He referenced
25 photos on Pages 3 through 8 of his presentation showing changes in grade as material was
26 moved onto his property. He indicated that the grade was raised between two and eight
27 feet.
28
 - 29 • March 20, 2018: A Building Permit was issued for the lot at 643 North 1380 East.
30
 - 31 • November 1, 2018: Building Permit canceled.
32
 - 33 • June 6, 2020: Construction on a retaining wall commenced on the Bybee property.
34
 - 35 • Referencing photos on Pages 10 through 12 of his presentation, Mr. Densley indicated that
36 an access road was built, and more material was dumped on his property at this time. He
37 asserted that the retaining wall was erected on Water District property, land which the
38 Bybees later purchased.
39
 - 40 • April 19, 2021: Fence constructed on the Bybee property. Fence construction resulted in
41 an additional five to six feet of material being spread on the Densley property, as referenced
42 on Pages 13 and 14.
43
 - 44 • December 21, 2021: Applicant contacted the neighboring landowner via text message to
45 inform them of the issue, but Mr. Bybee did not respond.
46

- 1 • July 17, 2022: Mr. Densley was criminally charged with Land Disturbance at his personal
2 residence. Charges were dropped on January 3, 2024.
- 3
- 4 • May 1–2, 2023: Email exchanges between City Engineer Aaron Wilson and Ammon Allen
5 of the Metropolitan Water District obtained through Applicant’s GRAMA request.
- 6
- 7 • May 2, 2023: Ms. Densley received a text from a neighbor stating that someone was
8 marking the boundary between the Densley property and the Salt Lake Aqueduct property.
- 9
- 10 • May 2, 2023: Applicant met Chad Rose, Metropolitan Water District Inspector, at the
11 property. Mr. Densley indicated that Mr. Rose told him he was performing a preventative
12 inspection.
- 13
- 14 • May 17, 2023: Applicant finds Stop Work Order notice.
- 15

16 In response to a question from Officer Call, Mr. Densley stated that the activity that precipitated
17 the Stop Work Order involved cleaning up piles of debris, smoothing the terrain, and removing
18 weeds in order to maintain his property, as well as removing some topsoil. Regarding the
19 stormwater concern, he indicated that there is a natural berm around the property, so he believes
20 that the stormwater issues are not applicable.

21

22 The Applicant’s father, Biff Densley, stated his belief that the Water District inspection occurred
23 after a meeting between the Water District and City officials. Mr. and Ms. Densley restated that
24 there had been no communication with Mr. Densley then reviewed the emails between the Water
25 District and City officials.

26

27 Mr. Densley reiterated that there had been no communication from City Staff regarding this issue.
28 Referring to the journal entries included in his presentation, he stated that the situation made him
29 fearful and caused anxiety. He was facing criminal charges and did not know who to trust.

30

31 Mr. Densley then referred to the May 2, 2023, email from Mr. Allen to Mr. Wilson, in which he
32 was identified as the property owner. In response to a question from Officer Call, he reconfirmed
33 that Mr. Wilson did not contact him directly regarding the Stop Work Order. Referring to the
34 email, Mr. Densley stated that he met both the Notice of Intent ("NOI") and Storm Water Pollution
35 Prevention Plan ("SWPPP") requirements when applying for the Building Permit on this parcel,
36 but he did not believe the work completed on the parcel to date required that type of Permit or
37 process.

38

39 Officer Call referenced aerial photographs contained in the Staff Report which show evidence of
40 land disturbance and asked if the Applicant had moved the soil. Mr. Densley confirmed that he
41 had moved a portion of the soil. Mr. Densley then read emails between City and Water District
42 staff from May 5 and May 9 for the record.

43

44 In response to a question from his attorney, Mr. Densley indicated that there is a lot of traffic,
45 including Jeeps driving through the property to access the foothills, four-wheelers, and people
46 walking dogs. He then stated that they had not visited the parcel in question for seven weeks at

1 the time the third Stop Work Order was placed, and no work had been done between the second
2 and third Orders. At that time, they also received a Code Violation alleging that someone was
3 living in a motorhome on the property.

4
5 In response to a question from Ms. Petersen, Mr. Densley confirmed that he found the second Stop
6 Work Order on the ground on May 16, 2023. He stated that he did not realize it was a second
7 notice until he received the documents from his GRAMA request.

8
9 The Applicant then continued presenting his timeline of events as follows:

- 10
11 • 5/16/23: A portion of Ms. Densley's journal entry is read into the record.
12
13 • 5/17/23: Applicant meets with Pleasant Grove Inspector, Mark Atwood, at the parcel.
14 Mr. Densley read a journal entry of the same date detailing his discussion with Mr.
15 Atwood.
16
17 • 10/16/23: Email exchanges between Mr. Wilson and Mr. Allen related to work potentially
18 being done along the Water District's property line. Mr. Densley stated that Mr. Allen
19 confirmed on a site visit that no work had been done on Water District property.
20
21 • 10/16/23: Message from City Attorney, Robert Higginson, regarding the Stop Work Order
22 and potential contempt charges. Mr. Densley stated that the message was in reference to
23 activity on both properties. After providing a Permit for the fencing, the contempt hearing
24 was canceled.

25
26 At this point, Officer Call indicated that he had reviewed the remainder of Applicant's
27 presentation. He noted that the City had not requested penalties, and the only matter before him
28 was whether or not Mr. Densley needed to retroactively obtain a Land Disturbance Permit.

29
30 In response to a question from his attorney, Mr. Densley stated that he did not personally disturb
31 more than one acre of land. He leveled out the grade and removed approximately 260 cubic yards
32 of topsoil. He confirmed that the work was carried out to maintain his private property and was
33 not part of a larger common plan of development. Mr. Densley further stated that he had not been
34 informed of how the work performed on his parcel was a unique threat to water, public health, or
35 safety. He believes that section of the Code pertains to large developments.

36
37 Mr. Shurtleff summarized his client's position that a Land Disturbance Permit was not required
38 based on the following:

- 39
40 • The Applicant did not disturb more than an acre of land.
41 • He did not move more than one thousand cubic yards of soil.
42 • No explanation was provided regarding how the work performed is a unique threat to water
43 or public health or safety.
44 • The City assumed that Mr. Densley caused the land disturbance when in actuality it was
45 caused by work performed by others, as well as traffic through the parcel.
46

1 Officer Call stated that it is the City's position that four different sections of the Code apply:

- 2
- 3 • More than one acre of land was disturbed.
- 4 • More than one acre of development area was involved.
- 5 • More than one thousand cubic yards of soil was moved.
- 6 • The work poses a unique threat to water, public health, and safety.
- 7

8 Officer Call then asked if the City had any questions for the Applicant.

9

10 In response to questions from Mr. Winterton, Mr. Densley stated that there is a natural berm on
11 the property; it is not manmade. He spoke to Mr. Atwood in lieu of contacting the City about the
12 Stop Work Order, and he did not plan to do any additional work on the site.

13

14 In response to a question from Hearing Officer Call, Mr. Winterton stated that the Applicant can
15 disturb less than one acre or move less than one thousand cubic feet of soil without obtaining a
16 Permit.

17

18 Mr. Wilson referred to the October photographs showing soil being washed down onto the
19 sidewalk and into the public roadway. He indicated that the site needs to be stabilized. The
20 Applicant needs to submit a Land Disturbance Permit application detailing his plan to stabilize the
21 parcel so that soil, mud, and other debris don't flow onto the roadway or neighboring properties.

22

23 The Land Disturbance Permit application includes a plan to prevent, or in this case mitigate, the
24 issue of mud tracking onto the road. Mr. Wilson suggested adding gravel or a trackout pad to
25 remedy this issue. He further stated that the City would need to verify that berms are in place.
26 The area may need to be reseeded with native seed. Depending on the topography, erosion
27 prevention measures such as wattles or straw bales could be warranted.

28

29 In response to a question from Officer Call, Mr. Wilson confirmed that the City is requesting the
30 Applicant obtain a retroactive Land Disturbance Permit in order to protect the City's interests
31 moving forward.

32

33 After discussion between Mr. Shurtleff and Mr. Wilson regarding the relevant subsection of City
34 Code, how much soil was moved, and by whom, Ms. Peterson interjected that the property owner
35 is the responsible party regardless of who moved the soil.

36

37 Mr. Wilson stated that the meeting with Mr. Jeffries was initiated by Mr. Jeffries. He came to the
38 Community Development office to inform Mr. Wilson of the land disturbance and suggested that
39 the City investigate. Mr. Shurtleff responded that it was his understanding the Water District's
40 concerns had been addressed, then asked for clarification on what specifically is the issue that
41 requires mitigation. Mr. Wilson responded that the issues are mud on the roadway, potential
42 erosion, and potential dust.

43

44 Officer Call asked Mr. Shurtleff to respond to Ms. Petersen's comment that the property owners
45 are ultimately responsible for what happens on their property. Mr. Shurtleff responded that he is
46 not certain what is stated in the Statute. Officer Call then read Section 8-6-8-A-1, to which Mr.

1 Shurtleff responded that the neighboring property owner should have obtained a Land Disturbance
2 Permit when he dumped soil on Mr. Densley's property.

3
4 Mr. Wilson stated that the City's focus is on Mr. Densley's actions as indicated in the aerial
5 photographs. He stated that he visited the site to make his determination. He saw a downhill slope
6 but did not see the berm Mr. Densley indicated was there. In another site visit in October, he
7 observed mud being washed out into the public right of way. He determined that BMPs need to
8 be implemented to ensure permanent stabilization.

9
10 Officer Call asked Mr. Wilson to clarify for the record why the mitigation efforts the City is
11 requesting of Mr. Densley were not requested by the neighboring landowner at the time of the
12 initial land disturbance. He asked what changed between the time the previous owner put the
13 material on the property and the present day that created a hazard to water, public health, or safety,
14 and what those specific hazards are.

15
16 Mr. Winterton stated that Mr. Wilson became City Engineer in 2021. The Land Disturbance
17 Permit requirement was implemented on December 7th, 2021. At the time of the initial land
18 disturbance by the neighbor in 2016, they were operating under a different Code. A SWPPP Plan
19 would have been required with the building permits, but they would need to research that specific
20 Permit to see what was required at that time. He stated that if Mr. Bybee did the work today, it
21 would require a Land Disturbance Permit.

22
23 In response to a question from Ms. Petersen, Mr. Wilson listed the observations that led him to
24 conclude a Land Disturbance Permit is required under Section 8-6-8-A-3:

- 25
- 26 • A steep slope toward neighboring properties without a sufficient berm to prevent water or
- 27 debris flow onto those properties or the City's public right away.
- 28 • Mud tracking onto the public roadway, and potentially into the public storm drain system.
- 29

30 Officer Call summarized the City's position that the mitigation efforts that would have been
31 necessary if the Permit had been obtained are still required. He then asked the Applicant or his
32 attorney to respond.

33
34 Mr. Shurtleff indicated that he does not believe the Ordinance provides retroactive mandates such
35 as the City is requesting, and he will need time to research the relevant laws.

36
37 Mr. Densley stated that he was having trouble understanding how he could be responsible for the
38 actions of his neighbor's contractors. He asserted that his property does not have steep slopes, and
39 a natural berm surrounds the parcel. He indicated that a lot of traffic goes through the property
40 that tracks mud onto the roadway, but he takes responsibility for cleaning it up.

41
42 Officer Call asked the Applicant to clarify if the slope as described by the City has changed in the
43 last eight years. Mr. Densley confirmed that the slope has changed, but contended that the slope
44 is not as steep as it was previously. He suggested adding gravel to mitigate the mud trackout and
45 asked if that would require a Land Disturbance Permit.

1 Mr. Wilson expressed sympathy that Mr. Densley had experienced anxiety over this issue. He
2 stated that the Land Disturbance Permit is not difficult to obtain and that the purpose of the Stop
3 Work Order was to initiate a conversation about obtaining the Permit. He stated that he believed
4 both sides were to blame for the lack of communication, but he understood Mr. Densley's anxiety
5 regarding the issues at his other property.

6
7 Ms. Densley reiterated her position that the City should have notified the Densleys so they could
8 have taken action to resolve the problem. She believes that the City Engineer is biased and
9 untrustworthy and is concerned that the Code is subject to his interpretation. Ms. Petersen restated
10 the City's contention that work appeared to continue after the Stop Work Order was issued. The
11 City is requesting mitigation efforts that would have been required had he obtained the Permit.

12
13 Mr. Densley restated his belief that the Code does not apply. If it applies at the discretion of the
14 City Engineer, he believes the City needed to notify him. He states that he followed the Code
15 regarding quantities and was exempt because less than one thousand cubic yards of soil was
16 moved.

17
18 Officer Call then went on the record with the following Findings of Fact:

- 19
20 • The area disturbed is more than an acre. He conceded that he could not conclude that
21 Mr. Densley disturbed the entire area.
22 • The City Engineer has, as an expert, entered his opinion that there is a unique challenge
23 to health, safety, and water.
24 • More than one thousand cubic yards of soil was moved, even if it was not all moved
25 by the Applicant.
26

27 In response to Officer Call's question regarding the required mitigation measures, Mr. Winterton
28 stated that the soil needs to be stabilized, a trackout pad installed, and drainage contained. He is
29 unsure if reseeded is necessary. Mr. Wilson added that if there is an existing berm, further
30 stabilization might not be necessary. After some discussion about potential resolutions,
31 Mr. Shurtleff stated that a brief would be necessary if Officer Call is considering an order requiring
32 Mr. Densley to obtain a Land Disturbance Permit or perform mitigation measures.
33

34 Officer Call offered the option of mediation. Instead of requiring a Land Disturbance Permit, all
35 parties would agree to mitigation efforts to address the concerns raised regarding Section 8-6-8-
36 A-3, which Officer Call would sign off on when completed. Ms. Peterson indicated that the City
37 could be open to mediation if the specifics could be agreed upon. Mr. Wilson recommended that
38 the Applicant propose a mitigation plan for the City to review. Ms. Peterson countered that the
39 City should do a site visit and submit a proposal for mitigation, and then Mr. Densley can propose
40 alternate suggestions if he deems it necessary. That way, the City can ensure that necessary
41 protections are in place.
42

43 Officer Call concluded that he would send an email to the City requesting a proposed mitigation
44 plan. The Plan will be due two weeks from the date of the email. The Applicant will then have
45 two weeks to respond. After they reach a stipulated agreement, Officer Call will enter a finding
46 based on City Code Section 8-6-8-A-3.

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Mr. Winterton stated for the record that he holds no ill will against the Densleys. He takes pride in the service he has provided the residents of Pleasant Grove in his 25 years of public service. He mentioned that he and Mr. Wilson had met personally with the Densleys to aid them in the Permitting process, as they have with other residents and developers.

The Land Use Hearing adjourned at 5:37 PM.

- SEE DECISION -

Hearing Officer



Christina Gregory, Planning & Zoning Assistant

4/22/2024

Date Approved