

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 13 April 2017

TIME COMMENCED: 6:34 p.m.

PRESENT: COMMISSIONERS:

Tim Grubb (excused)
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

CITY RECORDER:

Elyse Greiner (excused)

CITY MANAGER:

Tom Smith

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Johnson

VISITORS: Doug Ahlstrom, Mike Ford, Grady Brimley, and Matt Yates.

APPROVAL OF MEETING MINUTES

- 9 March 2017

Commissioner Johnson moved to approve the meeting minutes of 9 March 2017. Commissioner Pitts seconded the motion. Commissioners Osborne, Pitts, and Johnson voted yes. Commissioner Walton abstained as he was excused from the meeting. The motion carried.

APPROVAL OF THE AGENDA: Commissioner Walton moved to approve the agenda as amended with moving public comment section before the Planning Commission open public meeting training. Commissioner Pitts seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: None

Commissioner Johnson moved to open the public hearing for Final Subdivision: Application for Brimley Subdivision (2 lots) located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approx. 0.85 acres, by applicant Grady Brimley. Commissioner Pitts seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

******* PUBLIC HEARING *******

Public Hearing on Final Subdivision: Application for Brimley Subdivision (2 lots) located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approx. 0.85 acres, by applicant Grady Brimley:

Commissioner Osborne asked of public comment. There was none.

Commissioner Johnson moved to close the public hearing for Final Subdivision: Application for Brimley Subdivision (2 lots) located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approx. 0.85 acres, by applicant Grady Brimley. Commissioner Walton seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

******* PUBLIC HEARING CLOSED *******

Commissioner Osborne discussed the widening of South Weber Drive which would be an additional 7 ft. on the side of the road of this subdivision. Barry Burton, City Planner, discussed the situation with a home, curb, gutter, and sidewalk that is currently in place. He feels that widening the road would make the existing home non-conforming and he would recommend leaving the road as is. He then discussed requiring the home on Lot 2 to be setback further, at least 32 ft. Barry said that would be his recommendation. He said there are a couple of other issues on the title report. He said it flagged two old easements for pipe lines. He has no idea if they impact Mr. Brimley’s property. Mr. Brimley said they had blue stakes come out and they didn’t find anything. Barry said there were a few notations on the plat that need to be made. Brandon Jones, City Engineer, discussed item #1 from his memo of 7 April 2017 concerning the secondary water irrigation. He also discussed item #6f concerning the sewer lateral. He discussed item #6 c, d, & e concerning restrictions for Lot 2. Commissioner Johnson asked about the location of the fence. Mr. Brimley said he will be taking the fence off the plat. Brandon said if future homeowners disagree on the fence, then they would be responsible to get a surveyor.

Mr. Brimley asked if it makes sense to bring the culinary water through that same section. Brandon said he doesn’t think there is enough room. He said the plat would need to be amended. He suggested going out South Weber Drive.

Commissioner Osborne is concerned about the South Weber Drive issue. Brandon said the plat could identify sufficient right of way on Lot 2 and not Lot 1. Commissioner Osborne asked the Planning Commission their feelings. Commissioner Johnson said if he puts the house in the back of Lot 2, then he thinks that is sufficient. He feels it should be something that Mr. Brimley

would need to negotiate with UDOT. Commissioner Osborne asked about deeding the right of way on Lot 2. Barry said that won't hurt anything. Commissioner Pitts agreed.

Brandon Jones memo of 7 April 2017 is as follows:

Our office has completed a review of the Final Plat and Site Plan Improvements received on March 30, 2017, for the Brimley Subdivision. We recommend approval, subject to the following items being addressed prior to final approval from the City Council.

IRRIGATION

1. The current home on Lot 1 is served by a private irrigation line that runs across other private properties. Davis & Weber Counties Canal Company has a water delivery responsibility to serve this lot, but they are not responsible for the delivery line unless it meets their standards (which this private line does not). It is our understanding that there is no recorded easement for this private line. So, there is nothing in place to protect it or ensure that it remains in service. In addition, Lot 2 falls below the old canal and is technically in the South Weber Irrigation Company's service area. Given that as background, we have been working with DWCCC, SWIC and Mr. Brimley to come up with a long-term solution. Our recommendation is that a new irrigation service be installed from Old Post Office Road in the PUE along the east property line of Lot 1 (Bowman Old Farm Estates). This service would serve Lot 2 and be sized sufficiently to serve both lots in the future. Lot 1 would keep its current connection, but have the physical ability to be serviced from the SWIC if approved in the future. This would ensure that if/when the private line to Lot 1 is removed by other future development, they would have the ability to still acquire service. We also recommend that this service line be installed now before a home is built on Lot 1 of Bowman Old Farm Estates. Mr. Brimley has submitted plans that represent our recommendation.

- a. We have discussed this verbally with DWCCC and SWIC, but recommend that Mr. Brimley get letters from both irrigation companies indicating their approval of what is being proposed.

GEOTECHNICAL REPORT

2. We recommend that all recommendations in the geotechnical report done by Earthtec Engineering be complied with.

PLAT

3. The following general note needs to be added:

“All lots are subject to the requirements of the Geotechnical Report prepared by Earthtec Engineering, dated January 31, 2017.”

4. Addresses need to be added as follows:

- a. Lot 1 – 600 E. South Weber Drive (remains the same)
- b. Lot 2 – 606 E. South Weber Drive

5. The plat and the Boundary Description do not reference Lot 1 in the Bowman Old Farm Estates Subdivision. This needs to be labeled and described correctly.

6. Lot 2 needs to be labeled as an “R” (restricted) lot, with the associated restrictions called out. The following is the restriction language we would recommend.

- c. An individual geotechnical report will be required specifically addressing the proposed home to be built, identifying the lowest elevation allowed due to groundwater and any other mitigation measures recommended.

- d. The water service has not been installed. It will need to connect to the water main in South Weber Drive. It will be required as a part of the Building Permit.
- e. The sewer lateral and irrigation service have been installed and are located along the east property line of Lot 1 in the Bowman Old Farm Estates Subdivision. They can be connected to at the northeast corner of the lot.
- f. The sewer lateral is very shallow. If found to be unusable due to the lowest floor elevation of the proposed home, the sewer will have to be pumped.
- g. The irrigation service is sized sufficiently to serve both Lot 1 and Lot 2. If Lot 1 has a future need to use this service, it should be located in the PUE and Storm Drain Easement. The replacement or repair of any landscaping or other personal property disturbed on Lot 2 as a part of installing this service line will be the responsibility of the owner of Lot 1.

- 7. On Sheet 2, there is a note calling out the width of the storm drain easement, but it would help to have the width labeled on the drawing.
- 8. On Sheet 1, there are some dimension offsets shown along the east property line of Lot 2. These don't appear to be referencing anything (possibly the fence that was shown previously) and should be taken off the plat.

UTILITY EXHIBIT

- 9. A profile of the sewer service should be provided in order to verify that it does not conflict with the land drain main, and to give some perspective on its depth and cover.
- 10. The lots in the Bowman Old Farm Estates Subdivision should be labeled for reference.
- 11. The asphalt patch, curb & gutter and sidewalk to be removed and replaced should be shown for the installation of these two service lines.
- 12. For spacing of the service lines, we recommend 3' on either side of the lines and 4' between them. This should be labeled on the drawing.

Commissioner Walton moved to recommend approval of Final Subdivision: Application for Brimley Subdivision (2 lots) located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approx. 0.85 acres, by applicant Grady Brimley subject to the following conditions:

- 1. Complete conditions set forth in Brandon Jones memo 7 April 2017.**
- 2. Complete conditions set forth in Barry Burton's memo of 5 April 2017.**
- 3. 40ft wide from center line of South Weber Drive be dedicated on Lot 2.**
- 4. All other fees to be paid to the South Weber City.**

Commissioner Johnson seconded the motion. Commissioners Johnson, Pitts, Osborne, and Walton voted yes. The motion carried.

Commissioner Johnson moved to open the public hearing for Amending Code Ordinances: Subsections 11.02.020 Fees, 11.02.050 Application Expiration, and 11.06 Impact Fees. Commissioner Walton seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

******* PUBLIC HEARING *******

Public Hearing on Amending Code Ordinances: Subsections 11.02.020 Fees, 11.02.050 Application Expiration, and 11.06 Impact Fees

Commissioner Osborne asked if there was any public comment. There was none.

Commissioner Walton moved to close the public hearing for Amending Code Ordinances: Subsections 11.02.020 Fees, 11.02.050 Application Expiration, and 11.06 Impact Fees. Commissioner Johnson seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

******* PUBLIC HEARING CLOSED *******

Commissioner Walton moved to recommend approval of amending Code Ordinances: Subsections 11.02.020 Fees, 11.02.050 Application Expiration, and 11.06 Impact Fees. Commissioner Pitts seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

Old Maple Farms Subdivision Revised Preliminary and Revised Final Phases 1 & 2 (adding land drain system): Commissioner Osborne said this item was discussed in the work meeting prior to this meeting. Brandon said the plat will need to be modified to include land drain system. Brandon referred to his memo of 7 April 2017 which is as follows:

BACKGROUND

The construction for Old Maple Farms Phases 1 and 2 is current underway. Nilson Homes, the developer of the Hidden Valley Meadows (Bambrough property), has been working on trying to redesign their sewer and storm drain lines to increase the depth in an effort to decrease the amount of imported fill required for their subdivision. They would also like to add in a land drain system to better enable them to have homes with basements and address the geotechnical concerns identified with shallow groundwater in the development.

They have been working with Mike Ford (Old Maple Farms) and Kent Bambrough to run the sewer and storm drain through Kent’s property on the west and Lots 104-R and 105-R in Old Maple Farms. This doesn’t change anything on the design for these two utilities in Old Maple Farms. This just helps Nilson Homes gain a couple of feet in depth, thus decreasing the amount of fill required for their subdivision. They have also been working with Kent Bambrough and Old Maple Farms to add a land drain system. Old Maple Farms does not currently have a land drain system, but would greatly benefit by having one. We initially recommended that a land drain system be installed, but didn’t feel we could require it when the developer for Old Maple Farms agreed to eliminate basements. Putting in a land drain system would potentially allow for basements to be installed.

REQUEST

Old Maple Farms is requesting approval to add a land drain system for the whole subdivision and allow for basements. This would revise their preliminary approval of the whole development, and final approval of the plats and improvement plans for Phases 1 and 2. If approved, this would allow Nilson Homes to revised their design and then submit for approval.

Our office has completed a review of the revised Final Plats for Phases 1 and 2, the Improvement Plans and the letter from the Geotechnical Engineer addressing the request (all dated April 5, 2017). We

recommend approval subject to the following items being addressed prior to approval from the City Council.

GEOTECHNICAL LETTER

1. Andrew M. Harris, P.E. from CMT Engineering Laboratories provided a letter referencing the original geotechnical report (which he had provided when working for GSH) and the recommendations given relative to groundwater and the construction of new homes. In the letter, he gave additional recommendations relating to allowing homes with basements due to the addition of the land drain system. He provided tables for all of the homes in all three phases (not including the apartments) specifying the maximum allowable depth of the lowest floor elevation relative to the curb and gutter elevation. We agree with the recommendations of the letter and feel this is a very good way to ensure that basements don't get built too deep.

However, clarification needs to be provided on one concern; the original report states that "The tops of all floor slabs in habitable areas must be established at least 3 feet above the measured static water level or a minimum 18 inches above levels controlled by subdrains." The April 5th letter states "We understand that the value provided in these tables reflects a depth referenced below Top Back of Curb (TBC) equivalent to 1 foot above the land drain invert for each lot." We recommend that this elevation difference should be 18 inches, as recommended in the original report.

PLATS

2. Note #2 on both plats needs to be changed to the following language:
"R = Basements are allowed, but only to the maximum depth as shown in the "Basement Table." This depth represents the top of floor slab depth below top back of curb in feet, and also represents 18 inches from the top of floor slab to the land drain lateral invert. All homes must install a footing and foundation drain and connect to the land drain system provided in accordance with the recommendations of the geotechnical report."
3. The "Basement Table" needs to reference the lots as 101-R, 102-R, 201-R, etc.

IMPROVEMENT PLANS

4. The land drain system connects to the storm drain system on the downstream side of the outlet control structure for the detention basin. We agree with this design. It will allow for the collection and discharge of groundwater and minimize the influence of storm water on the system during storm events.
5. We have some minor comments and questions relating to the location of laterals, main line alignment and depth. We will coordinate with the developer's engineer to address these items.

Barry discussed requiring all homes with a basement to install a land drain. Brandon feels that all homeowners should install a land drain. Mike Ford discussed homeowners having the option to install a basement or not and he doesn't have a problem with the land drain requirement.

Commissioner Johnson moved to approve of Old Maple Farms Subdivision Revised Preliminary to include installation of land drain systems for the entire development and remove notation about no basement from the plat for phases 1, 2, & 3. Commissioner Pitts seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

Commissioner Johnson moved to recommend approval of Revised Final Phases 1 & 2 to include installation of a land drain systems for the entire development. Also, the developer is to complete all conditions set forth in Brandon Jones memo of 7 April 2017.

Commissioner Walton seconded the motion. Commissioners Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

Open & Public Meetings Act Training; City Attorney: Doug Ahlstrom, City Attorney, presented the Open & Public Meetings Act Training. He stated the Legislature finds and declares that the state, its agencies and political subdivisions exist to aid in the conduct of people's business. He said the Open Meetings Act requires government to take actions openly. He discussed who has to comply with this and stated any government body that has two or more people must comply. He then discussed who doesn't have to open up to the public. Doug then defined what constitutes a "meeting". He said a meeting is not a chance meeting, social meeting, email (so long as no decision is made). Discussion of attendance at meetings took place. He said it is wise to hold a closed meeting to discuss an individual's character, professional competence, or physical or mental health. This includes personnel discussions. He said a quorum must be present to conduct a closed meeting. He discussed what is forbidden during a closed meeting. He said you may not approve any ordinance, resolution rule, regulation, contract, or appointment. He stated meetings must be noticed within 24 hours of meeting. He said recordings of the open meeting shall be available within 3 days of the meeting. He explained common violations of the Act and who enforces this Act. The County Attorney, Attorney General, and private citizen (although a citizen who attends a meeting cannot thereafter claim lack of notice) can enforce this Act.

Discussion took place regarding whether or no "Planning Commission Comments" should be listed on the agenda. It was decided this will be removed from the agenda. Commissioner Osborne will have the Planning Commission make their comments in the work meeting.

Planning Commission Rules of Order and Procedure: Tom said there are guidelines that need to be established concerning a commissioner participating electronically. He suggested the Planning Commission review the rules of order and procedure and establish rules. He feels this will protect the Planning Commission from future issues. Discussion took place whether or not it is necessary to have a Planning Commission liaison attend City Council meetings. It was decided the Planning Commission will review the document and go from there. Commissioner Pitts discussed the need for the Planning Commission to receive information from Brandon and Barry in the packet and not last minute. Tom suggested the Planning Commission set some rules concerning that.

PUBLIC COMMENTS: None

PLANNING COMMISSION COMMENTS: Commissioner Osborne said because of the advice from the City Attorney, he would suggest forgoing the Planning Commission comments.

ADJOURNED: Commissioner Pitts moved to adjourn the Planning Commission meeting at 8:16 p.m. Commissioner Johnson seconded the motion. Commissioners Johnson, Pitts, Osborne, and Walton voted yes. The motion carried.

APPROVED: _____ **Date**
Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest: _____
City Manager: Tom Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 13 April 2017

TIME COMMENCED: 6:04 p.m.

PRESENT: COMMISSIONERS:

**Tim Grubb (excused)
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton**

CITY ENGINEER:

Brandon Jones

CITY PLANNER:

Barry Burton

CITY RECORDER:

Elyse Greiner (excused)

CITY MANAGER:

Tom Smith

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: Grady Brimley, Wayne Winsor

Approval of Minutes of 9 March 2017: no discussion on this item

Public Hearing on Final Subdivision: Application for Brimley Subdivision (2 lots) located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approx. 0.85 acres, by applicant Grady Brimley: Brandon Jones explained the different levels of Lot 1 & 2. He said the current home on Lot 1 is served by a private irrigation line that runs across other private properties. Davis & Weber Counties Canal Company (DWCCC) has a water delivery responsibility to serve this lot, but they are not responsible for the delivery line unless it meets their standards (which this private line does not). It is our understanding that there is no recorded easement for this private line. So, there is nothing in place to protect it or ensure that it remains in service. In addition, Lot 2 falls below the old canal and is technically in the South Weber Irrigation Company's (SWIC) service area. Given that as background, we have been working with DWCCC, SWIC and Mr. Brimley to come up with a long-term solution. Our recommendation is that a new irrigation service be installed from Old Post Office Road in the PUE along the east property line of Lot 1 (Bowman Old Farm Estates). This service would serve Lot 2 and be sized sufficiently to serve both lots in the future. Lot 1 would keep its current connection, but have the physical ability to be serviced from the SWIC if approved in the future. This would ensure that if/when the private line to Lot 1 is removed by other future development, they would have the ability to still acquire service. We also recommend that this service line be installed now before a home is built on Lot 1 of Bowman Old Farm Estates. Mr. Brimley has submitted plans that represent our recommendation.

Brandon said he has discussed this verbally with DWCCC and SWIC, but recommend that Mr. Brimley get letters from both irrigation companies indicating their approval of what is being proposed.

Commissioner Osborne is concerned about a possible conflict of interest with the secondary water line and Commissioner Grubb's connection to the Petersen property (private property to the west).

Commissioner Osborne questioned if this subdivision needs to meet the 35ft. requirement for road width. Brandon said South Weber Drive is currently 66ft. wide. He said this is a legitimate question that they have not looked at. Barry Burton said if South Weber Drive is ever widened, UDOT will most likely take it from the south side because of all the homes along the north side. He said in this case the existing home is too close to the road. Brandon discussed the possibility of the developer deeding the right of way. Barry said we are either creating a non-conforming road or non-conforming lot. Brandon said it would only change if the State wanted to come in and do any improvements. Barry said if the City takes that right of way, and the State comes in to do improvements, Mr. Brimley's negotiation ability may decrease.

Public Hearing on Amending Code Ordinances: Subsections 11.02.020 Fees, 11.02.050 Application Expiration, and 11.06 Impact Fees: Brandon explained the subdivision approval process and discussed giving the developer a year to record the subdivision plat versus 120 days. Commissioner Johnson questioned if one year is too long. Brandon said there is really no risk to the City because you aren't obligated to take anything until the plat is recorded. Tom said the incentive is recording the plat. Brandon said inspections are taking place along the way before the plat is recorded.

Old Maple Farms Subdivision Revised Preliminary and Revised Final Phases 1 & 2 (adding land drain system): Brandon discussed the plat having a table of depths that will coincide with each lot. He said from his experience the homes that have foundation drains haven't had any issues. Commissioner Osborne said this will help eliminate any backlash years from now.

Open & Public Meetings Act Training; City Attorney (No discussion on this item)

Planning Commission Rules of Order and Procedure (No discussion on this item)

ADJOURNED: 6:30 p.m.

APPROVED:

Chairperson: Rob Osborne Date

Transcriber: Michelle Clark

Attest: _____
City Manager: Tom Smith