

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
March 27, 2018

PLANNING COMMISSION REGULAR MEETING

1. WELCOME

The Planning Commission Work Meeting was called to order by Chairman Curtis Tanner at 7:20 pm.

The meeting was opened by reciting the Pledge of Allegiance and a word of prayer was offered by Council Member Brandon Halliday.

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Commissioners, Sam Brady, Chris Martineau, Chairman Curtis Tanner and Council Member Diane Anderson were all present. Commissioners Paul Wood and Susan Hunt both asked to be excused.

STAFF PRESENT: City Manager Brandon Green and City Planner Jeff Oyler were present.

VISITORS: Andy Busche

3. APPROVAL OF MINUTES OF MEETING

Commissioner Chris Martineau made a motion to approve the minutes for the Planning Commission Meeting of February 27, 2018 with changes. It was seconded by Commissioner Sam Brady and was approved unanimously.

REGULAR PLANNING COMMISSION MEETING

4. SUBDIVISION REVIEW AND UPDATES

1. Review Development Agreement for Rock Loft Ridge Estates

City Planner Jeff Oyler reminded the Planning Commission about the Development Agreement for the proposed Rock Loft Ridge Estates development. They discussed the timing and the ongoing lawsuit that could halt the development. City Planner Oyler mentioned that the City Attorney was insisting on the developer and the City putting together and signing this development agreement. He reminded them after the development agreement was signed and approved by the City Council upon recommendation by the Planning Commission the next step would be annexation followed by the rezoning to an R-1-12. Then the preliminary plat and final plat would need to be approved. The annexation paperwork is completed but nothing will be approved until the development agreement is in place.

There are new concerns with some of the hillside immediately adjacent to the property where there is a new slide. The City Staff is recommending that they have the geo-technical firm to come out and do some additional studies of the area and the City has informed the developer that they may require more studies on their property as well. The developer agreed that more studies may need to be done but they are not willing to pay for geo-tech studies that are not on their property. The slide area has concerned the City Staff because they are not sure of the cause. They believe that it is caused by water but it is not human caused. It has occurred in the last 60 days and there is about a 2-foot slump that is about 500 ft long. The staff is concerned that when you introduce residential landscape water into the area there is going to be saturation. People just naturally over water. The City Staff recommends that further geo-tech analysis needs to be done and the developer agreed.

The developer and the City Staff have also been working on the road that exceeded the 12% grade. The City Engineer doesn't love the design, but it is within City ordinance now. The plan attached to the development agreement is a conceptual plan that shows the street and lot layout. There are a few lots that will not work.

This development agreement lays out the rules of moving forward with the development but it is contingent upon all the other issues being resolved, including the lawsuit. It does not bind the City to the development. Commissioner Sam Brady expressed concern about signing a development agreement until after all the other issues are resolved. He doesn't want to sign the agreement if it suggests to the developer that the City is going to go forward with the development despite other issues. He would suggest just moving forward without the agreement and requiring the developer to just meet all the ordinances.

The development agreement, according to the City Staff, is to protect the City before moving forward with any irreversible decisions. The Planning Commission and Staff discussed that the rezoning of the property is more of a commitment from the City because once an area is rezoned the developer just need to meet the ordinances and requirements of the City. The City is not required to re-zone or annex. The development agreement cannot stipulate that the developer meet greater requirements than the current ordinances the City has in place. The SLEDS ordinance states that if the geo-technical analysis recommends moving setbacks away from potential hazards then they can be changed for those reasons. In the development agreement there are requirements that are being agreed to before they become an issue in the plats which would not be

reviewed or approved until later in the process. The road across Baer Canyon and providing culinary water were two examples given.

Commissioner Chris Martineau mentioned that not only does the development agreement protect the City but it also protects the property owner as it specifically outlines exactly what it will take for this property to even be considered for development. There will not be any surprises for the developer, the City or the property owner.

The Planning Commission and City Staff discussed the unknowns. The City's responsibility is to have the professionals do thorough research and then work with the developer. Working with developer and the professionals may lead the developer to say that this property is not going to work or may have to reduce the number of lots but the City can't deny the development based on "gut feelings".

They also discussed putting restrictions on some of the lots and also the difficulty of enforcing.

The City Staff and Planning Commission determined that their next responsibility to read and study this agreement and prepare their concerns and issues and also where they have questions and need more clarifications. They also need updated geo-technical studies. The Planning Commission and City Staff discussed the third party review. They determined that they would not move forward until after the geo-tech studies. City Planner Oyler suggested having a list of benchmarks that must be met before the development agreement is signed. Commissioner Brady also suggested that the attorney communicate with the developer to keep them informed of the progress that is being made so that we have the documentation in place that we are doing our part to move the process along. A joint meeting with the attorney, City Council and the geo-tech firm was suggested.

5. CITY PARKS AND TRAILS REVIEW

1. Review/Discuss East Bench Trails Master Plan Design

City Manager Green presented a plan that shows the proposed cemetery location being temporarily used for trails so that the land is being utilized. All the trails would be able to be removed very easily if the cemetery is approved. They would be single track foot path with minimal impact on the area. There would be connections with trails in Farmington, Bonneville Shoreline Trail and other existing trails. The Planning Commission and City Staff discussed signage, parking, port-a-potties and drink stations. The Planning Commission asked questions about the proposed future cemetery and roads. City Manager Green

mentioned that the cemetery committee is moving forward but it is probably still several years in the future. The Planning Commission discussed removing the trails and also utilizing walking trails through the cemetery in the future.

Commissioner Brady mentioned being sensitive to the neighborhoods and the security and fire concerns. The Planning Commission also discussed parking lots and lighting briefly. City Manager Green mentioned the overwhelming support of the community both financial and with maintaining the trails. City Staff and the Planning Commission discussed multiple small parking lots rather than large parking lots. The City Staff is predicting that these people would use the trails from where they live and that these trails will mainly be used by Fruit Heights residents.

Mr. Andy Busche mentioned that these trails would help preserve habitat. He questioned why the City would use grant money for a temporary trail rather than a more permanent one further up on the hill. City Manager Green explained that the grant money would be used to help build some of the infrastructure needed for the trails and that some of the trail system further up on the hill is on Forest Service Property and it takes years to get approval to put trails on their property, but the City has access to the Bonneville Shoreline Trail in this other area. City Planner Oyler mentioned that the group supporting the bike trail system is excited to start the trails in the lower section of the property and wait until the City can get approval for the trails to go in and out of the forest service property.

- 6. BUSINESS LICENSE REVIEW/DISCUSS/APPROVE/DENY**
- 7. CITY ORDINANCE REVIEW AND UPDATES**
- 8. OTHER BUSINESS**
- 9. CALENDAR**
- 10. ELECTRONIC MEETING**
- 11. ADJOURNMENT:**

Planning Commissioner Sam Brady made a motion to adjourn the Planning Commission meeting and it was seconded by Commissioner Chris Martineau. The meeting was adjourned at 9:01 pm.

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights Planning Commission meeting held March 27, 2017.

Not approved until signed



Kelli Rollins, Fruit Heights Recording Secretary

Date approved by Planning Commission: May 22, 2018