

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES
SEPTEMBER 8, 2015**

MEMBERS PRESENT: Brian Bodily, Dawn Fitzpatrick, Dave Weaver, Randy Pulham, Wynn Hansen, Tricia Pilney, Daniela Harding

MEMBERS ABSENT: Brett Nilsson, Robert Van Drunen

OTHERS PRESENT: Staff: Peter Matson, Kem Weaver, Steve Garside, Christy Wixom

City Council Members: Tom Day

- Mr. Matson said on September 24, 2015 Gary Crane will be doing a training on HOA. Meeting is scheduled for approximately two hours. Madam Chair Fitzpatrick wanted Mr. Matson to find out how the City ordinance matches State rules regarding HOA's.
- There is enough money in the budget to pay for one more training opportunity. Commissioner Hansen would like to go to the Utah APA conference on Oct. 2, 2015.
- Madam Chair Fitzpatrick asked that we take a few minutes on September 22, 2015 to give Commissioner VanDrunen an update on tonight's meeting.

PUBLIC Review:

1. SHEPHERD'S RIDGE SUBDIVISION - CONCEPTUAL PLAT-SENSITIVE LANDS

This 13.42 acre property is located at approximately 2450 North Church Street. This property is located in a (Agriculture), R-1-10 PRUD and R-1-8 (Single Family Residential) zoning districts and the Sensitive Lands Overlay Zone. The applicant, Ed Gertge, is representing Elk Valley Construction.

Mr. Weaver said the Gertge family, who owns Elk Valley Construction, is under contract to purchase property from JR Nalder. As of now, three of the 12 lots are zoned Agriculture. The Gertge family is proposing seven lots that front onto Church Street. The rest of the R-1-8 zoning will accommodate four lots. There is an existing lot in the Country Hollow Subdivision that is vacant which is proposed to be part of the subdivision. The reason this is before the Planning Commission is because part of the property is located in the Sensitive Land area on the eastern portion of the subdivision. The geotechnical report that was done by AGECE Engineering has identified a setback requirement from the crest of the slope to the east. This setback accomplishes the required factor of safety for homes to be built on the flat portion of the property.

Commissioner Weaver asked what could be on the other side of that line. Mr. Weaver said no residential structures will be allowed on that side. Accessory buildings could be built on that side as long as there are no dwellings. The geotechnical engineer encourages no irrigation on that slope. Commissioner Weaver asked if this was on a note somewhere stating this setback. Mr. Weaver said the note would not be on the concept plat but would be on the final plat. Mr. Matson said the Chadwick Farms Subdivision located on Oakhills Drive is similar to this type of setback. Commissioner Weaver asked if the plats listed the locations on where you can't irrigate. Mr. Matson said yes. Commissioner Harding asked if there was going to be a third party reviewer regarding the geotechnical report to determine where the setback line should be. Mr. Weaver said in the ordinance it states that the

construction staff can make a determination on whether a third party review needs to be provided and the City Engineer, the Fire Department and Planning staff felt that since the setback is so far from the slope and that the rest of the property is flat, there is no need for a third party. Madam Chair Fitzpatrick asked if the City has worked with the geotechnical engineering company in the past. Mr. Weaver said AGECE is one of the most conservative engineering firms the City has dealt with. They will always lean with the stricter factor of safety.

Madam Chair Fitzpatrick said in the engineers report on preliminary site utility plan number six, if you have a basement, where do the land drains go in retrospect with the slopes. Mr. Weaver said this land drain will surround the foundation of the home. The land drain will remove the water and drain it to Church Street. They are allowed to put the land drains into the storm drain system because there is no dedicated land drain system on Church Street. Mr. Weaver said we require almost everywhere in the City to have a land drain system. Commissioner Weaver asked who owned the beehives along the property line. Mr. Weaver said if the beehives are on the west side of the property line than it would be the Nalders who own the beehives. Madam Chair Fitzpatrick asked which utilities would be private. Commissioner Harding wanted to know why and where they needed utilities. Mr. Weaver said they have a sewer line along the back of the sidewalk. Mr. Weaver will verify with Assistant City Engineer, Shannon Hanson as to where the utilities are to be located. Madam Chair Fitzpatrick said there is no reason to create an HOA if all utilities are public.

Commissioner Harding said if you do not have an HOA how would you ensure homeowners do not build on that slope. Mr. Weaver said they can have an accessory structure and if it's over 200 square feet then the resident would have to get a permit. Commissioner Weaver said if they don't get a permit and something happens then it is the responsibility of the resident. Commissioner Hansen said there is some areas east of the line that are out of the Sensitive Land, which allows them to build certain accessory structures.

Commissioner Pulham wanted to know the reason for having an HOA. Mr. Weaver said it's because of the private utilities. Mr. Weaver said because this is on Sensitive Lands it needs to start with conceptual approval. Commissioner Harding asked if lot 112 was going to be changed to an R-1-8. Mr. Matson said it will stay as a designated single lot within a PRUD. Madam Chair Fitzpatrick asked how much footage on the frontage is required for a circular driveway. Mr. Weaver said 100 feet and that is what the City is going to require for both the circular and hammerhead driveways. Commissioner Hansen suggested that they configure a way to add nine lots that are away from Church Street. Madam Chair Fitzpatrick asked if a street light would be in the preliminary plat. Mr. Weaver said yes. Commissioner Weaver said the conceptual approval checklist had several items that he does not see on the conceptual plat. Mr. Weaver will find out about the checklist and where it is at on the conceptual plat.



Christy Wixom, Planning Commission Secretary

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Madam Chair Fitzpatrick called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was recited and an invocation was given by Commissioner Pulham.

No minutes to approve.

Madam Chair Fitzpatrick asked for a motion to open public review. Commissioner Bodily motioned to open public review and Commissioner Pulham seconded the motion. All in favor. Voting was unanimous.

PUBLIC REVIEW:

1. SHEPHERD'S RIDGE SUBDIVISION - CONCEPTUAL PLAT-SENSITIVE LANDS

This 13.42 acre property is located at approximately 2450 North Church Street. This property is located in a (Agriculture) and R-1-8 (Single Family Residential) zoning districts and the Sensitive Lands Overlay Zone. The applicant, Ed Gertge, is representing Elk Valley Construction.

Mr. Weaver said this property is located toward the north east portion of Layton City. Antelope Drive is located to the south. The applicant is coming before the Planning Commission for conceptual plat approval to build a subdivision on this property that will encompass eight large lots along Church Street, three lots on a cul-de-sac, and a single lot in the existing Country Hollow Subdivision off of Church Street. The proposed conceptual plat consists of 13.2 acres containing 12 single family lots. The eight proposed lots are zoned R-1-8 and one lot out of the Country Hollow Subdivision that is zoned R-1-10 PRUD. The southern three lots are zoned agriculture. The proposed overall density of the subdivision is 1.92 units per acre.

On June 7, 2007 City Council approved the 6.18 acres of property to be rezoned R-1-8 from agriculture. The majority of the subdivision is located on the upper flat portion and slopes to the south west. The homes would be built on the upper flat portion; however, there is Sensitive Land issues located on the south eastern portion of the subdivision. The applicant has completed the requirements of the Sensitive Lands development regulations for concept plan review and possible approval.

The geological and geotechnical requirements have been addressed although additional information may be needed in the future. The geotechnical Engineer from AGECE has identified a setback requirement from the crest of the slope to the west. The setback will accomplish a required factor of safety for homes to be built on the flat portion of the property. In addition, the land drains are required to move water from the foundation of the homes and away from the slope. Ground water was

determined to be 20 to 25 feet below the surface at any given time. The land drains will be located around the foundation of the homes and they will capture any ground water around the home. The homes will not be 20 feet into the ground. Any water that may rise due to high run off or other factors will be captured and sent out to Church Street into the storm drain system since there is not a land drain system on Church Street. All lots meet the zoning requirements for frontage and area with the associated zone. The Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the conceptual plat for the Shepherd's Ridge Subdivision subject to meeting all staff requirements as outlined in staff memorandums to the applicant. This will be reviewed by the Planning Commission two more times for both preliminary plat and final plat.

Commissioner Weaver said one of the biggest concerns was the Sensitive Land issue. When it comes back for preliminary plat or final plat it will have a note as to where the Sensitive Land is located and would be unbuildable for residential structures but there could be out buildings for farm animals or accessory structures. It was asked whether a note would say not to irrigate that land. Mr. Weaver said yes based on the geotechnical studies that have been done.

Commissioner Harding asked if the Commission could require the City to having a 3rd party reviewer and getting another recommendation on what the setback should be. Mr. Weaver said the Commission could; however, we do have another report that was done by Earthtech with the Adams rezone. Earthtec did not address a slope setback and considered the slope safe for development. The City is taking the conservative report by AGECE to where a slope setback line is required. Commissioner Hansen said they would like some additional clarity on the private utilities that came up in the work meeting. To make certain that we have an emphasis and note that item four in the City's engineering report regarding the requirement for either a circular drive or a hammerhead turn around arrangement on lots 101-107 and lot 111. This could easily accommodate our Fire Departments requirements and pad locations. Mr. Weaver said he will work with the engineering department to confirm what utilities are private.

Applicant, Ed Gertge 2814 Deer Valley Drive, Layton is not aware of any private utilities. At the back of the property is a Weber Basin line and is required to be located in the front of the lots. In the southeast corner of the Subdivision there is a Kayscreek line that runs along the slope area. Commissioner Bodily asked Mr. Gertge if he planned on installing private utilities. Mr. Gertge said because they can't cut into Church Street they are only going to cut into Church Street at the top and the bottom of the Subdivision. With the widening of Church Street, some of the utilities can be placed in the road but there are a couple of utilities that will need to be in a private easement behind the sidewalk. There applicant will be installing a new sewer line and will be deemed a private sewer line in the easement until it comes out to Church Street. Commissioner Bodily asked Mr. Garside if that would be a private utility. Mr. Garside said it would be a private utility. Madam Chair Fitzpatrick said the builders want to make it private, and asked if there is anything in our power to push those utilities public. Mr. Garside said it's an economic decision and would be costly to make it public. Commissioner Bodily asked whether that would be noted on the plat. Mr. Garside said yes. Mr. Weaver said we don't want water on the slope. Commissioner Pulham asked what the geotechnical report stated in regards to watering. Mr. Weaver said it does not say you can't have landscaping in the back yard and it has been irrigated for alfalfa, water should not make it to the slope. What we could do is ask for an addendum from AGECE addressing keeping water off that slope. Commissioner Pulham said that would be helpful.

Scott Greene, Kayscreek Irrigation said his concern is the hayfields are only watered four times a year and lawns are watered two or three times a week. The hill behind the subdivision has slid before. If the hill slides who is going to take on that responsibility. Madam Chair Fitzpatrick asked Mr. Garside if the utilities are going to be private and there is an HOA and if the slide occurs is the HOA responsible. Mr.

Garside said it depends on how the HOA is created. However, that would generally fall under each individual home owner who watered and caused the slope to slide.

JR Nalder stated that when Dale Smedley did that development of the subdivision to the east and north, he cut into the ground 50 feet, maybe more, and that could have contributed to the slide that occurred. He stated they do water 4 to 6 times a year but in a 12 hour setting before moving the pipe which puts out a lot of water. Madam Chair Fitzpatrick asked Mr. Weaver if there will be any cut and filling. Mr. Weaver said no. Commissioner Harding asked Mr. Weaver if there was any way to require more land drains or push the water back out onto Church Street. Mr. Weaver said that was his thought and will have AGECE take a look and add to an addendum. Madam Chair Fitzpatrick asked if there should be in the addendum a detention basin on the back side. Mr. Weaver stated a detention basin would make it worse. Mr. Weaver said the geotech Engineer will need to review any possible water going down the slope.

Madam Chair Fitzpatrick brought the item back to the Planning Commission for a motion. Commissioner Bodily moved to make a motion regarding item number one, that the Planning Commission forward a positive recommendation to the City Council to approve the conceptual plat for Shepherd's Ridge Subdivision as outlined in the staff memorandum, in addition requiring that the geotechnical report be reviewed regarding the irrigation watering towards the other side of the easement on the east side of the setback line; and in the preliminary plat process, address what the private utilities encompass and will need to be on the plat going forward. Commissioner Hansen seconded the motion. Voting was unanimous.

Motion to adjourn by Commissioner Pulham and seconded by Commissioner Weaver.

The meeting was adjourned at 7:37 pm.



Christy Wixom, Planning Commission Secretary