

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING MINUTES
MAY 31, 2011

Commission Chairman Eric Klotz called the meeting to order at 8:05 p.m. and welcomed those present.

PRESENT: Commission Chairman Eric Klotz
Commissioner Doug Cary
Commissioner Beth Goodrich
Commissioner Kim Jensen
Commissioner Bruce Oblad
Council Member Brian Horrocks

EXCUSED: Commissioner Jim Allen

STAFF PRESENT: Ken Leetham, Community and Economic Development Director; Paul Ottoson, City Engineer; Ali Avery, City Planner; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Steve Israelsen, Sky Properties; Marty Peterson, Tom and Andrea Johnson, Lisa and Ted Hemsley, Ivy Peterson, Erin Peterson, Nicole Kershaw, Lissa Lovett, Mule Schutz, Carolyn Millard, Michelle Walk, residents.

1. CONSIDERATION OF A PRELIMINARY DESIGN PLAN FOR CRESTPOINTE, TO BE LOCATED GENERALLY EAST OF RIDGETOP CIRCLE AND WINDSONG LANE AND BETWEEN EAGLEWOOD GOLF COURSE AND INDEPENDENCE WAY. SKY PROPERTIES, APPLICANT.

Ken Leetham reviewed the project and showed the preliminary design plan containing 49 lots. He reported that the City Council was concerned about five lots that did not have the adequate 5,000 square foot building pads. The City Council said Sky Properties needed to change those lots to bring them within compliance of buildable area. The City's Development Review Committee (DRC) reviewed the latest proposed preliminary design plan and recommended approval based upon finding that the plan meets the requirements of the R1-10 zoning district regulations. Mr. Leetham reviewed the lots and their respective grading plans for the Commission and the public present. Lot 2202, however, still does not meet the City's Code requirements with respect to the 5,000 square foot buildable pad, and staff recommended denying that lot as submitted.

Paul Ottoson stated that developments during the 1990s were required to build roads at a 2 to 1 slope, if it was a pristine area. A few years later, the City found that 3-to-1 slope worked better for re-vegetation. A letter of agreement from Mr. Gregerson is needed on the adjoining lot to the north, #2003, because the grading plan would affect his lot. Mr. Ottoson feels good about the developer's grading plan for lot #2011. Lot #2106 will not be a problem because the road is being graded higher.

Ken Leetham stated that one of the City Council's conditions is that a trail easement be included at the end of Gary Way going south through the property and connecting to the Bonneville Shoreline Trail. Mr. Ottoson said there are no grading issues on the Gary Way lots.

Ken Leetham reported that the City Council also requires this development to be fenced, as other communities adjacent to the golf course have been. Sky Properties has submitted a vegetation plan showing areas that will be disturbed during grading that will be re-vegetated.

Commissioner Oblad referred to the drawing showing the topography after the cuts and fills and asked what is to be done with the remaining very steep areas. Mr. Leetham responded that City code allows those spots to remain; however, no building is allowed at that grade.

Commissioner Jensen said the Planning Commission's purpose and obligation is to help the landowner accomplish their goals in a manner consistent with the City's plans and ordinances. She stated that citizens should be aware of Sky Properties' and other developers' contributions to the City. She proposed that the City give Sky Properties the opportunity to mark that trail (at the end of Gary Way) and receive acknowledgement for their contributions to the community.

With respect to the Planning Commission's role to City ordinances, Mr. Leetham pointed out that staff has identified at least three lots where the code required some judgment pertaining to grading, cutting and filling. The developer has responded with a specific way to grade the properties, and the City's DRC agrees with some of their interpretation, but Mr. Leetham believes it is a judgment call. Therefore, if the Commission disagrees with the proposals, Mr. Leetham said the Commission should feel free to raise concerns.

Mr. Israelsen displayed slides to address the Council's concerns.

- Stray ball easement (They have included this in the Crestpointe plan and are using same wording in CC&R's as in similar developments.)
- Fence along the golf course (They are also doing the same thing as in other phases by including this in the CC&R's.)
- Drainage (By shaping the lots appropriately, effective drainage will take place.) Mr. Israelsen added that Sky Properties' CC&Rs address drainage, and the homeowner should not change their grading to impede the drainage.

Sky Properties will reseed the area with native grasses, keeping the wood chips on the steep slopes and adhering to Storm Water Pollution Prevention Plan (SWPPP) controls for water management. Mr. Israelsen said homeowners are required to landscape at move-in with a minimum of three 2" caliper trees and eight shrubs. Back yards have to be installed within six months.

Regarding the pedestrian trail easement, Mr. Israelsen stated that this was required by the City Council based on an assumption that there was a prescriptive easement. However, there is no prescriptive easement because such easements require the area to be used, uninterrupted, for 20 years not 10. It was blocked off without access during the last 20-year period. In addition, prescriptive easements are not allowed on government property and that the property has been

recently owned by the Davis County School District. Mr. Israelsen stated further that a government entity cannot claim a prescriptive easement; it must be done by citizens who used it.

Regarding the 5,000 square foot buildable pad, Mr. Israelsen stated that this request was based on interpretation of City code that does not allow buildable area on slopes greater than 30%. He asked if this is before or after grading, and if this takes into consideration fills required to install the road. He stated that Sky Properties has made every effort to comply with the spirit of the conditions of the concept approval. Interpretation of the code could cause some of these lots to be non-compliant. Instead of arguing the interpretation of the code, he said they would like to offer the pedestrian trail (parcel A) in exchange for a variance of these lots.

Council Member Horrocks asked Paul Ottoson to discuss lot #2202 and Chapter 1 of the City's code. Mr. Ottoson stated that Section 1.43.2.6 includes a definition of buildable area and said that Mr. Israelsen's calculations on lot #2202 are not the same as the City's. Mr. Ottoson's calculation only comes up with about 3,700 square feet of buildable area. This is critical, especially in hillside locations, so that lots are not created in marginal, or questionable hillside property.

Marty Peterson, resident of Independence Way, referred to Commissioner Jensen's comments about ensuring code compliance. The code mentions not allowing mass grading and stated that this plan shows the entire property being graded. He expressed concern about runoff, clay soil surfaces, dust and erosion.

Tom Johnson, stated that mass grading is not addressed in City code, and has done some research on the developer's grading plan. In Utah, there is very little regulation about grading; however, geological hazard requirements should be addressed. He added that a few years ago, there was a meeting and the State of Utah did make a recommendation about limiting mass grading where possible. Mr. Johnson added that the City had better make sure the developer does the 12-inch lifts and other necessary steps as they build, or he will be "on every one of you with lawsuits galore."

Addressing Commissioner Jensen, Mr. Johnson stated that realistically, Sky Properties has made their improvements to the area to enhance their property values on the product they are trying to sell. Other than building on these slopes, we have to keep the natural terrain and suggested they not "mess with Mother Nature." Mr. Johnson spoke with Steve from the Utah Geological Survey who agreed that when a ravine is filled by that much fill, a severe amount of weight can affect what is underneath the area. If it happens to be a stream, it could redirect it, etc. The fill is his biggest concern. All geotechnical testing must be done, and needs to be specific to this particular piece of property. Mr. Johnson recommended the City take time and do this plan right. Other cities have changed their codes to address grading and he believes North Salt Lake should consider this as well. There is a huge inventory of homes available and the City does not need more homes.

Paul Ottoson reported that the City required geotechnical studies to be done prior to concept plan. Sky Properties provided a massive geotechnical report, including the Crestpointe area. The City's process during the inspection is ensuring compaction at 95% Proctor. Inspectors are

not on site 24 hours a day, but they do everything possible to make sure the contractor is meeting the requirements. If the developer fails with the 95% Modified Proctor, they may have to add a little more moisture, or make it drier. If a test comes back bad, they have to re-compact the soil until it passes. Mr. Ottoson stated that they have had experience with Sky Properties, and they know the process. They are required to provide storm drainage connections for individual lots so that if a spring is disturbed, there will be a place to tie that spring into the City's storm drain system.

Chairman Klotz asked Mr. Ottoson if, in his opinion as City Engineer, this development plan is more difficult than any of the other typical developments on the hillside. Mr. Ottoson responded that he would put this in the middle of our developments, as far as difficulty.

Ms. Peterson, resident, stood and stated that she respectfully disagrees. She is studying property law, and would encourage someone to do some additional research. She volunteered herself, if necessary. The City and developer should be clear on what is true in the law. Additionally, she believes City code does mention vegetation and natural features in the landscape. The integrity of our communities is affected by that.

Chairman Klotz moved to recommend approval of Sky Properties' Crestpointe plan as submitted with the following conditions: that lot #2202 be denied as submitted, and that all of the City Council's requirements of May 17, 2011 be met including: establishment of a golf course stray ball easement, a vegetation overlay be shown, as well as the pedestrian trail easement at the end of Gary Way, and that the developer provide a fence along the golf course property. Commissioner Oblad seconded that motion. The motion was approved by Commissioners Cary, Klotz, Goodrich, Oblad, Jensen and Council Member Horrocks.

Paul Ottoson stated that it would be best to have the fence done at one time. The developer's surveyor has to identify and set, by law, back property markers, so this would save each homeowner from doing his or her own property survey for the fence. There was discussion regarding the practice of allowing individual homeowners to install fences, and City staff recommended that requiring the developer to install the fence at one time is a better practice that would result in a uniform fencing style and more accurate fencing location as it relates to property boundaries.

2. APPROVE MINUTES

The Planning Commission minutes of May 10, 2011 were reviewed and amended. **Council Member Horrocks moved to approve the May 10, 2011 minutes as amended. Chairman Klotz seconded the motion. The motion was approved by Commissioners Cary, Klotz, Goodrich, Oblad, Jensen and Council Member Horrocks.**

3. ADJOURN

Chairman Klotz adjourned the meeting at 9:35 p.m.

Chairman

Secretary