

Minutes of the Interlaken Planning Commission
Tuesday, 28 February 2017, 5:00 PM
255 Interlaken Dr., Midway, UT

1. Call To Order.

Commission Chair Bill Goodall called the meeting to order at 5:07 PM.

2. Roll Call – Members Present:

Bill Goodall, Commission Chair
Greg Cropper, Commission Vice-Chair
Bob Marshall, Commission Member was present by phone
Bart Smith, Town Clerk, Secretary

Joe Santos (Epic Engr.), Town Planner was not present
Rhett Cook and Jim McCasland were present for Public Comment

3. Presentations: None.

4. Consent Agenda: None.

5. Approval of Agenda or Changes.

Motion: Commission Member Cropper moved to approve proposed the agenda.

Second: Commission Member Marshall seconded the motion.

Discussion: No Discussion.

Vote: The motion was approved with the Commission Members unanimously voting Aye.

6. Approval of 1/31/17 Commission Meeting Minutes.

Motion: Commission Member Cropper moved to approve the 1/31/17 minutes as amended by discussion.

Second: Commission Member Marshall seconded the motion.

Discussion: It was decided revise the minutes in the section regarding the Interlaken Town Lighting Specifications to add the detail “as stated in the current code, the requirements go into effect on 1/1/18.”

Vote: The motion was approved with the Commission Members unanimously voting Aye.

7. Public Comment:

Rhett Cook presented a master plan for landscaping and preparation of his lot for a future garage. Carl Berg Landscape Architects produced the plan. He needs a topographic survey because of the slope of the land – he wants to change the grade of the driveway in order to put in a footprint for a future garage on the west side. Currently, the road is higher than the house, causing drainage issues for the current driveway and the foundation of the house. Retaining walls, drainage plans, and drought-tolerant plantings are all included in the plan. Goodall noted that we don't require a permit for a retaining wall less than 4' tall. Cook asked about what the impact fee would be. Goodall noted that for the first stage (before actually building the garage) a permit may or may not be required depending on the amount of excavation. If a permit is not required, no fee would be collected. Cook is not planning on doing the garage for years, and Goodall recommended he wait until he is ready to build the

garage before applying for the permit, thus breaking the overall project into 2 separate projects. The issue regarding limits of excavation before requiring a permit was discussed. For example, if a dump truck is used, and if more than a specific number of loads of dirt was moved, an excavation permit may be required, along with an impact fee (for road impact). Retaining walls in general were discussed. The feeling of the commission was that they didn't want excessive use of retaining walls in order to preserve the look of our mountainside community. Irrigation was discussed – discouraging landscaping that requires irrigation. Cropper noted that the state engineer could enforce our restriction on outside irrigation – we currently don't have any irrigation rights. Right now we can't approve illegal use of irrigation. Goodall noted that our municipal code doesn't require us to enforce this. This issue may be resolved if the town is successful in obtaining municipal water rights.

Marshall noted that a building permit expires after 6 months of inactivity and this could affect the timing of Cook's permit. Goodall noted that the permit is renewed automatically at each inspection.

The main question for the Cook project is: is this enough grading and filling that it would require an excavation permit? Cook felt it could be a lot of excavation and would require a permit. He plans to do a topo map which would estimate how much dirt would have to be moved. He'll come back with the topo map. Goodall noted the main issue would be how many cubic yards of fill would be put in.

The group discussed the Branca house – whether the water connection was supervised by Jim McCasland. Apparently the water was connected without Mac's knowledge. In addition, Branca did not pay the \$200 water connect fee to the town. Smith will email Branca regarding the proper procedure. The town will collect the fee and have Mac inspect the connection and take an initial meter reading.

McCasland noted the difficulties that he's having with the telemetry system. The system is generating random readings of water levels. The person who installed the system has not returned Mac's calls. It was decided that the Town Council would address this issue.

8. Updates from Epic Engr.

- There have been no new permit requests or new inspections.
- The Branca home got a temporary Certificate of Occupancy from Wasatch County. Cropper suggested we obtain a copy of the TCO and find out how it is dated. Smith brought up the issue regarding the mandatory \$200 water connect fee. He will check with Mac to see if he connected the water. Goodall will get a copy of the TCO.
- Epic owes the town a letter/report containing their recommendation regarding maximum building height as relates to slopes. Goodall will contact Santos to get that report.
- Santos is meeting tomorrow with Summit to obtain the maps and surveys Summit did for Interlaken.

9. Owner/Builder Liability Insurance Requirements.

We received a letter from our lawyer (Tim Bywater) regarding the town's liability relating to owner/builder projects. Bywater stated that if someone is building on private property, the town has no potential liability. If the town allows work to be performed in the road right of way, or contracts work, the town could be liable for damages. It was

noted that contractors need liability insurance to obtain a license from the state. The state requires towns to have the owner/builder complete the state form, but this is not regularly enforced. Marshall noted that an owner/builder can get a liability policy easily, it's a common practice, and that it's not too expensive.

Motion: Commission Member Cropper moved to recommend to the town council as an immediate interim action to require an owner/builder to fill out the owner/builder form and submit a copy to Epic and to the Town Clerk, who will then submit the completed form to the state.

Second: Commission Member Marshall seconded the motion.

Discussion: It was added that Goodall would write a letter to the town council with this motion.

Vote: The motion was approved with the Commission Members unanimously voting Aye.

10. Boarding House Prohibition.

Discussion of this issue was delayed for a future meeting.

11. Status of Questar, HL&P, Midway Sanitation Franchise Agreements

There was no news regarding status of the franchise agreements. The town has completed its review and the documents are still under review by the utilities.

12. Questar Fill Material left on Lot at bottom of St. Moritz

It was decided that we would deal with this fill material after the snow is gone.

13. Overview of Titles 2, 9, and 11.

Goodall has put together a list of code topics with references to their locations in the ordinances. This list provides a structure for future revisions of the code – to assist in deciding what should be in what title, and how are they all related. Goodall feels that some of the content in Title 11 should be in Title 9, e.g. the material related to completion and how you obtain a certificate of occupancy, along with the material related to obtaining a building permit.

14. Checklists for Permit Submissions.

Goodall sent a checklist to Epic of items that should be included with a permit application for review. Chris Swenson responded with his comments which were discussed with the group.

Land Use Permit Document Checklist:

The following comments relate to Goodall's handout, titled "Town of Interlaken Land Use Permit Document Checklist."

#4 – to be rewritten as "One copy required for submission to Epic Engineering, to be uploaded to the Epic Sharefile."

#23 – to be deleted (Wildland Hazard Severity Form).

#24 – required by State Code, County Fire Marshall (Wildlife-Urban Interface Plan)

#25 – the Landscape Plan could be included in the Site Plan.

#26 – the Waterwise Plan could be incorporated in the Landscape Plan.

#30 – still undecided whether this should be required. The Geotech report includes everything that would be in a soils report.

#33 – to be deleted (Construction Schedule).

#34 – to be deleted (Signage and Lighting Documents).

#38 – GeoTech report if required for slopes > 25%.

#43 – Renamed to “Special document for moving a structure.”

Land Use Permit Request Information:

The following comments relate to Goodall’s handout, titled “Town of Interlaken Land Use Permit Request Information.”

Items #5 through #16 are from the IRC. These items do not require a building permit according to the IRC. Some of these exemptions differ from our current code.

#5 – a single story accessory building must comply with setbacks, even though you do not need a building permit.

There was a discussion about when we should require a permit. General feeling was that we didn’t want to be as restrictive as the IRC. Cropper noted that a conversion from an electric stove to a gas stove should require a permit. There are other “renovations” like this that may pose a risk without oversight. Goodall recommended we give this issue some more thought. For example, what is the project size exemption? Goodall agreed that if you’re adding another circuit to your box, you should probably have a licensed contractor do it. You may not need a permit, but we could require that the work be done by a licensed contractor. Goodall will research what constitutes a “renovation.” The idea is that if your project is more than minor modifications, it would be categorized as a “renovation” and require a building permit – structures, major rewiring, adding a floor, etc. Marshall suggested we look at codes from other cities as a reference. He will look into this. Another issue – do we require a permit for a driveway? Do we require a permit for laying asphalt for an area over 200 sq ft? Should we address drainage issues for driveways? What can be done to maintain the natural feel of the town? What constitutes a driveway? Should we provide a minimal permit that covers smaller projects? Goodall suggested this as a starting point. He suggested that the group review the IRC rules and make decisions based on them.

The commission discussed the SWPPP document provided by Goodall. This document covers everything in Title 11 regarding 25% or greater lots and could be used to wrap up all the language regarding sensitive slopes into one document. Goodall requested feedback from the commission. He also presented a form that Epic would fill out every time they visited a site.

15. Interlaken Road Ownership.

Cropper found a survey that was conducted for the Freedom Agreement and noted that according to that document Interlaken doesn’t own any lower section of Interlaken Road. Goodall noted that according to Wasatch tax records the ownership is different and may be incorrect. He also noted that the jurisdictional record shows another result more consistent with Cropper’s survey map. Goodall proposed going to Summit Engr. for a copy of this map and presenting it to Wasatch County to have it entered in their records. Cropper suggested we have the town attorney review all this information and come up with a definitive answer.

Cropper mentioned that we need to have a General Plan and Zoning Map or else we’re in violation of State law.

16. Other Business and Action Item Update from Previous Meeting.

Not discussed.

17. Summary of Action Items from this meeting.

Smith:

- Contact Branca regarding water connection, collect \$200 fee.

Goodall:

- Get a copy of Branca's temporary certificate of occupancy.
- Present a letter to the Town Council recommending a requirement that owner/builders fill out the state form.
- Research the criteria other towns use to determine whether a building permit is required. How does this compare to the IRC rules.

Santos:

- Complete a letter with recommendation regarding maximum building heights w.r.t. sloped hillsides.
- Get Summit Engr. maps and surveys.

Cropper:

- Speak with Rick regarding Town's water rights.

Marshall:

- Research the criteria other towns use to determine whether a building permit is required. How does this compare to the IRC rules.

Commission Members (all):

- Review Goodall handouts and make recommendations regarding the Land Use Permit Checklist, Permit Request Information, and the SWPPP guidelines.

18. Adjournment.

Commission Member Cropper moved to adjourn the meeting. Commission Member Marshall seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:18 PM.

The next PC meeting will be held on March 21, 2017 at 5:00 at the pump house.