

**Minutes of the Interlaken Planning Commission and
Land Use Public Hearing
Monday, 12 September 2016, 5:30 PM
Town Pump House
236 Luzern Road, Midway, UT**

1. Call to Order:

Planning Commission Chair Bill Goodall called the meeting to order at 6:00pm.

2. Roll Call - Members Present:

Bill Goodall, Commission Chair
Greg Cropper, Commission Vice-Chair
Bob Marshall, Commission Member
Greg Harrigan, Commission Member (alternate)
Scott Neuner, Commission Member (alternate)
Ryan Taylor (Epic Engr.), Town Planner
Bart Smith, Town Clerk, acting as Secretary

3. Approval of the 09/01/16 Planning Commission Meeting Minutes:

Cropper discussed item 11: “Other Business” in the draft minutes. He clarified his statement regarding the role of a Planning Commission. Most towns do have planning commissions, but many of the tasks that the Interlaken planning commission performs would normally be handled by town staff in other municipalities. The minutes were revised to reflect this.

Goodall pointed out an error in item 5. “General Discussion – Review of Land Use Codes.” The word “seal” should be replaced with “C.O.” (Certificate of Occupancy). The minutes were revised accordingly. Goodall also requested that we include a list of action items in the minutes. Goodall’s list included the following items:

- Epic Engineering permit approval checklists – Ryan & Bill.
- International Urban Wildlife Interface Code – research adoption – Bill & Ryan.
- International Fire Code, 2012 edition, Appendix B – fire flow requirements for buildings – Ryan to research, particularly re: decks or outside stuff.
- Section 11.12.030 Notice regarding changes to zoning ordinance requirements – “A” lists 6 changes requiring public hearings – Greg C. to check what can we change without public hearing.
- Zoning Map – someone said we had one? Need to post it to website – Who?
- Question of due process – planning commission vs. town council approvals? – Greg C. to clarify.
- Review/Revision of Title 9 to be completed in 6 months – Bill & Bob.
- Review/Revision of Title 11 to be completed in 6 months – Greg C. & Ryan.

These items were added to the 09/01/16 meeting minutes as “Item 13: Action Items from this Meeting.”

Motion: Commission Member Cropper moved to approve the 09/01/16 minutes as revised.

Second: Commission Member Harrigan seconded the motion.

Discussion: No further discussion.

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

4. Presentations:

The Commission discussed and presented the following recommendations for revisions to the Interlaken Municipal Ordinances. These recommendations relate to the membership and conduct of the Planning Commission (Title 02) as well as the Interlaken Land Use code (Titles 09 and 11). For a complete description and text revision, see the attached document “Enacted Interlaken Code Revisions 2016-09-12.pdf”

Title 02 Municipal Government: Section 2.03.040 Mode of Appointment and Filling Vacancies.

Goodall discussed the recommended changes in the section that describes who is able to serve on the planning commission. Under the current code, only full time residents can serve. He mentioned that Bob Marshall, who has volunteered to serve, would be disqualified under this restriction, as he lives outside of Interlaken for a “continuous period of more than 60 days” (as stated in the current code). He stated that the commission would like Bob to serve as the required third member. Bob Marshall mentioned the importance of allowing part time residents to serve on the commission to provide a more diverse representation of interests on the commission. Goodall also mentioned his concern that commission members be property owners as well. Cropper also advised some structural changes in language. The commission discussed and agreed to the following changes.

The proposed changes to Section 2.03.040, Item B. 1. and C.1.:

B.1. Commission members shall be full time residents and property owners and have lived in the Town of Interlaken for a period of at least one year immediately prior to their appointment; provided, a maximum of one commission member may be a part-time resident of Interlaken. As used herein a part time resident of Interlaken is an Interlaken property owner who does not live outside of Interlaken more than 180 consecutive days in any 365 day period.

C. The Mayor, with the advice and consent of the Town Council, shall fill the unexpired term of any member whose office becomes vacant.

1. Except as provided otherwise in B1, a member's office automatically becomes vacant if the member establishes residence outside of the Town.

Motion: Commission Member Cropper moved to approve the revision to Section 2.03.040 as described above.

Second: Commission Member Harrigan seconded the motion.

Discussion: No further discussion.

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

Title 09 Municipal Government: Section 9.08.030 Procedures for Buildings With Regard to Maximum Height.

Goodall discussed the need to make sure the legal language in the titles is correct, and mentioned that Greg Cropper is a valuable asset to the commission in that regard.

Goodall discussed the requirement for Elevation Certificates mentioned in this section. After speaking with Ryan Taylor, it was decided that the Elevation Certificate should be required before the Certificate of Occupancy is issued, after construction is complete, so that an actual height of the structure can be verified. This requirement is necessary for structures higher than 30 feet from natural grade.

The proposed changes to Section 9.08.030, Item A.:

A. Whenever buildings exceed 30 feet above the “Natural Grade”, an Elevation Certificate shall be required before any Certificate of Occupancy is issued.

Motion: Commission Member Harrigan moved to approve the revision to Section 9.08.030 as described above.

Second: Commission Member Cropper seconded the motion.

Discussion: No further discussion.

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

Clerk Smith also brought up the need to revise language throughout Title 9 that references Wasatch County. The Commission agreed that we change all references to “Wasatch County” to “Interlaken Town Planner” or “Interlaken Town Engineer” whichever is appropriate.

Motion: Commission Member Harrigan moved to approve the revision to all references in Title 09 to “Wasatch County” as described above.

Second: Commission Member Cropper seconded the motion.

Discussion: No further discussion.

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

Title 11 Land Use: Section 11.06.070 Procedures for Buildings With Regard to Maximum Height and Section 11.07.080 Hillside, Slopes, and Natural Grade.

Goodall stated that this recommended change came about from an issue with a current building permit application. It has to do with how building height is measured. In this particular permit application, the building height is 32 feet if measured from natural grade, but 39 feet if measured from the lowest point of the dugout foundation. Since the maximum height restriction is set at 35 feet, the second of these measurements would disqualify the structure from approval. The more restrictive height measurement is used

in the current code for buildings on “benches and slopes greater than 10 percent.” Most lots in Interlaken would fall into this category, effectively eliminating the option of building a 35 foot tall structure. After a lot of investigation, Bill explained that the simplest way to address this was to redefine a steep slope, raising it from 10 percent to 20 percent. The building application in question is located on a site with 16 percent grade, so this would effectively allow them to build as planned.

Goodall suggested that the commission do a long term review of the code and address this issue more thoroughly, but that this change would allow the current applicant to proceed. Cropper pointed out that this change is not about one permit application, but rather the overly restrictive criteria of 10 percent, applied to all lots in Interlaken. Cropper stated that 20 percent was a good criteria based on the information he’s seen from engineering studies and other towns. Harrigan mentioned that the group had discussed a 25% criteria and felt that was more reasonable. Ryan Taylor from Epic said that in their research they found no landslide issues with slopes 10 percent or less, between 10 and 20 percent there were very, very few, and slopes exceeding 30 percent comprised almost 70 percent of the landslides. Epic thought that 20 percent was very conservative and ultra-safe, and thought that 25 percent was acceptable. Based on the information he saw, Cropper liked 20% and felt that 25% was acceptable, whereas 30% was not. Ryan Taylor agreed that 25% was okay. Cropper and Goodall pointed out that “special requirements” may include a geotech study and other restrictions for buildings on 25 percent or greater slopes. Cropper also mentioned that the Interlaken slope study map would need to be revised to show the 25% gradients. Also it was decided that the height measurement for buildings on the 25%+ grades would taken from the lowest point of the dugout foundation as stated in the current code. Taylor pointed out that the height measurement appears 3 or 4 times in the code. It was decided that there should be a future discussion about measuring building height, and consolidate references in the code.

The proposed change to Section 11.06.070, Item C.:

C. Special requirements for some buildings on benches and slopes **25 percent or greater** are imposed by the Sensitive Lands Chapter of this Title. These restrictions on building height shall be applied where applicable.

The proposed change to Section 11.07.080, Item B.:

B. Boundary Delineation. A sensitive hillside or slope area shall be delineated where **any slope is 25percent or greater**.

Motion: Commission Member Cropper moved to approve the revision to Sections 11.06.070 and 11.07.080 as described above.

Second: Commission Member Harrigan seconded the motion.

Discussion: No further discussion.

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

Title 11 Land Use: Section 11.12.010 Public Notice.

Goodall explained the need to change the text in this section regarding noticing requirements to conform to the requirements prescribed by Utah State Law. Explicitly stated in that way, we would not need to revise our ordinances each time State Law is revised.

The proposed change to Section 11.12.010:

Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted and delivered in accordance with Utah law.

Motion: Commission Member Harrigan moved to approve the revision to Sections 11.12.010 as described above.

Second: Commission Member Cropper seconded the motion.

Discussion: No further discussion.

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

Clerk Smith brought up another item for discussion in Title 11, under section 11.07.080. He noted that in section 11.06.250 Requirements for Outdoor Lighting, there is a reference to the “Interlaken Town Lighting Specifications” document. Smith recommended that this section be referenced in section 11.07.080, item J., exterior lighting.

The proposed change to Section 11.07.080, item J.:

At the end of item J. add the following:

Refer to Section 11.06.250 for additional requirements for outdoor lighting.

Motion: Commission Member Cropper moved to approve the revision to Sections 11.07.080 as described above.

Second: Commission Member Harrigan seconded the motion.

Discussion: No further discussion.

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

5. Public Comment:

Lisa Simpkins discussed the excavation permit (site disturbance permit). The original intent was not to be overly restrictive in requiring this permit. The current code requires a permit for any excavation over 100 square feet. Goodall said that we would review this permit process. The group agreed that this was overly restrictive and Goodall encouraged the public to send recommendations to the commission for review. Harrigan reiterated that the goal here was not to be obstructionist, and make really hard on people like the Connors. We based our codes on Midway’s codes, and we need to make some prudent changes. Residents should not be required to get a permit to rototill their garden, for example.

H. Ball discussed the impact on those who don't have a house. He was concerned about the burden of permitting and engineering costs. Goodall expressed that the goal of the planning commission with the help of Epic Engineering was in part to oversee building in Interlaken in ways that Wasatch County was not able to do. Ryan Taylor expressed that the only thing Epic does differently than Wasatch County was to ensure that plans conform both to Interlaken code and the International building code. He pointed out the process is the same, except that Epic pays more attention to the Interlaken codes. He also pointed out that the costs for permitting are a little less through Epic compared to Wasatch County. Taylor mentioned that the average permitting cost was approximately \$3200. H. Ball mentioned that he likes Epic and that his concern was primarily about the requirements added to the permitting process, that other structures have not complied with. Goodall mentioned that one of the goals of the commission was to reduce the word count in the titles to ½. Bob Marshall mentioned that it took him 1 ½ years to get his garage built under Wasatch County. He's observed that our current process is much faster.

Steve and Christel Connor mentioned that with regard to Title 11, and the restrictions on sloped lots in that code, we should consider that we want to encourage the remaining 37 lots to be built out to increase our tax base. Harrigan pointed out that everyone pays the same assessment, regardless of whether there is a house on their lot.

David Wade mentioned his concern regarding potential litigation on taking issues, as a result of our codes making lots unbuildable. Goodall agreed that the commission would take a look at "taking issues." Harrigan commented that we can't make it harder on people to build in this town.

6. Planning Commission Comments and Recommendations:

Marshall mentioned that these are just recommendations to the Town Council.

7. Summary of Action Items:

- Further review of Title 11 Height restrictions and building height measurement – Greg Cropper & Ryan
- Further review of Title 09 – Bill Goodall & Bob Marshall
- Review/revise requirements for site disturbance permit – commission
- Revision of Interlaken Slope Study Map – Epic Engineering
- Consider "taking issues" - commission

8. Adjournment:

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

The meeting was adjourned at 7:10 PM.