

**Minutes of the Interlaken Planning Commission**  
**Wednesday, 30 November 2016, 5:30 PM**  
**Town Pump House, 236 Luzern Rd., Midway, UT**

**1. Call To Order.**

Commission Chair Bill Goodall called the meeting to order at 5:34 PM.

**2. Roll Call – Members Present:**

Bill Goodall, Commission Chair  
Greg Cropper, Commission Vice-Chair  
Bob Marshall, Commission Member, remotely through a phone  
Ryan Taylor (Epic Engr.), Town Planner  
Bart Smith, Town Clerk, acting as Secretary

**3. Presentations:** None.

**4. Consent Agenda:** None.

**5. Approval of Agenda or Changes.**

Goodall requested that we add the open permit application for Mayer to item # 8 (Open Permit Applications) and the Questar road cut project for Branca to item #7 (Open Construction Projects).

**Motion:** Commission Member Cropper moved to approve the agenda as ammended.

**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 10/10/16 Commission Meeting Minutes.**

Goodall requested that the comment about getting verbal approval for a \$2000 expenditure for Epic Consulting be struck from the minutes.

**Motion:** Commission Member Cropper moved to approve the 10/10/16 minutes as ammended.

**Second:** Commission Member Marshall seconded the motion.

**Discussion:** None.

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

**7. Open Construction Projects – Epic Engineering – Howard, Connor, Wilson, Questar Road Cut (Branca).**

Ryan reported on the current projects:

- Howard and Connor reported that they will wait until spring to continue construction.
- Wilson is dried in and Ryan thought they would continue through the winter.
- Branca – this project is under a Wasatch County permit and they are doing the code inspections. Branca wants to install a gas line by Christmas. This would require a road cut which would come under the Town's and Epic's jurisdiction. Questar called Epic in November and asked if they could do a road cut and Ryan said no, call back in April. Branca called back and pleaded his case, saying that the owners would not

be able to move into the house until Spring unless the gas was connected to provide heat. The homeowners were expecting to move in by Christmas. There is a history of problems with this project – conflicts over the sewer line placement and other delays. The PC thought that the restriction over winter road cuts was codified, but it wasn't. Ryan recommended they use a cold patch – typically used in emergencies. They are used routinely in the winter. He has heard that hot asphalt may be available for repairs on Hwy 40, but not sure where it would come from. There are always exceptions to the rule (no road cut after Oct. 15) and it's usually the contractor that didn't make the phone call and we will be forever in this debate. It was decided to allow them to do the cut with a cold patch, keeping it maintained throughout the winter in case it fails. In the spring they will need to make a permanent repair with a hot patch. Questar has already received an excavation permit, and made a \$4500 deposit for the road cut they did on St. Moritz. This project is done and has been approved. The Town is still holding this deposit, and Questar suggested that the Town use this deposit against the road cut for the Branca home. Questar will use a missile to make the cut. If the missile gets stuck, they would need to make a cut in order to get the missile out, typically 2 or 3 feet.

**Motion:** Commission Member Cropper moved to recommend the following to the Town Council, regarding the Branca road cut:

To allow Questar to use their existing excavation permit with suitable conditions, allowing them to use a missile to excavate for a gas line for the Branca property, and if the missile gets stuck, to allow them to cut the road and repair it with a temporary cold patch, maintain the patch throughout the winter, do a permanent compressed hot patch next building season to be completed by April 30, and get consent from Questar to transfer their deposit of \$4500 from the completed St. Moritz project to the Branca project on Interlaken Drive.

**Second:** Commission Member Marshall seconded the motion.

**Discussion:** None.

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

- Mayor's e-mail - process to address complaints/violations for existing building permits: - does TC need input?

Ryan spoke about the issue regarding additional inspections on sites for compliance with the dumpster and portapotty requirement. Ryan contacted his inspectors and gave them additional things they can do during their scheduled inspections and also clarified with the Town what they can't do for the base fees. They will inspect the sites for dumpsters and portapottys in the future and if they aren't there, the inspection won't pass. If there are additional fees due to delays and repeat inspections, the owner will be responsible, not the Town. He thinks it's been worked out so things should be smoother come spring. Ryan recommended the Town look at how the complaints and violations are working over time (not each incident), either quarterly or annually. If there is a complaint at a site, and Epic does a supplemental inspection to evaluate, if the owner is not in compliance, the owner pays for the inspection. Likewise if the owner is in compliance, the town pays for the inspection. Over time we can evaluate the effectiveness of the process, number of false complaints, etc. Ryan's proposal is that if the owner is not in compliance during a supplemental inspection, the town collect a fine for the violation from the owner, and then pay Epic for the supplemental inspection. Then over time we can look at that

account, balancing fines collected against Epic's fees for supplemental inspections and evaluate – is it positive or negative? Bill Goodall recommended that the Epic invoice call out a supplemental inspection as such and include an "approved by" note on that inspection.

Goodall commented that he didn't want to run the town through fines. He would prefer we make the rules clear to the builders and require everything to be in the site plan. Ryan thought Epic could improve the regular inspections to avert some violations. For example, for a footing inspection, if there's no dumpster and portapotty on site, they would prohibit them from pouring concrete, until they were in compliance. Ryan's crew will implement this process. You can't pour concrete is way more effective than levying a fine. Taking care of this during the first couple inspections will set the tone and possibly prevent future violations. The commission agreed with that approach. Goodall asked if Epic had a checklist for their inspections, and if possible, the town could add some items to that list. Ryan replied that for a code inspection the checklist would be a pile up to the ceiling, but he recommended that every inspection include a site inspection (dumpster, portapotty, site debris, roadway violations). If the town provided a site inspection checklist for Epic, they could go through it at all their regular inspections. Goodall commented that the PC is working on that checklist and will deliver it to Epic. Ryan mentioned that some excavation permits include that checklist. Marshall mentioned that Naples City has a checklist. Ryan recommended the town adopt the state standard SWPPP (storm water pollution prevention plan) inspection as their site inspection protocol, and Epic would conduct the SWPPP inspection every time they are at the site. SWPPP includes portapotty, dumpster, silt fencing, drainage and all our concerns. It was decided to make a recommendation to the council to adopt the SWPPP site plan inspection requirement. Goodall and Marshall also recommended a cleaning pad requirement for all sites – a 20' wide, 30' long, 6" deep gravel pad where the driveway meets the road. Goodall – this should all be part of the plan. If it's not on the plan, they don't get a permit. It will make it all more enforceable, if these requirements are on the plan. The SWPPP is a governmental body standard, not something the town invented, lending the requirement additional legal strength. About 84 municipalities in the state have adopted SWPPP. Eventually it will be a state standard.

Goodall mentioned that the PC is following the direction of incorporating standardized practices into our code rather than dealing with issues piecemeal as they come up. This should be communicated to the Town Council. Marshall mentioned that it's a common practice to have a council member attend the PC committees. Cropper offered to call Harrigan to communicate the direction PC has chosen and facilitate communication between the two bodies. Smith recommended that the PC simplify the discussions in email. Instead of describing the big picture, it may be more effective to summarize and offer them solutions for approval/disapproval, as a yes/no checkbox. The PC can provide more detail if they ask for it.

Ryan noted that our code would have to be modified to require SWPPP inspections for all permits. If for future permits, we require a SWPPP plan, it simplifies our procedures. For now we can have a checklist for Epic to follow at all inspections until we can amend the code to include the SWPPP plan requirement. Goodall is concerned that the council instructed the PC not to make incremental change recommendations to the code because it requires a public hearing. But if the PC agrees, he feels comfortable telling the council here's the general PC's direction, here's what we do temporarily, and we'll give you the codification later. Cropper agreed. Our current code has some elements of SWPPP in it.

Some things are not there, for example, the cleaning pad requirement is not in our code. The SWPPP contains a superset of requirements from our code. The PC can make interim recommendations as they continue on the longer course of codifying these recommendations and preparing them for council approval, a code revision, and the required public hearing.

Ryan reiterated that he thinks we have a workable plan for these 3 projects. What he'd like to see is that we have a plan that makes the next projects easier to enforce – SWPPP is a standard solution for this, addressing issues in the site plan. Goodall noted that in the interim we can recommend solutions. Smith noted that if the council gets enough of these recommendations, they may want to have a public hearing and revise the code. The PC agreed to this approach – making interim recommendations to the Council as the PC addresses pressing issues, and holding the long term vision until the need for a bulk review/revision of the code is apparent.

8. **Open Permit Applications –Epic Engineering** – Review of Frank Family Cabin Project and recommendation to Council. Generally, what should PC look at? Site plan, landscaping plan, elevations, submittal of soil analysis/Geotech report for > slope %, setbacks, max height, disturbance area, general town requirements, SWPPP details. Mayer permit application.

**Frank Cabin – 249 Big Matterhorn:**

Ryan - the current building on the Frank lot will be demolished and the new cabin will sit on the same site. The permit was held up by Ryan because he wants them to complete a geotech study because 70% of the lot is over 25%. They wanted to delay the geotech study until they began to dig, but Ryan disapproved. There are houses above and below the site that could be affected if there was an issue with slope stability. Cropper looked at the plans and noted that the setbacks and side yards were fine. The height was in the mid to low 20's. Marshall asked about what we should look at when give the plans. Goodall discussed with Epic and came up with the following recommendation - Epic will look at all the details in the codes in Title 9. The only thing the PC should look at is the site plan, the landscaping plan, and the elevations. As a town, we're protecting our land. The details in the code are Epic's responsibility. Bill will send out an email summarizing this approach.

**Mayer Project – 266 Big Matterhorn:**

This project doesn't meet the 35-foot height restriction. Goodall was concerned that he should not be talking to him, but that instead, he should be speaking with Epic directly. Mayer hasn't submitted an application yet to Epic. In talking to Rich Miller, Goodall found out that the applicant doesn't need to submit a permit request before applying for a variance. There was a discussion about the legality of this at the last meeting and Rich followed up on it and reported that you could skip the permit request. Cropper suggested that it may not be possible to get a variance for this project. Goodall thought it could be approved if the height was measured from natural grade and not the basement and some other adjustments to the design were made. Goodall thought we should change the code so height is always measured from natural grade, even on steep slopes. Cropper argued that there is a reason why they measure building height from the basement on a steep slope. There has to be something about this lot that is unique to allow for a variance. Goodall sent Mayer an email saying he didn't see a hardship here, and couldn't recommend any code changes based on what he presented, and couldn't guarantee a variance approval. Goodall will direct him to speak with Epic directly. If Epic is to continue to work on this, Mayer has to submit a building permit application.

Ryan – there is an issue in how the billing works for an excavation permit. Right now all the permit money is going to the Town, and Epic is billing the Town. If we want to do this differently, e.g. have some money go to Epic directly, we should do it in the Franchise agreements. Ryan is making sure their fees are less than what we collected, but wanted to make the town aware of this issue. His is making sure the Town’s \$250 fee is left over after they collect their fee. Goodall asked that Ryan copy the PC when he communicates with the TC.

#### **9. Utility Franchise Agreement – Review and recommendations to Council**

Mayor Simpkins requested feedback on the Questar and Heber Light & Power Franchise agreements. Ryan looked at the HLP agreement early on before the PC reviewed it and imagines those same comments are valid today. Cropper agreed to look at them before the next TC meeting (Monday, 12/5). Ryan will send his comments to Cropper. Goodall noted that the two agreements are different as written. Ryan noted that Daniels negotiated their agreements. Marshall noted that these should be reviewed by our lawyer. Ryan noted that we could add things to the agreement, eg. we could require an excavation permit or not, or they have to follow a similar set of rules, etc. We could add these things to the agreement, and the lawyer could legalize them. We should check some details, like what do they have to do to cut a road. According to Ryan, Questar has been good about fixing their patches, even if they fail in the future.

#### **10. Utility Permits – What permits are necessary for developers who want utility access to homes off Interlaken Drive (request from Town Council). 11/28 Bart email of “Lisa excerpts” - next TC meeting when? Who wants to respond?**

The PC decided to recommend the council require an excavation permit, just like any other utility road cut, if we do own that section of road.

**Motion:** Commission Member Cropper moved to recommend an excavation permit for utility access in the Interlaken road right of way.

**Second:** Commission Member Marshall seconded the motion.

**Discussion:** None.

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

#### **11. Other Business.**

- Requested change to sentence regarding roads traversing a 50% slope per 5/9/16 public hearing – does TC need input?
- Action Items. 10/10 – status update – complete or open?

Cropper noted that Rich Miller does not expect to be paid for his services as the board of adjustment. This was the only item covered under this topic.

#### **12. Summary of Action Items.**

- PC – make recommendation to TC regarding Questar road cut for Branca project (item #7).
- PC – site inspection checklist for Epic (item #7) including cleaning pad requirement.
- PC – recommend the TC adopt the SWPPP site plan inspection requirement and add this to the Epic inspection checklist along with a process for collecting fines and paying Epic for supplemental inspections if necessary (item #7).
- Cropper – communicate to the TC through Greg Harrigan the PC’s approach towards resolving land use issues (item #7).

- Goodall – send out an email to the PC describing what the PC is responsible for in plan review (item #8).
- Cropper – review HLP & Questar franchise agreements and present to the TC before their 12/5 meeting (item #9).
- Ryan – send Cropper his comments on the franchise agreements (item #9)
- PC – recommend the Council use the current excavation permit process for utility cuts on the lower section of Interlaken Drive (item #10).

### **13. Adjournment.**

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

The meeting was adjourned at 6:48 PM.

The next PC meeting will be held at the pump house on December 28, 2016 at 5:30 pm.