

MINUTES  
PLANNING COMMISSION MEETING  
FRUIT HEIGHTS CITY  
910 South Mountain Road

August 22, 2023

WELCOME: Chairman Carrie Carroll called the meeting to order at 7:00 pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Chairman Carrie Carrol with Commissioner Kevin Paulsen conducting the opening ceremony with a word of prayer.

PLANNING COMMISSION MEMBERS PRESENT: Chairman Carrie Carroll, Commissioners Brian Bare, Clark Moss, Justin Wright, and Kevin Paulsen. Council Member Florence Sadler

CITY STAFF PRESENT: City Manager Jacob Smith, City Attorney Brad Christopherson, City Planner Jeff Oyler, Assistant City Manager Darren Frandsen, Deputy Recorder Hailee Ballingham.

VISITORS: Robert McConnell, Mark Cotrell, Fawn Morgan, Marti Barker, Nick Beatty, Jody Trujillo, John Barker, Cara Trujillo, Randy S Stevenson, BreAnne Anderson, Caitlin Stevenson, Alysa Dummer, and Russell Dummer.

PLANNING COMMISSION BUSINESS:

*Annual Training*

City Attorney Brad Christopherson explained that for new commissioners to fully participate in a meeting, meaning have a vote, they are required to complete at least an hour of training. In general, all commissioners must have 4 hours of training a year. He explained some of the differences between city council and the planning commission are that the planning commission's role is to process land use applications-such as rezone requests, review and make recommendations to the general plan, and be the check balance for the city council. Something important to remember is that the planning commission is here to deal with only the land use, but because of that, the public has a right to weigh in and so whenever there is a rezone land use regulation change you always need to hold a public hearing. There was a new Senate Bill 174 that Fruit Heights has an obligation to implement by December 2024. City Attorney Brad Christopherson warned the Commission against meeting with neighbors or individuals to the side and discussing voting on their specific property or proposal, those discussions need to occur in the public at meetings. "Your job isn't to prevent development; your job is to make sure it complies with city code and city ordinance" (16:40). He went on to explain that if a commissioner does not agree with, or does not like a development, they cannot keep it from moving forward if it is within city codes. But we can start to discuss and change the ordinance for future developments if we do not think it is in the best interest of the city. However, changing the ordinance does not affect anything applied for up to that point. City Attorney Brad Christopherson then warned against meeting outside with developers or landowners and putting yourself or the city in the position of a potential lawsuit. If you accidentally meet with a landowner or developer with a pending application, recuse yourself

from any vote on that property and call him. We have this training to both ensure that your roles are clearly understood and that you stay within those roles. City Attorney Brad Christopherson also discussed the Pending Ordinance Rule, which states that if the potential change is on the agenda for the next City Council meeting, then any applications that come in after that announcement are subject to the new rule even though it has not been adopted yet. That is the one tool the city has at its disposal to help mitigate potential consequences from development they did not realize they were permitting. (28:10)

*New Planning Commissioner taking Oath of Office*

New Planning Commission Members Clark Moss and Justin Wright took the Oath of Office. (34:37)

PUBLIC COMMENTS:

Nick Beaty is concerned about the cul-de-sac in the Pine Ridge Estates that was tabled last time after it was decided that it did not qualify as a cul-de-sac. But he did not find a definition of a cul-de-sac that would necessarily eliminate that. He is concerned for the safety of those people because connecting that road could be years in the making. He gave the example of the fire in Maui where many people became trapped on the single road out and lost their lives in the fire. (33:03)

SUBDIVISION REVIEW:

*Review/Discuss/Approve/Deny Subdivision lot Amendment for Fairway Cove Subdivision First Amended*

City Planner Jeff Oyler provided background information explaining that this is just an adjusted boundary between two property owners and they both believe it commonly benefits the subdivision.

*Commissioner Clark Moss made a motion to approve the subdivision lot amendment for the Fairway Cove Subdivision with Commissioner Kevin Paulsen seconding the motion. The motion was unanimously approved by the Planning Commission. (38:29)*

*Reconsider Tabled Item. Discuss/Approve/Deny Preliminary Plat for Pine Ridge Estates Subdivision*

City Planner Jeff Oyler provided background information explaining that a couple of months ago this item was tabled pending some additional information being requested. Those items were discussing the positives or negatives of connecting this road from a geotechnical standpoint, requesting the developer do some analysis with regards to connecting that road, and then to get some information from the fire marshal. There are two cul-de-sacs that we had talked about connecting and from a geotechnical standpoint to meet the 10% grade requirements of the city the road and some lots would have to be brought up out of the ground significantly, at least 30 feet. City Planner Jeff Oyler reports that Geostrata recommends a degree flow study be completed to assess the risks involved in altering the currently planned grading and to provide recommendations for the remediation of any such risks it deems necessary. Changing the grade has not been evaluated from a geotechnical standpoint and would need to have additional evaluations and

studies completed that the location and loading of the proposed fields can cause slope stability concerns and those studies could take upwards of two years of analysis and waiting for settlement to occur on that field to be assessed. Also, the inherent risk as the risk of delayed settlement increases significantly with fills over 10 feet. There would need to be a retaining wall to hold the filled area, which would create a significant perpetual maintenance problem for the city. Connecting those two roads just is not possible from a geotechnical standpoint, it's not responsible from a city maintenance standpoint, and the developer has very clearly stated that he has no interest in putting that kind of financial impact into this development for 28 lots. That is why the plan is proposed this way, with two cul-de-sacs that are offset. After talking to some individuals on both the Planning Commission and the City Council it was suggested that they consider doing more of an all-weather surface such as road base and connect the two so it could be opened and used in purely emergency situations. From a staff standpoint, this may be something we ask the developer to evaluate and come back and tell us the ins and outs of what that may look like.

City Planner Jeff Oyler goes on to explain that when he met with the fire marshal he did not get the written letter that he hoped for, instead, he received a letter quoting a bunch of codes and things of that nature that you hand the developer, who hands it to his engineer and says make sure you incorporate these things into your final designs. He did say he will not comment on the subdivision's layout, but the city decides what it will look like. The Fire Marshal then takes whatever it is we propose and analyzes it and talks about how we are going to defend structures and fires, what the access roads look like, etc. City Planner Jeff Oyler does warn against getting too attached to the idea of that being made into an emergency access road because he is not sure if the Fire Marshal will say that is of no use to us, we cannot get our trucks up that grade. Commissioner Kevin Paulsen asked if even if the Fire Marshal cannot use it, maybe the residents could still use it to provide another point of exit in case of a fire or emergency. City Planner Jeff Oyler stated that there was no significant reason that this street and lot layout would not work from a geotechnical standpoint and that this subdivision does not have nearly the complexity that the Rock Loft Ridge Estates subdivision has. After some discussion City Attorney Brad Christopherson explained that as a city we cannot require an emergency access road, but you can request one.

*After some discussion, Commissioner Kevin Paulsen made a motion to approve the Preliminary Plat for Pine Ridge Estates Subdivision with the request to do the discussed research with Commissioner Brian Bare seconding the motion. The motion was unanimously approved by the Planning Commission. (1:26:54)*

#### ORDINANCE REVIEW:

#### OTHER BUSINESS:

Council Member Florence Sadler announced that there is a Founders Day Festival this Saturday, and they are still looking for volunteers to help with some of the activities.

#### REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

*June 27, 2023*

*Commissioner Brian Bare made a motion to approve the June 27, 2023, minutes with Commissioner Justin Wright seconding the motion. The motion was unanimously approved by the Planning Commission. (29:36)*

CALENDAR:

Sept 26 – Planning Commission

August 26 – Founders Day Festival at the Fruit Heights City Building

*Commissioner Kevin Paulsen made a motion to adjourn the meeting with Commissioner Justin Wright seconding the motion. The motion was unanimously approved by the Planning Commission and the meeting was adjourned at 8:30 pm.*

*Not approved until signed.*

/s/:

Jacob Smith, City Manager

Date approved by Planning Commission: 10/24/23