

PLANNING COMMISSION MINUTES
DECEMBER 6, 1994

Present: Chairman Mark Green, Ken Cutler, Dick Dresher, Don Milligan, Lois Williams, Mike Holmes, Dean Jolly, Elaine McKay; Barbara Holt, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary

The minutes of November 15, 1994 were amended with the following corrections: An addition to Absent: Don Milligan and Ken Cutler; The correction from "preliminary and approval to build" to say "preliminary and final approval to build", found on page 2 in the middle of the page. Also the correction in the last paragraph on page 4 from 5' thick concrete, 3' asphalt on 6' gravel to read 5" thick concrete, 3" asphalt on 6" gravel. The minutes were unanimously approved as amended.

Site Plans

1. Consider approval to build beyond 200 ft. from a street at 3297 S Sunset Hollow Drive (Lot 37, Sunset Hollow Subdivision), Chris Pack, owner.

Mr. and Mrs. Chris Pack were present at the meeting.

Jack Balling addressed the Planning Commission recommending the approval to build beyond 200 ft. on an approved flag lot. The report that was submitted to the Planning Commission was a review of the first submittal from Chris Pack. Mr. Pack has now submitted a revised site plan that has been reviewed and most of the requirements have been met. On the staff report there are 10 conditions that needed to be met before an approval could be given. All items 1 through 6 and item 8 have met all of the requirements. Items #7, the fire hydrant must be paid for by the owner and installed by the City at the location required by the Fire Marshall, item #9 that a 20 ft. wide easement along the access road and the fire water line, and #10 that a fire sprinkling system be installed in the home have yet to be completed.

Mr. Balling recommends final approval to build the home subject to the three conditions in items 7,9 and 10. These conditions are required before the City Council can review it.

Mike Holmes made a motion for recommendation to the City Council for the approval for a building permit to build beyond 200 ft. for Lot 37, Sunset Hollow Subdivision subject to the conditions from the staff report on items 7,9, and 10; seconded by Elaine McKay. Unanimously approved.

Site Plans

2. Consider approval to build beyond 200 ft. from a street at 1466 E. 250 N (Lot 4, Johnson/Murray Subdivision (amended)), Pepper Murray, Owner.

Mr. and Mrs. Pepper Murray were present at the meeting.

Jack Balling explained to the Planning Commission that the proposed house is 340 ft. from the dedicated street (250 North), which this requires a fire hydrant, a sprinkling system and approval from the City Council. The access from 1500 East Street is less than 150 ft.; however, this street is not a dedicated public street. Mr. Balling recommends that the proposed house use 1500 East as the stem portion of their flag lot. This street has already been paved, has curb and gutter, its 20 ft. wide and meets all the conditions required. A fire hydrant will have to be installed on the north side of the driveway on 1500 East then the sprinkling system will not be required. The street (1500 East), will need to be widened to 26 ft. wide near the hydrant with 2 1/2" of asphalt on a 6" base to meet the ordinance to build beyond 200 ft. The property owners will use 1500 East as their stem portion of their flag lot until such time when the road is developed on the east side (250 North), then they will meet all the conditions required to build beyond 200 ft.

Mr. Balling recommended that the building permit be issued subject to the two conditions that the street be widened to 26 ft., and a fire hydrant be installed. The compliance with the Building Codes and payment of the required fees.

Mike Holmes made a motion for the approval of the Site Plan for Pepper Murray Residence, Lot #4, Johnson/Murray subdivision subject to the recommendations outlined by the staff; seconded by Barbara Halt. Unanimously approved.

Subdivisions

3. Consider Preliminary and Final Approval for Ethel Subdivision at 355 E. Mill Street.

Jack Balling noted that Delmont Hayes had been granted an approval for a conditional use permit to create two flag lots and divide his property which was done on June 3, 1994. Mr. Hayes has submitted the Ethel Subdivision, meeting the conditions required by the permit. The staff has reviewed the subdivision plat and recommends preliminary and final approval subject to the conditions listed and with a correction on item #3 from lots 1-3 pay the Storm Run-off Fee to only lots #2 & #3 pay the fee.

Elaine McKay made a motion for the preliminary and final approval for Ethel Subdivision; seconded by Don Milligan. The motion was unanimously approved.

Miscellaneous

4. Public hearing to consider a new Subdivision Ordinance for Bountiful City.

Mark Green opened the meeting for the Public Hearing, then turned the time over to Rusty Mahan; City Attorney. Mr. Mahan addressed the Planning Commission with the modifications of the Subdivision Ordinance. The old Subdivision Ordinance was written in 1965 and slightly modified during the 70's. Mr. Mahan has brought the Subdivision Ordinance in compliance with the New State Law that was adopted a couple of years ago and to clarify its terminology so its

more understandable.

Mr. Mahan explained the proposed changes with the Council members page by page. The changes are listed as follows:

1. The Master Street Plan approved by Bountiful City in February 1993. This Master Street Plan has already adopted by reference but Mr. Mahan wants to tie it being part of the Ordinance.

2. In Chapter 2: Subdivision Approval Procedure: a new section has been added concerning the Foothill Overlay Zone. Subdivisions which are proposed within the Foothill Overlay Zone of the City must comply with the conceptual approval requirements of 14-13-107 of the Bountiful Planning Ordinance. Such subdivisions must also comply with other requirements stated therein for preliminary and final approval, in addition to the requirements set forth in this Subdivision Ordinance.

3. Subdivision Plan Approval Procedure: The approval process for subdivisions shall consists of review by the City Engineer, preliminary review by the Planning Commission and preliminary approval by the City Council, and final review by the Planning Commissions and final approval by the City Council.

4. Submission of Final Subdivision Plat: After receiving preliminary approval, the subdivider shall prepare and submit to the City Engineer a final subdivision plat, and in such a number of copies as the City Engineer shall reasonably require.

5. Submission of Final Subdivision Plat: (c) #3 should read easements within the subdivision: (c) #4 will be eliminated completely: (c) #6 the Planning Director will sign the signature blocks: (d) Last paragraph; The City Engineer shall make a recommendation to the Planning Commission for final approval, for approval with stated conditions, or for disapproval for stated reasons.

6. Improvements: (c) change (A) to (a).

7. Bonding Requirements: A discussion was made between the Planning Commission members and the staff regarding the deposit with the City on a cash bond or letter of credit and a bond agreement in the amount of 10% of the construction cost, to guarantee the replacement and/or repair of defects discovered in the improvements within a one year period following the completion of all improvements. Who is responsible for the damage done by the "unknown" the developer or the City? There was a lengthy discussion between Mike Holmes, Mr. Mahan and Mr. Balling on the issue of who pays for the damage, not defects, that occur during the one year time period. Mr. Holmes feels there should be a way to charge the person or persons that have done the damage rather than the subdivider. Mr. Balling responded saying that the City shouldn't have to be responsible for defects or damage during this one year period. The work has to be guaranteed for defects until it is finally accepted by the City and that period of time is one full year. It is the same for the bank, homeowner or the City. Mr. Mahan recommended for approval the City Council review the wording for 7-4-101: Bonds Required; item (a).

Release of Bonds: 7-4-102 item (b) will be changed from "the cash bond or letter of credit and guarantee is reduced" to read "the cash bond is reduced".

Amending or Vacating Subdivisions: The City has not had anything in the City ordinances on amending or vacating subdivisions. It now has become a problem. There is a State Law that requires the subdivision be amended and there is a procedure. Mr. Mahan has adopted the procedure from the State with a slight change on 7-5101: (c). The State Law recommends the proposed alteration of vacation shall be reviewed by the City Council for their recommendation of approval or disapproval. Mr. Mahan feels that prior to consideration by the City Council, the proposal shall be reviewed by the Planning Commission for their recommendation. Mr. Mahan added another addition, any property owner within 500 feet of the proposed changes shall be notified, whether in or out of the same subdivision. The notice for both hearings may be contained within a single mailed notice. The State Law requires only the people only in the subdivision be notified. Mr. Mahan feels that sometimes there are people with lots or homes across the street and in fairness to them they should be notified too.

Mr. Mahan suggested to the Planning Commission that the items being changed or that have been rewritten be approved for City Council for Public Hearing. Mr. Mahan will rewrite the changes and the suggestion that have been made and submit to the City Council. Mr. Mahan will inform the City Council that the Planning Commission has not given final approval for adopting the ordinance until further study has been made.

There was no comment from the public concerning this proposed ordinance. No one appeared for this item at the public hearing. Mr. Green closed the Public Hearing.

Review of Foothill Ownership and Potential Development.

Jack Balling presented to the Planning Commission the future growth and plans for the city. Last year 296 lots were approved for development. The land in Bountiful that have potential for further development consists of about 675 additional lots. If the land above Bountiful is annexed there could be another 675 buildable lots. This could be a total of 1350 building lots or about 7 years of growth. When the construction slows or stops there will be a lot of reconstruction of the existing homes and buildings.

Elaine McKay expressed her appreciation for the time and effort spent in getting this information. The remaining members also expressed their appreciation for the information.

Meeting adjourned at 9:05 PM.