

MINUTES  
FRUIT HEIGHTS CITY  
PLANNING COMMISSION MEETING  
910 South Mountain Road  
June 23, 2015

**REGULAR MEETING**

**PLANNING COMMISSIONERS PRESENT:** Commissioners Sam Brady, Kristi Bybee, Curtis Tanner, and Chairman Susan Hunt were all present and City Council Member Craig Hill and Commissioner Paul Wood were excused.

**STAFF PRESENT:** City Manager Brandon Green, City Planner Jeff Oyler and Recording Secretary Kelli Rollins were all present.

**VISITORS:** Desi Dunn, Karen Nicholaisen

**REGULAR MEETING**

The Planning Commission meeting was called to order by Chairman Susan Hunt at 7:07pm. The Pledge of Allegiance given and Commissioner Curtis Tanner gave a prayer for the opening ceremony.

**1. APPROVAL OF MINUTES FROM PREVIOUS MEETING:** 00:27:53

*Commissioner Sam Brady made a motion to approve the minutes from April 28, 2015 with the recommended corrections. Commissioner Kristi Bybee seconded the motion and it was approved unanimously.*

**2. ITEMS FROM THE PUBLIC:**

There was nothing presented from the public.

**3. PUBLIC HEARING:**

There was not a public hearing.

**4. NEW BUSINESS:** 00:04:10

**4a Review/Approve/Deny Preliminary Oakmont Hideaway Subdivision**

City Planner Jeff Oyler presented a proposed new flag-lot off of Oakmont Drive to the Planning Commission. The current lot is 1.318 acres and has one existing home standing on it. The existing home is being remodeled. The existing lot would remain about an acre in size and the proposed new flag lot would be almost a third of an acre.

There is water and secondary water on the street. There is an overhead power line crossing the current property. There is a strange secondary water line that comes right off the Weber Basin line. It is its own private secondary water line and there is a master valve and a line that runs from the middle of the backyard to all the surrounding properties. Water can be taken off of that connection for the new home. The City is talking about putting all that under an easement. They would like to take the sewer line off to the west through Mr. Stapp's property. They already have a verbal agreement to do so.

June 23, 2015

There is also a power line that goes off that same direction to the west that all needs to be under easement. All of the utilities would be available for this development although there are still little details to be worked out. Tonight the developer is asking for preliminary approval before they invest heavily in this project.

Mr. Desi Dunn spoke to the commission and reviewed all of the required setbacks. He pointed out where the transformer was and spoke as to the verbal agreement with Mr. Kevin Stapp and where exactly the easement would be located. He mentioned they had found a sewer cap that could be used. They also found an extra culinary water connection which makes him think the original owner may have planned to put in another home at one point.

Mrs. Karen Nicholaisen explained the reasoning behind taking the sewer west instead of back down the driveway to the south and that is because they would have to pump it out to the road because it is uphill where to the west it is downhill.

The developer is thinking the new home would be around 4000 sq feet and would complement the area in design. Mrs. Nicholaisen discussed some of the design ideas. She and Mr. Dunn spoke about the trees and the driveway winding through them to get to the new house.

Commissioner Curtis Tanner inquired about the easement regarding the power lines and the plat for the original subdivision does not have the easement recorded on the plat. City Planner Jeff Oyler will find out about that easement. Commissioner Sam Brady inquired about the second story of the home interfering with the neighbor's views. The neighbor's home actually sits up on a bluff so a second story will not interfere. They discussed the steepness of the lot and about what that would do to the driveway but the developer is confident that with the length of the driveway they will be able to make the slope very gradual and mainly just follow the contours of the land. Commissioner Brady expressed concern about the carving out that would need to happen for the driveway and home.

Commissioner Curtis Tanner inquired about requirements for the RS12 and they do meet all the standards. City Planner Jeff Oyler discussed the geo-technical studies and that although part of the existing lot falls into the sensitive lands the new lot would not. Regardless of that City Planner Oyler has required some studies including debris flow, soil samples and excavations for geotechnical analysis. Commissioner Sam Brady mentioned that they would need to be careful while excavating especially since they are downhill from other homes and we do not want to impact those homes. Mr. Dunn mentioned that they are doing the studies and they will even reduce the size of the home if needed. He informed the Planning Commission that of the eight grades of soils this area has the 1<sup>st</sup> and 2<sup>nd</sup> best types of soil for building. They will also bring in engineered soil if needed. Commissioner Brady restated that the worry comes from the soil shifting up above and the impact that can have on the homes above. He inquired about retaining walls and there will not be a need for any kind of a retaining wall.

Commissioner Curtis Tanner said that he would like to see more defining on the grading, details on the easement, the geo-technical reports and detailing on the secondary water as well as Mr. Stapp's feelings about the easement across his property.

*Commissioner Curtis Tanner made a motion to recommend preliminary approval of the Oakmont Hideaway Subdivision. Commissioner Sam Brady seconded the motion with the comments and it was approved unanimously.*

**5.1 Review/Approve/Deny Updates to Title 6 Chapter 7** 00:34:00

City Planner Brandon Green reminded the Commissioners about the Good Landlord agreement that was presented earlier in the year. This agreement would give the companies and individuals who rent homes in Fruit Heights an incentive to participate in the good landlord program and reduce the cost of their business license. It allows landlords to do a thorough background check on applicants and gives them the ability to deny the application. The City Attorney has reviewed this program and is recommending approval of this program. Some details such as the amount of the fees can be added later. This doesn't apply to apartments but only to those renting the entire house.

Commissioner Curtis Tanner inquired if the reduction of the fee is enough of an incentive for the landlords. Commissioner Kristi Bybee asked about the class. City Manager Green mentioned the class is offered by the state and it includes a 3-4 hour class that the landlords would attend. Commissioner Tanner questioned if landlords would be willing to sacrifice 3-4 hours for \$45 dollars. City Manager Green mentioned that the program which began in Ogden has been very successful there and in other Davis County cities. City Planner Jeff Oyler mentioned that this makes the landlords more responsible and accountable which helps stop bigger problems.

City Manager Green mentioned that the landlords would be required to take the class every year. Commissioner Sam Brady suggested making it mandatory for all landlords to take the class. If they don't take the class they can't get the business license. City Manager Green also mentioned that during the class the landlords learn about rental laws and they will also get training on how to find the quality renters and how to get the renters out who are causing trouble. Having the landlords trained is a win/win for the City and the landlords. Most of the landlords in other cities take the class.

Commissioner Sam Brady inquired as to how many rental homes there were in Fruit Heights. The exact number was not known immediately but there are at least eleven homes rented by UDOT alone.

City Planner Jeff Oyler mentioned that this was discussed in the legislature and that they City would be hearing more about this from them in the future. He has also talked to landlords and they love the training and feel it gives them some help.

*Commissioner Sam Brady made a motion to recommend approval of Title 6 Chapter 7 and require landlords to receive the Good Landlord training in order to receive a business license and ask that this be forwarded on to the City Council. Commissioner Curtis Tanner seconded the motion and it was approved unanimously.*

City Manager Green will forward on this change to the City Attorney to word this correctly

**5. OLD BUSINESS:** 00:56:48

**6. UPCOMING CALENDAR EVENTS**

City Planner Brandon Green reminded the Commissioners about the Founder's Day celebration coming up and that the Nicholls Park Trail would be dedicated. Commissioner Sam Brady mentioned that the City needs to get some lights into Nicholls Park area. It is being planned on being done next spring with energy efficient LED nice lights. Commissioner Curtis Tanner inquired as to the flood control. City Manager Brandon Green informed the Commission about the latest developments of UDOT and that as part of the Highway 89 project that the County will be putting in a detention basin as planned. The Commission and the Staff discussed the location of the frontage roads and the 400 North overpass. There will also be East/West access on the trail through a tunnel. The City will have to build that tunnel. These projects will all be finished by 2021. They discussed 400 North shifting to the west but that there should be no more impact to residents.

City Planner Brandon Green also mentioned a proposed subdivision on Mountain Road. The East Bench development is still in the works. There are also a few ordinances in the works including the Noise Ordinance and the Mobile Home Parks Ordinance.

**7. REPORTS:**

- A. City Planner- Jeff Oyler
- B. City Council Rep- Craig Hill

**ADJOURNMENT:** 01:08:35

*Commissioner Curtis Tanner made a motion to adjourn and it was seconded by Commissioner Sam Brady. It was agreed upon unanimously and the Planning Commission Meeting was adjourned at 8:15 pm.*

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Planning Commission meeting held June 23, 2015

*Not approved until signed*



Kelli Rollins  
Recording Secretary

Date Approved by the Planning Commission: Aug. 25, 2015