

Interlaken Town Planning Commission Meeting Minutes

Entity: Interlaken Town Body: Interlaken Planning Commission Subject: Business Meeting
Event Start Date & Time: Wednesday, September 20, 2017 5:01 PM
Event End Date & Time: Wednesday, September 20, 2017 7:13 PM
Location: Goodall Residence, 255 Interlaken Dr.

Description/Agenda:

1. Call To Order. Called to order 5:01
2. Roll Call: and acknowledgment that Commission members have been seated. Present: Bob Marshall, Greg Cropper and Bill Goodall
3. Presentations. None
4. Consent Agenda. None
5. Approval of Agenda or Changes. Motion by Cropper, Second by Marshall, all voted in favor - approved
6. Approval of 8/29/17 Planning Commission Meeting Minutes. Motion by Marshall Second by Cropper all voted in favor - approved
7. Status of projects with permits and currently under construction – Epic Engineering report.

Frank – Josh Call followed up regarding soil erosion and lack of dumpster complaint. Current soil on bank behind house appears to be adequately contained by a row of rocks, which is better than straw waddles. This area will require a silt fence if soils do not stay contained. We recommend revegetation as soon as possible, even if it's temporary seeding. Although no soil has ended up on the road, silt fences and revegetation are required by code. Contractor has agreed to place a dumpster or suitable trash container as required by code. It is noted they have contained trash of boards and steel in a specific area and covered it with a tarp while leaving room for the high volume of initial material deliveries.

Hawkins – this project permitted and inspected by Wasatch. They continue to terrace behind the house although original plans show it sloped. As of 9/21, they have started pushing dirt beyond the original zone of disturbance, further eliminating hillside vegetation.

8. Status of building permit requests.

Lot 56 – Josh contacted by Mark Jackson re lot 56 – wondering about setback requirements – Josh informed them they need to be 30', considered that useable space is long and skinny. They can request a variance if they desire. Jackson has since discussed the lot with Goodall and understands the requirements.

Sheldon – Epic has not received any plans. They were concerned about height, however Josh finds it acceptable versus 35' from lowest floor – high slope lot.

King - Goodall assisted Anthony King to research access to his lot from Luzern Rd. With additional information, Anthony realized he had misunderstood and Luzern actually ends at his

property so it would be convenient to add a driveway. The two track gravel lane on his lot is not Luzern. King will pay Epic for a written confirmation if he wants it. **SUBJECT CLOSED**

9. Public Comment: Comments taken on land use topics not scheduled for a Public Hearing. Speakers please limit your comments to a few minutes. The Commission cannot act on items not listed on the agenda, so it may not be able to respond. Total time for public comments will be 10 minutes unless Commission agrees to extend..

No Public comment

10. - Soper Radio Tower Status –Lot 119 333 Bern Way.

Soper has submitted a permit request for PC review. Issue of code still remains as current code does not allow conditional uses in the residential zone.

Josh Call estimates Epic charges will be: no admin fee, \$100 for initial site plan review, maybe \$150 electrical (this needs to be reviewed as only circuits involved are low voltage), final inspection \$250.

Cropper: Has researched cases and some code. The Town cannot process this application until we have a special exception code and a defined process to allow for them. We need to create a code category for special exceptions as an alternative to conditional uses. Residential zones should list permitted uses and state anything else excluded. Then add a process for special exceptions that could be applied for any unforeseen issues. Notwithstanding permitted or excluded use, special exceptions are allowed when specifically required under applicable state or federal law. Then we need a process – go to PC for recommendation to TC? Ordinance change will require a public meeting – could call special meeting to avoid town risk of violating federal and state law. Reasonable diligence is required when changing code to address this application.

Goodall: A much simpler, quicker approach would be to make a code change allowing amateur radio transmission towers. Cold weather is coming and we shouldn't make Mr. Soper wait until next spring. The special exception approach might be the best long term answer but Greg has no example codes we could use.

Cropper: We don't know if the 50' tower request is reasonable. As agreed, Goodall requested DX Engineering <https://www.dxengineering.com/search/department/towers> to report typical amateur tower height based on their order history. **They reported typical height of 50-80 feet with some much taller.**

M. Soper will send the permit request to the Town Council and Town Clerk

11. Input from 9/5/17 Town Council meeting:

a) Quorum of two –

9/5/17 The Town Council moved to define the planning commission quorum as a simple majority of voting members. **Appropriate code will need to be developed.**

(b) Water Rights –

/5/17 The Town Council agreed to take no action right now, because there is no clear reason to change it. **Sue O'nan to research whether changing irrigation water to municipal could affect water bond.**

Greg Cropper's understanding is you very much want muni classification if you can get it. Another copy of the report has been forwarded to Cropper. **Greg to confirm whether TC wants to run it by Rick Knuth.**

(c) Encroachment –

9/5/17 The Town Council discussed and agrees with the approach set forth in the document prepared by the PC. The council decided to wait until the General Plan is completed before approving it. PC note: this was presented as a concept only. **Considerable work remains to write necessary code.**

Simpkins noted that there is more work to be done regarding the ROW issue. **Simpkins will set up a meeting with Brent from the Ombudsman Office and the TC. Note the PC is not invited.**

(d) Code limit of one accessory building –

9/5/17 The Town Council discussed the issue of what constitutes an accessory building, and how many buildings should be allowed on one lot. The council agreed to the following: 1 main dwelling, 1 accessory building – detached from the main dwelling, and one shed not to exceed 200 sq ft. detached from any other building. **Appropriate code will need to be developed.**

(e) What projects should require a building permit –

9/5/17 The Town Council likes this document and agrees with the direction, but decided to wait until the General Plan is completed before approving. **The PC also requested input whether small projects should be the responsibility of property owners to follow the requirements of the International Residential Code. Please put this topic on the next TC agenda.**

(f) FFSL and Wasatch MOU and Cooperation Agreement –

9/5/17 Town Council minutes: Simpkins has a meeting on September 12 with other towns at the League of Mayors meeting to discuss the FFSL agreement. On September 28, she will meet with the executive board to discuss. **THIS SUBJECT IS CLOSED FOR THE PLANNING COMMISSION.**

12. General Plan Status report.

Task force made great progress on questionnaire in 9/9 meeting. Goal is for draft survey question list to be created by Friday Sept 15. This was actually completed by 9/22. **The draft questions will be forwarded to the task force with one week to comment on the draft, the comments will be compiled and distributed for group approval. The group will reconvene as necessary.**

13. Town Clerk Bart Smith resignation – how will the planning commission take minutes?

Smith suggested the PC consider adding another alternate member and assign them the secretary role. The PC requested a computer projector and screen so they can take minutes as

they go and all can see what's been written. This approach was tried with a computer hooked to Goodall's TV and all agreed it was desirable. Maybe the Town Council should try it. 9/18 **Bart Smith email: I have the equipment on order for the digital projector and screen to be installed in the pump house. I will make an effort to get that equipment installed by the next PC mtg in October.**

14. Code revisions – potential minor changes. Should PC prepare a list of outstanding specific code change requests/discussions?

Someone will need to review the PC minutes and develop this list. Major rewrite also needed after General Plan is complete. Note both Wasatch and Midway have used codifiers.

15. Potential of Wasatch County reviewing permit applications and performing inspections.

9/5/17 TC open action list - Greg Harrigan work with Simpkins to explore option of moving town planner responsibilities back to Wasatch County, Mr. McDonald. Investigate whether the county would enforce Interlaken codes. **Note: PC not invited**

16. Planning Commission alternate. Does the PC have any input on this subject?

Simpkins 9/20 e-mail: **Bart will be managing all applications for a PC candidates. The Town Council & the Mayor are the recommending and appointing body of the Town of Interlaken.**

17. PC spending moratorium. Simpkins 9/15 e-mail accused PC of exceeding budget for Epic and Bywater. Apparently Simpkins thinks the PC spent \$12,000.

PC has never been informed of a budget nor actual spending. PC has been tracking Epic costs assigned by PC. They are \$1,200 YTD. The mayor has assigned a number of projects to Epic for which the PC had already done most of the homework and cannot be responsible for well over \$2,000 spent at Epic. The only PC conversations with Epic were for encroachment policy and the FFSL cooperative agreement. There was considerable legal work related to a governance issue created by the mayor for which the PC cannot be responsible. The mayor also requested Bywater to attend a meeting at Summit Engineering in place of the planned visit to discuss the same subject without legal expenses.

18. (a) Open actions originated by the Planning Commission

Bill Goodall:

- Contact Summit Engineering to transfer electronic records to Epic. Progress interrupted by Simpkins meeting, which had not been communicated to Goodall
→ **9/15 Simpkins letter: this requires approval by Mayor and Town Council**

Greg Cropper

- Contact Tim Bywater to research the town's oversight obligation regarding building permits – how much can we abdicate and remain in good legal standing? → **9/15 Simpkins letter: this requires approval by Mayor and Town Council**

Bart Smith

- Find out Bywater's charges for review of the Simpkins ROW issue. **PC has used approximately 1.3 hours as shown below. All other conversations with PC were initiated by Bywater in response to Simpkins governance issue related to her building permit request, which TC decided not to charge to her.**

Date	Atty	Description	Hours	A
6/27/17	TJB	Review email correspondence and file, draft and respond to email from planning commission (.5); telephone conferences with Mayor Lisa Simpkins (.4) and Greg Cropper (.4) ; review correspondence regarding ROW issues related to landscaping project (.2); telephone conference with Josh Call of Epic Engineering (.4)	1.90	4

Invoice #: 428534

August

PROFESSIONAL SERVICES RENDERED

Date	Atty	Description	Hours
7/12/17	TJB	Telephone conference with Mayor Simpkins regarding right of way issues	.70
7/13/17	TJB	Telephone conference with Brent Bateman regarding right of way issues; review email regarding landscaping and right of way issues before planning commission; telephone conference with Greg Cropper regarding the same	2.50
7/14/17	TJB	Review email correspondence from planning commission regarding right of way; review email regarding interlocal fire agreement; brief telephone conversation with Mr. Goodall regarding fire interlocal	1.30
7/19/17	TJB	Review correspondence regarding right of way issues and measurement; review correspondence regarding interlocal agreements	.90

- Review Epic's bills for charges against Simpkins projects and other projects. **Waiting for Epic invoices all the way back to 10/16**

Epic Engineering

- Provide update on Frank project. **See agenda item #7**

(b). Open actions originated in Town Council (per 9/5/17 minutes)

Bill Goodall

- Find out if changing our irrigation water rights to municipal impacts the terms of our water bond. Status unknown. **Goodall was never asked to do this. It is understood Sue O'Nan volunteered for this task.**
- Meet with Michael Soper to discuss his antenna project and make recommendation to the council. **Soper has issued detailed response to TC questions. See agenda item #10.**

Bart Smith

- Write a letter to Hawkins regarding his road right of way violation after ROW issue has been resolved. **On hold.**

- Follow up and collect the Schneider driveway charge from Epic, \$400. **Need to send out bill.**
- Research number of full-time residents in Interlaken. **On hold.**
- Contact Scott Neuner regarding his position as alternate on the planning commission. If available, send out notice for applicants. Need to send out notice asking for applications for the open planning commission alternate position. **Planning Commission does not agree with this approach. See agenda item # 16**

Planning Commission (as a whole)

- Discuss what conditions prompt a second planning commission review of a permit application. **Future agenda**
- Discuss changes to code to clarify what constitutes “living quarters,” e.g. what living amenities are allowed in an accessory dwelling? **Future agenda**
- Make completion of a General Plan a top priority. **It was from the beginning, until mayor directed PC to work only on Title 9 and building permits. See agenda item # 12**

Town Council (TC open action list)

- Make sure PC is on every TC meeting agenda. **Done.**

19. Other Business.

(a) 9/5/17 TC meeting - Newsletter – Fall newsletter topics and timing – **No info request to PC**

The council discussed topics for the Fall newsletter scheduled for October or November. Here is a Summary [only included topics related to PC]

- general plan, status, request for input
- building projects – what requires a permit, the process
- outdoor lighting restrictions
- loose dogs, dog waste pickup, parking enforcement, other enforcement concern – The TC was informed 9/5 there is a major error in parking enforcement code. **No action to date.**

(b) 9/5/17 TC meeting - Discussion of Town Fees - Impact fees for Midway Sewer & HV Special Services that had not been paid.

TC minutes said “ Epic did not alert the town about these fees”. **It is entirely inappropriate to blame this on Epic when Simpkins e-mail of 10/18/16 Lisa 10/18/16 stated she was working on Midway Sanitation Franchise Agreement. Also, the Interlaken Town Fee Schedule on the website states: Midway Sanitation District – Midway Sanitation District – Please contact Midway Sanitation District who manages all sewer related items for the Town of Interlaken. Fees will need to be paid directly to them. 75 North 100 West, Midway, UT. (435) 654-3227**

(c) Water E Coli Status Report

Goodall researching simple, inexpensive coliform test method with 1 hour results. Should be commercially available for 2018. Task force needs to explore potential contaminant sources and avoidance methods.

(d) 9/12 emergency TC meeting - Water Master resignation for health reasons.

Mac will continue for 30 days. Ed Little will provide interim coverage. Suggested hiring water system operators from the valley combined with Town resources. >>> TC Decided to form task force with Greg Harrigan, Ed Little, Jim McCasland and Bill Goodall. Greg Harrigan in charge. **Jim McCasland requested meeting with TC and was told Greg Harrigan will contact him. As of 9/25, Councilman Harrigan has not requested the task force to meet.**

(e) Given the amount of tension and misconduct, should the Planning Commission continue to attend the Town Council meetings?

No one on the PC wants to go. As an alternative we will send them a monthly highlight report and requests or recommendations in writing.

20. Adjournment. Motion by Cropper, second by Marshall, all voted in favor. Adjourned at 7:13 PM

Note: Epic Engineering - Josh Call time: 45 minutes