

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m. March 13, 2013

Commissioners: Jeff Pearce Staff: Shanna Edwards (Secretary)
 Steve Weiss Bill Morris (Administrator)
 Ed Saunders
 David Eckersley
 Roger Shuman
 Dave Stephenson

Visitors: Ruth Pearce, Chris Clark, Kameron Spencer, Kyle Honeycutt, Brian Chapple

1. CALL TO ORDER:

Chairman Weiss called the meeting to order, excused Tyler Malmrose, and welcomed visitors.

2. CONSENT AGENDA: Approval of Minutes of meeting held January 9, 2012.

MOTION: Commissioner Eckersley motioned and Commissioner Pearce seconded to approve minutes of the planning commission meeting held December 12, 2012, as presented. Voting was unanimous.

3. PUBLIC HEARING / REVIEW/ RECOMMEND: a plat amendment to Thoroughbred Meadows Subdivision located south of Brook Meadows Subdivision off Larsen Lane in Harrisville to change the "R" restriction to "SR" relating to the lowest floor elevation and making technical changes.

MOTION TO OPEN PUBLIC HEARING: Commissioner Shuman motioned and commissioner Eckersley seconded with unanimous approval to open the public hearing.

STAFF PRESENTATION: Bill Morris explained that Ivory Homes is purchasing the lots in Thoroughbred Meadows Subdivision, and they requested the basement option. Harrisville's ordinances do not allow basements without doing an extensive geotechnical engineering study. They did the study, and the amended plat includes a table showing the lowest habitable floor elevation for each lot as determined from the study, and amends the "R" restriction on the plat to "SR." The plat includes a few technical changes that the county recorder's office requested. For the record, Bill Morris read the city engineer's recommendation dated March 12, 2013. Developers received a copy of the letter. Bill Morris stated that Ivory Homes has put up \$1,200 for engineering which will be considered as their application fee. Any additional engineering costs are to be figured into their escrow and will be drawn from there.

DEVELOPER REPORT: Kyle Honeycutt of Ivory Homes explained that they had three soil studies done on the property, one approximately ten years ago, another five years ago and one just recently. It was found that the water level changes seasonally. Information from all three studies was taken into account when determining the lowest habitable floor elevation for each lot. Three feet is the deepest that they go into the ground for any basement. They have taken a conservative approach on the depth and have stayed two feet above what the study recommended. They also have a secondary pump system on each house as a backup. The

backup pump system includes a footing drain system of perforated pipe wrapped in a filter fabric that will be installed in a gravel trench around the perimeter of the house footing. This pipe is designed to drain to a sump pit where a sump pump is installed to discharge water onto the grass away from the home. This system is located below the finished level of the home but above the water table so the pump does not run all the time but is there to protect the home in case of a wet year. The ground surface will slope away from the house in all directions, and down spouts and drains will be designed to discharge away from the home. Developers provide a document that home buyers will sign which includes an agreement to indemnify the seller and Harrisville City against all claims of any nature related to foregoing conditions on the property. Ed Saunders expressed concern for the drain pipe filling with dirt. Mr. Honeycutt said they have taken precautions to prevent that with the fabric filter, and the disclosure informs buyers of their responsibility to maintain the footing drain system.

Public comment:

Brian Chappel, 184 Larsen Lane

He explained that he along with Bruce Brown and June Brown sold property to establish this subdivision. The original developer did not want to run a pipe to their properties to continue their system of irrigation. It was agreed that if the sellers would relinquish all of their water shares, secondary water would be supplied to the sellers and the buyer would pay all the initial hookup and impact fees. The subdivision changed hands. Finally, in order to get secondary water, Bruce Brown and June Brown had to pay over \$3,000 each in impact fees to get secondary water. Mr. Chappel said that he has not been able to afford to pay the impact fees to hook on. Since it was originally agreed that all fees would be covered, the present developers should honor the original contract. He did not know what his options might be but he said he is considering filing a lean against the property.

Kameron Spencer responded that they are aware of this and are looking into it. He said he is confident they can figure out a solution. He said he does not have enough background now, but they have worked well with Browns and will continue to work with them to make further improvements. He was glad that Mr. Chappel brought up his concerns.

Kyle Honeycutt said that allowing basements gives them the option to build a variety of ramblers, but the main reason is for appearance and to eliminate stairs. They feel this allows them to apply better product. He mentioned that the technical details on the amended plat include a different way that Weber County has of doing protection strips, and the county changed some bases of bearing points and made some other minor changes.

MOTION TO CLOSE PUBLIC HEARING: Commissioner Saunders motioned and Commissioner Stephenson seconded with unanimous approval to close the public hearing.

DISCUSSION: Commissioner Saunders mentioned whenever there is an issue relative to water it makes him nervous. Bill Morris explained that the ordinance allows them to do what they are doing. They have met the requirements of the floor elevation ordinance; the city has no other choice but to give approval, but he mentioned that the city has governmental immunity.

Bill Morris read from the original “Agreement Regarding Water Shares and Easement” furnished by Bruce Brown including paragraph two, and paragraph four concerning successors responsibility. Bill Morris stated that according to the agreement, he feels the money needs to be reimbursed to Browns. He stated that the city is not a party to this agreement, and it is not a condition for approval because the agreement is between private parties. Kameron Spencer took issue with paragraph two which states “Buyer has paid the required initial fees. Share Holders shall be responsible for any and all secondary water fees thereafter.” He wants to do some research to find out what of any “required initial fees” referenced were paid by the buyer. Chairman Weiss said this is a private contract and the city should not be drawn into it. Commissioner Saunders stated that he feels the city should do everything to protect the property owners. He is sensitive to secondary water issues because his parents had the same problem when they sold property for the development behind their house and it ended up costing them a lot of money.

Commissioner Pearce mentioned the basement drains cannot be lower than the street manhole. A temporary turn around will be required on Cragun Way. He also mentioned a house numbering problem. He pointed out that where Berkley ends and 250 East begins there is one existing house outside the proposed subdivision on the corner that faces 250 East. He suggested that 250 East begin at 1000 North, and the address for the one existing home be changed to an address on Berkley Street.

MOTION: Commissioner Saunders motioned that the planning commission recommend a plat amendment to Thoroughbred Meadows Subdivision located south of Brook Meadows Subdivision off Larsen lane in Harrisville to change the “R” restriction to “SR” relating to the lowest habitable floor elevation and making technical changes. This recommendation is subject to the city engineer’s letter dated March 12, 2013, and subject to a good faith effort for developers to honor original agreements made with the sellers of the property for the subdivision. Commissioner Stephenson seconded the motion and it was unanimously approved by commissioners present.

4. PUBLIC COMMENTS.

None

5. ADJOURN. At 7:55 p.m., Commissioner Shuman motioned and Commissioner Eckersley seconded to adjourn. The next regular planning commission meeting is scheduled for April 10, 2013, at 7:00 p.m. at the city hall.

Shanna Edwards
Secretary

Steve Weiss
Chairman