

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

July 9, 2009

Members Present: Sonja Norton, Eric Olsen, Freida Parker, Gordon Seitz and Shirley Wilkins

Alternates Present: Glenn Spencer

Excused Members: Howard Carroll, Troy Allred

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official; Stacy Palmer, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Eric Olsen welcomed everyone present and stated that as Vice-Chairman he would be acting as Chair in Howard Carroll's absence. Mr. Olsen stated that Glenn voting in place of Troy Allred.

RATIFICATION OF PHONE POLL APPROVING MINUTES OF APRIL 20, 2009: Eric Olsen stated that this item will have to be tabled as a quorum of those Commissioners present at the April 20, 2009 meeting were not able to be reached for this phone poll.

RATIFICATION OF PHONE POLL APPROVING MINUTES OF MAY 14, 2009: Shirley Wilkins made a motion to ratify the phone poll approving the minutes from May 14, 2009. Sonja Norton seconded the motion. The motion passed with Norton, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.

APPROVAL OF MINUTES FROM JUNE 25, 2009: Gordon Seitz made a motion to approve the minute from June 25, 2009. Shirley Wilkins seconded the motion. The motion passed with Norton, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.

REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY PLANNING & ZONING CODE, SECTION 16.06.060 - PROVISION FOR STORM DRAINAGE - RETENTION ON OWN PROPERTY; SECTION 16.26.230 - PARKING SPACE DESIGN AND ACCESS; AND SECTION 16.58.400 - STORM DRAINAGE FACILITIES – ORDINANCE NO. 2009-09: Allen Parker explained that this ordinance amendment was discussed at last month's meeting and the Commission directed staff to do more research and present further recommendations. One of the items previously discussed was the amount of time that should be allowed for water to dissipate once it has been collected after a storm event. Mr. Parker explained that his research made him aware of "best practices" documents produced by Mississippi State University which recommends that conditions are such that with a "maximum of 72 hours, the retention site would be prepared to receive a new volume of storage through percolation or evaporation. Glenn Spencer stated that before proceeding any further with this discussion, he would like to hear from Kirk Robbins from the

Uintah Mosquito Abatement District, because one of the issues previously discussed was the concern that standing water provides an ideal mosquito habitat. Eric Olsen invited Mr. Robbins to address the Commission.

Kirk Robbins, 894 West 250 North, with Uintah Mosquito Abatement District explained that he and Mr. Spencer talked recently about mosquito production and the issues associated with storm drains and retention ponds. Mr. Robbins noted that there are at least two retention ponds in Vernal City which have held water continuously since the spring, one is for a subdivision on 500 South at 700 West and the other is for the Community Center at approximately 500 South Vernal Avenue. Mr. Robbins noted that standing water is a safety concern, especially for children, but noted that fencing the retention pond creates problems for the abatement crews to access the pond and treat for mosquitos.

Mr. Robbins explained that in Vernal City, the most prevalent breed of mosquito will reproduce in roughly 7-10 days. This time frame for reproduction would support Mr. Parker's suggestion that the new ordinance require retained water to be dissipated or evaporated within 72 hours. Mr. Robbins further explained that eggs in the soil are viable for 5-10 years and if they are inundated with water for a 7-10 day period, they can produce more mosquitoes. Therefore, the Abatement District is in favor of eliminating all continuously standing water wherever possible.

Allen Parker asked if there is a minimum depth of water needed for breeding mosquitos. Mr. Robbins replied that a half to quarter-inch is sufficient, but noted that water that shallow will usually evaporate quickly. Mr. Parker asked if underground basins were better or worse with regard to providing mosquito habitats. Mr. Robbins stated that it depends on the construction and noted that generally above ground retention facilities produce more mosquitos.

Sonja Norton asked if retention ponds created with organic versus nonliving materials were better with regard to providing a mosquito habitat. Mr. Robbins replied that more organic materials lead to more mosquitos, but that the most important factor to reduce mosquito populations is to eliminate standing water. Allen Parker noted that having vegetation in the bottom of a basin helps deal with pollutants and helps the water infiltrate further into the soil, therefore the proposed ordinance requires no more than 20% nonliving materials used during construction. Mr. Parker also noted that the ordinance could also be amended to add language authorizing the City to enter onto private property to inspect retention ponds which would address the Abatement District's inability to access ponds for inspection and treatment.

Sonja Norton asked if the proposed ordinance would include any restrictions regarding construction of a retention pond in a flood plain. Allen Parker stated that there are many other requirements that could be implemented, but that currently that issue is addressed through the City's site plan review process and FEMA flood plain standards. Mr. Parker explained that the City could require a "no-rise" certificate before approving a site plan for construction in a flood plain. This certificate would have to be obtained by an engineer who would certify that the proposed construction would not cause the current water levels to rise more than one foot. Eric Olsen noted that the flood plain designation throughout the Uintah Basin is rather broad.

Mr. Parker noted that the Federal Government is currently updating their flood plain maps and once the Uintah Basin area is closely surveyed, the designated flood plain areas will probably shrink. Ms. Norton asked how long before the updated maps would be available. Mr. Parker responded that he would find out the target date for their publication and report back at the next meeting.

Allen Parker asked the Commission if they would like to consider different standards for water retention for small versus large projects. Eric Olsen stated that it is almost arbitrary to set a standard for one type of project versus another and stated responsibility for proper design should fall on the site plan engineer. Mr. Parker explained that the “best practices” documents suggest a Geotechnical soils report for properties over so many acres and they also recommend requiring all storm water facilities to remain at least three feet above ground water. Mr. Parker also noted that if the City is going to specify a percolation rate, it would be wise to require the soils analysis obtained by a Geotechnical report, in addition to the simpler percolation test. Mr. Olsen stated that it should be left up to the property owner to decide how to get rid of the water within the 72-hour timetable because they could opt to pump the water and take it off the site if they desired. Mr. Olsen noted that it would be most concise to specify how far above ground water the retention pond must remain and how long before the water must dissipate and leave the mechanics of how that is accomplished up to the property owner. It was the consensus of the Commission to further consider a required height above ground water, the issue of 72 hours for dissipation and not specify soil tests or other restrictions based on the size of the development.

Allen Parker asked if the Commission wanted to consider imposing a maximum depth of retention ponds. Mr. Parker stated that a national advocacy group for storm water recommends a maximum depth of two feet. Eric Olsen asked if they stated why they chose two feet. Mr. Parker responded that the document does not specify why, but rather infers that it is a safety issue. Mr. Olsen stated that he felt like six inches of standing water presents a safety issue and could be challenged in court. Mr. Parker stated that generally the courts expect cities to mitigate risk and ensure safety for most people. Mr. Parker further explained that using the national advocacy group’s standard would provide the City with some protection to show that the maximum depth chosen is not completely arbitrary. Sonja Norton asked what the slope requirements are for a retention pond. Mr. Parker replied that it is a maximum 3:1 ratio. Allen Parker noted that the City has had problems with under designed retention ponds and would like to see stricter design standards in place so that retention ponds are designed safely, landscaped and more than just a hole in the ground.

Allen Parker confirmed that it was the consensus of the Planning Commission to add language to the proposed ordinance for further discussion at next month’s meeting, including the following:

1. Authorize the City to enter and inspect enclosed retention ponds;
2. Restrict construction in a flood plain unless a “no-rise” certificate can be obtained;
3. Specify the required time for retention pond dissipation or evaporation be 72 hours;

4. Further research for discussion regarding the distance above ground water to designate retention pond construction;
5. Further research for discussion the maximum depth of water allowed in future retention ponds.

There being no further business, **Gordon Seitz made a motion to adjourn. Freida Parker seconded the motion, and the motion passed with Norton, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.**

Eric Olsen, Vice-Chair

