

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers 447 East Main Street

June 10, 2010

Members Present: Troy Allred, Glenn Spencer, Eric Olsen, David Brinkerhoff

Alternates Present: Ben Mahaffey

Excused Members: Sonja Norton, Vernie Heeney

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official; Mariel Davis, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present and stated that Ben Mahaffey will be voting in place of Sonja Norton.

APPROVAL OF MINUTES FROM MAY 13, 2010: Eric Olsen stated that there was not a quorum present from the May 13, 2010 meeting to approve the minutes, but advised that with any corrections noted, the minutes would be deemed as approved in compliance with Vernal City Code, Section 2.12.080. Mr. Olsen asked if there were any changes to the minutes from the Commissioners present at the May 13, 2010 meeting. There being no corrections, the minutes of the Vernal City Planning Commission meeting held May 13, 2010 stand as proposed.

REQUEST FOR APPROVAL OF SITE PLAN FOR ASHLEY ELEMENTARY SCHOOL LOCATED AT 350 NORTH 1150 WEST - APPLICATION #2010-007-MSP - SHAWN RICHINS - UINTAH SCHOOL DISTRICT: Allen Parker stated that this is an application for the demolition and reconstruction of Ashley Elementary located on a 15.44 acre lot at 350 North 1150 West. Mr. Parker advised that Shawn Richins, with Uintah School District and John Wood, from Civco Engineering Inc., would address any questions in regard to this application. Mr. Parker explained zones surrounding Ashley Elementary include RA-1 to the west, R-2 and P-1, parks zone to the east and Uintah County zones C-1, RA-2 and R2 to the north. Mr. Parker explained that Uintah School District and Civco Engineering are working on a storm water issue to bring it to compliance with Vernal City Code. Mr. Parker explained that new construction will begin on the south end of the parcel, and except for the south wing, the old school will remain during construction. The demolition will take place on the old school once the new school reaches substantial completion.

Glenn Spencer asked for clarification on laws regarding school districts requirement to comply with City ordinances. Allen Parker explained that state law requires that school districts comply with certain sections of City code, but then are not required to go through the building department and get a building permit. Mr. Parker explained that the design, placement of the building, and everything covered in a site plan are items the state requires them to comply with. Ben Mahaffey asked what the square footage of the school would be. Allen Parker stated that the structure is approximately 85,000 square feet and is a significant improvement from the old building. Eric

Olsen asked if the school would have busing or walk zones. Shawn Richins with Uintah School District, 850 North Brush Creek Road, Vernal, UT, advised it would be both walk zones and busing. Mr. Olsen asked the location of the bus loading zone. Mr. Richins stated that it would be west of the building and south of the parent drop-off zone. There was some discussion on location of the playground, soccer field, parking areas, fenced in kindergarten area and trees throughout the parcel.

Eric Olsen questioned where the storm water was going. John Wood, 3728 South 500 West, with Civco Engineering, explained the preliminary design for the storm water includes several sump locations, a small retention basin and roof drains (not shown on the site plan) which will drain into sumps. Mr. Wood explained that the sumps would be concrete sumps with circular holes and will be in an excavated area lined with rock. Mr. Wood stated that if this type of sump would not work, they will go to chambers with a higher capacity, but noted that chambers are more expensive.

Ben Mahaffey asked about the type of landscaping and how much lawn was planned. He asked if a desert landscape had been considered as an alternate landscape to reserve water and would cost less to maintain. Shawn Richins explained that the last two schools they built, Maeser Elementary and Naples Elementary, have had problems with the water off the roof freezing on the sidewalks. He stated that this creates risk issues so they are putting grass near the building to attempt to eliminate these risks. Mr. Richins also explained the need to have lawn where kids could play and that lawn would be safer for running and playing than a desert landscape. Allen Parker stated that with the exception of the storm water, this application is in compliance with Vernal City code and is an approvable application with the storm water conditions met. **David Brinkerhoff moved to approve the site plan for Ashley Elementary School located at 350 North 1150 West – Application # 2010-007-MSP, noting that the storm water retention system must meet Vernal City code, Glenn Spencer seconded the motion and the motion passed with David Brinkerhoff, Eric Olsen, Ben Mahaffey, Glenn Spencer and Troy Allred voting in favor.**

REQUEST FOR APPROVAL OF SITE PLAN FOR TRI-STATE LAND SURVEYING LOCATED AT 180 NORTH VERNAL AVENUE - APPLICATION #2010-008-MSP - STACY STEWART: Allen Parker explained that this is an application from Tri-State Land Surveying to expand the existing facility located on a .42 acre parcel at 180 North Vernal Avenue. Mr. Parker explained the addition will add approximately 3600 square feet if they follow through with full the basement as indicated on the site plan. He also stated this addition will be south of the current building. This property is zoned C2 and there are no conflicting zones surrounding the property. Mr. Parker stated that Vernal City Staff and Engineering Service Inc. have reviewed this application and found it to be an approvable application and in substantial compliance with Vernal City code.

Paul Hawks, 2120 North 2500 West, Vernal, Utah, explained that Tri State's manufactured building was originally a Mountain America Credit Union. The addition would be a stick built structure with an unfinished basement located at the back of the building where the ATM was previously located. David Brinkerhoff asked if they would be losing part of the parking area. Mr. Hawks confirmed that the addition would use a small amount of the parking area; but that the previous owner had built more parking spaces than required, and they would still be in compliance with

Vernal City requirements. There being no further questions or comments, **Troy Allred moved to approve the site plan for Tri-State Land Surveying located at 180 North Vernal Avenue – Application # 2010-008-MSP, Glenn Spencer seconded the motion and the motion passed with David Brinkerhoff, Eric Olsen, Ben Mahaffey, Glenn Spencer and Troy Allred voting in favor.**

REQUEST FOR APPROVAL OF AMENDED PLAT FOR ASHLEY ESTATES LOCATED AT 1070 SOUTH 500 WEST- APPLICATION #2010-009-SUB - KIMBALL GLAZIER:

Allen Parker explained that this is an application by Kimball Glazier to the amend the existing 9.75 acre plat for Ashley Estates Subdivision located at 1070 South 500 West. Mr. Parker stated that the questions in the staff report have been resolved and this application had been found to be in compliance with Vernal City code. Mr. Parker asked that Mr. Glazier explain the requested change in boundaries. Kimball Glazier, 1065 South 500 West, Vernal, Utah, explained that they are extending the property line to the north which will add to the size of lots one and two. Glenn Spencer asked what the size of the addition would be. Mr. Glazier stated that this would add 46' x 88' to the existing lots and this section of land was originally going to be part of Haven Estates but that did not work out. Eric Olsen asked if there were already homes on the lots and if this only affected the two lots. Mr. Glazier explained that all four lots already have homes on them and stated that it would be better to add this sliver of land to two of the existing lots rather than let it set as unusable land. There being no further questions or comments, **David Brinkerhoff moved to forward a positive recommendation to the Vernal City Council approving the amended plat for Ashley Estates located at 1070 South 500 West – Application # 2010-009-SUB, Troy Allred seconded the motion and the motion passed with David Brinkerhoff, Eric Olsen, Ben Mahaffey, Glenn Spencer and Troy Allred voting in favor.**

GREEN SPACE DRAFT ORDINANCE - ALLEN PARKER: Allen Parker stated that this item is back on the agenda at the request of the Planning Commission Chairman. Mr. Parker stated that he had included Naples City Green Space Ordinance, a section from the newly adopted Vernal City General Plan discussing preservation of sensitive lands, and a section from the Utah League of Cities and Towns showing what government can and cannot do with the donation of property and impact fees. Mr. Parker stated that almost no city in Utah require a land dedication for green space in a subdivision because Home Owners Associations (HOA) have proven less reliable for maintenance and have resulted in problems. Mr. Parker stated that the more progressive approach being applied in many cities is the creation of an impact fee which is based on the current level of service in that city. The impact fees assessed for open space are required to be used within a seven year period for the purpose of construction of parks only. Ben Mahaffey stated that one weakness in this plan was subdivisions may not be close to parks. Mr. Parker explained that the general plan has analyzed where current parks are and where they are needed. Mr. Mahaffey commented that if a subdivision is built on an isolated piece of land the City would not be able to put a park close to that subdivision, yet they still have to pay impact fees and do not get the benefit from it. Mr. Parker stated that the park would not necessarily be placed close to the subdivision that created the need. There are flaws to every approach and you could potentially have a park that does not really serve the people who paid the impact fees. Mr. Mahaffey asked how the impact fees are accessed and if they are ongoing. Mr. Parker explained that the fees are a one-time fee similar to a sewer impact fee. He stated that the fees are must be determined by an analysis to justify the fee. Ben Mahaffey

suggested that the staff draft an ordinance that combines both land dedicated green space and park impact fees. Mr. Parker stated the ordinance could be scaled to larger subdivisions that have the capacity to dedicate a usable portion of land to green space. Mr. Olsen commented the idea of basing it on the size of the subdivision is appropriate.

Eric Olsen asked what the other Commissioners thought of green space. Troy Allred commented that the green spaces currently in the Vernal area are not well maintained. Allen Parker informed the Commissioners that the Uintah Recreation District does not want more parks because of the additional maintenance cost involved, so the City would have to own and operate the parks created by impact fees. Mr. Allred stated that he would like it to be the choice of home buyers where they want to live because of the cost increase to a home that has to contribute to green space. There was more discussion to the effectiveness of a HOA within Vernal City. **Ben Mahaffey moved that the staff draft a green space ordinance based on what the Planning Commission has discussed in relation to all aspects of the community. The motion died for a lack of a second.** The Commissioners went back to discussing green space owned by a HOA and the lack of maintenance and who was responsible to police them. Glenn Spencer asked Mr. Parker to explain the landscape ordinance of commercial properties and how they are maintained and policed. Mr. Parker explained that they are maintained by the property owner except in case of a development like Diamond Mountain Shopping Center that retains ownership through the center's association. He explained this is similar to a HOA, but seem to have better results because large businesses have a vested interest in keeping their landscaping maintained.

David Brinkerhoff stated he would like to see a green space ordinance which allows a developer to decide if he wants to dedicate area to green space or pay an impact fee. Ben Mahaffey stated his concern is that the developer will always take the cheaper option. Mr. Brinkerhoff stated they could have a provision that require a certain level of maintenance. Glenn Spencer stated that ownership makes a difference on how well maintained a property is. Allen Parker stated that the staff will pursue best practices based on the direction of the Planning Commission. It was the consensus of the Commission that this would be a good place to start.

ESCROW INCREASE REQUIRED FOR SUBDIVISIONS IMPROVEMENT GUARANTEE

- **ALLEN PARKER:** Allen Parker stated that Haven Estates is a prime example of a subdivision that failed to be developed in accordance with the application that was submitted to the City. The City then has to take action, using the financial guarantee that was set aside in escrow, in the event that a subdivider defaults. Mr. Parker stated that at a recent City Council meeting it was discussed that currently the City requires 110% of the value of the infrastructure be placed in an escrow account at the time a subdivision is recorded. Mr. Parker explained that the 110% escrow will not cover the cost to build the same subdivision 3 or 4 years later. Many cities throughout Utah have found it problematic when a subdivision defaults and fails to put in the infrastructure. The escrow is not sufficient to complete the subdivision, and the City is left liable to finish the subdivision with taxpayer money. Mr. Parker stated that the City Council has asked him to start the process to increase that guarantee from 110% to 150% of value of subdivision infrastructure. Mr. Parker advised that there is not a proposed ordinance at this point, but would like the Commissioners to know this is upcoming and to be prepared.

Troy Allred stated that some cities require infrastructure to be complete before the sale of any lots occur. Allen Parker stated that property is owned by the developer and they can transfer ownership without the hindrance of the City. Mr. Allred asked Mr. Parker to check on this as a possible resolution because he is sure that other cities require it. Mr. Parker stated that Vernal City currently allows the transfer of ownership, but no certificate of occupancy is issued until the subdivision infrastructure is complete. Glenn Spencer asked if Mr. Allred is referring to roads that are dedicated and ownership transferred to the city or roads that remain as part of the subdivision. The City would have to accept the roads and the improvements therein before they would be allowed to start selling lots. Mr. Parker stated that you could justify not allowing transfer of ownership or occupancy until fire, police and emergency services have access to the homes. Mr. Allred expressed concern that if you allow it on the certificate of occupancy before infrastructure completion you will have same problem as now. Mr. Spencer stated that he likes Mr. Allred's suggestion that transfer of ownership will not take place until the infrastructure is complete. Mr. Parker stated that this would be difficult for the developers since the sale of lots finances the continuing development of the subdivision. Ben Mahaffey stated that this may stop marginal contractors that cannot finance the completion of the infrastructure. Mr. Parker stated that Mr. Mahaffey made a good point and that if properties were completed in phases, they would be able to sell and occupy the completed sections rather than the cost burden of completing the whole subdivision infrastructure at the same time.

PLANNING COMMISSION VACANCIES: Allen Parker reminded the Commissioners they still had two vacancies and asked for recommendations. Glenn Spencer asked if they should contact them first or just make a proposal. Mr. Parker explained that either way was acceptable and he has called people in the past and informed them they had been recommended for the Planning Commission. Ben Mahaffey stated that he would like to see the Commission limited to one realtor. Mr. Parker explained that would be up to the City Council to decide. Mr. Spencer recommended Jack Seitz or Tim Hadlock, and asked that Mr. Parker make contact with these individuals.

Eric Olsen stated that in the future he would like to have a quick 5-10 minute ordinance training at the end of each session and noted that this could include zones, landscaping or parking ordinances. Ben Mahaffey commented that the recent Effective Land Use and Decision Making Training was a good training and he learned a lot.

There being no further business, **David Brinkerhoff moved to adjourn, Ben Mahaffey seconded the motion and the motion passed with David Brinkerhoff, Ben Mahaffey, Eric Olsen, Glenn Spencer and Troy Allred voting in favor.** The meeting adjourned.

Eric Olsen, Chairman