

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers 447 East Main Street

July 8, 2010

Members Present: David Brinkerhoff, Vernie Heeney, Eric Olsen and Glenn Spencer

Alternates Present: None

Absent Members: Sonja Norton, Troy Allred

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

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chairman Eric Olsen welcomed everyone present and noted that all members present would be voting today.

APPROVAL OF MINUTES FROM JUNE 10, 2010: Eric Olsen asked if there were any changes or corrections to the minutes of June 10, 2010. There were no corrections or changes noted. Chairman Olsen stated that since there is not a quorum of members present who were in attendance at this meeting, the minutes of June 10, 2010 stand approved per Vernal City Code.

PLANNING COMMISSION VACANCIES DISCUSSION: Allen Parker reminded the Commissioners that there is still a vacancy for a regular member, as well as an additional alternate. Glenn Spencer stated that he has spoken with Ken Latham who is interested in serving. Chairman Eric Olsen stated that he spoke with Mr. Latham previously and he was not interested or able to participate at the time. Mr. Spencer stated that circumstances have changed and Mr. Latham has expressed interest in participating. Chairman Olsen stated that he recently spoke with Kathleen Gray who is also willing to participate. Mr. Parker asked if he should forward these two names directly to the City Council for consideration. Chairman Olsen stated that it would be best if Mr. Parker contact these two individuals first before presenting their names to the City Council.

REQUEST FOR RECOMMENDATION TO AMEND VERNAL PLANNING COMMISSION BY-LAWS - SECTION E4 - MINUTES: Allen Parker explained that the Planning Commission By-Laws state that the minutes "shall be approved by motion" which conflicts with the current City Code which states that a lack of action on the part of the Planning Commission constitutes approval of the minutes. Mr. Parker proposed that the Planning Commission By-Laws be changed to state that minutes "shall be approved in accordance with Section 2.12.080 of the Vernal City Code." There being no questions or comments, Vernie Heeney made a motion to recommend that the Vernal City Council amend Section E4 of the Vernal City Planning Commission By-Laws to require that minutes be approved in accordance with Section 2.12.080 of the Vernal City Code. David Brinkerhoff seconded the motion and the motion passed with Brinkerhoff, Heeney, Olsen and Spencer voting in favor.

PUBLIC HEARING TO CONSIDER REQUEST FOR RECOMMENDATION TO AMEND THE MUNICIPAL PLANNING AND ZONING CODE - CHAPTER 16.58 - SUBDIVISION CODE - ORDINANCE NO. 2010-15: Allen Parker explained that this proposed ordinance changes a number of items that have been requested by the City Council. Mr. Parker stated that the Council has been frustrated recently with the amount of money the City requires that a developer retain as a

security deposit toward defects in infrastructure or the inability to complete the necessary infrastructure. Mr. Parker explained that currently a developer is required to retain 120% of the cost estimated for completion or improvements not currently installed. Mr. Parker noted that this amount was 110% in 2006 when Haven Estates was begun and the City has a significant risk four years later when they are required to complete the improvements with this money. Mr. Parker explained that the City Council would like to see that number even higher to ensure that when/if the City is required to step complete or repair the work, the taxpayers will not be liable for the improvements and proposed that the number be changed to 150%.

Chairman Eric Olsen asked when the City becomes responsible for installing infrastructure in a case like Haven Estates. Mr. Parker explained that once a plat is recorded, the City has the implicit responsibility to ensure that the infrastructure will be completed and the lots can be occupied. Mr. Parker clarified that the City is responsible for public utilities and infrastructure only. Mr. Parker explained that the City Council would also like to require that all infrastructure be in place before building permits and certificates of occupancy can be issued.

Mr. Parker explained that the first proposed change in this ordinance would amend Section 16.58.055 - Minor Subdivision Regulations - and state that "owner's dedications shall not be required." for minor subdivisions. Next, it is proposed that Section 16.58.330 - Required Improvements - Standards - be amended to reduce the length of time that a developer could delay installing improvements when a bond is in place, from two years to one year. Mr. Parker stated that the proposed amendment to Section 16.58.450 - Guarantee of Performance - would adjust the financial guarantee amount discussed previously from 120% to 150% of the cost estimated for "completion of improvements not then installed." There was discussion regarding how monies remaining in an escrow account are disbursed. Chairman Olsen asked how long ago the City adjusted this amount from 110% to 120%. Mr. Parker replied that it was changed approximately one year ago and noted that at 150%, this number would be one of the highest in the State. Chairman Olsen noted that requiring more money up front may discourage small developers and stated that this question is directly related to whether or not the City wants to encourage future development.

Mr. Parker stated that Section 16.58.450 also includes the proposal that the amount of money held upon completion and acceptance of infrastructure be increased from 20% to 50% of the financial guarantee. Mr. Parker explained that this money is held for the one-year warranty period at which time, it can be released back to the developer. Chairman Olsen stated that holding 50% of the initial guarantee actually amounts to 75% of the original value of the work to be completed and is probably too high if the initial guarantee is increased to 150% of the value of the work. Mr. Parker stated that the issued of the length of the warranty period has also been discussed during City Council Public Works Committee meetings and Glade Allred, Vernal City Streets Superintendent, would like to see the guarantee period extended from one year to three and agreed that holding 50% of the guarantee for three years may be too long. There was further discussion regarding an appropriate length of time for a warranty period for public infrastructure and it was the consensus of the Planning Commission that a two-year warranty period would probably be sufficient.

David Brinkerhoff stated that he felt that retaining 50% of an original 150% guarantee was probably too high and suggested that it be reduced to 30-35%. After further discussion, it was the consensus of the Planning Commission that the initial guarantee be raised to 150% of the value of the work to

be completed, that the developer have two years to complete the work, that the amount held after the work is completed and accepted be adjusted to 30% of the initial guarantee and that the warranty period be extended to two years. Vernie Heeney noted that these changes would encourage a developer to work quickly in order to get any remaining funds back as quickly as possible.

Finally, Mr. Parker explained that it has also been proposed that Section 16.58.510 - Enforcement and Permits - be amended to state that all public improvements and infrastructure be completed and accepted by Vernal City before a building permit or certificate of occupancy will be issued. Mr. Parker also proposed that an exception be made in the case where all of the infrastructure has been completed along "all exterior property lines of the lot and between the lot and a fully improved and accepted public road outside of the boundaries of the subdivision." Mr. Parker explained that this would allow for building to begin and a developer to begin to recoup some of their investment. Mr. Parker stated that he would like to also see another exception in the case of a stubbed road which is not connected to any other public roadway. Mr. Parker proposed that the developer in this case be required to sign a Development Agreement with the City that would give them three years to complete the roadway, while allowing them to begin construction. Mr. Parker explained that the City won't accept the roadway until there is public access to the road, so building would never be allowed to begin unless this exception is made.

Glenn Spencer stated that he felt requiring infrastructure be complete before any building permits were issued would be an improvement. Mr. Spencer noted that it can be difficult to build homes once the curb, gutter and sidewalks are installed, but it protects the City and the taxpayers to require that these be completed first. After further discussion, it was the consensus of the Planning Commission that allowing building permits under the previously discussed two exceptions would be acceptable.

Chairman Olsen opened the public hearing portion of the meeting. There being no public comment, the public hearing portion of the meeting was closed. Chairman Olsen expressed his concern that the proposed changes would discourage development. Glenn Spencer stated that he would rather discourage a developer who would be unable to set aside the 150% guarantee as proposed and explained that he felt it would lead to better subdivisions in the long run. David Brinkerhoff agreed that increasing the guarantee to 150% would protect the City and taxpayers in the long run from being left paying for incomplete or poorly installed infrastructure.

There being no further discussion or comments, **David Brinkerhoff made a motion to forward a positive recommendation to amend the Vernal City Municipal Planning & Zoning Code - Chapter' 16.58 - Subdivision Code - Ordinance 2010-15 - with all of the changes presented and discussed, including the addition of the two exceptions regarding building permits being allowed before the public improvements are complete. Mr. Brinkerhoff noted in his motion that he would hope that the City Council would thoroughly discuss the changes presented in this recommendation before adoption. Vernie Heeney seconded the motion and the motion passed with Brinkerhoff, Heeney, Olsen and Spencer voting in favor.**

PUBLIC HEARING TO CONSIDER REQUEST FOR RECOMMENDATION TO AMEND THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE - CHAPTER 16.26-OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS - MULTI-FAMILY PARKING REQUIREMENTS - ORDINANCE NO. 2010-16: Allen Parker noted that new

developments within the City that contain nine or more units have recently been required to have an additional oversized parking space included for every two units in the project. Mr. Parker noted that in the case of an affordable housing complex, this requirement adds an additional expense to a project that is intended to be "affordable" and may not be practical. Mr. Parker explained that he would propose adding Section 16.26.110, Subsection 4a to allow an exception to this requirement in the case of low-income housing. Mr. Parker explained that a developer of such a project would be required to sign a Development Agreement with the City restricting parking within the development to passenger vehicles only. Glenn Spencer noted that those people in need of affordable housing options do not usually have the RV's and other items that need this extra storage space. Chairman Eric Olsen opened the public hearing portion of the meeting. There being no public comment, the public hearing portion of the meeting was closed. David Brinkerhoff asked if "visitor" parking is required. Mr. Parker explained that the "visitor" parking is accounted for in the two regular parking spaces that are required per unit. There being no further comment or questions, **Glenn Spencer made a motion to forward a positive recommendation to the City Council to amend the Vernal City Municipal Planning & Zoning Code - Chapter 16.26 - Off-Street Parking and Vehicle Access Standards - Ordinance 2010-16 allowing an exception to the oversized parking requirement for affordable housing complexes as presented. David Brinkerhoff seconded the motion and the motion passed with Brinkerhoff, Heeney, Olsen and Spencer voting in favor.**

ORDINANCE TRAINING - PLANNING & ZONING CODE - CHAPTER 16.16 - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD): Chairman Eric Olsen asked that this item be tabled until the next meeting. Allen Parker invited the Commissioners to review this chapter and be prepared with their questions and comments during August's meeting.

ADJOURN: There being no further business, David Brinkerhoff made a motion to adjourn. Glenn Spencer seconded the motion and the motion passed with Brinkerhoff, Heeney, Olsen and Spencer voting in favor.

Eric Olsen, Planning Commission Chair