

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF APRIL 25, 2011**

PRESENT: Commissioners:
Larry Bruno, Chairman Nick Tatton, Community Director
Erroll Holt Laurie Tryon, City Recorder
Judy Beacco
Rick Davis
Frankie Sacco
Wayne Clausing

EXCUSED: Commissioner Richens and (Alt.) Commissioner McEvoy
OTHERS PRESENT: Jeff Nielson and Keith Cox

1. MINUTES of April 11, 2011
MOTION. Commissioner Clausing moved to approve the minutes of April 11, 2011 as read. Motion seconded by Commissioner Beacco and carried.
2. PUBLIC COMMENT ON AGENDA ITEMS-No public comment was received.
3. PUBLIC HEARING. Public hearing to receive input regarding proposed updates to the Price City Land Use Management and Development Code.
MOTION. Commissioner Davis moved to open the public hearing at 6:05 p.m. Motion seconded by Commissioner Sacco and carried. No public comment was received. Chairman Bruno explained that the updates were to Chapters 1, 2, 3, 8, 9, 10 of the Price City Land Use Management and Development Code. Nick Tatton stated the code updates were due to the normal evaluation procedures and changes to Chapter 8 dealing with group homes. He stated that the language in Chapter 8 have been refined to be more consistent and provide reasonable accommodations for all group homes. He stated that there is a difference between group, elderly, disabled and youth homes and that all of them are identified in Chapter 8 with a new distance between each of them and now there is a basis for why the group homes are separated the way they are. **MOTION.** Commissioner Davis moved to close the public hearing at 6:12 p.m. Motion seconded by Commissioner Clausing and carried.
4. PUBLIC HEARING. Public hearing to received input regarding preliminary and final approval on the proposed Cave Hollow III subdivision plat, 12 lots, approximately 1400 North 300 East.
MOTION. Commissioner Holt moved to open the public hearing at 6:13 p.m. Motion seconded by Commissioner Davis and carried. No public comment was received. A discussion between the applicant and the commission took place as follows: Commissioner Davis read aloud from a list that Mr. Jeff Nielson had prepared for the 12 lot project and asked Mr. Nielson if he had done the property evaluation himself. Mr. Nielson stated that he had done the property evaluation based on previous developer's paperwork to make sure there were no environmental issues since the last developer had done the evaluation. Mr. Nielson stated that he had been working with the City Engineer and Public Works Department and had the Storm Water Management Plan reviewed and approved to meet minimum city standards. Nick Tatton stated that the City Engineer has approved the storm water management plan. Mr. Nielson stated that there is enough water pressure for the area for fire hydrants and surrounding homes and that this subdivision will improve the water pressure for the present homes. He stated that a blue shale geological study had been done and all issues such as street lights, fire hydrants, utilities and all items would be done to meet minimum Price City standards. Mr. Nielson stated that temporary cul-de-sacs would be created at the end of the streets for emergency vehicles to turn around. He stated that a Home Owners Agreement (HOA) will be present for the subdivision. Nick Tatton stated that each property owner must have the HOA recorded with their deed so that it goes with the property and new

owners. Mr. Nielson stated that low density lots will be between 11,700 to 13,000 sq. feet. in size with no secondary water available. **MOTION**. Commissioner Davis moved to close the public hearing at 6:25 p.m. Motion seconded by Commissioner Clausing and carried.

5. **FEE SCHEDULE.** Consideration and possible approval of a recommendation to the City Council approving an updated planning department fee schedule, addition to schedule for reasonable accommodation hearing and review.
Nick Tatton requested an updated fee schedule that includes the addition of a fee for reasonable accommodation reviews (typically will be associated with the sighting of group homes) that is recommended for approval in both a mark-up and final/clean form. He requested that the Commission review and recommend approval of the 5-1-11 fee schedule to the Price City Council finding that the fee schedule promotes quality application development, effectively addresses departmental costs associated with fee based activities and is in the best interest of the community. **MOTION**. Commissioner Davis moved to recommend that the City Council approve the fee schedule. Motion seconded by Commissioner Clausing and carried.
6. **RESOLUTION 2011-03PZ-** Consideration and possible approval of a resolution recommending the Price City Council adopt an ordinance updating the Price City Land Use Management and Development Code.
Nick Tatton presented a copy of a resolution to adopt the code updates by the Planning Commission and to recommend that the City Council adopt the Code updates by ordinance. He stated that these are considered interim code updates and have come about due to needs arising since the last update and the training retreat. Chairman Bruno read aloud the details of Resolution 2011-03PZ. **MOTION**. Commissioner Davis moved to adopt Resolution 2011-03PZ and for the Chairman and City Recorder to sign the Resolution on behalf of the Price City Planning and Zoning Commission. Motion seconded by Commissioner Holt and carried.
7. **CONDITIONAL USE PERMIT-LAND SUBDIVISION.** Consideration and possible approval of a Conditional Use Permit for a 12 lot residential subdivision proposed by Dayspring Developers, labeled Cave Hollow III, approximately 1400 North 300 East.
Jeff Nielson of Dayspring Developers requested a Conditional Use Permit (CUP) for a subdivision development at the Cave Hollow subdivision located in the vicinity of 1400 North 300 East. Nick Tatton provided the Commissioners with a written update on the subdivision stating: An overall subdivision was previously (just over 2 years ago) provided with concept approval. This application is for preliminary and final approval on Phase 1 of the subdivision. Issues stemming from the concept approval review were:
 - Environmental assessment review;
 - Geotechnical study to include grade and fill plan;
 - Storm water collection and management plan;
 - Confirmation of utility connectivity and capacity to adequately serve;
 - Submission of final plat for Phase 1 of the subdivision;
 - Completion of a limited traffic impact study;
 - Submission of homeowners association covenants.

The subdivision is situated within the Residential 1-8 (R1-8) and Residential 1-12 (R1-12) zoning districts. Previous re-zoning has taken place to ensure lot size and zoning district designation is correct. The subdivision of the land and excavation for the subdivision are actions available by CUP and listed in the Price City Land Use Management and Development Code (Code) in Section 10.3.3 and 10.3.2. The issues listed above resulting from the concept approval have been addressed and completed for

Phase 1 of the subdivision and development. The applicant has applied for preliminary approval on the whole subdivision and final approval on Phase 1, however, due to utility capacity concerns (not enough water pressure for fire safety) beyond Phase 1, preliminary and final approval are recommended only for Phase 1 at this time. The Code language that provides vesting in the project impedes the ability to provide preliminary approval on the overall subdivision at this time.

Nick Tatton stated that additional water flow from the new subdivision- would flow into the detention ponds and should not make an impact on what is presently there. Mr. Nielson stated that he would comply with the City's storm water plan. Mr. Nielson stated that he thought the traffic study is more than adequate and the homes would all be stick built on site to maintain the value in the area. He stated that curb, gutter and sidewalk will be continued from the existing homes on both phases of development. The Commission asked Mr. Nielson to check into dust control prior to construction for the surrounding neighbors. He stated that he would work with the contractors to keep the dust down as construction takes place. Chairman Bruno read aloud the following conditions:

- a. Development of site in accordance with any findings or remediation necessary stemming from the environmental review completed finding that properly remediated environmental impacts of development protect the physical environment and are consistent with the Price City General Plan;
- b. Development of site in accordance with the geotechnical study prepared for the site and development consistent with any recommendations or instructions from the Price City Public Works Department finding that development consistent with approved geotechnical plans protects the health, safety and welfare of the community and protects property values;
- c. Development of site in accordance with the storm water collection and management study prepared for the site and development consistent with any recommendations or instructions from the Price City Public Works Department finding that development consistent with approved storm water collection and management plans protects the health, safety and welfare of the community and protects property values;
- d. A copy of the Homeowners Association Covenants (HOA) provided to all initial purchasers of property in the subdivision and a copy of same recorded with each lot or parcel purchased at the subdivision finding that long-term knowledge of HOA rules and regulations mitigates misunderstandings between contractors, owners, public entities and Price City; may possibly amend that to read stick built homes.
- e. No development beyond Phase 1 (12 lots as identified) finding that additional utility and infrastructure capacity is necessary to be installed and development in excess of the 12 lots approved herein is not considered safe for human life;
 - i. Development beyond Phase 1 must address the following issues:
 1. Adequate water pressure. Additional volume and supply may need to be installed.
 2. Storm water drainage on north side of overall development site needs to be detailed. Items to be addressed include: where will storm water be located (on whose property); who will maintain storm water system; protection to downstream properties from storm water impacts.
 3. Utilities and infrastructure should be stubbed beyond end of Phase 1 to accommodate future phases.
- f. No amendments to subdivision plat and subdivision is subject to all prior development agreements finding that installation of necessary public infrastructure servicing development by development is the policy of Price City;
- g. Final signed plat not to be recorded in the permanent records of Carbon County nor any of the approved twelve (12) lots sold individually or in whole until such time as public infrastructure development is agreed to and financially secured finding that unagreed and

unsecured public infrastructure occurring concurrent with development and subdivision is in the best financial interest of the overall community and consistent with the Price City General Plan;

- h. Completion of a signed development agreement and submission of a financial surety and agreement to complete necessary infrastructure improvements within one (1) year to the Price City Public Works Department guaranteeing the installation of the necessary public infrastructure finding that properly designed, financed and developed public infrastructure mitigates costly repairs borne by the citizens and is consistent with the Price City General Plan;
 - i. Must provide proof of financial support for installation of public infrastructure; or,
 - ii. Must submit a financial surety to guarantee installation of public infrastructure.
- i. Completion of the following development matters finding that the following development matters are consistent with adopted Price City codes, ordinances and minimum standards:
 - i. Revision of Typical Trench Section on sheet C-6 of planning documents;
 - ii. Utilization of asphalt mix based on preconstruction meetings with Price City Public Works;
 - iii. Confirmation that the street and other essential infrastructure improvements will begin at the existing improvements and infrastructure located adjacent to lots 105 and 106 of Cave Hollow I Amended, to include all pipeline extensions;
 - iv. Electrical infrastructure designed and installed per plans approved by Price City Electrical Department;
 - v. Utilization of a temporary construction traffic control plan, approved by the Price City Public Works and Streets Departments;
- j. Installation of silt fencing along storm water drainages at and adjacent to subdivision development site during and post excavation and construction finding that mitigation of sediment reaching the storm water detention basin and drainage system protect the long-term value and service life of the infrastructure;
- k. Installation of temporary cul-de-sac turn-arounds at street ends for Phase 1 to accommodate service vehicle and safety vehicle traffic to safely reverse course finding that temporary cul-de-sac turn-arounds, installed in accordance with direction and recommendation from Price City Public Works, protect the health, safety and welfare of the community;
- l. Safety fencing placed around storm water drainages that are present prior, during and after construction and development to prevent accidental falls into ditches finding that installation of safety fencing protects the health, safety and welfare of the community;

The Commission discussed utility capacity, footer/foundation stability, storm water management, temporary cul-de-sac's dust control, homes stick built on site and the infrastructure guarantee method with the applicant. The Commission expressed a concern about the approach to the development guarantee and thought a traditional bond and financial surety process to be preferred.

Commissioner Holt asked why the project may be done without an overall development bond and what would happen if the infrastructure was not completed. He asked if the City Attorney had any concerns of not having a bond and if there was liability to the City. Mr. Nielson stated that he could not sell any of the property without the infrastructure in place and so that was what the City had in their court to guarantee the infrastructure. Commissioner Sacco stated that this type of situation had happened before and it was at a high risk to the City and the developer and she would like to see a bond in place for that reason. Nick Tatton stated that the hybrid development guarantee limits recording of the final plat. Chairman Bruno stated that he did not think it was the decision of the Commission but more a legal and City Council decision.

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with

the conditions of approval.

MOTION. Commissioner Holt moved to approve a Conditional Use Permit for a 12 lot residential subdivision proposed by Dayspring Developers, labeled Cave Hollow III, approximately 1400 North 300 East contingent upon the approval of City Council of guarantee of infrastructure development and review from City Attorney noting the Commission's concerns. Included in the motion was direction for staff to present the concern of the commission regarding the financial security of the development agreement. Motion seconded by Commissioner Davis and carried.

8. UNFINISHED BUSINESS:

COMMITTEE REPORT. Report from the Property Maintenance Code development committee.

Commissioner Davis reported on the committee's findings on the Property Maintenance Code. He stated that the committee anticipated having the items of discussion sent to the City Attorney, Nick Tatton and Commission's review before January of 2012. He stated that the results of the draft should be presented in full in approximately a month or two to the Commission on how and what should be implemented from the property maintenance code into the Price City Code.

Meeting adjourned at 7:17 p.m. pursuant to a motion by Commissioner Davis.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon