

# LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, May 8, 2024, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Matt Juluson, Sherman Howard, Kyson Spendlove, and John Valenti; Staff: Derek Imlay, Fay Reber, and Christy Ballard; Public Richard Howard and Brad Robbins-Sunrise Engineering.

*Commissioner Hugh Howard was excused.*

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:05 pm.

The invocation and Pledge of Allegiance were given by Sherman Howard.

**B. Approval of Agenda:**

**The motion was made by Commissioner Matt Juluson to approve the agenda, seconded by Commissioner John Valenti. Spendlove-yes, Juluson-yes, Sherman Howard-yes, Bice-yes, Valenti-yes. The motion carried unanimously.**

**C. Approval of Minutes:** April 24, 2024, regular meeting

**The motion was made by Commissioner Sherman Howard to approve the April 24, 2024, regular meeting, seconded by Commissioner Matt Juluson. Juluson-yes, Bice-yes, Sherman Howard-yes, Spendlove-yes, Valenti-yes. The motion carried unanimously.**

**D. Reports:**

**Director of Operations-Derek** reported that the irrigation system is dealing with moss. This is unusual for this time of year and requires the crew to scrub it off manually; power spraying doesn't work.

He also reported that reuse water has the same turbidity as Virgin River water; it is just cleaner-looking. That may prevent La Verkin City from having to install meters for the irrigation system.

**E. Business:**

1. Presentaiton and discussion of a new subdivision approval procedure ordinance.

Brad Robbins with Sunrise Engineering explained the new state requirements for subdivision approval.

Sunrise Engineering has drafted an ordinance implementing these changes, which Fay is reviewing.

This new law changes how subdivisions are handled, specifically the approval process.

A major change is that the city council can no longer review or approve preliminary or final plats. In their place is a new authority called the Administrative Land Use Authority (ALUA). Sunrise Engineering recommends that the city administrator appoint three staff members for that committee.

The process is very specific. If a preliminary subdivision application complies with the applicable municipal and state code requirements, the ALUA shall approve it. There is no more disgression.

Once an application is considered complete, a review cycle is initiated. The cycle has a twenty-day time limit, and a decision must be made by the end of it. There can be three review cycles for the preliminary plat and one for the final plat.

The city can only recommend a pre-application meeting; it can no longer require it. If the city requests additional information, it must be specific and cite applicable ordinances, standards, or specifications. It must also now be documented.

Commissioner Bice asked if this would preclude development agreements.

Brad explained that it does not. Development agreements will no longer be part of the subdivision process unless they are part of a larger development.

This is set up because if a development is zoned R-1-8 and a developer comes into the city with a map showing 8,000-square-foot lots that meet the city width and depth requirements, that's basically it, as long as they comply with the application requirements moving forward.

He has heard that a lot of cities are unhappy with this new law and may not comply with it, but we won't know until the end-of-the-year deadline.

Brad continued that if a city misses something in the initial plan review, they cannot require the developer to make those changes. For that reason, Sunrise Engineering created an application process for the ALUA to use when reviewing a preliminary plat. They also created a flow chart for quick reference. It needs to be as simple a process as possible but does need to be "front-loaded" because that is the only way the city can get what it wants.

The takeaway from this presentation is that, first, the city council can no longer participate in the preliminary or final plat approval process. Second, the planning commission can be the ALUA; however, it is not recommended due to time constraints, and the ALUA can do nothing if the application meets the set requirements. Third, the changes only pertain to one-family, two-family, and townhouses. He recommends the city follow the same process for commercial and industrial subdivisions so the city has only one process. Fourth, a complete application is a big deal. Fifth, change of zone applications will be the only time the planning commission and city council can make any decisions. Development agreements will become a big part of the zone change process.

Fay mentioned that the development agreement will be part of the zone change. That is when the city can require certain terms and conditions that could impact some of the provisions in the new ordinance.

Derek explained there will no longer be a public hearing for subdivisions. That means neighboring property owners will not be aware of developments coming in.

The recently approved zone change application process requires the city to be more diligent in its approval, which is good for the changes in this new legislation.

The four cycles each have a 15-business day timeline.

If there is a disagreement with the developer, the city will hire an engineer, the developer will hire an engineer, and they will hire a third engineer to resolve the issue. Both parties will share the cost of that engineer.

Brad explained that if a development is found to have met all requirements in the first cycle, there does not need to be further cycles.

The approval timeframes will be updated to give preliminary plats a two-year approval with the option to extend for up to five years. A final plat will have a one-year timeframe to record.

Commissioner Bice asked what the recourse would be if a city didn't comply.

Brad replied that he thought we would find out. He has heard several cities are not happy with these changes. Nothing was addressed in the state legislation. He wondered if a city did nothing, would it automatically be approved?

Derek reported that this ordinance actually clarifies the bonding mechanism the city has been working on for recording subdivisions. It removes the letter of credit option but includes a surety bond or cash allowance.

However, the city is now only allowed to have them bond for 100%.

He went over another bill that pertains to cities with a population over 5,000 and requires state reporting. We currently don't need to do that, but we will once we hit that threshold.

This legislation was difficult to understand. La Verkin City received a grant to have Sunrise Engineering draft an ordinance for these changes. He thanked Brad for his work on it.

#### **F. Adjourn:**

**The motion was made by Commissioner Sherman Howard to adjourn, seconded by Commissioner Kyson Spendlove. Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes, Valenti-yes. The motion was carried unanimously at 6:34 p.m.**

May 22, 2023  
Date Approved

Allen Bice  
Planning Commission Chair