

BEAR RIVER CITY PLANNING COMMISSION MEETING
MEETING MINUTES
Thursday, March 21, 2019

Present: Gil Miller Planning Commission Chairman
 Milo Porter Commission Member
 David Ormond Commission Member
 Don Shakespear Commission Member

Excused: Toni Millhone Commission Member

Staff Present: Keith Cook Zoning Administrator
 Carol Andreasen Bear River City Clerk/Treasurer

1. Meeting Called to Order

- Welcome by Chairman Miller
- Opening Ceremony – Pledge of Allegiance – Milo Porter
- Roll Call

2. Action on minutes – February 21, 2019

Commission Member Shakespear motioned to approve the minutes of February 21, 2019 as written. Commission Member Porter seconded the motion. Vote: Commission Member Porter, aye, Commission Member Ormond; aye, Commission Member Shakespear; aye; Vote was unanimous.

3. Planning and Zoning Report – Keith Cook

No permits to report. Mr. Cook informed the commission this will be his last meeting. He has submitted his resignation effective March 30, 2019.

4. Update on Grand Haven Village Subdivision

Chairman Miller, Mayor Jeff Dallin, Council Member Jared Holmgren and Clerk Carol Andreasen met to discuss the progress of the subdivision. A report from the City Engineer was received after the Planning Commission voted to give preliminary plat approval. The report listed several items which had not been completed. Concerns were discussed concerning requirements for the road on the west, drainage, irrigation issues and not flooding neighboring property (piping the irrigation ditches and installing a headgate were discussed). The city engineer noted a geotechnical study has not been done. The developer's engineer needs to come up with a plan to address the concerns. As a result of the meeting and engineer's report the preliminary plat approval was rescinded. Zoning Administrator Cook will be instructed to notify Mr. Grandstaff of the decision.

5. Frank Gee Property

Mr. Gee previously approached the Planning Commission about subdividing his property. Now he has for sale signs up. Can he sell without going through the subdivision process? The property is in three separate parcels so he can sell them. If he wanted to split any of the parcels he would have to go through the subdivision process. Chairman Miller noted the legislature has passed a bill requiring a city's signature on a subdivision plat map before the county can record it.

6. Rupp Non-Compliant Lot

Zoning Administrator Cook noted he had received calls from relators concerning Chad Rupp's home and property for sale. Cook explained Rupp sold the frontage of the lot which makes it an illegal lot. It is also listed as having secondary living quarters which is also non-compliant. Chairman Miller has also received phone calls and he explained Chad's dad, Blair Rupp, built the home and he was very aware he had to have 115 foot of frontage on a city street to be a legal lot. The only way to make it an approved legal lot is to obtain the 115 foot of frontage. Flag lots are not allowed.

7. Discussion and Possible Action – Amending Chapter 8 Section C Subdivision Ordinance

Commission Member Ormond passed out a Draft Re: "BRC section 8C, Assurance for Completion and Maintenance of Improvements. Performance Securities: Performance and Payment Bonds, Escrow, Release of Escrow Funds, Waivers, Letters of Credit, Insurances: "

Commission Member Ormond reviewed 8C ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS contained in the Bear River City Land Management and Development Code. He led the discussion concerning the following sections of the code. Corrections or changes are noted in ***bold italic*** or ~~lined out~~.

8C.1.1 Before the ***final*** plat is signed by the Chairman of the Planning Commission.....

8C.1.2 The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such **are not** to be used for satisfying contractor or mechanics liens or other unrelated obligations....

Commissioner Ormond suggested removing the word "**not**" so money could be used to make sure the lots are free and clear for future lot owners. It was also suggested to replace "**are not**" with the words "**may be**". A consensus was not reached on this concern.

8C.1.2 (2nd paragraph) The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the resolution approving the final subdivision plat and shall be incorporated in the guarantee and shall not in any event exceed ~~two (2) years from date of final approval~~ ***the time period outlined in the Subdivision Improvement Agreement.***

8C.1.6 (replace local government with “***the City***” or “***Bear River City***”)

8C.2.1 The Planning Commission in consultation with or upon the advice of the Appropriate City Officials ***and*** City Engineer ~~or Zoning Administrator~~, shall provide for inspection of required improvements during construction and insure their satisfactory completion.

8C.2.2.1 indicating location, dimensions, materials, improvements and other information required by the Planning Commission and the Appropriate City Officials ~~or~~ ***and*** the City Engineer, that the layout of the line and grade of all public improvements is in accordance with

8C.2.2.2 In no event shall a performance guarantee be reduced below the ~~twenty-five percent (25%)~~ ***amount set in the Subdivision Improvement Agreement for*** retainage of the principal amount until total completion.

8C.3.1 (this section contradicts 8C.6.1)

8C.3.3 Subdivision Improvement Agreement

All developments require a Subdivision Improvement Agreement. See _____ for a sample agreement.

SAMPLE
BEAR RIVER CITY
SUBDIVISION IMPROVEMENT AGREEMENT

(Check conditions of this agreement to make sure they are covered in the City Ordinances. Replace references to West Haven with Bear River City)

11. INSPECTION AND CERTIFICATION

Inspections: The City will inspect the Improvements as they are being constructed and, if acceptable to the City Engineer, certify such improvement as being in compliance with the standards and specifications of the City. Such inspection and certification, if appropriate, will occur within 7 days of notice by the Developer that he desires to have the City inspect ~~and~~ ***an*** improvement.

Certifications: Before obtaining certification of any ~~such~~ improvements, the Developer will present to the City valid lien waivers from all persons providing materials or performing work on the improvement for which certification is sought. Certification by the City Engineer does not constitute a waiver by the City of the right to draw funds under the Escrow ~~on~~ Account ~~of~~ ***for*** defects in or failure of any improvement that is detected or which occurs following such certification.

12. NOTICE OF DEFECT: The City will provide timely notice to the Developer whenever inspection reveals that an improvement does not conform to the standards and specifications shown on the approved subdivision improvement drawings on file in the **Bear River City Office** or is otherwise defective. The Developer will have 30 days from the issuance of such notice to cure or substantially cure the defect. The City may not declare a default under the Agreement during the 30 day defect **curing period**.

(New paragraph) The Developer will have no right to cure defects in or failure of any improvement found to exist or occurring after the City accepts dedication of the improvement(s) **without City Engineer approval**.

13. APPLICATION FOR PROGRESSIVE PAYMENT: ***The Developer shall present a written application requesting a progressive payment for improvements based on the value of the completed improvement. Application for a progressive payment requires approval by the City Engineer and the Mayor***

(Will this be kept, deleted or changed?) ACCEPTANCE OF DEDICATION: The City or other applicable agency will accept the dedication of any validly certified improvement within 30 days of the Developer's offer to dedicate the improvement. The City or agency's acceptance of dedication is expressly conditioned on the presentation by the Developer of a policy of title insurance, where appropriate, for the benefit of the City showing that the Developer owns the improvement in fee simple and that there are no liens, encumbrances, or other restrictions on the improvement unacceptable to the City in its reasonable judgment. Acceptance of the dedication of any improvement does not constitute a waiver by the City of the right to draw funds under the Escrow on account of **for** any defect in or failure of the improvement that is detected or which occurs after the acceptance of the dedication. The improvements must be offered to the City in no more than one dedication per month.

(There was discussion about changing the word dedication to application in #13)

Review of the Subdivision Improvement Agreement will resume at the next meeting with #14.

8. Adjournment

Commission Member Porter motioned to adjourn at 8:45 pm. Commission Member Shakespear seconded the motion with all voting in favor.

Minutes approved: **April 18, 2019**