



LA VERKIN CITY PLANNING COMMISSION

Regular meeting

Wednesday, November 13, 2019 6:00pm

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair Anna Andregg; Commissioners: Sherman Howard, Hugh Howard, Allen Bice and Matt Juluson; Staff: Derek Imlay, Kyle Gubler, Kevin Bennett and Christy Ballard; Public: Patricia Wise and Brian Stewart.

- I. Call to Order:** Chair Anna Andregg called the meeting to order at 6:02pm.
The invocation and Pledge of Allegiance were given by Matt Juluson.

II. Approval of the Agenda:

Motion was made by Commissioner Hugh Howard to approve the agenda as written, second by Commissioner Matt Juluson. Bice-yes, Sherman Howard-yes, Andregg-yes, Hugh Howard-yes, Juluson-yes. Motion carried unanimously.

III. Approval of the Minutes:

Motion was made by Commissioner Allen Bice to approve the September 25, 2019 regular meeting minutes, second by Commissioner Sherman Howard. Sherman Howard-yes, Andregg-yes, Bice-yes, Hugh Howard-yes, Juluson-yes. Motion carried unanimously.

IV. Reports:

1. Beautification/Trails Committee-The committee attended an open house for the Economic Development Committee in leu of a meeting.
2. City Council-Councilwoman Wise reported on the November 6th City Council meeting.
3. Director of Operations-Derek reported the City has received an application for a proposed zone change that will be on the agenda for the next Planning Commission meeting. He explained the location of the proposed zone change.
He has asked John Postert, building official for La Verkin City, to start attending the Planning Commission meetings that deal with development or ordinance changes pertaining to his position.

V. Business:

1. Presentation and discussion to allow recording prior to the installation of required infrastructure and the associated financial assurances and temporary public easement.

Kevin presented this business item, see Exhibit A.

Commissioner Hugh Howard asked if this is the way most cities handle developments.

Kevin replied it is an option provided by state law. He knows it is popular among cities along the Wasatch Front and La Verkin had a version of it back in 2005.

Derek has reviewed the code for other communities in Washington County and all of them have this allowance listed as an option.

It does not discourage developers. Some prefer to record up front, so they can sell lots as they are developing. The City would provide this as an option, not a requirement and the developer could choose what would work best for them.

Commissioner Bice mentioned he read where sometimes they release blocks of the escrow.

Kevin said state law states cities must provide for that and explained the process.
Escrow cannot be released until the work is completed per state statute.

The Commissioners all agreed it would be worth looking into.

VI. Adjourn:

Motion was made by Commissioner Hugh Howard to adjourn, second by Commissioner Sherman Howard. Juluson-yes, Sherman Howard-yes, Bice-yes, Andregg-yes, Hugh Howard-yes. Motion carried unanimously at 6:50pm.

Minutes done by Christy Ballard.

1-8-2000

Date Approved


Planning Commission Chair

Early Plat Approval and Recording

Early **Dedication** of Streets, Parks, and Public Improvements –
Avoidance of **Liens - Bonding** in Lieu of Improvements – **Financial
Assurances** – Temporary **Easements** (Access – Construction –
Maintenance) – **Sales** instead of Reservations - **\$\$** for Project

Current vs. Proposed (Alternate) Timeline

- **Currently:**
 - Submit acceptable Preliminary Title Report
 - *Submit Subdivision Improvement Cost Overrun Agreement*
 - **Preliminary Plat Approval**
 - Construction Drawings
 - **Construct Public Improvements**
 - *(Some sell "reservations") (???)*
 - ~~-----**Completion of Improvements?**-----~~
 - Clear liens – Payment of Taxes
 - Acceptance of Improvements; provide Warranty Bond (25%)
 - Submit acceptable Final Title Report
 - **Final Plat Approval**
 - **Recording of Plat**
 - **Sale of Lots within development**
 - Building Permits, Construction, and Certificate of Occupancy
- **Proposed Alternate (additional route to success):**
 - Submit acceptable Preliminary Title Report
 - **Preliminary Plat Approval, Construction Drawings Approval, and Final Plat Approval**
 - Estimate cost of improvements; and provide the City with
 - Adequate financial assurances (bonding, escrows, etc.) (100%) in lieu of constructing improvements up front
 - Subdivision Improvement Cost Overrun Agreement
 - Temporary Easements to/for Property (access, construction, maintenance)
 - **Construct Public Improvements**
 - Acceptance of Improvements; provide Warranty Bond (10%)
 - Submit acceptable Final Title Report
 - **Final Plat Approval and Recording**
 - **Sale of Lots within development (anytime thereafter)**
 - **Construct Public Improvements**
 - Building Permits, Construction, and Certificate of Occupancy

Comparison of Two Procedural Timelines

Construct; then secure Final Approval

• Pros:

- Roads, parks, and public improvements are definitely in before any homes are legitimately sold
- Total burden on developer to pay for improvements; no final approval until acceptable
- One-year time limitation in which to construct improvements (incentive to get them in)

• Cons:

- Construction may never be completed; no money, legal right, or power of City to remedy harm to adjacent properties by unfinished development and erosion
- Legality of selling “reservations”
- Proposed roadways subject to liens and possible loss to the bank or need for satisfaction of liens for project to continue
- One-year time limitation in which to construct improvements (incentive to hurry and maybe cut corners; what to do if they are not completed in time; only one extension possible)

Secure Final Approval and “bond” ...

• Pros:

- Roads, parks and public improvements become City’s “up front” and are not subject to liens by those constructing improvements
- No need to sell questionable “reservations”
- City has the money, legal right, or power of City to remedy harm to adjacent properties by unfinished development and erosion

• Cons:

- City may get “stuck” with part of the costs of the improvements (depends on estimate and unintended market changes)
- May have to watch to ensure that properties are not sold and seeking development/occupancy before all of the improvements are in, acceptable to the City, and warranted
- Fighting the issues of bonds, letters of credit, etc.; preference for escrow accounts (but that tends to tie up developer monies)
- No one-year time limitation in which to construct improvements (less incentive to get them in timely)
- No expiration of Final Approval. Should there be?

What is needed?

- A **determination** whether to pursue an early approval and recording of the final plat.
- If not, an **update** of our financial assurances percentages.
- If so, we need to address:
 - **Financial assurances** – what will the City accept? in what amounts?
 - **Temporary easements** (for the period through the acceptance of the proposed public improvements) (access, constructions, maintenance)
 - Use and enforcement of the **Subdivision Improvement Cost Overrun Agreement** already provided for in our Code