

**Adopted Minutes
Development Review Committee
December 29, 2004**

The meeting was called to order at 10:10 a.m. by Emil Pierson.

Staff Members Present: Emil Pierson, Planning Director; David Oyler, City Manager; S. Junior Baker, City Attorney; Richard Nielson, Assistant Public Works Director; Seth Perrins, Assistant City Manager; Marvin Banks, Public Works Superintendent; Keith Broadhead, Public Works Inspector; Ryan Bagley, Electric Department; Ryan Baum, Public Works Inspector; Doug Shorts, Building Inspector; Travis Anderson, Public Works GPS Operator; Shawn Beecher, GIS Specialists; Connie Swain, Deputy Recorder.

Citizens Present: Tom Spencer, *Centex Homes/Spanish Vista Subdivision*, Brad Lambert, *Centex Homes/Spanish Vista Subdivision*, Merlin Huff, *Centex Homes/Spanish Vista Subdivision*.

Villas at Spanish Vista Final Plat A and B

Mr. Pierson said the developers know our city's construction standards. They knew permits would not be issued until the plat was completed.

Mr. Spencer said this topic was covered during a prior meeting. The need for multifamily units is driving the issue. The communication system was being designed and caused delays. This was a large investment and they would like to get building permits to allow them to get a return on funds as soon as possible. He said they have developed property in Eagle Mountain and have been allowed to build sections of plats. Eagle Mountain issued the building permits as long as the bond remained in place. The bond is not released until the entire plat is completed and approved.

Mr. Nielson said the ordinance is in place and cannot be changed. He said the developer can design smaller plats if needed but he does not want the developers coming back and changing the plats.

Mr. Oyler said Eagle Mountain allows the developer to complete a portion of a plat without requiring a change to the plat.

Mr. Nielson said a 60-lot plat is large and over ambitious. If they want to build model homes they should start with a smaller plat. He said the process is moving forward but not fast enough for the developer.

Mr. Oyler asked if it is possible for Spanish Fork City to allow building permits for a portion of a plat such as in Eagle Mountain.

Mr. Nielson said if construction begins before the entire plat is completed there are problems such as broken sidewalks or curbing and determining who is responsible. He said there are other issues as well.

Mr. Spencer said this is the first time they have developed property in Spanish Fork City and they were not totally familiar with the city's standards and requirements. He explained their reasoning for the plat layouts.

Mr. Baker said he agrees with Mr. Nielson. Even if a bond is in place there are questions such as broken sidewalks and who among the developer, contractor or property owner is responsible.

Mr. Oyler asked if there are changes that could be made to the Construction and Development Standards to minimize these types of issues.

Mr. Pierson said if this were a recorded plat, the change would require the plat to be recorded again.

Mr. Nielson said he is looking at the issue from the public works department's perspective.

Mr. Spencer said he has been a developer for many years and it should be the developer who is responsible for damages during the warranty period. The developer should have a separate agreement with the lot buyer until they build the home and it is finalized. Until then the developer is responsible to make required repairs to sidewalks or curbing regardless of who caused the problem. In reality there will be few developers who can afford to leave a bond in place. They are prepared to leave the bond in place until both plats are finished. Both plats A and B are under the same bond.

Mr. Nielson said we need to work closer with the developers to make suggestions on plat layouts when model homes are needed.

Mr. Baker asked if the plats shown will be plats A and B.

Mr. Spencer concurred and reviewed the basis for the plat design. He also said that market research indicated the need for basements.

Mr. Nielson suggested a walkthrough inspection today on plat A.

Mr. Bagley reviewed the needed electrical and communications design.

Mr. Spencer reviewed the electrical design and layout.

Mr. Baker said plats A and B will needed to be recorded simultaneously.

Mr. Oyler made a **motion** to approve Villas at Spanish Vista Final Plats A and B subject to the following conditions:

1. Meet any previous conditions imposed,
2. Record plats A and B simultaneously to allow the right-of-way dedication to be available for the power.

Mr. Baker **seconded** and the motion **passed** with a unanimous vote.

Village at Spanish Fields Amended Final Plat A

This item was passed.

Construction and Development Standards Review

Mr. Nielson reviewed the Construction and Development Standard changes. Additional changes were made as discussed by the Development Review Committee.

Mr. Pierson began a discussion on Title 16 of the City Code.

Mr. Spencer talked about various building requirements in other states and how varied they are from state to state. Mr. Spencer also described many nuances of development as it relates to city relationships. Mr. Spencer suggested easing the requirement that the builder secure the bond from a local bank.

Mr. Baker said that he had strong reasons to have a local bank involved but said that writing additional language to allow larger, established banks as well may be an option to look at.

Mr. Spencer also said that the requirement to add electrical and cable conduit adds about \$5,000 to cost of a home. He asked if the residents saw a return on those funds after they have purchased and moved into the home.

Mr. Oyler said that residents do retrieve those monies through a savings in the municipal property tax and that the money from the electrical utility fee stays in the community providing, in part, support to public safety and recreational opportunities.

Mr. Baker made a **motion** to accept the Construction and Development Standards as presented with changes as discussed. Mr. Nielsen **seconded**, the motion **passed** unanimously.

Other Business

Mr. Pierson asked Mr. Spencer to provide a developer's perspective on impact fees.

Mr. Spencer said different fee requirements may make it impossible for certain developments to take place.

Mr. Pierson mentioned the double-edged nature of the timing for collections. If we require impact fees up front, then the developer would get reimbursed sooner. Whereas if we require the developer to pay on the back end then they are reimbursed at a later date.

Adjournment

Mr. Baker made a **motion** to adjourn. Mr. Nielsen **seconded**, the motion **passed** unanimously, and the meeting adjourned at 11:20 a.m.