Page **228**

After a general discussion, it was the decision of the council to research the matter and make the necessary amendments at a later date.

Mayor Roper explained to council the necessity of "Impact Fees" for Delta City. There was a general discussion of the charges and collection of the fees.

Mayor Roper asked if there was any further business; there being none, a motion to adjourn was made by Councilman Morrison, seconded by Councilman Losee; meeting adjourned at 11:55 p.m..

Leland J. Roper, Mayor

MINUTES OF A PUBLIC HEARING TUESDAY, FEBRUARY 19, 1980

Minutes of a Public Hearing held Tuesday, February 19, 1980, at the Delta City Offices at 7:00 p.m.

PRESENT:

Leland J. Roper Max Bennett Don Bird Willis Morrison

Cecil Losee

Mayor and presiding

Councilman Councilman Councilman Councilman

ABSENT:

Thomas Callister

Councilman

OTHERS PRESENT:

Neil Forster Dorothy Jeffery Warren Peterson

Lyle Bunker Gayle Bunker Gary Bunker

Russell Greathouse Max Shaw Ron Johnson Dave Church Don Dafoe Jim Pendray Bob Pendray Eric DeHaan Carl Dee Bennett Clinton Tolbert Ed Gifford Rex Stanworth

Carl Haase

City Superintendent

City Recorder City Attorney

Bunker & Sons Contractors Bunker & Sons Contractors Bunker & Sons Contractors County Resident

County Planner Valley Engineering, Inc. Planning/Zoning Committee Planning/Zoning Committee

Pendray Construction Pendray Construction Bush & Gudgell Engineers

Bennett and Knight Construction

City Resident

Dudley and Associates

IPP IPP

Mayor Roper being present called the meeting to order at 7:00 p.m. Dorothy Jeffery being present acted as secretary.

The Mayor stated that the meeting was a public hearing and that notice of the time, place, and agenda had been provided the weekly newspaper and the local radio station three weeks or 21 days before to each of them.

Mayor Roper explained the Public Hearing was held to receive citizen input on the proposed Delta City Subdivision Ordinances; the Mayor then stated there would be no decisions made at the meeting. He then opened the meeting for comments from the public.

Page 2 229

Mr. Jim Pendray told council he had a number of questions and felt others may have just a few questions and should have the floor first; however, no one asked any questions.

The following are the questions asked by Jim Pendray regarding the Subdivision Ordinances.

1. Page 4, 1.3.3 BUILDING PERMITS PROHIBITED

Unless waived by the planning commission or governing body, it shall be unlawful for any person to receive a building permit until all improvements, including road base and utilities, are installed on the lot which the building is to be constructed. There shall be no human occupancy of any building until the improvements have been accepted by this municipality and the building and lot fully comply with the subdivision and zoning ordinances of this municipality. It shall be unlawful for any subdivider to sell any portion of unapproved subdivision until the prospective buyer or builder has been advised that occupancy permits will not be issued until the improvements are completed.

Mr. Jim Pendray feels this section is very harsh, expensive, not necessary, and penalizes the small developer.

Mayor Roper stated that on page 20 of the ordinances, it explains the above can be waived by the planning commission or governing body.

2. Page 4, 1.3.4 IMPROVED LOTS

It shall be unlawful to build any residential unit on any lot less than five acres or any commercial building except on an improved lot.

Mr. Pendray asked if this section referred to individual lots outside of subdivisions.

Councilman Bennett stated Section 1.3.4. refers to lots outside of subdivisions.

Page 7 3.3 SUBMISSION OF PRELIMINARY PLAT

At least 25 days prior to the date of the planning commission meeting at which the preliminary subdivision plat is to be reviewed, the subdivider shall submit 11 copies of the proposed preliminary plat to the planning commission. The planning commission shall circulate for comment and review copies of the proposed preliminary plat to all affected departments and divisions of municipal government and to any districts which may be providing special services.

Page 8 3.4.3 APPROVAL OR DISAPPROVAL OF PRELIMINARY PLAT

The planning commission shall, within 45 days after the preliminary plat is filed with the planning commission, approve the preliminary subdivision if it finds that the subdivision complies with the requirements of the municipality's ordinances. The planning commission may conditionally approve a preliminary subdivision plat imposing such conditions as it may require in order to bring the subdivision plat into compliance with the requirements of the municipality's ordinances. In the event the planning commission disapproves the preliminary plat, it shall do so within 45 days after the date the subdivider made application for approval, and it shall state in writing to the subdivider each reason for the disapproval.

Mr. Pendray stated with sections 3.3 and 3.4.3. totalling 90 days that this time frame could cause some problems for the subdivider.

Mr. Lyle Bunker said he agreed with Mr. Pendray that this time frame could be less.

Page 12 B. THE FINAL PLAT

The planning commission shall circulate for comment and review copies of the final plat to all affected municipal departments and special service districts. The engineer shall approve or disapprove the plat within 30 days after the plat is submitted to the planning commission. If he disapproves, he shall state to the planning commission the reasons for the disapproval. The planning commission shall have 45 days after the plat is submitted to approve or disapprove the plat. If no action is taken within 45 days, the plat shall be deemed to have been approved by the planning commission except that such approval shall not operate to waive any requirement of this or any other ordinance of this municipality. At the time of submission of the final plat, the subdivider shall furnish a complete set of

Page 3

230

construction plans and profiles, prepared by a licensed professional engineer not employed by the municipality, of all existing and proposed streets within the subdivision.

Page 10 3.5.3. FEES

Until changed by resolution or ordinance, the subdivider shall pay a non-refundable plan check fee for each within the subdivision as follows:

NUMBER OF LOTS	FEE PER LOT
1-10	\$58.00
11-50	\$56.00
51-100	\$54.00
More than 100	\$50↓00

The fee shall be paid on or before the date the preliminary plat is submitted for approval the following documents.

Mr. Pendray said, "As a subdivider, we feel this is much higher than it needs to be; it is at least twice as much as the other places we have worked."

Page 17 3.7.5.

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- 1. For each connection to the municipal water system \$_____
- 2. For each connection to the municipal sewer system \$____
- 3. For fire equipment capital improvement account \$
- 4. For the purchase of solid waste capital improvements \$
- 5. For public safety capital improvement account \$
- 6. For the storm drain \$
- 7. Street improvement, snow removal, and lighting capital account \$

Mr. Pendray requested the amounts of each of the above.

Mayor Roper told Mr. Pendray the city feels a fair amount would be 7% of the price of the unapproved lot.

Mr. Pendray asked if the parks and schools would be included in the 7%.

Mayor Roper said he felt it would, but no decision had been made on the issue of yet.

Page 17 B

The fees collected pursuant to this section shall be deposited in a capital improvement fund and used exclusively benefit of the persons residing in the subdivision.

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The Planning Commission, with the concurrence of the council on application by a subdivider, may postpone the fees required by this section, but such fees shall be collected prior to the time and as a condition of issuing each building permit. Any fee so postponed may be increased by the governing body and the applicant for the building permit shall pay the increased fee.

There was a general discussion on 'B" and "D" on page 17 of the subdivision ordinance: "Fees collected prior to the time and as a condition of issuing a building permit."

Mr. Jim Pendray stated, "As a subdivider, I feel this payment could and should be paid at the time of building the home."

Mr. Bob Pendray stated, "What does the water/sewer connection fee include?"

Superintendent Forster stated the connection fees may include the meter--there has been some discussion of the issue but no decision has been made at this time.

Mr. Gayle Bunker said he understood that on a individual home the connection fees

Page 4

231

cover the lateral to the property, and he feels the box and supplies should also be included in the connection fee.

Bob Pendray said the connection fee usually takes the line to the property.

Page 20 5.4 Guarantee of Improvements

- A. Bond
- B. Escrow
- C. Irrevocable Letter of Credit
- D. Deposit with Municipality
- E. Covenant

The following are comments in regards to the above sections of the ordinances.

Guarantee: It was agreed the city needs a guarantee the required improvements are in and free from defective material or workmanship; however, the question was: Could an arrangement be made to give "x" amount of lots to the city in lieu of a surety or cash bond. This could help some of the smaller developers.

If one or two lots are given to the city for security while the other lots are being improved, this would help the developer and if the improvements were not in as they should be, the city could sell the lots. These lots would be recorded with the county recorder.

Deposit with municipality: The 125% of the costs of required improvements not installed is much too high, not only for the small developer, but if you have a subdivision of 26 lots you are talking of a large amount of money.

Councilman Morrison stated as a protection to the city, I feel this is not much to ask, if it is very costly to replace faulty work.

Mr. Jim Pendray: "I agree, but if you are going to have inspectors on our work, you should not have this many serious problems if the inspector does his job."

Jim Pendray stated there is a conflict on page 34-8.7 and page 19. Mayor Roper explained the council was aware of the problem and it would be corrected.

There was a discussion on the testing of quality of cement and other building materials.

Mayor Roper told those in attendance at the meeting the council would review the sections of the proposed subdivision ordinance that had been questioned at the meeting before the final approval of the ordinance.

Mr. Jim Pendray suggested a roundtable discussion be held with the Delta City engineer, Superintendent Forster, and someone from the Planning and Zoning Commission. This could save time for the council.

There was a meeting scheduled for Monday, February 25, 1980, at the Delta City Offices at 3:00 p.m. for the purpose of reviewing the proposed subdivision ordinances. Those to attend the meeting were:

Superintendent Forster, Delta City Engineer Eric DeHaan, Councilman Don Bird, Planning and Zoning Committee Chairman Don Dafoe, and Engineer from Pendray's Construction Company.

Mayor Roper asked if there was any further business or questions in regards to the proposed subdivision ordinances. There being none, the meeting adjourned at 7:55 p.m.

Leland J. Roper, Delta City Mayor

Dorothy Jeffery helta City Recorder