



**PUBLIC HEARING AND REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Vineyard City Hall, 125 S Main St., Vineyard, Utah
Wednesday, December 5, 2018 at 6:00 p.m.**

PRESENT	ABSENT
Madam Chair Cristy Welsh	
Commissioner Tim Blackburn	
Commissioner Anthony Jenkins	
Commissioner Bryce Brady	
Commissioner Jeff Knighton	
Others Present:	
Commissioner Shan Sullivan	
Commissioner Stan Jenne	
Commissioner Nate Carter	

1. CALL TO ORDER

Madam Chair Welsh called the meeting to order at 6:02pm.

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

Madam Chair Welsh invited Bryce Brady to offer an invocation.

3. OPEN SESSION

Madam Chair Welsh opened the open session at 6:03pm and asked for public comment on items not on the agenda. Hearing No comments, she closed the open session at 6:03pm.

4. MINUTES REVIEW AND APPROVAL

Madam Chair Welsh asked for comments on the first three minutes to approve (June 20th, August 15th, and September 19th) and suggested they review the last three minutes (October 17th, November 7th and November 14th) in January.

Motion: COMMISSIONER BLACKBURN MOTIONED TO APPROVE MINUTES FROM JUNE 20TH, AUGUST 15TH, AND SEPTEMBER 19TH AND TO REVIEW THE MINUTES FROM OCTOBER 17TH, NOVEMBER 7TH, AND NOVEMBER 14TH IN JANUARY. COMMISSIONER ANTHONY SECONDED THE MOTION. ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

5. BUSINESS ITEMS:

5.1 Public Hearing and Consideration – Chapters 15.04, 15.06, 15.52, 15.46 of the Vineyard Zoning Ordinance and Repealing the Vineyard Development Code.

Mr. Brim opened with an explanation of revising the subject of Board of Adjustment and replacing with a Hearing Officer. This would bring about a lot of small changes. The Utah State Code allows Vineyard to have a Land Use Hearing Officer. The Officer would replace the Board of Adjustment (BOA). According to the Code, technically, Vineyard is supposed to have one. However, Vineyard does not current have one. Vineyard has been lucky enough not to have appeals and variances. Those are the two things that the BOA is authorize to hear and approve. The Hearing Officer position allows Vineyard to put one person in that position. Six months ago, there was a code

amendment for Title II for administrative violations. It was written with language for an Administrative Hearing Officer. That person would do all the code enforcement things. This code would be set up in a similar way so that the Administrative Hearing Officer and the Land Use Hearing Officer could be the same person. It effects the following chapters in the code.

Chapter 15.04 Interpretation of Requirements

Mr. Brim explained that this chapter explains the different authorities. It takes the BOA and replaces it with Hearing Officer.

Chapter 15.06 Land Use Authorities and Other Officers

The changes in this chapter would be to delete provisions regarding the Board of Adjustments and add provisions for a Land Use Hearing Officer to render decisions on variances, determination of legal nonconforming uses, legal noncomplying structures and appeals of zoning decisions.

Chapter 15.52 Appeal Authorities and Procedures

Chapter 15.46 Variances

Mr. Brim explained this change would go through these two sections (15.52 and 15.46) and replace BOA with Hearing Officer.

Mr. Brim asked for any questions.

Madam Chair Welsh asked where we will find a person to perform these duties.

Mr. Brim responded that this would be a contracted position. Vineyard would have one to three on retainer and the City would call them when necessary.

Commissioner Knighton asked what qualifications are necessary.

Mr. Brim responded typically Hearing Officers are people who have experience in land use law. Many have experience on BOAs or as planning commissioners. They don't necessarily have to be an attorney, but it is preferred to have someone with legal experience. Vineyard has an RFI that has been written asking for people with land use legal experience. There's a few who do it as a side gig. For example, the City attorney David Church is a Hearing Officer for three or four cities.

Madam Chair Welsh asked if David Church could be Vineyard's Hearing Officer.

Mr. Brim responded that he couldn't as it would constitute as a conflict of interest.

Further discussion ensued relating to who they would choose to be a Hearing Officer.

Commissioner Blackburn expressed concern to have all the power concentrated in one person.

Mr. Brim responded that would be the reason Vineyard would want somebody with a lot of experience. Morgan explained that the process would be that staff would analyze the scenario, the city attorney would be at the meeting as well. Whoever is arguing against the decision would come to the hearing (they could bring an attorney themselves) and they would submit their material. The Hearing Officer would just be seeing whether the law was applied correctly. That's why you would want someone with a lot of experience versus various people with various backgrounds. Vineyard should have someone who is not swayed arbitrarily, but someone who will make a very concrete decision based in legal analysis.

Further discussion ensued about a Hearing Officer versus a Board of Adjustments.

Mr. Brim also brought up the Vineyard Development Code from 1992 for a short period. Several sections were appealed. Three pages were not appealed that talk about performance bonds. However, Vineyard Municipal Code already addresses that. It creates a conflict. Staff wants to make it very clear that the city is using the current zoning and subdivision code, and that there is nothing in the past that conflicts with that. This would repeal the full Vineyard Development Code from 1992. The city hasn't used it, but a developer could dig back in and find something they could use. Repealing this will just clean up conflict.

Madam Chair Welsh asked for additional questions. There were none.

Madam Chair Welsh asked for a motion to open a public hearing:

Motion: COMMISSIONER BLACKBURN MOVED TO OPEN ITEMS TO A PUBLIC HEARING. COMMISSIONER KNIGHTON SECONDED. ALL WERE IN FAVOR. NO QUESTIONS WERE ASKED. COMMISSIONER KNIGHTON MADE A MOTION TO CLOSE THE PUBLIC HEARING AT 6:18PM. COMMISSIONER KNIGHTON SECONDED. ALL WERE IN FAVOR.

Madam Chair Welsh asked for a motion in regards to text amendments and repeals:

Motion: COMMISSIONER KNIGHTON MOTIONED TO FORWARD A POSITION RECOMMENDATION OF ORDINANCE 2018-17 TO THE CITY COUNCIL. COMMISSIONER BLACKBURN SECONDED.

COMMISSIONER KNIGHTON, BLACKBURN, JENKINS, BRADY, AND MADAM CHAIR WELSH WERE ALL IN FAVOR.

5.2 Planning Commission Special Meeting

Mr. Brim asked for two special meetings. The first is for the Anderson Geneva Record of Survey on December 12th at 5pm. It is on a plat and needs to go through the Planning Commission and City Council. It is agenda'd City Council next week, but Planning Commission needs to make a decision first. Three commissioners need to come to look at it and make a decision.

Madam Chair Welsh asked for a motion.

Motion: COMMISSIONER BRADY MOVED TO HOLD A SPECIAL MEETING DECEMBER 12TH AT 5:00PM. COMMISSIONER BLACKBURN SECONDED. ALL WERE IN FAVOR.

Mr. Brim asked for another special meeting for Vineyard Shores & The Yard Phase 1. The Yard is a site plan and a conditional use permit for the eight drive-thru's. Because they are complex, staff wanted to break them out of a normal Planning Commission Meeting. Staff wanted to allow both to come on either January 8th or January 10th. Staff prefers the 8th because it allows more time for both developments to make the needed changes. It will be like a work session to Planning Commission to offer critiques and suggestions to the projects.

Discussion ensued about which day would work best.

Madam Chair Welsh asked for a motion.

Motion: COMMISSIONER JENKINS MADE A MOTION TO HOLD A SPECIAL MEETING JANUARY 10TH AT 6:00PM TO REVIEW THE SHORE AND THE YARD. COMMISSIONER KNIGHTON SECONDED. ALL WERE IN FAVOR.

5.3 Planning Commission Chair and Vice-Chair Appointment

Mr. Brim stated that it is the time of year to pick a new Chair and Vice-Chair. He recommended that if any commissioners have interest to state it. No alternates may be a Chair or Vice-Chair.

Commissioner asked if the current Chair and Vice-Chair would be willing and able to serve in those positions again.

Mr. Brim clarified that the Chair and Vice-Chair can hold their position for two consecutive years and then must take a year off before chairing again.

Commissioner Jenkins asked if all the members of the Planning Commission will be continuing their service into the new year.

Discussion ensued about term limits.

Motion: COMMISSIONER BLACKBURN MADE A MOTION TO NOMINATE MADAM CHAIR WELSH TO CONTINUE AS CHAIR AND COMMISSIONER JENKINS TO CONTINUE AS VICE-CHAIR. COMMISSIONER KNIGHTON SECONDED. ALL WERE IN FAVOR.

Discussion ensued about how great the Chair and all the Planning Commissioners are.

6. Work Session

6.1 Vineyard Tree Manual and Tree Standards

Mr. Brim stated that this was the bulk of what the Commission did in October. This was an item that they wanted to point out in more detail. The Tree Manual contains three classifications of trees and provides spacing for each tree type. Class One trees are the trees in park strips. They experienced conflict because the code required one every 20 feet. They were concerned by how close those trees were. Class Two trees are spaced at 40 feet and Class Three trees are spaced at 50 feet. The only time there will be Class Three trees would be in parks. Class One and Two trees provide appropriate spacing and allows the applicant to choose the appropriate tree. The list provides the flexibility to pick their own trees, but the standards to follow to ensure uniformity and growth. The proposal is to change the code to reference the spacing in the tree manual. The manual does allow for the Public Works Director to approve exceptions.

Commissioner Jenkins asked at what point are the checks and implantation methods enforced on these.

Mr. Brim responded that they have really improved on inspections. Ms. Hart or Mr. Brim will go out check site plans and how things are followed through in final inspection.

Commissioner Blackburn prefaced his question saying it was slightly off topic, but asked what has happened to the Commission's recommendation one year ago to Edgewater to provide some lighting on the pathway, changes to trees, and a dog park. Did anyone follow up to see if those agreements were done?

Discussion regarding the Edgewater site ensued.

Madam Chair Welsh added that she thought it was needed and appreciated staff efforts to add the clarifying language.

Councilmember Tyce Flake added that the City has applied to the Arbor Day Foundation and hired an arborist. They've surveyed all 2,644 trees and found 60% are dying. They did it because eventually developers are going to come to the City and ask them to pay for all those trees. The city won't pay for them if they're dead. Councilmember Flake works with the appropriate people when plans are sent in to certify reasonable requests. Developers want to provide the cheapest tree and the shortest bush whether they will grow or not in this climate. The Tree Manual also states the distance from curbs and sidewalks trees need to adhere to so the City does not have to replace curbs and sidewalks, etc. One of the things the Urban Forest Board will do in the coming weeks, if Vineyard gets their bid back, is ask for a budget in the next year. The City has asked for approximately \$2 a tree. The trees are there to beautify a city, cut down on noise, cut down on air pollution, cut down on wind. The Tree Manual is quite replete. It shows how to plant and prune the trees, etc. Class One trees in the manual gets a representation of the tree and everything you need to know about the tree. That's what happens through the whole manual.

Further discussion ensued about the tree manual.

Commissioner Knighton asked how many restrictions the City had in place in the past. How compliant are the issues in the Waters Edge Community?

Councilmember Flake responded that the Council is currently battling that. Waters Edge said that it is not their fault that the plants are dying, but when you plant a tree that is still covered in burlap and a wire cage, you're planting a dead tree. When you plant a tree that is six inches deeper than its root ball, you've got a dead tree. When you put grass in and you don't water it for three weeks, you've got dead grass. Vineyard Loop and Mainstreet have obvious examples of dying trees. The question that the Council will have to battle with the developers is that the developers planted a tree that has a six-inch caliber trunk and is dead, before the city gives the developer the bond, we want them to replace that tree. The developers will want to replace the tree with a two-inch caliber tree.

Mr. Brim commended Councilmember Flake for all the work he has put into the Tree Manual. He approached staff with the problem and upon further study they found some real potential problems.

Councilmember Flake continued, that the arborist has noted that over 60% of Vineyard's trees are London Planes. That means if there's a specific type of disease (and there's 11 specific diseases for that tree) Vineyard will lose every one of those trees in a matter of months because they're all right next to each other.

Madam Chair Welsh asked if they want to move all of those London Planes out of the city or simply find someplace they would work.

Councilmember Flake said they would like to spread them out which would lessen the possibility of disease wiping them all out at the same time.

Further discussion ensued about London Planes.

6.2 Educational Video on Planning Topic

Mr. Brim introduced an educational video (Seven Principles for Building Better Cities | Peter Calthorpe | <https://www.youtube.com/watch?v=IFjD3NMv6Kw>), and invited council members to submit more educational videos for future meetings.

Mr. Brim commended the City because they're trying to integrate many of the principles of the video into the City already.

Mr. Wilson commented that he thought the video was great, but that you also need to plan for the culture the City will be in too. A city can integrate bike lanes, but can a family of go and do that and bike to the grocery store? 70% of the population in China doesn't own a car, here 70% of the population has four cars.

Madam Chair Welsh commented that it's interesting that you can take a neighborhood like the one she lives in and her entire neighborhood drives their kids to school even though its just half a mile away. It takes 20 minutes to get the kids to school because of the traffic that's there, but in that time you could walk from home to the school four times over. She stated that we need to change that culture. If her whole street stopped driving their cars they'd get rid of 10 cars twice a day. She can't walk down the street and get French bread every night, but there are small changes that could take place. A light could make it easier for children to walk to school.

Mr. Wilson responded that you need to mold your city to its culture.

Madam Chair Welsh responded that Vineyard is leaning into the right direction by having bike lanes and trying to make it connected.

Mr. Brim responded that we still have a lot of the City to build, and we will add a lot of uses. Not everybody will need to point to State Street – it will be a more integrated design. Utah is a car driven society and there's a way to make it better.

Further discussion ensued about other options aside from an auto-centric community model.

7. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

8. STAFF REPORTS

- Chris Wilson, Assistant Engineer
 - The City is still waiting on UP went through a layoff so in the middle of getting the plans finalized, the city lost their contract. The Mayor got another contact and there has been trouble getting a response, unless the Mayor is directly contacting the contact. The contractors are all ready to bid. The City is just waiting on the approval.
 - Madam Chair Welsh stated that the Mainstreet traffic is terrible and the City needs to come up with a plan. There have been traffic studies on that road that are failing.
 - Chris answered that as we open up more points of access to the City traffic patterns will change. Right now, a huge majority of the City funnels to Mainstreet and 800 North to get out of the City. Once we have more access and routes those traffic patterns will change. Construction will be done a year after the City receives approval.
 - Further discussion ensued about what kind of traffic is needed to bring in a stoplight in that area.
- Morgan Brim, Community Development Director
 - There a couple hotel groups Vineyard is working with.
 - There is interest in the Forge. There will no longer be a spec building in the Forge. They're looking at 50% pre-leasing. There is light manufacturing facility that wants to move into the Forge. The building would meet the design standards and it would be close to restaurants.
 - Staff is talking with two different grocery stores. They both have different properties they are looking at, and they both want to build right now. They're trying to decide where.
 - Staff is looking to bring in the George Washington Museum. It's a state-wide program to build a replica of Mount Vernon and it would teach about the founding fathers. There's nothing on the West coast to talk about how the US was developed and founded. It would be an 18-acre museum with tons of festivals and facilities.
 - The City is working with UTA and a design company to develop the 50-acres immediate to the Frontrunner station. They are deciding how roads, the Promenade, etc. can lay out. In the next couple months, the design should be completed and the overall development of the station could be 12-18 months (possibly longer). Recently we found that there is a double track heading north two miles from our station. Because of that, there are additional funds and work that needs to be gathered. It will probably be about a two-year project.

9. ADJOURNMENT

Motion: COMMISSIONER KNIGHTON MADE A MOTION TO ADJOURN AT 7:48PM. COMMISSIONER BRADY SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

CERTIFIED CORRECT: /s/ McKenna Marchant

McKenna Marchant, Planning Technician