

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
April 9, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Chairman John Cowan; Commissioners Blair Warner, George Van Nosedol, Amanda Petersen, Kirk Beecher, Harold Nichols; City Councilmen Kim Hancock, Scott Phillips, and Mike Hardy; Planner Jill Spencer, Zoning Administrator Jon Lundell; Commissioner Todd Cannon excused.

INVOCATION: Commissioner Blair Warner

PUBLIC FORUM

NEW BUSINESS

FAREWELL TO COMMISSIONERS TED FITZGERALD

Chairman Cowan and Planner Spencer expressed their appreciation for the service performed by Commissioner Fitzgerald.

Introductions of new Commissioners Amanda Petersen and Kirk Beecher, as well as attending Commissioners, City Council Members, and Staff.

SELECTION OF PLANNING COMMISSION CHAIR AND VICE CHAIR

Motion by Commissioner Nichols to nominate Commissioner Cowan as Chairman and Commissioner Blair Warner as Vice Chairman. Motion Seconded by Commissioner Beecher. Motion carried.

REVIEW OF PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE FOR CONSIDERATION OF AMENDMENT.

Motion by Commissioner Beecher to retain the Planning Commission Bylaws and Rules of Procedure as currently constituted. Seconded by Commissioner Warner. Motion carried.

CONSENT AGENDA

- Approval of minutes for the regular meeting of March 12, 2014

Motion by Commissioner Van Nosedol to approve the minutes from March 12, 2013 as written. Seconded by Commissioner Nichols. Motion Carried.

REVIEW ITEMS

PUBLIC HEARING –

PROPOSED AMENDMENTS REQUEST BY SCOTT PHILLIPS FOR PRELIMINARY PLAN AND FINAL PLAT APPROVAL OF THE PHILLIPS ESTATES SUBDIVISION PLAT B LOCATED AT 131 SOUTH 900 EAST IN THE R-1-10, RESIDENTIAL ZONE.

Motion by Commissioner Warner to open the public hearing. Seconded by Commissioner Petersen. Motion carried

Planner Spencer presented information from the following staff report.

Background

Plat B of the Phillips Estates Subdivision consists of three (3) lots located near the intersection of 100 South and 900 East in the R-1-10, Residential Zone. There are existing single family dwellings on Lot 1 and Lot 3 and the applicant is proposing to reconfigure the boundaries of the parcels to create an additional residential building lot (Lot 2). The proposal includes a division of one (1) parcel into two (2) parcels which in accordance with State statute constitutes a subdivision of property. Therefore, the applicable requirements of Utah Code and the land use ordinances (Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance) of Payson City will need to be satisfied. The parcel containing the existing dwelling at 131 South 900 East (Lot 1) was included in the subdivision to complete a boundary line adjustment along the north property line.

As required by Title 20, Subdivision Ordinance, the applicant is responsible to complete the utility and roadway improvements for the lots in the proposed subdivision. As part of the 900 East reconstruction project (2010), the service laterals for the existing dwellings were upgraded and additional laterals (drinking water, pressurized irrigation, and sewer) were stubbed into the proposed Lot 2. Furthermore, the roadway improvements (i.e. curb, gutter, sidewalk, asphalt tie-in) have been installed along the entire frontage of the proposed subdivision. Therefore, a majority of the lot improvement requirements have been satisfied.

The development is being proposed as a traditional subdivision and satisfies the minimum zoning requirements (i.e. lot area, frontage) of the Payson City Zoning Ordinance. In other words, the lots in the proposed subdivision exceed the minimum requirements of one hundred (100) feet of frontage on a public street and ten thousand (10,000) square feet of lot area. The request is an administrative action, whereby the applicant is entitled to subdivision approval if the applicant is willing to satisfy the minimum requirements of the development ordinances of Payson City. The necessary applications, project drawings, and other required documents, except as noted herein, have been submitted by the applicant.

Lastly, Section 20.11.5 of the Payson City Subdivision Ordinance authorizes the Planning Commission to take final administrative action on traditional subdivisions containing three (3) lots or less. Therefore, the Planning Commission will be the final authority on the proposed subdivision. The Planning Commission is required to hold a public hearing in order to receive input from the public in relation to the proposal of the applicant. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

As an applicant for approval of a traditional subdivision, Scott Phillips is entitled to subdivide the property consistent with the regulations of Utah Code and the land use ordinances of Payson City. Plat B of the Phillips Estates Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (February 19, 2014), Title 20, Subdivision Ordinance (March 5, 2014), and other applicable requirements of the land use ordinances of Payson City. Following staff review, a list of items has been generated that will need to be satisfied prior to the recordation of the Final Plat or development of the property, as applicable.

1. Documentation will need to be submitted that indicates that all current and past property taxes have been paid for the property included in the proposed subdivision. This information must be provided before the Mylar is recorded in the office of the Utah County Recorder.
2. Letters from all private utility providers (i.e. Questar Gas, CenturyLink, Comcast, UTOPIA) indicating knowledge of the project and a willingness to provide service to the development will need to be provided. Furthermore, a letter from the local Postmaster will need to be provided indicating the method of mail delivery for Lot 2. The applicant will be responsible to satisfy the conditions indicated on the acknowledgment letters from the private utility service providers.
3. The applicant will need to work with the Payson Power Department on the layout of electrical facilities for the lots in the proposed subdivision. The electrical service for the new structure on Lot 2 and the existing dwelling on Lot 3 will need to be provided underground. Payment of all fees associated with labor and materials provided by the Payson Power Department are the responsibility of the applicant and will need to be submitted prior to issuance of a building permit or the connection of the existing dwelling.
4. The applicant will need to schedule an inspection of the existing sewer lateral for the dwelling on Lot 3 and, if necessary, upgrade the service lateral to be consistent with the Design Guidelines and Standard Specifications of Payson City. A performance guarantee and payment of public works inspection fees will be required if the service lateral is required to be upgraded.

5. The project drawings will need to be modified to indicate the following:
 - a. The location of the sewer lateral for Lot 3 will need to be shown. (Preliminary Plan)
 - b. The address for Lot 2 will need to be changed to indicate 119 South. (Final Plat)
 - c. The reference to "Acceptance by the Mayor" will need to be changed to "Acceptance by Legislative Body". The Mayor signs in behalf of the legislative body. (Final Plat)
 - d. The references to the Fire Marshal will need to be changed to Fire Chief. (Final Plat)
6. It is the responsibility of the applicant to ensure that the requirements of the land use ordinances are adequately addressed. Prior to construction of a residential structure on Lot 2, the following items will need to be completed.
 - a. An adequate amount of water will need to be transferred in accordance with Title 10, Water Ordinance of the Payson City Code.
 - b. The existing accessory structures will need to be removed from the site. A demolition permit must be obtained from the Development Services Department prior to commencement of demolition activities.
 - c. The landscaping requirements of Section 20.17.13 or the Subdivision Ordinance will need to be implemented prior to the issuance of a certificate of occupancy for any new residential structure.
 - d. Until the time of development, the applicant will need to maintain the undeveloped lot consistent with the regulations of the Chapter 19.24, City Beautification of the Zoning Ordinance.
7. These items represent the concerns City staff has identified following a review of the Preliminary Plan and Final Plat. In general, staff had no major concerns with the proposed project if the conditions of this staff report are satisfied. The Planning Commission may require additional information in order to make a well-informed decision.

Recommendation

This staff report identifies items that are not in compliance with the land use ordinances of Payson City. It was the intent of the staff to complete a thorough review and identify all items that do not satisfy the requirements of Title 10, Water Ordinance; Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; the Design Guidelines and Standard Specifications; and any and all other development requirements of the City. However, failure of the staff to identify an inconsistency with any City requirement does not release the applicant of the obligation to satisfy all development requirements of the City. If an item is identified at a later date, the applicant will be responsible to satisfy the relevant development requirements.

The applicant is requesting Preliminary Plan and Final Plat approval of a traditional subdivision in the R-1-10, Residential Zone. The City Council has designated the Planning Commission as the land use authority for traditional subdivisions containing three (3) lots or less. Therefore, the Planning Commission will be the final authority on the proposed subdivision. For convenience purposes, the Planning Commission may choose to review the Preliminary Plan and Final Plat simultaneously and take action on each process at the same meeting. However, there is no obligation to do so and the Planning Commission may choose to act upon the Preliminary Plan and consider the Final Plat at a subsequent meeting. The Planning Commission, following a public hearing to receive public input, may:

1. Remand the proposed Preliminary Plan back to staff for further review. This action should be taken by the Planning Commission if it is determined that there is not enough information provided by the applicant for the Planning Commission to formulate a well-informed decision.
2. Approve the Preliminary Plan as proposed. If the Planning Commission chooses to approve the Preliminary Plan as proposed staff would suggest that an opportunity to require the applicant to satisfy the regulations of the Payson City development ordinances and the land use goals of the City will be missed.
3. Approve the proposed Preliminary Plan contingent upon the satisfaction of staff suggestions. Staff would suggest that if the Planning Commission approves the Preliminary Plan contingent upon the satisfaction of staff conditions, the applicant will be required to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.
4. Deny the proposed Preliminary Plan. This action should be taken if the Planning Commission determines that the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.

The Planning Commission may, but is not obligated to, grant approval of the Final Plat concurrent with Preliminary Plan approval. If the Planning Commission is inclined to grant Final Plat approval, staff would suggest that the Planning Commission include the following conditions.

1. The applicant must satisfy all conditions of Preliminary Plan approval and the regulations of Chapter 20.29 of Title 20, Subdivision Ordinance.
2. The Mayor may not execute the Final Plat and the Final Plat may not be recorded in the office of the Utah County Recorder until the applicable conditions of Preliminary Plan and Final Plat approval are satisfied.

Staff would suggest that the proposed use of the property is consistent with the General Plan, Zoning Ordinance and Subdivision Ordinance if the conditions proposed by staff are satisfied by the applicant. The Planning Commission should include findings that indicate reasonable conclusions for their decision.

Commissioner Beecher asked for clarification of the requirement for sidewalk along 100 South.

The applicant stated that at one time he was planning on installing the required sidewalk but was directed not to by the Street Superintendent because of the narrowness of the intersection.

Planner Spencer stated that staff would discuss the issue with the Street Superintendent and receive his direction on the sidewalk requirement.

Commissioner Beecher asked about the condition and location of the sewer lateral for the existing home on the corner of 100 South and 900 East.

The applicant stated that if the sewer lateral needed to be repaired to would be replaced.

Commissioner Beecher asked about the boundary line between the proposed subdivision and the property to the east needed to be addressed in the recording of the subdivision and legal description to prevent issues with the title.

Commissioner Beecher asked about the addressing on the building and the needing to change the address from 97 South to another address number above 100.

Planner Spencer stated that Payson Power department would like to upgrade the electrical facilities and place them underground to remove the power poles on the property.

Planner Spencer read the following letter from Maple Hill Enterprises.

Dear Commission Members:

I represent Maple Hill Enterprises, LLC ("Maple Hill"), which owns the lot (Serial # 30:029:0004) which adjoins the proposed Subdivision on the East.

Since neither of the owners of Maple Hill will be able to attend the hearing on April 9th, they have asked that I submit this letter on behalf of Maple Hill.

Maple Hill does not object to the proposed Subdivision, and is anxious to cooperate with Mr. Phillips in his application. However, it would request that the Commission and the appropriate City staff address the following issues in considering the requested Subdivision approval:

1. Make certain that the surveyed description of the Easterly boundary along proposed Lots 2 and 3, does not infringe upon the Westerly boundary of the Maple Hill lot.
2. Maple Hill claims a prescriptive easement across proposed lot 3 for ingress and egress to the Maple Hill lot from 900 East Street. The easement is located on the existing driveway located to the South of the existing house on Lot 3, and has been used for ingress and egress by Maple Hill and its predecessors in interest for well over 50 years. Maple Hill would request that the Subdivision plat reflect that easement.

Your consideration and treatment of the above issues will be appreciated.

It is my understanding that this letter will become part of the public comment portion of the meeting and will be included in the meeting minutes.

If you or any of the City staff have questions or desire further information, please feel free to contact me.

Very truly yours,
SEAL & KENNEDY, A Professional Corporation
Jerry R. Kennedy

Planner Spencer stated that because this letter was included in the public hearing staff would suggest that the prescriptive easement be addressed in the conditions of approval and that legal counsel be received prior to recordation.

The applicant stated that he was completely unaware of the prescriptive easement that is being claimed against the property, and since learning about the issue he has reached out to the adjoining property owner to address the issue but has not been able to make contact.

Motion by Commissioner Petersen to close the public hearing. Seconded by Commissioner Nichols. Motion carried

Motion by Commissioner Warner for preliminary and final approval of The Phillips Estate Plat B Subdivision with staff conditions and solutions be found for the issues regarding the prescriptive easement on lot 3, investigation of the condition of the sewer lateral, the relocation of the power utilities, the surveyed lot description is accurate along the eastern property line of lots 2 and 3 does not encroach on the western property line of the adjacent property, and the requirements for sidewalk along the north property line of lot 3 and adjustment of the address for the home located on lot 3. Seconded by Commissioner Beecher. Motion carried.

Land use training provided by Planner Spencer.

Discussion was held on what roles the planning commission has in regards to improving Payson City.

COMMISSION AND STAFF REPORTS

Discussion was held regarding the use of signs to advertise public meetings and increase public attendance and involvement, along with different sign options that are available.

Discussion was held regarding the access to P Mountain that crosses private property and Bureau of Reclamation property.

Discussion was held regarding new businesses and current businesses in Payson City.

Motion by Commissioner Warner to adjourn.

Meeting adjourned 8:40 pm