

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
August 27, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Vice-Chair Blair Warner; Commissioners Harold Nichols arrived at 7:20 p.m., George Van Nosdol, Amanda Peterson, Kirk Beecher; City Councilmen Hancock; Planner Jill Spencer; Zoning Administrator Jon Lundell; Councilmember Mike Hardy, Chairman John Cowan, Commissioner Todd Cannon excused.

INVOCATION: Commissioner Beecher

CONSENT AGENDA

APPROVAL OF MINUTES FOR THE REGULAR MEETING OF AUGUST 13, 2014.

Motion by Commissioner Peterson to approve the minutes for the regular meeting of August 13, 2014 with the amendment to list Commissioner Todd Cannon as unexcused. Seconded by Commissioner Beecher. Motion Carried.

PUBLIC FORUM

Commissioner Warner asked if there are any planning activities in progress regarding the Payson Temple open house.

Planner Spencer stated that currently there are not any discussions with the LDS Church as this point, but is expecting that as the open house date approaches LDS church will reach out to City Staff.

REVIEW ITEMS

PUBLIC HEARING – REQUEST FOR PRELIMINARY PLAN APPROVAL OF THE MORNING MEADOWS SUBDIVISION ARRANGED ON UTAH COUNTY PARCEL #30-050-0085 LOCATED BETWEEN 1250 EAST AND 1300 EAST AND BETWEEN 230 SOUTH AND 320 SOUTH IN THE R-1-10, RESIDENTIAL ZONE. THE SUBDIVISION CONSISTS OF SEVENTEEN (17) LOTS, ONE OF WHICH CONTAINS AN EXISTING SINGLE FAMILY DWELLING.

Motion by Commissioner Beecher to open the public hearing. Seconded by Commissioner Peterson. Motion carried.

Planner Spencer presented information from the following staff report.

Background

The proposed Morning Meadows Subdivision includes seventeen (17) single family dwelling lots, one of which contains an existing single family dwelling. The project divides Utah County Parcel # 30-050-0085 located between 1250 East and 1300 East and between 230 South and 320 South. The property is included in the R-1-10, Residential Zone that allows, by right, single family dwellings on ten thousand (10,000) square foot lots with at least one hundred (100) feet of frontage on a public street. The lots in the proposed subdivision exceed the minimum zoning requirements (i.e. lot area, frontage) of the underlying zone and the subdivision is considered a traditional subdivision without any request for increased density.

Approval of a traditional subdivision is an administrative action of the City Council. In other words, if the applicant is able to satisfy the regulations of the land use ordinances, the applicant is entitled to approval of the subdivision. However, if the applicant is unable or unwilling to satisfy the adopted regulations, the City Council may deny the request of the applicant. The necessary applications, project drawings, and other required documents, except as noted herein, have been submitted by the applicant.

The applicant has prepared Covenants, Conditions and Restrictions (CC&R's) that outline the architectural controls, exterior materials, construction expectations, and other details regarding the proposed subdivision. Because the subdivision is proposed as a traditional subdivision in the R-1-10 Zone, the Planning Commission and City Council should refrain from requiring specific design elements for the dwellings in the development, unless specific provisions of the CC&R's are inconsistent with City regulations. The CC&R's are an agreement between the owners in the development and Payson City is not responsible to enforce the provisions of the document.

In order to obtain approval of a Preliminary Plan, the applicant must receive a recommendation from the Planning Commission and the City Council must grant approval. Prior to forwarding a recommendation to the City Council, 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

The proposed Morning Meadows 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. An application for Final Plat approval will need to be submitted and review fees paid before the plat is forwarded to the City Council for review and approval.
2. Documentation will need to be submitted that indicates that all current and past property taxes, including Utah Farmland Assessment rollback 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.
3. The applicant will need to resolve any boundary line discrepancies to ensure that the required improvements are installed as indicated on the project drawings.
4. The applicant is proposing to complete the project improvements in three (3) phases. All required improvements must be completed by the applicant, and inspected and approved by Payson City prior to the issuance of a building permit in each phase. Any changes to the phasing plan must be approved in writing by Payson City. The applicant may request approval of a Utility Extension Agreement for the infrastructure installed beneath 1300 East. Phasing must be arranged in a manner that provides for adequate access and circulation, efficient delivery of municipal services, and provision of effective public safety access.
5. As required by Title 20, Subdivision Ordinance, the applicant is responsible to complete the utility and roadway improvements for all lots in the proposed subdivision, including the installation of infrastructure in 1300 East and the connection of the existing dwelling on Lot 17 to all City services (drinking water, pressurized irrigation, and sewer). The dwelling is already connected to Payson Power, but the service will need to be provided underground. The connections will need to be completed prior to the issuance of any permits in Phase 3 of the subdivision. The applicant is responsible for the payment of connection and impact fees, transfer of water, disposal of septic tank, and other items associated with the connection to city services.
6. The applicant is requesting approval from the City Council to waive the requirement for installation of the sewer main line in 1300 East. The sewer system has not been designed for the growth area east of the proposed subdivision (area commonly referred to as Haskellville) and a suitable depth of the sewer line is unknown at this time. The applicant is willing to install the drinking water main and the pressurized irrigation main, but would request that the City Council waive the requirement for installation of the sewer main. In accordance with Section 20.22.1, the City Council could grant this request if it is determined that the installation of the sewer main is not necessary at this time.
7. The applicant will need to adhere to the recommendations identified in the geotechnical report prepared for the project. The report indicates shallow groundwater within the project boundaries and recommends that the top of the lowest floor slab be located four (4) feet above the measured groundwater. Additional groundwater level studies must be completed by a licensed Soils Engineer if the lot owner designs the dwelling with a basement. Moreover, the lot owner must demonstrate how the basement will be connected to the shallow sewer system in this area.

8. A storm water plan must be submitted that addresses the storm water storage and discharge limitations for the twenty-four (24) hour twenty-five (25) year storm event. Storm water system details including easements, drainage basins and storm calculations will need to be provided. It is proposed that the storm water generated in the development will discharge into an existing basin located north of the development. An analysis will need to be completed to determine if there is enough capacity in the existing basin to handle the additional storm water.
9. The applicant will need to work with the Payson Power Department on the layout of electrical facilities for the lots in the proposed subdivision. 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 any building permit in the proposed subdivision.
10. The applicant will need to work with the Payson City Fire Chief to prepare a public safety plan that identifies any required fire-fighting facilities (i.e. fire hydrants, turn-arounds) and satisfies the requirements of the adopted fire code. All fees associated with fire hydrant testing and inspection will need to be submitted to the City.
11. There are irrigation facilities operated by the Salem Canal Company adjacent to or traversing the proposed subdivision. A letter from the Salem Canal Company will need to be submitted that addresses the following:
 - a. Authorization to enclose the existing irrigation ditch along 1300 East. The size of the pipe and type of materials will need to be approved by the irrigation company.
 - b. Approval to discharge storm water into the irrigation system.
 - c. Acknowledgement of the proposed transfer of Salem Canal Company shares to help satisfy the water requirements of Payson City.
 - d. Potential impacts on downstream users once the facility is piped.
12. There is an elevation difference along the southern boundary of the subdivision (lots 4-7) and the lots in the Curtis Meadows Subdivision. Special attention must be taken to address lot to lot drainage and stabilization of the slope. Retaining walls or other acceptable stabilization methods may be required during the construction phase if more than a 2:1 slope exists.
13. The project drawings will need to be modified to indicate the following:
 - a. The street cross-section will need to indicate 3½" of asphalt. A note will need to be provided that states that 2½" of asphalt is required at time of construction with a 1" overlay following the construction of 90% of the dwellings or a period of two years from the initial placement of asphalt, whichever occurs first.
 - b. The location of the community box unit (CBU) for the post office will need to be identified. The location of the CBU must be approved by Payson City.
 - c. A cleanout will need to be provided every one hundred (100) feet of the sewer lateral for the existing dwelling on Lot 17.
 - d. The electrical plan will need to indicate that the power service for the existing dwelling on Lot 17 will be provided underground.
14. The Final Plat must be consistent with the regulations of Chapter 20.29 of the Subdivision Ordinance and the approval of the City Council. The Final Plat(s) will need to include the following:
 - a. The project notes indicated on the Preliminary Plan (i.e. retaining walls and basement construction). The note regarding basement construction will need to be modified to indicate that additional groundwater level studies must be completed by a licensed Soils Engineer if the lot owner designs the dwelling with a basement.
 - b. The "Acceptance by Mayor" should be changed to "Acceptance by Legislative Body". The Mayor signs in behalf of the legislative body (City Council), but the approval is granted by the legislative body.
 - c. The "Community Development Director Approval" should be changed to "Planning Commission Approval" and a signature line provided for the Chair of the Planning Commission.
 - d. A signature block will need to be provided for the Payson City Fire Department with a signature line for the Fire Chief.
 - e. A signature block will need to be provided for Questar Gas that includes the standard text required by the natural gas company.
 - f. The plat will need to indicate the use of each lot (i.e. residential – single family dwelling).
 - g. The plats for each phase will need to be referenced as Plat A, Plat B and Plat C.

15. A summary statement of the proposed subdivision will need to be provided that includes total project acreage, total area of each lot or parcel, the total number of units, sizes and lengths of utility piping, and lane miles of road.
16. The following items will need to be addressed prior to recordation of the Final Plat or during the construction phase, as required by City ordinance.
 - a. Complete the transfer of adequate amount of water to serve the development in accordance with Title 10, Water Ordinance of the Payson City Municipal Code.
 - b. Provide a performance guarantee in the form of a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty (120) percent of the engineer's cost estimate for completing project improvements. The applicant will also need to submit, in cash, an amount consistent with the fee schedule of Payson City that will be used to complete public works inspections.
 - c. Provide, in cash, the amount necessary to complete the one (1) inch asphalt overlay for all roadways in the proposed subdivision once ninety (90) percent of the dwellings in the subdivision have been constructed.
 - d. Schedule and conduct a pre-construction meeting with the City Engineer prior to the installation of project improvements.
 - e. The applicant will need to be aware that prior to excavation and installation of public improvements, the Final Plat must be recorded, and prior to the issuance of a building permit, all required infrastructure, including the installation of asphalt and private utilities will need to be completed, inspected and approved.
 - f. 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.
 - g. Prior to the improvement of the site and construction of any structures, all debris and waste, including unused construction materials and asphalt will need to be removed from the site and may not be used as fill material.

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 approval of the Morning Meadows Subdivision, a traditional subdivision consisting of seventeen (17) single family dwelling lots in the R-1-10, Residential Zone. 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.

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 Warner asked why the sewer was is so shallow in the area.

Commissioner Beecher stated that the engineering requirements stipulate the required slope on sewer lines and that is how the elevations have been engineered and constructed.

Commissioner Peterson asked for clarification of the geotechnical study requirements.

Planner Spencer stated that the geotechnical study had been completed for the entire subdivision and the recommendations in that study stated that first floor slab needs to be 4 feet above the groundwater level. If a purchaser desires to have a basement additional investigation would need to be completed to verify the elevation of the groundwater on a lot by lot basis.

Commissioner Beecher asked for clarification on the location of Payson City boundary, if the lift station that is being installed to serve the existing home is public or private, if fire flow tests had been completed or modeled for the development, on how the Storm Drainage was being piped away from the development, if the existing ditch on the south property line was used by any other properties for irrigation, on what day that the testing for ground water had occurred on, on the sizing of lots 13 and 14 and if they were large enough to construct a home with the required setbacks.

Planner Spencer stated that the boundary line is close to the center of the road, the lift station will be private ownership, fire flow inspection would be addressed with the Fire Chief's review, the ditch services just the subject property.

Project Engineer, Brandt Tuttle of Northern engineering stated that there is any existing storm drain line in 1250 east and the development would tie into the existing facilities and that it is flowing into the regional storm pond.

Tuttle gave clarification of the storm drain connections, and stated that the study was completed two days after the property was irrigated.

Commissioner Peterson asked about what the expected home values would be for the development.

The applicant, Karl Faulkner, stated that they are 1/3 acre lots and the expected pricing would range from \$260,000 to \$300,000 and stated that the property was large enough for the house sizing.

Walt Johnson, an adjoining property owner and Salem Canal company representative, expressed concerns with an apparent overlap of the property to the east side of 1300 East (2300 West Utah County Coordinate) of the property and was approached with a quit-claim deed for the apparent overlap and stated that the county engineer required that the property would need to be acquired by the developer and the right-of-way would need to be dedicated to either to Payson or the county. Performing their due diligence in regards to quit-claim deed to determine the property overlap and get those issues addressed. Salem Canal Company has given the requirements for the construction of the piping and the outlet boxes for the canal. However there is no outlet further to the north of the Manglesen's property. In the past there was existing piping for flood irrigation drainage for the property's to the east and stated that there is no connection to the ditch located on 10300 South. The concern is what is Payson City's plans to address the flow of water in this area. There has been a history of flooding in the area due to irrigation and storm water runoff. Ground water from Salem Canal to 1300 East is considerably high due to irrigation and rain however there are new facilities that have been installed by other development that has become a field drain that has addressed the issue to some degree. He is not against the subdivision occurring however he is concerned with the quit-claim deed requested by the developer and he wants to ensure that he has his deeded property.

Commissioner Peterson asked for clarification of a quit-claim deed.

Commissioner Beecher stated that it is the least binding conveyance of land title.

Judy Grantham had questions regarding timing for the three phases, who would be responsible for the road way improvements, and if environmental impact studies had occurred and in impact studies had be completed regarding schools, water, and road way

Brandt Tuttle stated no environmental impact studies are required due to the agricultural use, the road way will be improved and widened on the west side of the road way. The roadway aligns with the existing curb, gutter, and sidewalk to the south. The boundary issues do need to be resolved. This can be done by completing a property survey of both properties updating the legal description to reflect the actual property boundary lines and maintain the property that the neighboring owners have title to.

Karl Faulkner of Kestrel Construction and representing the purchaser, has attempted to talk to Johnson personally to try and work out the issues. He stated that the properties along the road way have antiqued legal descriptions that are erroneous. He believes that they will be able to shift the property lines to the east to allow property owners to maintain their deeded properties. The Zeeman property has a prescriptive easement for the roadway due to 47 years of use to access his property. With the survey they would be able to address the utility easements as well as the roadway dedication. He plans to pipe the ditch along the 1300 East to the requirments of Salem Canal Company. He is willing to follow the engineering recommendation of no basements but would like to have the opportunity to construct basements with the proper study. Engineering will be done to address the Salem Canal Company criteria. The timing of development will be market driven and hopefully will proceed quickly to develop and complete the road way. No traffic studies have been completed or required.

Ted Fitzgerald, a neighboring property owner, asked what is the minimum size of the homes that are going to be constructed and is concerned with the size of the lots and believes there needs to be larger houses on the lots to maintain the property values of existing home.

Justin Faulkner stated that the C, C & R's will require a 1,200 square feet for a ramble and 1,800 square feet for a two story home.

Mr. Fitzgerald stated that he believes that 1,200 square feet is to small of a home a thinks that it will drop the property values.

Walt Johnson stated that the Salem Canal may be used as a drain system for the City's pressurized irrigation system. He stated that Salem Canal Company is not to be used as a drain system and is only to be used as a ditch to transport water to farmers to irrigate their fields. The process of due diligence will not provide a fast solution to the boundary line issues that exist on the east side of the property. In the past, the traffic speed was post at 40 mph and subsequently reduced to 25 mph and there is no traffic speed enforcement and no signage designating the speed. Loafer ridge drive has sidewalk south side and north only has curb and gutter and is concerned with the city's consistency regarding curb, gutter, and sidewalk.

Justin Faulkner stated that they are working on addressing the issues regarding the property, timing for the quit-claim deed of the property. He stated the storm drain issue are more lot specific and it runs onto his property. The issues are a responsibility of Payson city. The parcels are 1/3 acre lots and the CC&R's are similar to the neighboring subdivisions. They are planning on building midlevel homes around 1700 square feet. There will be no siding, only stucco and hard-i-board with a percentage of stone on the homes. He has vesting interests to ensure that the quality of homes needs to be enough to maintain property values up. He stated that they are willing to do the survey and title work for the property owners.

Robert Zeeman, the current owner of the property stated that the piping along the property is just for irrigating his property. He is concerned with the realignment of the road and the location of the curb, gutter, and sidewalk in relation to his existing home. He also stated that he is concerned with the phasing and how long it will take to install the improvements along his property and lots that he was retaining. He expressed his concern with the elevation of the water table.

Planner Spencer stated that the phasing plan that has been provide by the applicant does meet the city ordinance and they will need to follow the conditions stated in the ordinance.

Robert Zeeman asked how far the sidewalk would be from his house and if the existing trees would be removed.

Brandt Tuttle stated that the sidewalk would be within 8-9 feet from his existing home and trees would need to be removed.

Don Mangelson asked where the location of the pipe would be.

The pipe will be located in the planter strip

Don Mangelson asked for clarification of the location and direction of storm drain system that will be installed and how it will be handled. He is concerned with the current construction of the existing storm drain system and storm pond and how it is not handling the current storm water. He also stated that he is concerned with elevation of the existing sewer line and concern with the sewer flowing.

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

Commissioner Beecher is concerned with the phasing. Phase 2 should include the improvements along 1300 East to reduce the chance of problems for storm water, fire flow, etc.

Commissioner Nichols asked for clarification on the roadway improvements.

Commissioner Beecher stated that 1300 East Road will be widened and the remaining improvements would be installed.

Commissioner Peterson asked about possible traffic calming devices.

Planner Spencer stated there are certain standards that would need to be designed by an engineer. These standards would be driven by traffic studies.

Motion by Commissioner Beecher to recommend approval to City Council of preliminary plat contingent to staff conditions and addressing modifications to the phasing plan. Seconded by Commissioner Nichols. Motion carries.

COMMISSION AND STAFF REPORTS

Commissioner Peterson stated that there is going to be a deli on Main Street.

Commissioner Beecher asked for clarification on city's requirements for regional ponds, and the requirements for other entities requesting a signature block on the plat.

Planner Spencer stated that regional ponds are allowed however there are some areas of town where there are not any regional ponds located. If there is no regional pond close then storm drainage needs to be handled on site. The city is required to have a signature block on a plat if an entity, such as Salem Canal Company requests it. Questar gas has requested that they be on each subdivision plat.

Commissioner Peterson stated that the storm pond that was constructed on 600 east didn't seem to catch the storm water that was flowing and it ended up 3 lots from the storm pond.

Motion by Commissioner Nichols to adjourn.

Meeting adjourned at 8:50