



**NOTICE OF MEETING AND AGENDA
PLANNING COMMISSION
APRIL 9, 2024 AT 7:00 P.M.**
City Council Chambers
110 South Main Street
Springville, Utah 84663

The agenda will be as follows:

Call to Order

- Approval of the Agenda
- Approval of Minutes: March 26, 2024

Consent Agenda

The Consent Agenda includes items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. If there are no objections or comments, the item(s) will pass without further consideration

Administrative Session

- 1- Welcome New Commissioners, Training
- 2- Elect Chair and Vice Chair

Legislative Session – Public Hearing

- 3- Carla Amor requests an amendment to Springville City Code 14-5-113 Water Facilities to change the requirements for utility improvements in small subdivisions. - Carla Wiese
- 4- Eternal Springs, LLC requesting to amend the Springville City Code, 11-4-301 Land Use Matrix to permit Senior Independent Living in the Neighborhood Commercial (NC) zone. - Carla Wiese

Adjournment

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

This meeting was noticed in compliance with Utah Code 52-4-202 on April 5, 2024. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendas-minutes. Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at www.utah.gov/pmn/index.html. Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.

IN ATTENDANCE

Commissioners Present: Chair Karen Ellingson, Genevieve Baker, Michael Farrer, Ralph Calder and Brett Nelson

Commissioners Excused: Ann Anderson, Rod Parker

City Staff: Josh Yost, Community Development Director
Chris Creer, Assistant City Attorney
Carla Wiese, Planner II/Economic Development Specialist
Heather Goins, Executive Assistant

City Council: Jake Smith

CALL TO ORDER

Chair Ellingson called the meeting to order at 7:01 p.m.

APPROVAL OF THE AGENDA

Commissioner Nelson moved to approve the agenda as written. Commissioner Farrer seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

March 12, 2024

Commissioner Farrer moved to approve the March 12, 2024 meeting minutes. Commissioner Calder seconded the motion. The vote to approve the meeting minutes was unanimous.

CONSENT AGENDA

No items

ADMINISTRATIVE SESSION

1) Discussion of options to address the Western Paving's request, continued from the March 12th meeting.

1:39 Josh Yost, Community Development Director, presented. Earlier, he sent the Commissioners a memo that summarizes the points of discussion for tonight. There are two questions that came from the last meeting 1- Does the request meet the requirements of the MPS overlay? The answer was no. One issue is the property doesn't have enough frontage and 2- Does it comply with or is it in harmony with the Dry Creek Community Plan? And the consensus was the Commissioners and Staff generally feel that it doesn't comply with the plan.

At the last meeting, the motion to continue was to find a way to do both: grant zoning on a temporary basis AND allow Western Paving to expand their business and continue operating on their existing property. The latter is not in question.

The fundamental question is what we want the future of the area to look like. We follow the Dry Creek Community Plan as is and deny the request or approve the request and change the plan to allow more heavy industrial growth in the area. Staff and Administration believe meeting both goals is nearly impossible. If we want the Dry Creek Community Plan to have more industrial area, we need to change the plan first.

4:28 There were internal discussions about temporary zoning. There is no theoretical or reason in the State Land Use Development and Management Act that says why we couldn't, but no one on staff has seen it done. We concluded that it is messy, risky and very hard to undo vesting in land uses, even if we intend from the outset to make it temporary. We spent time with our outside legal counsel and their conclusions were that denial is the safest path forward and if we don't want this here in the future, meaning the additional 13 acres, don't allow it. They have never seen a limited duration zone and they don't see any regular or kind of standard mechanism that has been used before to do this. There is nothing that necessarily prohibits doing it, but it is muddled with legal issues. Denial is the safest path forward, if we don't want this here now, don't allow it now.

5:47 We could amend the zoning code to require the use to stop when residential use encroaches within a determined distance. Or set a time or trigger based sunset provision as part of a development agreement.

6:43 Commissioner Nelson confirmed that outside council has advised against this. Director Yost said yes.

6:56 We have evaluated the options and doing either of these would permit expansion of current business and send conflicting signals to other property owners. It invites legal challenges and presents risks to future elected officials. We asked how we will respond to future requests. This matter came up because the original rezone and the overlay were initiated because the applicant was violating by operating their business in violation of Springville City code. They came in after the fact and asked for consideration to accommodate their operation.

8:19 What about the plan? We can re-evaluate if the Planning Commission wants to look at keeping Western Paving and go through a rigorous process by doing a better job of outreach and engagement and do an economic analysis to determine the economic impact to the city. We would want to do some fiscal impact analysis to determine economic impact for different land uses. We did this in the beginning. We didn't compare that against a baseline or current scenario. We can look at the land uses again. We could change to heavy industrial or similar use on SR-51. We could spend money to improve the street, making it more inviting.

10:26 In terms of the plan, we could divide the planning area that has more frontage on 1600 S and area that is related to SR-51 and use the former interurban rail line

corridor as a divider line and change the future land use to that area as industrial use.

11:16 We were asked at the last meeting about other applications we had in this area. Three years ago, we had an application for a property North of Western Paving to apply the MPSO. On April 13, 2021, Staff and the Commission recommended denial to Council for the same rationale as the Western Paving recommendation as was noted in the memo he sent out. We were just starting a plan and we didn't want to limit our future options or preclude future planning decisions by expanding the use or implementing a heavy use in the area which may have been out of character with what the plan might recommend.

Director Yost apologized that the memo didn't come sooner before the meeting, but he has been working on it. There may have been some misunderstanding to the intent. He had Heather add a potential action item on the agenda tonight to provide the Commission the opportunity to take a vote, if desired, tonight. We are not pushing for a vote tonight, just kept the door open.

Commissioners discussed briefly and decided to move the item to a public hearing.

LEGISLATIVE SESSION:

- 2) Western Paving Inc. requests an amendment of the Official Zone Map to apply the Materials Processing and Storage to parcels 26:054:0080, 26:054:0063, and 26:055:0098, consisting of 13.6 acres, located to the rear of the existing Western Paving operation at 2021 South State Street. -Josh Yost
jyost@springville.org 801-489-2705***

Chair Ellingson asked for a motion to open the public hearing. Commissioner Farrer moved to open the public hearing. Commissioner Calder seconded. The public hearing was opened at 7:18 p.m.

16:34 Dan Sumsion 2120 S State

Mr. Sumsion said they did the zoning the right way years ago and did a lot to meet city standards, which cost a lot of money. This is where we want the forever home of Western Paving and its employees. Officer Willardson came out in January to double check on our zoning. We assured him we were good. We met with John Penrod; he was aware of the direction we were going and said to proceed. This is what started this whole thing. Then we get to the overlay. As far as we can tell, we have looked and there has been no communication with the Dry Creek Community Plan with us. Our major denial is based on the future of the Dry Creek Community Plan, that we just became aware of. It has become very concerning. We were withheld a chance to have part in that design. We feel that we may be forced out. I would like to go back and have more say. The Commissioners said last meeting, let's go back and see if we can have a peaceful resolution for both the city and us. Today he was told, 'In no world does this work.' That was hard to take. This is disturbing. Over the year, the business owners have been red tagged for things that were not in compliance. Yet the city was doing the same things: stockpiling concrete and asphalt while our gates were being locked. The city owns property near I-15 where they have a month-to-month lease with a customer.

They crush. It is ok for the city, but it isn't OK for us. It is a 'do as we say, not as we do' mentality.

24:42 Scott Sumsion 1833 E 200 S

Scott is an employee at Western Paving. In the last meeting, he asked if the city will abide by the same code and ordinance with the overlay. The times he has asked that, the city staff and employees have drawn a blank. He feels that if it is good for us, it is good for the city. And if that is the case, the primary argument against allowing our adjustment to the overlay is it will carve out additional area from the new Dry Creek Community Plan. He proposes that if the city abides by what we must. There will have to be a change in the Dry Creek Plan because it is already closer than 600 feet. Another point is it is characterized that we are expanding. But as an employee, we are trying to move the recycling back and down the hill, so it is away from neighbors. The area we are using is just 250 feet. The other point disallowing this is we will have to keep the operation up on the hill and it will be more visible to the area.

28:02 Brent Sumsion 316 S Aspen Drive Mapleton. Utah

He spoke with a certified wetlands scientist, Ron Kass, a Springville resident. He is very knowledgeable. He spoke about the conditions of the WPI property. Ron referred him to a Fish and Wildlife survey map, showing certified wetlands from the Army Corp of Engineers. It heavily impacts this subdivision in this area. If you are familiar with Army Corp of Engineers restrictions, it makes it complicated to build structures and change the wetlands without a permit. No earthwork can be done beforehand, and it requires mitigation. It is complicated and expensive. This land is heavily impacted with wetlands. This is a reminder that Western Paving is a viable thriving enterprise and provides services here, in the county and in the state. And provides over 200 well-paying jobs with medical and retirement benefits. Provides sales tax to the city as well. Industrial property is some of the most valuable property and it is hard to find. Property taxes are large. We are benefiting from property taxes and revenues. You have a viable thriving business already here and to replace that is not easy. Retail businesses are struggling. Commissioner Rod Parker said he can attest to that. That needs to be considered.

34:54 Tim Parker 2310 S State

Mr. Parker is the nearest neighbor to WPI. He believes the best predictor of future behavior is current behavior. They were granted the only MPSO operation in the city. It was granted by the Planning Commission, and it appears they are choosing to ignore zoning laws once again by developing a new track of land that is not permitted to be operated on by WPI. They have been operating there for at least a year. He believes they have violated the operations by processing and storing concrete exceeding the allowed amount and operating well within the 600 feet buffer zone they were graciously given. It is in the City Code that silica, a known carcinogen, must not exit the property boundaries. He can say with certainty that whenever there is a high wind event, this occurs. They made significant changes in their already approved site plan and could do so again. There is no definition of a residence in city code. It is understood that his residence extends to his property lines. I expect that I can use my yard. He believes you should not approve this request as it violates city code. He feels WPI has violated that trust in the past. This body should abide by their decision. He asked what commercial housing or commercial development will locate near a concrete crushing plant. Western Paving's current land use won't be impacted.

39:51 George Bird 869 N 800 E

He is a citizen and a contractor. He worked on some big projects in the state, the data center and was a project manager and the airport. He was the contractor on Western Paving's new building. They put a large investment into their property and made their home into Springville. Springville has other projects they are building. If the State came in and said there was going to be a prison next to the new high school, that would be a slap in the face to that development. Western Paving has just invested their whole home into an area that was designed for what they are going. It is underhanded to knock them out. Springville has the chance to embrace what they already have in the city. That is his vote.

43:11 Skip Dunn Orem Utah

Mr. Dunn has 10 acres along Western Paving's property. There is a long history of people moving dirt in that area. He hasn't been contacted about the Dry Creek Community Plan. He had intentions to build commercial buildings there. He hadn't come to look for permits yet because he wasn't ready. He wants to keep everything positive down there where we can all live together. Nobody likes to see that we produce, but they use it every day as they drive on the roads and fix their water lines. This City is growing, and everyone uses their products. He is very impressed with WPI and what they have done. He hasn't seen anything down there that isn't a positive move. For every problem, there is a solution, let's find one.

45:57 Terry Larson 1800 S Hwy 51

We applied at the same time Dan applied for the overlay and we were denied. We have no problem with what Dan is doing. He would like the overlay to expand to our land if they are allowed to have it. He is aware of the Dry Creek Community Plan and wasn't aware that what he is seeing now is set in cement. He isn't into rewriting the world or changing what Springville City thinks is going to work for them, but he thinks we ought to take a good look at what we are doing down there. He asked to not just do things without taking everybody into consideration. He supports Dan and what he is doing. We abut his property and would like the overlay extended to our piece.

48:18 Spencer Peterson Demon Diesel 2050 S State

Mr. Peterson is Dan's next-door neighbor. He hasn't seen any dust. He was made aware of the Dry Creek Community Plan recently. At first, he was OK with them building the freeway and making his property more valuable. He rented a building for 10 years and then paid full market value on appreciated market. You put all this money into something, and then you hear the city wants to do the Dry Creek Community Plan. What bothers him is he can stay but not expand. He has employees that he oversees. He feels handcuffed not being able to expand his business, because the zoning will be residential. We are sitting ducks until this happens. This is not difficult. Just leave the industrial pieces and use the Dry Creek Community Plan. There is a road proposed right through my building. That doesn't make me happy. The path forward he sees is to readjust the Dry Creek development.

52:35 Mont Jensen 2250 S SR-51

Mr. Jensen's business is South of Sumsion's and North of Mr. Parker. He has not seen dust. He has no problem with what Dan is doing. None of us in the area have been made aware of the Dry Creek Community Plan. We didn't get notified and we are upset and up in arms. He bought this property in 2016 with the intention because it was LIM he could run his business from it. That is why he purchased it. No one gave us the chance

to give input into the Dry Creek thing until now. He had problems with overlays and he had a previous business that processed materials. He is not in compliance but is working on it. He will look into the overlay. He put his life and all he had into this property. And it feels like it is being taken away from him and hasn't asked our opinion.

55:18 Calvin Crandall 1034 S Main

He is adjoining landowner to the West of WPI. He was aware of the Dry Creek Community Plan. He was involved to an extent on 1600 S and moving South. His property moves to the East. He forgot what Dan was doing in terms of material handling. His land is agriculturally based, and he is OK with WPI. Will the future push Dan out, maybe. It was mentioned earlier that you could put some conditions on this, you are precluding someone from using their property. Is this LIM, and if it fits, I don't know how you can deny WPI from expanding. Either make it fit or deny it. He wished Commissioner Parker was here as he had a development in Oregon and he knows what this is like. I don't have a problem as it stands. It may be an issue in the future as development comes in, but maybe not. We will cross the bridge when we get there. He visited with several people in the last few days and suggested some adjustments on the transitions to provide more of a buffer rather than just housing.

1:00:29 Dan publicly thanked Mr. Crandall. He has the most to gain and most to lose, so we appreciate his kindness. He has been doing this 21 years and the future scares him. He appreciates the property owners standing up. Everyone that stood up said the future plan is to be village mixed. He doesn't know what that means for a bunch of LIM ground. We bought it in 2007. We want to be here; we love this town. We want to be good stewards of this community and would like your help with that.

Commissioner Calder moved to close the Public Hearing. Commissioner Nelson seconded. The public hearing was closed at 8:04 p.m.

Chair Ellingson said the options are to continue, recommend approval or denial. She didn't think anyone was particularly thrilled with the idea of continuing the item again. Commissioner Nelson asked Director Yost to tell where the Dry Creek Community Plan information was communicated. Director Yost said we reached out to property owners in the area and residents. We had participation from people in the neighborhoods to the North of 1600 S and we had a couple of people come from the South end of 51 and we had several different business owners. Representatives of WPI were there. They may not have had the opportunity to engage in the process as much as they would have liked. There was a charette in August of 2020. We are never perfect, and we can do better, but we felt that we did a good job. This has spanned a lot of years, and we may have property owners here today that weren't property owners in the beginning. We never want to come into a meeting where somebody feels like they haven't had the opportunity to participate in a process that affects them and their property and their livelihood. Commissioner Calder asked if all of those meetings are public record. Director Yost said yes.

1:06:20 Commissioner Nelson said whatever the outcome of this evening's recommendation, we need to make sure it is fair across the board. Three things come into play: 1- precedent, 2- strategy with the Dry Creek Community Plan and 3- disallow people from making a request for change when they are already practicing that change on the property. We need to decide those.

1:07:21 Chair Ellingson said there were comments about the buffer zone. She asked Attorney Creer how that works. He said it would be hard to take the buffer away when you have already given it. We would stick with the 600 feet buffer. We can look across the State and see if different answers come from that, but we haven't looked into that. Chair Ellingson asked if it would be advisable for the city to look at adjusting the code if no other use comes in, to say if there's a use it's in place and it has a buffer that no other use will encroach on that buffer. Attorney Creer said to be consistent.

1:08:45 Director Yost said coming to the nuisance question, do you have an answer for that one. Attorney Creer said it hasn't come up yet, but we need to be consistent and come up with answers sooner rather than later.

1:09:33 Commissioner Farrer said he thinks we need to have an opposing view from what was said previously from one of the Commissioners. His concern is the property owners, like Crandall's, and if this would cause him problems. He has been thinking it should be denied. But tonight, he feels more comfortable that we need this business in Springville. Retail businesses are dying on the vine. With a viable business and for us to turn against them, it doesn't make a lot of sense. The city is slow in their projects. He asked what is going to hamper this if WPI is allowed to do this. He is not concerned about it and thinks it should be allowed.

1:13:35 Commissioner Baker respectfully disagrees. Just because we may not be here then, doesn't mean it doesn't matter. There was a lot that went into the Dry Creek Community Plan. If it were reconsidered, that would be up to the City Council. At the advice from Council, that if it is something that Springville decides they want to re-look at and change, or if they don't want it to be there. Creating temporary zoning is not how zoning is created to work. Instead of making small allowances for one person, it should be re-evaluated. In this case, giving a halfway option is risky. It gets murky later. If we grant the overlay, it then carries on from perpetuity. This is Western Paving's home for the foreseeable future. The zoning we put in place is also for the future. She recommends they deny the overlay application in lieu of giving the City Council the option, they can do the opposite of what we recommend. And if the Council re-looks at the plan and makes the change, there is a 1-year moratorium from reapplying again. Right now, it doesn't fit with the plan. It is kind of capricious to make these concessions for one applicant and not for another for the same reason.

1:18:47 Commissioner Farrer feels it is already murky. He asked about the 1000 or 600 feet and was told with a business license it is 600 feet. And saying we shouldn't make a change for one person and not for another, we do it all the time. Commissioner Baker disagrees. Commissioner Farrer said if we need to make this change here, and a neighbor needs it, we should adjust the plan.

Commissioner Nelson thanked the people for coming out. This plan has been approved by the City Council, if the council looks at this, that is the only way he could in good conscience make a change without looking at the whole plan. Commissioner Baker said that is the proper course. Instead of making decisions on one person, code, plan, etc., if it isn't working, if we make changes, we want to fix the code not just put Band-Aids on things. It is best if we do make a change in the code or the plan if the Council feels that is the best. Commissioner Nelson agrees.

Commissioner Farrer feels if we deny the overlay, we are then approving the plan.

1:22:47 Commissioner Calder said he takes the candidate out of the equation. He has empathy for them. They have put a lot of money into their project. They count on something happening for their business. But there was a decision that was denied to another applicant. We are not the Chamber of Commerce to help people have their businesses succeed. He wants that to happen as he has his own business. We are living in a different place than he grew up in. He thinks we need to look at the integrity of the council and what people are going to be able to count on in the future. As a business grows, it needs more land. And that is why we have overlays and zoning. And once the freeway interchange is done, land will be very expensive. They need to be able to count on how things are working. We have to have integrity and take out the candidate, otherwise it creates bias. Whether the business is successful or not should not be considered. I am not saying we don't affect families; I'm saying that we have to consider this on the merits of what the zoning is.

1:27:30 Commissioner Nelson agrees but takes into account the business. But that is part of our job. We are making decisions and affecting families in the community. Commissioner Calder said he isn't saying we don't affect families; we affect the zoning. Commissioner Nelson wants to make sure our citizens are treated fairly and the city as well. Chair Ellingson said it is important to take into account the plans and why they are in place. If it doesn't comply with the plan in place, should the plan be changed. Is the plan what we want or is it not quite doing what we had envisioned. Rather than pushing it from the other direction, we are making zoning changes that conflict with the plan in place. She agrees with Genevieve and asks is this plan not just our vision but the vision the community has for the way that the community wants to develop. The City Council needs to be a part of that process.

1:30:08 Commissioner Nelson moved to recommend denial of the Western Paving Inc.'s requested amendment of the Official Zone Map to apply the Materials Processing and Storage to parcels 26:054:0080, 26:054:0063, and 26:055:0098, consisting of 13.6 acres, located to the rear of the existing Western Paving operation at 2021 South State Street. This recommendation is made with the master plan in mind. If the City Council decides that we need to reconsider the plan after hearing the same things we have heard, this can be discussed further at a later date.

Commissioner Baker seconded. The vote to approve the Legislative Session item(s) was as follows: Commissioner Farrer votes nay so that can make the master plan be changed. Commissioners Ellingson, Baker, Calder and Nelson voted aye.

Chair Ellingson thanked those from coming out. It helps us to hear from those who are affected by these decisions. We are glad you are here.

Director Yost recognized Commissioners Farrer, Ellingson and Parker for their service on the Planning Commission in all the years they served, as this is their last meeting.

With nothing further to discuss, Commissioner Farrer moved to adjourn the meeting. Commissioner Baker seconded the motion. Chair Ellingson adjourned the meeting at 8:35 p.m.



**PLANNING COMMISSION
STAFF REPORT**

Agenda Item #3
April 9, 2024

March 18, 2024

TO: Planning Commission Members

FROM: Carla Wiese, Planner II/Econ Dev Spec

RE: **Carla Amor requests an amendment to Springville City Code 14-5-113 Water Facilities to change the requirements for utility improvements in small subdivisions.**

Petitioner: Carla Amor

Summary of Issues

- Does the proposed request meet the requirements of the Springville City Code, particularly 14-5-113 Water Facilities?
- Does it maintain the intent of adopted engineering specifications while not impeding future level of service?

Background

Carla Amor owns the property at 85 S 800 E, Parcel 23:046:0122. Ms. Amor applied to subdivide the parcel to build a home for her son. The application moved through the Development Review Committee process, and engineering advised that to meet the requirements of Springville City Code 14-5-113 Water Facilities, "all improvements, whether on-site or off-site, which provides direct benefit to the subdivision shall be constructed and paid for by the developer." The code further states in 14-5-113(1) Culinary Delivery System, "Both off-site and on-site water mains of not less than eight inches (8") in diameter shall be installed so that each lot may be served therefrom." Under the current code, the existing four-inch (4") water would need to be brought up to the eight-inch (8") standard. Ms. Amor stated that the requirement would be prohibitory to subdividing the lot and requested the zone text amendment after meeting with the City Engineer.

Discussion

The requirement for an eight-inch water main stems from the requirements of Utah Administrative Rule R309-550-5(4) Water Main Design, Minimum Water Main Size, which states, "For water mains not connected to fire hydrants, the minimum line size shall be 4 inches in diameter. Minimum water main size, serving a fire hydrant lateral, shall be 8 inches in diameter unless a hydraulic analysis indicates that required flow and pressures can be maintained by 6-inch lines." Developers of new subdivisions are required to bring infrastructure up to current specifications; the existing water main that serves the newly created lot is four inches (4") and, under existing Springville code, would need to be brought up to the current eight-inch (8") minimum standard. Springville requires the larger 8" water line to accommodate

both culinary and fire suppression water flow in the same line; typically, a 4-inch line for culinary and a 6-inch line for fire suppression is sufficient but when culinary and fire suppression are in the same, an 8-inch line is required to accommodate the flow.

The City Engineer has determined that the existing 4-inch line will be sufficient to provide the added culinary water flow. There will not be additional fire suppression flow added to the water main.

Staff finds that the proposed amendment, as submitted by the applicant, is too broad and the intent of the Springville City Code, which is to ensure that infrastructure is improved in a manner that will serve new construction and provide for the safety of the community may not be served if the broad language is adopted.

"14-5-113 Water Facilities The applicant will be responsible to participate in the creation of a safe water supply for the subdivision, if more than three lots, and the delivery of water to all habitable buildings and each lot in the subdivision for domestic use and fire suppression. All improvements, whether on-site or off-site, which provide direct benefit to the subdivision shall be constructed and paid for by the developer, if subdivision consists of more than three lots. All transfer and conveyance of water rights shall be consistent with all applicable Springville City ordinances and resolutions. The following applies to subdivisions of more than three lots.

- (1) Culinary Delivery System. Both off-site and on-site water mains of not less than eight inches (8") in diameter shall be installed so that each lot may be served therefrom."

Springville City Engineer has proposed alternate language that is narrower in scope, meets the needs of the applicant, and maintains the intent of the specifications for future development. Staff support adopting the alternate text amendment as submitted by the city engineer.

"14-5-113 Water Facilities. The applicant will be responsible to participate in the creation of a safe water supply for the subdivision and the delivery of water to all habitable buildings and each lot in the subdivision for domestic use and fire suppression. All improvements, whether on-site or off-site, which provide direct benefit to the subdivision shall be constructed and paid for by the developer. All transfer and conveyance of water rights shall be consistent with all applicable Springville City ordinances and resolutions.

- (1) Culinary Delivery System. Both off-site and on-site water mains of not less than eight inches (8") in diameter shall be installed so that each lot may be served therefrom.

a. The requirement for a new eight-inch (8") minimum water main to be constructed is not required if the following existing conditions are satisfied:

- i. Subdivision is an infill property with no more than two (2) lots.
- ii. All frontage and utility improvements are complete and existing, and no additional street frontage infrastructure improvements are required except for new water and sewer services.
- iii. The existing water main available for water service connections is a minimum of four inches (4") as required by Utah Administrative Rule 309-550-5 Water Main Design.
- iv. No additional fire suppression improvements are required, such as fire lines or fire hydrants, and a fire flow deficiency does not exist to cover the new lots.

The development of infill lots for residential uses is consistent with the goals of providing attainable housing and maintaining and strengthening residential neighborhoods.

Staff Recommendation

Staff recommends the adoption of the alternate text amendment as submitted by the city engineer.

Recommended Motion

Move to recommend adoption of the amendment to Springville City Code Title 14 Chapter 5 Article 1 Section 113 as presented by the city engineer.

Attachments

1. Applicant Proposed Amendment
2. City Engineer Alternate Amendment
3. Utah Administrative Rule 309-550-5(4)

Attachment 1: Applicant Proposed Amendment

My purpose in changing the code (14-5-113) is to be able to split (subdivide) my current lot on 85 s 800 e, in order to build a starter home. The code as written requires "subdivisions" to be responsible for installing 8" diameter water mains, paid for by the "developer." I do not consider myself to be a "developer," as my only concern is to provide a lot for my son to build on. The estimated cost of installing an 8" water main is \$56,000. This makes building a starter home impossible. I would like to change the code so that people in my situation can build without the burden of improving the city's water mains. In addition, the current plan to improve the mains will occur in three years. The addition of one or two houses should not burden the city's current lines beyond capacity. It makes sense not to require a small subdivision (two or three lots), to improve the water mains, as these will be improved by the city in three years.

Proposed change in code:

14-5-113 Water Facilities

The applicant will be responsible to participate in the creation of a safe water supply for the subdivision, **if more than three lots** and the delivery of water to all habitable buildings and each lot in the subdivision for domestic use and fire suppression. All improvements, whether on-site or off-site, which provide direct benefit to the subdivision shall be constructed and paid for by the developer **if subdivision consists of more than three lots**. All transfer and conveyance of water rights shall be consistent with all applicable Springville City ordinances and resolutions. **The following applies to subdivisions of more than three lots.**

- (1) Culinary Delivery System. Both off-site and on-site water mains of not less than eight inches (8") in diameter shall be installed so that each lot may be served therefrom.
- (2) Pressurized Irrigation System. Water distribution lines for a pressurized irrigation system shall be installed as required by the City. The location, size, and design of these facilities shall be in accordance with the City's secondary irrigation plans and standards or as directed by the City Engineer. The City Engineer, in consultation with the subdivider and with the approval of the City Council, may determine that these water lines should not be installed at the time or the other subdivision improvements. In such cases, the City may accept a cash payment, in the amount estimated by the City Engineer to equal the cost of installation of the pressurized secondary water distribution mains and services to the subdivision. The cash payment for these improvements shall be held in a restricted account for the sole purpose of installing secondary water lines and services in the future. Said subdivision and platted lots will not be assessed any fees in the future for the installation of said mains or services, but may pay such other connection or other applicable fees as the City Council may elect to assess or charge prior to the receipt of service from the City's pressurized secondary irrigation system.

Attachment 2: City Engineer Alternate Amendment

DRAFT

City Engineer Proposed Amendment to City Code

14-5-113 Water Facilities.

The applicant will be responsible to participate in the creation of a safe water supply for the subdivision and the delivery of water to all habitable buildings and each lot in the subdivision for domestic use and fire suppression. All improvements, whether on-site or off-site, which provide direct benefit to the subdivision shall be constructed and paid for by the developer. All transfer and conveyance of water rights shall be consistent with all applicable Springville City ordinances and resolutions.

- (1) Culinary Delivery System. Both off-site and on-site water mains of not less than eight inches (8") in diameter shall be installed so that each lot may be served therefrom.
 - a. The requirement for a new eight inch (8") minimum water main to be constructed is not required if the following existing conditions are satisfied:
 - i. Subdivision is an infill property with no more than two (2).
 - ii. All frontage and utility improvements are complete and existing, and no additional street frontage infrastructure improvements are required, with the exception of new water and sewer services.
 - iii. The existing water main available for water service connections is a minimum four inches (4") as required by Utah Administrative Rule 309-550-5 Water Main Design.
 - iv. No additional fire suppression improvements are required such as fire lines or fire hydrants and a fire flow deficiency does not exist to cover the new lots.

(2) Pressurized Irrigation System. Water distribution lines for a pressurized irrigation system shall be installed as required by the City. The location, size, and design of these facilities shall be in accordance with the City's secondary irrigation plans and standards or as directed by the City Engineer. The City Engineer, in consultation with the subdivider and with the approval of the City Council, may determine that these water lines should not be installed at the time or the other subdivision improvements. In such cases, the City may accept a cash payment, in the amount estimated by the City Engineer to equal the cost of installation of the pressurized secondary water distribution mains and services to the subdivision. The cash payment for these improvements shall be held in a restricted account for the sole purpose of installing secondary water lines and services in the future. Said subdivision and platted lots will not be assessed any fees in the future for the installation of said mains or services, but may pay such other connection or other applicable fees as the City Council may elect to assess or charge prior to the receipt of service from the City's pressurized secondary irrigation system.

(3) Water Rights Conveyance.

(a) For single and multi-family residential subdivisions, a developer must convey to the City water rights as required under Section 11-6-124. This conveyance must be completed before the subdivision may be recorded or the commencement of subdivision infrastructure improvements, whichever is to occur first.

(b) Pursuant to Section 11-6-124, water for nonresidential subdivisions shall be tendered at the time a building permit is issued or change of use occurs.

(4) All required culverts and drainage ways shall be installed as required by the City. All pressurized irrigation facilities and systems shall be installed as required by the City and meet the location, sizing and design requirements of the pressurized irrigation master plan or as directed by the City Engineer.

(5) The Planning Commission shall not approve any preliminary plat for any subdivision, including a minor subdivision, until and unless the subdivider has submitted to the Planning Commission a drawing showing the location of all underground drain lines within the subdivision or in any street on which the subdivision may front or impact in any way. Such drainage shall be signed by the underground drainage district, company, companies, person or persons having the authority and right, recorded or prescriptive, to use such underground drains.

Signature by the underground drain users, district, company, companies, person or persons shall certify that the drawing is a true and accurate representation of the location of all such underground drain lines. Before approval of the preliminary plat, the Planning Commission shall also require the subdivider to submit a signed statement from the underground drainage district, company, companies, person, persons having the right, recorded or prescriptive, to use such underground drains will adequately provide for the continued use and integrity of the underground drain. The underground drain user, district, company, companies, person, persons or Planning Commission shall require that any or all of such underground drains be removed and replaced as a condition of approval of a preliminary plat.

(Adopted by Ord. No. 1-03, amended by 6-03; Ord. No. 04-2014 § 2, 02/18/2014)

Attachment 3: Utah Administrative Rule 309-550-5 Water Main Design

R309. Environmental Quality, Drinking Water.**R309-550. Facility Design and Operation: Transmission and Distribution Pipelines.****R309-550-1. Purpose.**

The purpose of this rule is to provide specific requirements for the design and installation of transmission and distribution pipelines which deliver drinking water to facilities of public drinking water systems or to consumers. It is intended to be applied in conjunction with rules R309-500 through R309-550. Collectively, these rules govern the design, construction, operation, and maintenance of public drinking water system facilities. These rules are intended to assure that facilities are reliably capable of supplying water in adequate quantities, consistently meeting applicable drinking water quality requirements, and not posing a threat to general public health.

R309-550-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code and in accordance with Title 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.

R309-550-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

R309-550-4. General.

Transmission and distribution pipelines shall be designed, constructed and operated to convey adequate quantities of water at ample pressure, while maintaining water quality.

R309-550-5. Water Main Design.**(1) Distribution System Pressure.**

(a) The distribution system shall be designed to maintain minimum pressures as required in R309-105-9 at points of connection, under all conditions of flow.

(b) When static pressure exceeds 150 psi in new distribution water lines, pressure reducing devices shall be provided on mains in the distribution system where service connections exist.

(2) Design Flow Rates.

Flow rates used when designing or analyzing distribution systems shall meet the minimum requirements in R309-510.

(3) Hydraulic Analysis.

(a) All water mains shall be sized following a hydraulic analysis based on flow demands and pressure requirements.

(b) Where improvements will upgrade more than 50% of an existing distribution system, or where a new distribution system is proposed, a hydraulic analysis of the entire system shall be prepared and submitted for review prior to plan approval.

(c) Some projects require a hydraulic model. The Division may require submission of a hydraulic modeling report and/or certification, as outlined in R309-511, prior to plan approval.

(4) Minimum Water Main Size.

For water mains not connected to fire hydrants, the minimum line size shall be 4 inches in diameter, unless they serve picnic sites, parks, semi-developed camps, primitive camps, or roadway rest-stops. Minimum water main size, serving a fire hydrant lateral, shall be 8 inches in diameter unless a hydraulic analysis indicates that required flow and pressures can be maintained by 6-inch lines.

(5) Fire Protection.

When a public water system is required to provide water for fire flow by the local fire code official, or if the system has installed fire hydrants on existing distribution mains for that purpose:

(a) The design of the distribution system shall be consistent with the fire flow requirements as determined by the local fire code official.

(b) The location of fire hydrants shall be consistent with the requirements of the State-adopted fire code and as determined by the local fire code official.

(c) The pipe network design shall permit fire flows to be met at representative locations while minimum pressures, as required in R309-105-9, are maintained at all times and at all points in the distribution system.

(d) Fire hydrant laterals shall be a minimum of 6 inches in diameter.

(6) Geologic Considerations.

The character of the soil through which water mains are to be laid shall be considered. Special design and burial techniques shall be employed for Community Water Systems in areas of geologic hazard (e.g., slide zones, fault zones, river crossings, etc.)

(7) Dead Ends.

(a) To provide increased reliability of service and reduce head loss, dead ends shall be minimized by making appropriate tie-ins whenever practical.

(b) Where dead-end mains occur, they shall be provided with a fire hydrant if flow and pressure are sufficient, or with an approved flushing hydrant or blow-off for flushing purposes. Flushing devices shall be sized to provide flows that will give a velocity of at least 2.5 fps in the water main being flushed. No flushing device shall be directly connected to a sewer.

(8) Isolation Valves.

Sufficient number of valves shall be provided on water mains so that inconvenience and sanitary hazards will be minimized during repairs. Valves shall be located at not more than 500 foot intervals in commercial districts and at not more than one block or



**PLANNING COMMISSION
STAFF REPORT**

Agenda Item #4
April 9, 2024

March 18, 2024

TO: Planning Commission Members

FROM: Carla Wiese, Planner II/Econ Dev Spec

RE: **Eternal Springs, LLC requesting to amend the
Springville City Code, 11-4-301 Land Use Matrix to
permit Senior Independent Living in the Neighborhood
Commercial (NC) zone.**

Petitioner: Eternal Springs, LLC
Greg Nield

Summary of Issues

- Does the proposed amendment maintain the intent of the Neighborhood Commercial (NC) zone?
- Is the proposed amendment consistent with the General Plan?

Background

Petitioner came before the Commission on February 13, 2024, to request a rezone of Parcel 23:031:0089 to Neighborhood Commercial (NC); the parcel had dual zoning, which made developing the parcel difficult. The Planning Commission made a favorable recommendation to rezone the entire parcel as NC and the City Council approved the rezone on March 3, 2024. The petitioner indicated they were planning to build senior independent living cottages on the parcel to complement the services provided at Ashford Assisted Living and Memory Care, located on the adjacent parcel to the south. Petitioner was informed that Senior Independent Living is not permitted in the NC zone and a Zone Text Amendment would need to be requested.

Discussion

Residential uses are not permitted in Neighborhood Commercial (NC) zones except for publicly owned senior housing, which is a conditional use; the proposed use is similar in nature.

Eternal Springs, LLC is the parent company of Ashford Assisted Living and Memory Care. There is a demand for services for the elderly who want to maintain independence and can do so with minimal levels of support, such as housekeeping, meal preparation, transportation, and social activities. These individuals do not need the 24-hour care, supervision, and assistance with activities of daily living that are provided in assisted living facilities.

Stonehenge operates as a short-term skilled nursing/rehabilitation facility and as a long-term care facility with 24-hour nursing care and assistance in activities of daily living.

By establishing clear criteria for Senior Assisted Living as a conditional use in Neighborhood Commercial (NC), the purpose and intent of the zone will be maintained, and the impact on the commercial nature of the zone will be minimal, and the existing business will be able to expand in a manner that meets their needs and the needs of the community.

Staff Recommendation

Staff recommends allowing Senior Assisted Living as a conditional use in the Neighborhood Commercial (NC) zone when the following criteria is met:

- Proposed Senior Independent Living Facilities are co-located with Assisted Living/Memory Care Facilities on the same or adjacent parcel(s)
- Proposed Senior Living Facilities meet all aspects of a Senior Living Facility as defined in Title 11 Chapter 3 Article 402, as amended.
- Obtains a Springville City business license as a Senior Independent Living Facility in conjunction with being issued a Certificate of Occupancy by Springville City.

Recommended Motion

Motion to recommend approval of an amendment to Title 11 Chapter 3 Article 402 Definitions clarifying the definition of Senior Independent Living and Title 11 Chapter 4 Article 4 Land Use Matrix to allow Senior Independent Living in the Neighborhood Commercial (NC) Zone as a conditional use and Title 11 Chapter 7 Article 205 Specific Criteria for Consideration of a Conditional Use Permit.

Attachments

Attachment 1- Proposed Amendments
Attachment 2- Site Aerial

Attachment 1: Proposed Amendment

11-3-402 Definitions.

Residential Facility for Elderly Persons – A single-family or multiple-family dwelling unit that is occupied by eight (8) or fewer elderly persons and meets the requirements of Section 10-9-516, Utah Code Annotated 1953, et seq., as amended. It does not include a health care facility.

Residential Facility for Persons with a Disability – Means a residence in which more than one (1) person with a disability resides; and (a) is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated 1953; or (b) is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act of Utah Code Annotated 1953.

Residential Health Care Facility – A facility providing assistance with activities of daily living and social care to two (2) or more residents who require protected living arrangements. Residential Health Care Facility does not include a nursing home, nursing care facility or hospice. Placement of any person in such a facility shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. A facility shall not be a Residential Health Care Facility if any person being treated for alcoholism or drug abuse is placed there.

Rest Home – A dwelling for the care and keeping of elderly or infirm persons. To qualify, said dwelling must be approved to operate by the State Division of Social Services or other state agency.

Right-of-Way – A general term denoting land, property, or interest therein, usually in a strip and dedicated for or devoted to such uses as a street, alley, or railroad.

Rowhouse – See Townhome.

School, Commercial – An establishment for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately and do not offer a complete educational curriculum.

School, Private or Quasi-public – A school operated by a private or quasi-public organization or individual, which includes an academic curriculum recognized as satisfying the requirements of elementary, secondary or higher education in the State of Utah and is accredited by an accrediting agency recognized by the State of Utah. Such schools may include boarding facilities.

School, Public – A State-accredited educational facility operated by a school district or other public agency of the State of Utah.

Screen – A method of reducing the impact of noise and undesirable visual intrusions with more harmonious materials, such as plants, berms, fences, walls or any appropriate combination of such materials.

Screening – A method of visually shielding or obscuring a more intense use abutting a less intense use by fencing, walls, berms, or densely planted vegetation.

Senior Independent Living – A facility providing residential accommodations to seniors aged sixty-two (62) years or older who do not require assistance with ~~daily activities~~ activities of daily living or full-time, 24-hour-skilled nursing, and which abides by all provisions of the Fair Housing Act. Such facilities may offer dining services, basic housekeeping and laundry services, transportation to appointments and errands, activities, social programs, and access to exercise equipment and other on-site amenities. Up to ten percent (10%) of units within a senior independent living facility may operate as assisted living units.

PERMITTED USE	ZONING DISTRICTS																					
	A-1	A-S	R1-15	R1-10	R1-8	R1-5	R2	R-MHP	R-MF1	R-MF2	PO	BP	MSSG	VC	TC	NC	CC	RC	RRC	HC	LIM	HIM
Assisted Living Facilities									C	C	P		–			P	P			P		
Senior Independent Living	–	–	–	–	–	–	–	–	–	–	–	–	P ⁵	–	–	C	–	–	–	–	–	–
Cemetery, Mausoleum, or Columbarium			C		P								–									
Church, Temple, Rectory	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
College, University, Trade School											C	C	C	C	C	C	C	C		C		
Correctional Facility													–									C
Daycare Center, Commercial									C	C	P		P		P	P	P	P		P		
Fraternal/Benevolent Societies													P				P	P		P		
Halfway House									C	C			–									C
Hospital												P	P					P		P		
Preschool, Commercial									C	C	P		P	P	P	P	P	P		P		
Public Buildings and/or Community Uses	C		C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P		P	P	P
Rehabilitation/Treatment Facilities													–					C		C		
Rest Home									C	C	P		–									
Schools (Public, Private and Quasi Public)	C		C	C	C	C	C		C	C	P		C			P	P	P		P	P	
UTILITY-RELATED SERVICES																						
Class 1 Utilities	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Class 2 Utilities	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P
Class 3 Utilities	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Class 4 Utilities	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

11-7-205 Specific Criteria for Consideration of a Conditional Use Permit.

(f) In all nonresidential zones, all residential units must be above or behind the commercial use space fronting the public street; however, up to ten percent (10%) of the main floor elevation facing a public street may be associated with the residential use.

(5) Senior Independent Living in the NC Zone must meet the following conditions:

(a) When allowed, Senior Independent Living must be co-located with Assisted Living/Memory Care facilities on the same or adjacent parcels; and

(b) When allowed, meet all criteria of a Senior Independent Living Facility as defined in Title 11 Chapter 3 Article 402 Senior Independent Living Facility; and

(c) When allowed, obtain a business license to operate as a Senior Independent Living Facility and be issued a Certificate of Occupancy through Springville Business Licensing.

~~(5)~~ (6) Dwelling – single- or multiple-family above first floor (mixed use) (when parking is located to the side or rear of the building) in the PO, TC and CC zones shall comply with the following standards:

Attachment 2: Site Aerial



The larger area outlined in pink is the Neighborhood Commercial Zone.