

Planning Commission Special Meeting

Meeting minutes

July 11, 2024

6:00 pm

Meeting started at 6:07 pm

Opening Business: Welcome

The meeting was called to order by Chairman Nathan Washer, who welcomed everyone. There were no additional opening business items.

Present at Meeting: Planning Commissioners Nathan Washer, Jesse Carter and Rachel Goates (Town Council/PC Alternate) Meeting Recorders Chantal Rowley and Christine Carrigan.

Also present: Carol Bennett, Bret and Deana Ballow

Absent: Planning Commissioner Conner Lunt

Discussion Items

Conditional Use Building Permit

Flag Lot Conditional Use- Taylor & Taelyn Squire. The Planning Commission discussed a conditional use building permit, focusing on specific requirements for the property in question. Nathan Washer reminded the group what the meeting was for, and the dialogue revolved around the requirements of the permit, particularly a building a road/driveway and a fire hydrant placement. The conversation included the need for compliance with local fire codes. Concerns about the distance between fire hydrants and the need for access to emergency vehicles were highlighted. It was agreed that further consultation with public works on the exact placement of the hydrant would be necessary. The items on the conditional use permit were listed and the Squires agreed to follow those requirements.

- Pole on flag lot shall have at least 20 feet of frontage
- 12 feet (Width) of improved and maintained road to the home
- Minimum square footage of a flag portion must be ½ acre plus the pole area.
- Access and turn around area for emergency vehicles
- Front, rear, and all other setbacks are the same as required for normal resident lot
- No accessory buildings located in the pole portion of the lot
- Installation of one fire hydrant being compliant with Levan Fire Code
- Utility service connections, lines and meters shall be maintained and serviced at the public street.
- Garbage collection and any other city services shall be at the curb of the city street

Action Items

Conditional Use Permit – Taylor & Taelyn Squire

The Commission reviewed the flag lot conditional use permit for Taylor and Taelyn Squire, and the requirements for the property.

Motion to approve the conditional use permit for Taylor T. A. Squire as outlined at the conclusion of the discussion made by Rachel Goates, seconded by Jesse Carter. All in favor: Motion passed.

Adequate Public Facility Ordinance

The Commission reviewed the Adequate Public Facility Ordinance, discussing minor wording changes but agreeing on the content. [See Attachment]

Motion to recommend the adequate public facility ordinance as written in the draft to the Town Council made by Rachel Goates Seconded by Jesse Carter. All in favor. Motion passed.

Public Comments

There was no input during the public comments section.

"I make a motion to adjourn." Motion was made by Jesse Carter, seconded by Rachel Goates. All in favor. Motion to adjourn passed.

Meeting adjourned at 6:55pm

Christine Carrigan, Clerk

LEVAN TOWN, UTAH
ORDINANCE 07112024-02
AN ORDINANCE IMPLEMENTING AN
ADEQUATE PUBLIC FACILITIES ORDINANCE
FOR THE TOWN OF LEVAN

DRAFT

WHEREAS, Levan Town is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Levan Town Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Levan Town Council finds it is in the public interest for the municipality to adopt an Adequate Public Facilities Ordinance for the Town of Levan and the adoption of this ordinance will serve that purpose; and

WHEREAS, the Levan Town Council finds the public safety, health, and welfare of the Town of Levan will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Levan Town Council hereby ordains as follows:

1. That an Adequate **Public Facilities Ordinance** is established and adopted as follows:

Section 1.1. Adequate Public Facilities to be Available Concurrent with Development Approval (APF Requirement).

No request for development (including and not limited to: subdivision, single-family homes, multi-family homes, commercial buildings and outbuildings with utilities) approval, and no development permit or license shall be granted, approved, or issued unless the applicant has provided information necessary to establish that adequate public facilities in the area affected by the proposed development have been determined to have sufficient capacity available at the adopted level of service (LOS) standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat or final site plan approval.

Section 1.2. Essential Public Facilities.

Essential public facilities to which the adequate public facilities (APF) requirement applies include

the following:

- A.** culinary water system, including water quality, treatment, storage, transmission, distribution, and system capacity;
- B.** secondary water (pressurized irrigation), including source, storage capacity, transmission, and distribution;
- C.** sanitary sewer/septic systems, including treatment facilities, outfall lines, lateral, and collector lines;
- D.** storm drainage, including surface and subsurface, and flood control;
- E.** power, including adequate source, capacity, distribution, transmission lines, and redundancy;
- F.** transportation facilities, including streets, roads, highways, and intersections.

Section 1.3. Procedures.

An application for a development approval shall include information necessary to demonstrate that adequate public facilities will be available at the specified levels of service (LOS) within a reasonable period of time, following the issuance of a development permit for the proposed development. Such a determination may include the timing, phasing, and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth in this Chapter as they may from time to time be amended. The Reviewing Departments, Planning Commission, and Town Council may request additional information from the applicant to address the adequacy and availability of public facilities to include the culinary water system, secondary water (pressurized irrigation), sanitary sewer/septic system, storm drainage, including surface and subsurface and flood control facilities, power, transportation facilities and planning, including a traffic impact analysis.

Section 1.4. Level of Service Standards.

The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

- A. Culinary Water System.** Source, treatment, storage, transmission, distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of

20 pounds per square inch (psi) pressure existing in the system at all points in order to comply with Utah Administrative Code R309-105-9.

B. Secondary Water (Pressurized Irrigation). This requirement shall be subject to review by the Reviewing Departments, Planning Commission, and Town Council to determine if it is reasonably attainable by the applicant based on the specific facts and circumstances posed by the proposed development.

C. Sanitary Sewer/Septic System. The applicant shall submit information demonstrating that the proposed development has an adequate sanitary system.

D. Storm Drainage, including surface and subsurface, and flood control facilities). This requirement shall be subject to review by the Reviewing Departments, Planning Commission, and Town Council which may require compliance with the design standards for storm drainage, including surface and subsurface, and flood control facilities as required by the Levan Town Design Standards and Public Improvement Specifications.

E. Power. Sufficient source, transmission and distribution capacity, sizing, and redundancy is required.

F. Transportation Facilities, including streets, roads, highways and intersections. Existing roads adjacent to or impacted by the proposed development can accommodate the anticipated traffic loads generated by the proposed development for a 20-year design period. The Town has adopted a Level of Service for all Town roads and streets.

Section 1.5. Compliance with Adequate Public Facilities Required.

If it is determined that adequate public facilities will not be available at the specified levels of service (LOS) within a reasonable period of time following the issuance of final development approval so as to assure that such services will be available at the time of occupancy of the new development being proposed, the Reviewing Departments, Planning Commission and Town Council, in the exercise of their discretion, may:

A. deny development approval;

B. defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available;

C. require timing, sequencing, and phasing of the proposed development consistent with the available capacity of public facilities; or

D. allow the applicant to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of agreement, which may include, as appropriate, provisions for credits or

reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

Saving Clause

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Levan Town.

Effective Date

This ordinance shall become effective when passed, approved, adopted, and ordained, and after any required posting and/or publication has been accomplished according to law.

PASSED, APPROVED, ADOPTED and ORDAINED this _____ day of _____, 2024

LEVAN TOWN:

By: _____

Bruce Rowley, Mayor

ATTEST:

Christine Carrigan, Recorder