

UTAH COUNTY PLANNING COMMISSION

**Minutes
February 18, 2025**

Present:

Shayne Pierce
Lorraine Davis
Seth Cox
Sullivan Love
Karen Ellingson
Chris Herrod

Excused:

Robert McMullin
Glen Roberts

Also Present:

Greg Robinson
Dale Eyre
Marie Patten
Kevin Stinson

A. CALL TO ORDER

Shayne Pierce called the meeting to order at 5:30 PM at 100 E Center St, Room 1400, of the Utah County Administration Building, located in Provo, Utah.

B. PLEDGE OF ALLEGIANCE

Lorraine Davis led the pledge of allegiance.

C. APPROVAL OF MINUTES

Motion: Sullivan Love Second: Lorraine Davis

Motion to **approve** the minutes of the January 21, 2025, meeting of the Utah County Planning Commission. The motion passed with the following vote: "Aye" Seth Cox, Shayne Pierce, Lorraine Davis, Sullivan Love, Karen Ellingson. "Nay" none.

D. WITHDRAWN APPLICATIONS

1. **Timpanogos Special Service District - (Applicant has withdrawn this application)**
Proposed Utah County Land Use Ordinance text amendment to Section 12.56, and any other applicable section, to include the storage and sale of Class A bio-solids owned and operated by a governmental entity as a permitted use in the Public Facilities (PF) Zone (continued from 12/17/24 and 1/21/25 meetings)

2. **Timpanogos Special Service District – (Applicant has withdrawn this application)**
Proposed amendment of the Utah County General Plan Land Use Element Map from Agricultural to Manufacturing, and amendment of the Official Utah County Zone Map from the Residential Agricultural (RA-5) and Mining and Grazing (M&G-1) Zones to the Public Facilities (PF) Zone for property located in Sections 5 and 8, T9S R1W, approximately 48 acres, Chimney Rock Pass Road area of unincorporated Utah County (continued from 12/17/24 and 1/21/25 meetings)

Greg Robinson explained that the applicant had withdrawn their application, meaning no action was required from the Commission. He noted that the item was included on the agenda because it had been discussed in previous meetings. Since the applicant chose not to move forward, the Commission had no further obligations regarding the application.

Shayne Pierce sought confirmation that both applications had been withdrawn, not just that the applicant was absent.

Greg Robinson confirmed that both applications were withdrawn. He stated that if the applicant wished to resubmit, they would need to go through the full process again, including noticing and staff reports. If the Commission wanted to move forward independently, they would also need to initiate a new application process to ensure proper noticing and compliance with land use ordinances.

Shayne Pierce inquired whether any notification was required following the withdrawal.

Greg Robinson clarified that no formal notification was required under state or local code. However, a resident who had previously spoken at a meeting called the office, and staff informed them of the withdrawal.

E. LAND USE ORDINANCE AMENDMENT (PUBLIC HEARING)

1. **J L.C. – Proposed Utah County Land Use Ordinance text amendment to Sections 12.08.D, 12.08.E, and any other applicable section, to reduce the minimum area required for a single-family dwelling from 5 acres to 2.5 acres and reduce the minimum lot/parcel width required for a single-family dwelling from 250 feet to 125 feet in the Residential Agricultural (RA-5) Zone (continued from 1/21/25 meeting)**

Greg Robinson explained that the item was continued from a previous meeting because the applicant was unable to attend. Noticing requirements were met for both meetings. He clarified that the applicant was requesting a modification in the RA-5 zone to allow for 2.5-acre parcels instead of 5-acre parcels for dwellings within an HOA. He provided background information, noting that the RA-5 zone covers approximately 78,000 acres in unincorporated Utah County and is primarily agricultural, intended for irrigated crops and livestock. He highlighted key points from the land use ordinance, including promoting orderly development, supporting agricultural

industries, and reducing the negative impacts of scattered development. He cited the general plan's emphasis on preserving agricultural lands and discouraging non-farm residential uses on parcels under 5 acres. He also noted that residential development should be prioritized for areas within existing municipalities or in unincorporated areas with approved water systems. He discussed how the demand for residential uses in and around agricultural land can create conflicts between farmers and new residents. He emphasized that reducing parcel sizes to 2.5 acres would prioritize residential use over agriculture, pushing farmers out.

He referenced past discussions with the state engineer, who warned that additional wells in unincorporated areas could strain groundwater resources and lead to contamination from septic systems. He also mentioned health department requirements for a well placement, which could create issues on smaller lots. He stated that the general plan's intent is to preserve agricultural uses, and 2.5-acre parcels would shift the area toward residential development. He noted that if affordable housing was the applicant's goal, 2.5-acre lots in nearby Goshen were already valued between \$750,000 and \$985,000, which does not constitute affordable housing. He provided an example from Salem City, where zoning changes resulted in significantly higher density development compared to what the county allows. He stressed that maintaining the RA-5 zoning preserves agricultural land while allowing cities to plan for higher-density development with better infrastructure.

Chris Herrod asked whether studies supported the claim that smaller lot sizes hinder development and affordability. He expressed concern about housing affordability for future generations.

Greg Robinson confirmed that studies support the notion that agricultural land diminishes as lot sizes decrease, making development more difficult outside city jurisdictions. He noted that multiple cities support the county's zoning policies because they prevent uncoordinated development, which allows for better long-term planning. He provided an example from Lehi, where planned development enabled the creation of open spaces and trails. He explained that larger parcels simplify development by reducing the number of property owners involved.

Chris Herrod inquired whether this trend applied to both agricultural and non-agricultural land.

Greg Robinson responded that agricultural areas, which are typically flat and irrigated, are more desirable for development. In contrast, non-agricultural areas, such as mountainous regions, pose greater challenges due to topography.

Lorraine Davis commented on the distinction between "housing affordability" and "affordable housing." She noted that affordability is influenced by lot size and infrastructure, and simply reducing lot sizes does not necessarily result in more affordable housing.

Greg Robinson agreed, adding that RA-5 zoning areas are typically far from employment centers and essential services, requiring longer commutes and increased transportation demands.

Shayne Pierce asked about the role of HOAs in this discussion.

Greg Robinson stated that the county does not enforce HOA requirements, nor does it consider them in zoning decisions. HOAs add another layer of regulations for property owners but are not a factor in the county's land use policies.

Shayne Pierce sought clarification on whether the county had any ordinances or special provisions related to HOAs.

Greg Robinson explained that the proposed language in the application implied that an HOA itself could exist on 2.5 acres rather than requiring that dwellings within an HOA be on 2.5-acre lots. He confirmed that the county does not regulate HOAs or grant them additional privileges and prefers to avoid involvement in their governance.

Shayne Pierce asked if the applicant was present.

Greg Robinson stated that staff had followed up with the applicant multiple times. The applicant initially responded but did not confirm their attendance at the meeting and ultimately did not show up.

Motion: Karen Ellingson Second: Lorraine Davis

Motion to **open** the public hearing. The motion passed with the following vote: "Aye" Seth Cox, Shayne Pierce, Lorraine Davis, Sullivan Love, Karen Ellingson, Chris Herrod. "Nay" none.

Motion: Chris Herrod

Motion to continue this item to the next meeting.

Greg Robinson explained that if the Commission decided to continue the item, it would still be noticed according to state requirements, and the applicant would not need to reapply. The county commission would ultimately make the final decision.

Shayne Pierce questioned whether continuing the item to another meeting would impact the process.

Sullivan Love suggested voting on the item immediately rather than delaying it further, as the applicant had already failed to appear.

Chris Herrod proposed giving the applicant one more chance while also allowing staff to determine if it should be placed on a future agenda based on the applicant's engagement.

Greg Robinson stated that since a motion was already on the table, it needed to be addressed. He suggested that while another agenda item was being discussed, staff could attempt to contact the applicant and report back.

Chris Herrod withdrew the motion.

Karen Ellingson suggested moving the item to the end of the agenda to allow the applicant more time to arrive but expressed agreement with Sullivan Love that since the applicant had been properly notified and this was only a recommending body, the Commission could move forward with a recommendation based on the information available. She noted that the applicant would still have an opportunity to present their case at the county commission meeting.

Shayne Pierce confirmed that the application had been submitted in November and asked if the applicant had chosen the meeting date.

Greg Robinson explained that the applicant initially requested to be on the January meeting agenda but later asked to have it moved to this meeting. He reiterated that the applicant had been well informed about the process and their scheduled hearing.

Motion: Karen Ellingson Second: Sullivan Love

Motion to recommend **denial**. The motion **passed** with the following vote: “Aye” Seth Cox, Shayne Pierce, Lorraine Davis, Sullivan Love, Karen Ellingson. “Nay” Chris Herrod.

Chris Herrod voiced concern about making a decision without hearing from the applicant. While he was inclined to vote against the amendment, he believed applicants should have the opportunity to present their case before a decision was made.

Shayne Pierce agreed that it was unfortunate not to have the applicant’s perspective but noted that efforts had been made to accommodate them. He stated that while he might have voted against the amendment regardless, he would have preferred to hear the applicant’s reasoning.

Sullivan Love questioned what information the applicant could present that might change the Commission’s decision.

Chris Herrod stated that a study showing that the proposed change would help alleviate housing shortages without negatively impacting agricultural land could potentially alter his view. He emphasized his general support for property rights but wanted data to support the applicant’s case.

Sullivan Love expressed concern that the amendment would apply broadly to 78,000 acres, likely far exceeding the applicant’s landholdings. He suggested that a more tailored solution, such as an overlay or development agreement, might be a better approach. He also highlighted concerns regarding water availability and septic systems.

Shayne Pierce had hoped that the HOA aspect of the proposal might provide a limiting factor but noted that this did not seem to be the case. He pointed out that municipalities already offer zoning that allows for smaller parcels. He also regretted that the applicant had paid a \$300 application fee but did not appear to present their case, meaning they would have to reapply and pay the fee again if they wished to resubmit.

Greg Robinson stated that he would ensure the county commission was informed that the

applicant was not present. He also committed to contacting the applicant directly to confirm their availability for the county commission meeting.

Chris Herrod warned against the government interfering in market forces, citing past issues where cities restricted subdivisions, which later led to housing shortages. He wanted to ensure the decision was based on complete information.

Lorraine Davis emphasized that the fundamental purpose of RA-5 zoning was to protect agricultural land. She questioned whether Utah County should prioritize development at the expense of open space and long-term planning.

Karen Ellingson stated that the planning commission's role was to balance property rights with broader land use planning. She stressed that approving the amendment without careful planning could set it up for failure.

Sullivan Love asked if a denial recommendation would prevent the item from reaching the county commission.

Greg Robinson confirmed that the item would still go to the county commission for a final decision.

Chris Herrod expressed concern about making assumptions regarding future land development. He wanted data to confirm whether denying the amendment would truly preserve land for higher-density development.

Greg Robinson provided examples of annexations over the past three years, showing that areas annexed into municipalities typically receive higher-density zoning than what the county allows. He explained that infrastructure constraints make it difficult for the county to support high-density development, whereas cities are better equipped for it.

Seth Cox stated that while he had many reasons to vote against the amendment, he was hesitant because the applicant was unable to present their case.

Shayne Pierce acknowledged this concern but noted that the applicant had already requested a delay from the previous meeting. He questioned how much more accommodating the Commission could have been.

Seth Cox reiterated that the applicant would have needed to address numerous concerns, including health department regulations and infrastructure planning, and it was unlikely they could have resolved them all.

Lorraine Davis stated that since the Commission was only making a recommendation, they could vote based on the information available, and the applicant would still have a chance to present their case at the county commission meeting.

Chris Herrod clarified that his "no" vote was not an endorsement of the amendment but rather a

reflection of his belief that the applicant should have had a chance to present their case.

2. Brad Ling – Proposed Utah County Land Use Ordinance text amendment to Section 12.32.B. and any other applicable section related to adding truck and trailer leasing accessory to commercial storage units as a permitted use in the Neighborhood Commercial (NC-1) Zone

Kevin Stinson introduced an application from U-Haul, represented by Brad Ling, requesting an amendment to the neighborhood commercial zone to allow for the rental of trucks and trailers as accessory use to a storage facility. He explained that while commercial storage is already permitted in the zone, vehicle rentals are not. The proposed amendment would require that storage facilities offering truck rentals be at least 75,000 square feet and have a minimum of two stories. He described a change to the original proposal regarding the screening of truck storage areas. Initially, full screening with site-obscuring fences was required, but after discussions with the applicant, an alternative was proposed. The new proposal requires storage areas to be behind the front of the building and within specific size limits. Screening would still be required if the storage area is within 100 feet of a property line unless adjacent to a railroad, Interstate 15, or industrial zone. He noted that while this amendment would apply countywide, Spanish Fork City is expected to annex the site, and the proposed regulations align with the city's existing codes. He also confirmed that similar restrictions are common in other municipalities.

Karen Ellingson asked if the proposed screening and zoning requirements were consistent with those of other cities.

Kevin Stinson confirmed that they closely mirrored Spanish Fork's requirements and were similar to those in other municipalities.

Sullivan Love inquired about landscaping requirements.

Kevin Stinson explained that the county does not typically require landscaping rules.

Greg Robinson added that while most commercial developments include landscaping voluntarily, the county does not mandate it.

Shayne Pierce questioned whether the 75,000-square-foot requirement was unusually large.

Kevin Stinson clarified that the applicant proposed the number.

Greg Robinson noted that similar accessory-use regulations often include specific qualifiers to prevent unintended uses in the zone.

Brad Ling, representing U-Haul, explained that the company had struggled to find a suitable site within Spanish Fork and had been forced to look further out. He emphasized that storage facilities and truck rentals serve the same customer base, making vehicle rentals a logical

accessory use. He noted that the company had been cautious in its proposal to avoid creating broad zoning changes that would allow unrelated truck rental businesses to enter the zone.

Chris Herrod mentioned that he had recently rented a U-Haul in what appeared to be an unincorporated area, highlighting that such facilities can exist outside city limits.

Shayne Pierce sought clarification on whether the commercial storage use had a square footage requirement.

Kevin Stinson confirmed that storage facilities alone do not, but those that include truck rentals would need to meet the 75,000-square-foot minimum.

Shayne Pierce questioned whether this restriction would limit eligibility to only U-Haul.

Brad Ling acknowledged that this was possible but emphasized that the proposed number was intended to be a cautious starting point for the county. He also noted that while U-Haul is known for truck rentals, its primary business model is storage and truck rentals are a necessary complement.

Greg Robinson explained that when introducing a new use, the county typically starts with restrictive guidelines and later adjusts based on experience. If other businesses found the 75,000-square-foot requirement too restrictive, they could request an amendment in the future.

Kevin Stinson provided examples of similar facilities in Utah County, noting that cities with less stringent requirements often ended up with unsightly rental lots. The proposed regulations aimed to maintain aesthetics while allowing the use.

Sullivan Love asked about the typical land footprint required for a 75,000-square-foot facility.

Brad Ling estimated it would require about 25,000 to 30,000 square feet per floor, with U-Haul's typical facilities being no larger than 30,000 square feet per floor.

Shayne Pierce noted that while the amendment would prevent small-scale truck rentals from operating out of barns, it would still allow large storage facilities to be built with no minimum size requirement.

Brad Ling agreed, stating that the U-Haul business model required large facilities, but the restriction would also limit the number of businesses eligible to offer truck rentals.

Greg Robinson reiterated that the county could later adjust the square footage requirement based on experience with the new zoning regulation.

Chris Herrod confirmed that the proposal worked for U-Haul, and Ling affirmed that it did.

Kevin Stinson recommended that any motion to approve include changes to Section 12.32.

Motion: Karen Ellingson Second: Sullivan Love

Motion to recommend **approval** with modifications as specified in the staff report and as presented, along with any applicable renumbering and reformatting in each section based on the findings listed in the staff report. The motion **passed** with the following vote: “Aye” Seth Cox, Shayne Pierce, Lorraine Davis, Sullivan Love, Karen Ellingson, Chris Herrod. “Nay” none.

F. ZONE MAP AMENDMENT

1. CW & CW LP - Proposed amendment of the Official Utah County Zone Map from the Critical Environment (CE-1) Zone to the Residential Agricultural (RA-5) for property located in Section 13, T9S R1E, approximately 110 acres, West Mountain area of unincorporated Utah County

Greg Robinson introduced the proposed zone map amendment, explaining that the applicant was not present. The request was to rezone a parcel from the CE-1 (Critical Environment) zone to the RA-5 (Residential Agricultural 5-acre) zone. He provided background on the property, which was previously within Payson City but underwent a disconnection process to return to unincorporated county jurisdiction. He explained that county ordinance mandates that disconnected properties are initially zoned CE-1, the most restrictive zoning designation, regardless of their prior zoning. Before annexation into Payson, the property had been zoned RA-5. He described the surrounding area, noting that it was primarily agricultural and consistent with RA-5 zoning. The applicant had been using the property for agricultural purposes and was interested in subdividing it into 5-acre lots. This disconnection was requested, as the city was unable to provide the necessary services, particularly electricity, due to conflicts between the city’s power provider and another power company in the area. He clarified that a portion of the property included a non-conforming parcel of record on 1-acre that had existed prior to annexation. The remaining parcels were part of a declaration of a farm unit. If this area were rezoned to RA-5, the parcel would remain non-conforming and subject to the conditions of the farm unit, but could continue its current use as long as it was not further subdivided. Additionally, any dwellings on the property would be required to comply with all zoning requirements.

Shayne Pierce asked about the precedent for rezoning disconnected properties.

Greg Robinson explained that while disconnections were rare, county policy required them to be initially designated as CE-1 to discourage jurisdictional changes for zoning advantages. However, in this case, the applicant had tried to work with Payson City but was unable to move forward with development due to the power conflict.

Sullivan Love inquired about the ownership of roads included in the disconnected area.

Greg Robinson confirmed that as part of the disconnection process, the roads were included in the transfer. He noted that to ensure consistency, the rezoning request included these roads to prevent small, isolated areas from remaining in the CE-1 zone.

Chris Herrod remarked that given the surrounding RA-5 zoning, the county would need a strong reason not to approve the request.

Dale Eyre explained that rezoning decisions are legislative acts, meaning the Commission had broad discretion but could not make arbitrary decisions.

Seth Cox asked whether other property owners in the area might encounter similar issues.

Greg Robinson responded that while this was currently the only disconnection request, it was possible that other property owners facing service limitations could follow suit. The primary issue was the conflict between Payson City's power provider and another electric company, which had not yet been resolved.

Chris Herrod speculated that sewer access might also be a factor in the applicant's decision to disconnect, as municipalities typically require properties within a certain distance of sewer lines to connect rather than use septic systems.

Lorraine Davis asked why the property had originally been designated as CE-1.

Greg Robinson explained that county ordinance automatically assigns CE-1 zoning to properties returning to unincorporated jurisdiction if no prior zoning is in place. The purpose is to ensure that properties are not left unzoned.

Karen Ellingson confirmed that before annexation, the property had been designated RA-5, aligning with the applicant's request.

Motion: Seth Cox Second: Karen Ellingson

Motion to recommend **approval** including listed parcels, currently designated as Critical Environment (CE-1) zone to be designated as Residential Agricultural (RA-5) zone based on the findings specified in the staff report under Subsection 4. The motion **passed** with the following vote: "Aye" Seth Cox, Shayne Pierce, Lorraine Davis, Sullivan Love, Karen Ellingson, Chris Herrod. "Nay" none.

Motion: Sullivan Love Second: Lorraine Davis

Motion to **close** the public hearing. The motion passed with the following vote: "Aye" Seth Cox, Shayne Pierce, Lorraine Davis, Sullivan Love, Karen Ellingson, Chris Herrod. "Nay" none.

G. OTHER BUSINESS

Dale Eyre addressed the Commission regarding their obligations and responsibilities in handling public contact. He reminded members that the Commission operates as an open public body and is prohibited from engaging in ex parte communications—meaning one-on-one discussions with individuals who have business before the Commission in quasi-judicial matters. These include decisions on conditional use permits and permit extensions, where the Commission acts as the final decision-making body. He compared the restriction to the judicial system, explaining that judges are not allowed to discuss cases privately. Any materials received outside the formal process should be forwarded to the Community Development staff to ensure transparency. If a commissioner receives emails, calls, or other forms of contact, they should report it to staff rather than responding directly. He noted that a recent email received by commissioners contained inappropriate threats to reveal personal information, which is unlawful. He assured the Commission that the county would take legal action if necessary. The county does not issue separate government emails or phones to commissioners but provides an official email through Community Development to facilitate proper public contact.

Shayne Pierce asked whether individuals could request to be placed on the agenda for a public hearing without submitting an application.

Dale Eyre clarified that while an application is generally required, public hearings allow anyone to speak. While some commissions allow general public comment, this commission does not currently have that practice. However, any written submissions received are reviewed and distributed appropriately.

Shayne Pierce asked if the lack of general public comment created the perception that information was being withheld from the Commission.

Dale Eyre responded that in this specific case, the person making contact had a history of similar behavior and was not being blocked from participation.

Greg Robinson assured the Commission that staff forwards all applicable public comments they receive and maintains accurate records of those contacts. If commissioners had concerns about a specific agenda item, they were encouraged to discuss it with staff.

Shayne Pierce noted that the individual in question had an upcoming agenda item and asked for clarification on when it would be addressed.

Greg Robinson confirmed it would be on the next month's agenda.

Sullivan Love emphasized that commission meetings were the only opportunity for commissioners to ask questions and engage in discussions with applicants and opposition. Given the restrictions on outside communication, he encouraged commissioners to ask all necessary questions during the meetings to fully vet each issue.

Chris Herrod sought clarification on when commissioners were allowed to engage in discussions outside the meeting.

Dale Eyre explained that the restrictions applied only to quasi-judicial matters where the Commission makes final decisions. In legislative matters, such as zoning recommendations, outside communication was discouraged but not prohibited.

Shayne Pierce asked whether individuals could still address the Commission if they attended a meeting, but their topic was not on the agenda.

Dale Eyre confirmed that while they could not request immediate action, they would generally be allowed to speak. If an issue warranted formal discussion, they could submit a request to be placed on a future agenda.

Karen Ellingson added that the Commission's role was limited to considering specific applications and zoning matters, while the county commission had broader authority to address public concerns.

Lorraine Davis expressed interest in having more direct discussions with planning staff outside of meetings. She felt that staff had valuable expertise that could help commissioners understand long-term city planning implications.

Greg Robinson stated that commissioners were always welcome to contact staff with questions or request additional meetings to discuss agenda items. He also noted that an update to the general plan was forthcoming, which would be a significant opportunity for commissioners to shape the county's long-term vision. He encouraged them to participate in that process.

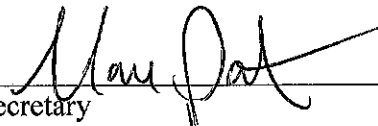
H. ADJOURN

The meeting was adjourned at 7:23 PM.

Utah County Planning Commission
February 18, 2025

Minutes respectfully submitted by:

APPROVED BY:


Secretary


Chair