

**PAYSON CITY PLANNING COMMISSION  
MEETING MINUTES  
June 10, 2015**

**REGULAR SESSION – CITY COUNCIL CHAMBERS**

**CALL TO ORDER:** 7:02 p.m.

**ROLL CALL:** Chairman John Cowan; Commissioners Adam Billings, Harold Nichols, George Van Nosdol, Kirk Beecher; City Councilmembers Kim Hancock and Mike Hardy; Planner Jill Spencer; Zoning Administrator Jon Lundell; Commissioners Blair Warner, and Ryan Frisby excused.

**INVOCATION:** Commissioner Beecher

**CONSENT AGENDA**

- Approval of minutes for the regular meeting of May 27, 2015

*Motion by Commissioner Beecher to approve the minutes for the regular meeting of May 27, 2015. Seconded by Commissioner Billings. Motion carried.*

**PUBLIC FORUM**

No public comment.

**REVIEW ITEMS**

**PUBLIC HEARING – REVIEW OF PROPOSED AMENDMENTS TO TITLE 19, ZONING ORDINANCE AND TITLE 20, SUBDIVISION ORDINANCE. THE AMENDMENTS ALSO INCLUDE A REQUEST BY STEPS RECOVERY CENTER TO AMEND APPENDIX A OF THE ZONING ORDINANCE TO ALLOW A ROPES COURSE AS A PERMITTED USE IN THE S-1, SPECIAL HIGHWAY SERVICE ZONE.**

*Motion by Commissioner Beecher to open the public hearing. Second by Commissioner Nichols. Motion carried.*

Planner Spencer presented information from the following staff report.

**Background**

The applicant, Brad Dennis, President of Steps Recovery Center is requesting a recommendation of approval from the Planning Commission and approval from the City Council of a text amendment to Appendix A of the Zoning Ordinance that would allow a *ropes course* as a permitted use in the S-1, Special Highway Service Zone. There is an existing ropes course located at 996 West 800 South which is used in conjunction with the outpatient services of the Steps Recovery Center business. Increased interest for use of the facility by the general public has prompted this request.

By way of definition, a ropes course is *a challenging outdoor personal development and team building activity which usually consists of high and/or low elements*. While the definition suggests these facilities are located outdoor, it is not unusual for these facilities to be located within an enclosed structure. These facilities are commonly found in wilderness areas or an accessory use to a health facility, education campus, or amusement park.

Approval of a text amendment requires a recommendation from the Planning Commission, following a public hearing, and approval by the City Council, again following a public hearing. Because an amendment to the Zoning Ordinance affects many parcels rather than just the property owned by the applicant, mailing notice to all property owners potentially affected by these amendments is impractical. However, in accordance with State statute, notice of the public hearing has been posted in appropriate locations and the public hearing was advertised in the newspaper for a minimum of fourteen (14) days.

## **Analysis**

As indicated in the applicant's formal request, it is proposed that the ropes course be available for community and organizational use. In other words, the applicant would like the general public to utilize the ropes course, not necessarily restricted to patrons of the facility.

Although it is typical for Planning Commissioners and City Councilmembers to inquire about a specific application of the ordinance, staff would suggest that an amendment to the Zoning Ordinance is more significant than a review of a single project. Once an amendment has been approved by the City Council, the provisions may be applied to all applicable parcels throughout the community, not just the applicant's proposal. To adequately address the request of the applicant, the Planning Commission and City Council will likely need to consider the following issues:

### **Proposed Use**

The applicant is requesting the ordinance be amended to allow a ropes course as a permitted use in the S-1 Zone. The Planning Commission and City Council should first determine if the proposed use is appropriate use in the community. Staff would suggest the use could be an appropriate use in the proper location and if the use is associated with a permitted use in the zone. Staff has not received any complaints with the existing ropes course as a use for the outpatient facility for Steps Recovery Center. While amusement uses have become more popular in commercial zones, they are typically associated with a permitted use such as a climbing wall within the confines of a retail mall. It is far less common for these uses to be independent in a commercial zone.

### **Proposed Location**

The existing ropes course is located in the S-1, Special Highway Service Zone; therefore, the applicant is requesting that a *ropes course* facility be permitted in this zoning district. However, the Planning Commission and City Council will need to determine the most appropriate zoning district(s) for this use. The City has established different zoning districts to accommodate a variety of uses that are compatible and complementary. A wide variety of businesses are welcome in the community, but some may be more suitable in specific zoning districts. The S-1 Zone was established to create a retail-based center near the freeway interchange. A mixture of appropriate uses will result in a vibrant and successful commercial district; however the Planning Commission and City Council will need to determine if the expansion of recreational, or non-sales-tax generating uses, is appropriate.

### **Classification**

The Planning Commission and City Council will need to determine if the use should be classified as a permitted use, conditional use, or accessory use. Permitted uses are typically activities appropriate in the zone without the need to impose site or use specific conditions to ensure compatibility. On the other hand, conditional uses are activities where potential negative impacts can be addressed through the imposition of specific conditions. Another option is to allow a ropes course as an accessory use to a permitted or conditional use in the zone.

Staff is concerned that allowing this use as a permitted use would allow a ropes course, or similar amusement uses, to operate as a standalone business, without the need for office space, parking, lighting, solid waste containers, etc. A conditional use would also allow a standalone business, but there is the potential to impose reasonable conditions to mitigate any negative impacts. Staff would suggest that the proposed use (ropes course) is appropriate as an accessory use to a permitted or conditional use in the zone. In this instance, Steps Recovery Center is a permitted use in the zone.

The Planning Commission and City Council are under no obligation to recommend approval or approve the request. It is the burden of the applicant to convince the Planning Commission and City Council that the proposed text amendment will benefit the community.

### **Recommendation**

Land use regulations are enacted to ensure that all property owners are treated equitably and to protect the health, safety, and general welfare of the residents. It is important to reiterate that amending the Zoning Ordinance will affect a number of parcels throughout the community, not just the subject property. Therefore, the applicant's request to operate a ropes course

on a specific parcel of land should be set aside and the Planning Commission should focus on the proposed amendments from a broader perspective.

The Planning Commission, following a public hearing, must decide whether or not the proposed amendment is consistent with the development goals and objectives of Payson City. The Planning Commission will need to forward a recommendation to the City Council to approve, amend and approve, or deny the request of the applicant to amend Appendix A of the Payson City Zoning Ordinance to allow a ropes course in the S-1 Zone.

Any recommendation of the Planning Commission should include findings that indicate reasonable conclusions for the recommendation. If the City Council chooses to amend the Zoning Ordinance, the amendment shall be completed by ordinance.

Commissioner Billings asked if a use can be limited to a specific parcel within a zone.

Planner Spencer stated that if the proposed amendment is approved it cannot be limited to a specific parcel.

Commissioner Beecher asked for clarification on the City's definition of accessory use.

Planner Spencer stated that an accessory use must be ancillary and related to the main use.

Chairman Cowan stated the he is concerned with making a ropes course a permitted use.

Discussion was held regarding the current zoning along 800 south and the around the Steps Recovery Center.

Commissioner Billings asked if an accessory use could ever become the primary use on a particular parcel.

Planner Spencer stated an accessory use could not become a primary use without going through a process to change the ordinance.

Commissioner Nichols asked if the city would have any liability if someone was hurt while on the ropes course.

Commissioner Billings stated that the credentials of the facilitators appear adequate and believes that this use would increase the commercial use of the area because of the increase in traffic.

Chairman Cowan stated that some of the uses within the S-1 zone don't seem to fit within the retail emphasis of the S-1 zone.

Planner Spencer explained that when the S-1 zone was created it was very restrictive in the uses that it allowed. At the downturn in the economy the ordinance was amended to allow for other uses to be allowed within the zone, such as dentists, medical, and financial institutions.

Commissioner Nichols asked what the hours of operation for the ropes course are going to be.

Bill Collins stated that steps recovery has not determined when those hours would be. Currently the center is open 9:00 A.M. to 5:00 P.M. Bill Collins stated that the ropes course has been in operation for 2 years. He described the current layout of the equipment and property. He stated that they conduct regular maintenance and inspections on all the equipment. He stated that they are going to be strictly reservation based. They want to use it to provide team building and group improvement activities to local groups.

Commissioner Billings asked how many patients that they use it for treatment.

Bill Collins stated that they currently have 24 patients that use it Monday and Tuesday.

Chairman Cowan stated that he supports designating it as an accessory use instead of a permitted use.

Planner Spencer read into the minutes comments from the City Engineer regarding the reason for changing the storm water retention timeline.

Commissioner Beecher asked if the city requires total retention of storm water.

Planner Spencer stated that current the requirement allows for some discharge of storm water but it is minimal. Also the storm water system within the city is in its infancy and this will help alleviate the flooding of roadways during a storm.

Discussion was held regarding proposing the changes to the requirements on changing the storm retention from 25 year to 100 year storm event.

*Motion by Commissioner Billings to close the public hearing. Second by Commissioner Nichols. Motion carried.*

*Motion by Commissioner Nichols to recommend approval to the city council the ordinance amendment to add Ropes Courses as an accessory use within the S-1 Zone and the amendment changing the design requirements of storm retention basins from 25 year to 100 year storm events. This includes all references the 25 year storm event. Seconded by Commissioner Beecher. Motion carried.*

Discussion regarding regulation accessory apartments.

Items discussed include:

1. History of the RMO-A Accessory Living Unit ordinance.
2. How to handle enforcement of illegal apartments.
3. Short term rental of homes and apartments.
4. Regulations in other cities regarding accessory apartments.
5. Building code requirements regarding ingress and egress during emergencies.

The update on the 2015 Utah Legislative session was tabled to the next meeting.

#### COMMISSION AND STAFF REPORTS

*Motion by Commissioner Nichols to adjourn.*

Meeting adjourned at 8:40 P.M.