

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, June 14, 2017 7:00 p.m.

CONDUCTING John Cowan, Chair

COMMISSIONERS Kirk Beecher (7:35 p.m.), Taresa Hiatt, Harold Nichols, Blair Warner

EXCUSED Ryan Frisby, Adam Billings

STAFF Jill Spencer, City Planner
Daniel Jensen, Planner II
Kim Holindrake, Deputy Recorder
Kent Fowden, Street/Landfill/Storm Water Superintendent

CITY COUNCIL Linda Carter

OTHERS Charles Gonzales, Sabrina Elliott Haycock, Robert Palfreyman, Joel Wright, Jerry Robinson

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:04 p.m.

2. Roll Call

Four commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Nichols.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of June 14, 2017

MOTION: Commissioner Nichols – To approve the minutes. Motion seconded by Commissioner Hiatt. Those voting yes: Taresa Hiatt, Harold Nichols, Blair Warner, John Cowan. The motion carried.

5. Public Forum

Charles Gonzales stated he has spoken to Dave Tuckett, City Manager. He questioned why after 45 years of service does the city want a signed paper (liability form) for the garbage trucks entering his property. The city owns the turn and the first part of the right-of-way, but it isn't kept up. The truck

comes at 6:40 a.m. so there isn't a chance for him to do snow removal like when the truck came at 9:30 a.m. The city road was promised when Stan Hutchings was over it. This is where the pickup was supposed to be. There should be no need for the truck to come on private property. A home was torn down in 1974 to widen and improve the road, which was never done.

Staff will give the letter and information to the proper staff.

6. Review Items

- 6.1 PUBLIC HEARING – Request by Jacob and Emily Wall for preliminary and final approval of the proposed Wall Subdivision arranged on Utah County Parcel 08-098-0025 located on the northeast corner of the intersection of 700 South and 700 West. The subdivision consists of two (2) single-family dwelling lots in the R-1-9, Residential Zone (7:08 p.m.)

MOTION: Commissioner Warner – To open the public hearing. Motion seconded by Commissioner Nichols. Those voting yes: Taresa Hiatt, Harold Nichols, Blair Warner, John Cowan. The motion carried.

Staff Presentation:

Jill Spencer stated the subdivision name was changed to the Emily Subdivision, which is located on the northeast corner of 700 West and 700 South. The request is for preliminary and final approval. There is an existing single-family dwelling on lot 2. The property is located in the R-1-9 Zone and both lots exceed the minimum requirements. Because this subdivision is three lots or less, the Commission makes the final approval decision. The submittal is required to correct an improper division of land that occurred in 2014. Some items can be completed in the coming weeks with staff so the approval will be with conditions. The main access is from 700 West. This approval is to solidify the boundaries as they are identified on the Utah County records. Compliance with city regulations include working with Payson Power on layout of electrical facilities and payment of fees, letters from private utility providers, landscaping requirements prior to occupancy, payment of property taxes, transfer of water rights, and a performance guarantee. There will be only one public hearing, which his with the planning commission as the land use authority. The commission should include findings in the decision.

Public Comments:

No public comments.

MOTION: Commissioner Nichols – To close the public hearing. Motion seconded by Commissioner Warner. Those voting yes: Taresa Hiatt, Harold Nichols, Blair Warner, John Cowan. The motion carried.

MOTION: Commissioner Cowan – To approve with the conditions of staff the Emily Subdivision, which was the Wall Subdivision, with the finding that we need to move forward and the applicant is willing to work with the city to make sure everything happens and to get them going. Motion seconded by Commissioner Warner. Those voting yes: Taresa Hiatt, Harold Nichols, Blair Warner, John Cowan. The motion carried.

- 6.2 PUBLIC HEARING - Amendment to the Payson City Zoning Map that will affect Utah County Parcel 30-069-0080 located at the terminus of 680 West street and 730 West street at approximately 1200 South. The parcel is currently zoned R-1-A, Residential-Agriculture and it is proposed that the zone be changed to R-1-9, Residential (7:17 p.m.)

MOTION: Councilmember Nichols – To open the public hearing on 6.2 and 6.3. Motion seconded by Commissioner Hiatt. Those voting yes: Taresa Hiatt, Harold Nichols, Blair Warner, John Cowan. The motion carried.

Staff Presentation:

Jill Spencer stated the property is located at 680 West and 1200 South. Most of the surrounding properties have already developed. The property to the south is agricultural. The request is to change the zoning from the R-1-A Residential-Agriculture Zone to the R-1-9 Residential Zone. The proposal is consistent with the existing development in the area. Preliminary and final approval are requested, but the commission only addresses the preliminary plan. The relationship with the adjoining parcels is shown to see how roads can connect in the surrounding area. The proposal will create four lots. The excess property will be maintained until further development occurs. Compliance with city regulations include zone change, address items in the title report, electrical layout and fees, submit construction drawings, submit final plat, address staff conditions, grading and improvement plan, application items for final plat, payment of taxes, transfer of water, and performance guarantee prior to recordation.

Applicant Presentation:

Kyson Koop stated 680 West and 730 West will connect temporarily at the end as a loop.

Public Comments:

Sabrina Elliott Haycock stated her family owns the 12-acre parcel to the south. They have no intention of changing from agricultural in the near future. They are restoring the property back to alfalfa. The city is restoring irrigation water capabilities. They have several concerns with the development of property to the north due to previous developments. The problems they have faced over the many years of development is that developers assume their property is waiting for development, used for access, fences removed by developers, and dumping on their ground. For them to do this work, they will try to come in off the south egress and tear up seed and trespass on her property. She has already hauled off tons of trash this year. She would like to see installed type of solid fence on the south line to prevent the continual and probable trespassing and dumping of debris. If her property subdivides, it will be for family and not a subdivision to be sold. She is trying to keep a green area in the middle of all these subdivisions. Her fence even gets damaged with the city snow plowing. She is concerned with construction vehicles accessing their property through 1210 South over her property. She doesn't want to change her zoning.

Robert Palfreyman stated he is the owner of the project property. He echoed her concerns 100%. He has had dumping of garbage over his fence as well. The access to her property is only about 75 feet to her property. The only way to stop vehicles from driving through is by putting Jersey barriers at the end of the stub streets. He still needs to develop so it isn't a weed patch.

Commissioner Cowan stated his family owns property northwest of here. They have similar problems. People don't respect farms and dump wherever they want. The dumping occurs in the middle of the night. He sympathizes.

MOTION: Commissioner Warner – To close the public hearings for 6.2 and 6.3. Motion seconded by Commissioner Nichols. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

Commission Discussion:

Commissioner Warner stated this is a well-conceived use of the land extending the streets and adding homes. The temporary loop is a good idea. The zone change only affects this parcel.

Commissioner Nichols stated Ms. Haycock brings up some good points. If they build houses and trees need to be removed, the developer should be required to do that. A fence at the property line would be a good idea. He understands the property owner's concern with liability and someone coming onto her property and getting hurt.

Commissioner Beecher stated he isn't sure the city can require a fence to be installed. He questioned if the city is responsible to protect someone's property. This is a temporary road until further development; this is not a limited access road. He can't think of any reason to force the fence, but it's not a bad idea.

Commissioner Hiatt stated there were a lot of conditions. She feels he should be able to do what he wants with his property. The property owners should get together and discuss the issues. She doesn't know what the city can do about fence.

Jill Spencer stated staff will look at the ordinance regarding fencing to see if there is an ability to require a fence. Also there are some typography issues in this area, which is why a grading plan was required. Materials may have to be removed or retaining walls required for slope stabilization.

MOTION: Commissioner Beecher – To recommend to the city council that this be approved for a zone change to the R-1-9 Zone from the R-1-A Zone. Motion seconded by Commissioner Warner. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

- 6.3 PUBLIC HEARING - Request by Kyson Koop for Preliminary Plan approval of the proposed Grandview Acres Subdivision arranged on Utah County Parcel 30-069-0080. The subdivision consists of four (4) single family dwelling lots in the proposed R-1-9 Zone

MOTION: Commissioner Nichols – To recommend approval to the city council of the development with the conditions: 1 – The trees will be removed from the property and not pushed on the adjoining property. 2 – To check the ordinances about fencing to protect the adjoining property and the temporary access road. 3 – Staff conditions. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

6.4 PUBLIC HEARING – Proposed amendments to Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; and the Standard Specifications and Standard Plans (7:56 p.m.)

MOTION: Commissioner Hiatt – To open the public hearing for 6.4. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

Staff Presentation:

Jill Spencer stated the Utah State Legislature clarified that construction standards are land use documents and have to go through the same process as any land use document. The city street supervisor has one change.

Standard Specifications and Standard Plans

Kent Fowden stated the amendment is specific to trench restoration and trench opening. The change is to have more control on settlement and conditions of trenches after they have been opened. It is specific to everything above the pipe zone and most is covered in APWA. This addendum takes it one step further giving more control over the materials going back into the trench. Staff is trying to accomplish a more permanent repair. There have been some instances of super saturated materials going into the trench with no way to compact or test it. The T patch is covered to a point. We can get the asphalt surface restoration but can't control the natural materials going back into the trench.

Commissioner Beecher suggested requiring a saw cut at the edge and call it out on the drawing, show a minimum depth on the asphalt or match existing, state the minimum wanted on the road base, and a detailed picture. They won't look at the specs so it should be in both places. Flow fill needs to be defined. Also show the compaction minimums on the detail.

Kent Fowden stated he will reference the detail on the drawing and reference the standards and APWA.

Title 19 – Zoning Ordinance, Public Hearings

Jill Spencer stated currently the ordinance requires a public hearing before the planning commission and then the city council for a final decision. The Utah Code only requires one public hearing. Staff proposes one public hearing with the planning commission to streamline the process. The proposal includes several areas in the city code that need to be changed. There will still be two process that will require a public hearing with both the planning commission and city council. It doesn't restrict the city council from accepting public comment at their meetings, but notices will not be sent. If the commission receives concerning information from the public, an item can be remanded back to staff.

Title 19 – Zoning Ordinance, Accessory Apartments

Daniel Jensen stated the current accessory apartment ordinance has been in place for years. There continues to be an increase in the number of accessory apartments but not an increase in applications to establish those. Currently there is a legislative process with the RMO-A Overlay. Staff is proposing to amend the ordinance to be a permitted use with an administrative process. The definition of an accessory apartment is a living area inside a single-family dwelling that is subordinate to the dwelling. The idea is that the home still retains its character as a single-family dwelling. Occupancy for an accessory apartment is defined differently from a duplex. With a duplex

any family lives upstairs or downstairs and may not be the property owner. An accessory apartment is more restricted with living area inside the house. The primary unit is the homeowner and family with the homeowner having at least 50% ownership on the title. The apartment is capped at a maximum of two adults and minor children and are not related to the home owner. The requirements include the following:

- Accessory apartments are allowed in all residential zones if the requirements are met.
- The home looks like a single-family home with one driveway and one front door and is owner occupied.
- Four off-street, hard-surfaced parking spaces are required.
- Interior access is maintained throughout the house.
- The apartment cannot be in an accessory structure.
- A separate access to the apartment would be located on the side or rear of the home with a paved access to the parking area and the street.
- Items that are not permitted include front yard parking, paving two side yards.
- There is no minimum lot size; but if the home can't meet the requirements, then it won't qualify for an apartment.
- The number of kitchens is capped at two in the entire home. The current ordinance banned second kitchens but wasn't enforced. A certificate of present condition is recorded against the property stating it is a single-family home.
- Separate utilities are not allowed.
- The intent is to improve neighborhoods by requiring homeowner responsibility.

Feedback from the public showed the public doesn't know if an accessory apartment will be allowed when purchasing a property. The process is costly, time consuming, and a hassle you'd rather avoid. The outcome was uncertain, and the requirements were inconsistent. The administrative process saves time and money for the city and the applicant, removes barriers to compliance, and the applicant knows the rules from the beginning. The purpose encourages ownership occupancy and longevity, empowers home buyers, facilitates the legal use of the property, targets code enforcement on violators, improves safety and quality of housing, and protects neighborhood integrity. Staff is hoping to curtail illegal conversions. The apartment runs with the owner and not the property. Apartments are nice because they can expand and retract. Insurance companies might not cover a home when an illegal apartment is established so we want a process that is easy.

Section 19.9.22.6 is a provision for nonconformity that requires evidence that established an apartment for those currently in place. If the homeowner can't meet the burden of proof, they would be required to meet the current ordinance. If property was purchased as an investment to rent the upstairs separate from the downstairs, it would be a duplex if legally established. If not legally established, they would have to meet the legal requirements.

(Commissioner Cowan excused. Commissioner Warner conducting. (8:33 p.m.)

Joel Wright stated he has lived in Payson about 1.5 years. As a new homeowner he wanted to help his sister and use their basement as a rental. He contacted the city and received similar guidelines as being proposed today. Duplexes are a hit and miss. Sometimes it works out and other times it is denied. He finished the basement a year ago and wanted to ensure they did it legally. Accessory apartments were in limbo and ordinance changes weren't made. Neighbors added apartments and

finished basements illegally. There is a need for accessory apartments. Over the last six months, houses weren't being built fast enough and rent was outrageous. He now has renters. Rentals are a really great thing and help younger and older families. There are families out there who want to do this legally and provide affordable housing. He doesn't think some of his neighbors realize he has renters. Accessory apartments provide necessary housing.

Daniel Jensen stated the proposed ordinance gives flexibility for owners to live in either area of the home. As written, there would be a second address that would be removed if the home became ineligible for the apartment any longer. The proposed ordinance also removes the casitas from the code. The application fee was about \$500 plus the stamped envelopes. It didn't come with a guarantee and was time consuming. Some reasons for denial included there were too many cars and people, residents moved into single-family areas and wanted to maintain that style, and parcels were not kept up. The accessory apartment fee hasn't been set but maybe \$75 or \$100. The applicant will submit an application with a site plan and floor plan showing it meets all the criteria before they pay the fee. Also the off-street parking spaces must be available for parking and not storage. With the enforcement provision, it is a misdemeanor C.

Jill Spencer stated the RMO Overlay was adopted about five years ago, and the city has processed about six applications with two being denied. With those applications, the city got a really good feel of what is important to the city and residents as well as how it affects the community. One application had a large addition without any building permits and had to be converted back to a single-family home. Residents in these areas have stated that they purchased property in a single-family neighborhood and want it to remain a single-family neighborhood. Staff has done a lot of work reviewing previous minutes, reviewing other city ordinances, and talking with residents. Staff feels it needs to be administrative.

Title 20 Subdivision Ordinance

Daniel Jensen stated this amendment adds planned residential communities to the RMO-1 Overlay Zone as a permitted use. The difference between a planned residential community and single-family lots is common space is encouraged instead of individual parcels. It follows the same amount of required area, which is 60% of the underlying zone. Setbacks are consistent with a single-family home. Design standards are being added. The proposal includes many standards consistent in the South Meadows Specific Area Plan. Architectural features include porches, columns, window groupings, gables, dormers, roof pitches, wall variations, stone, masonry, stucco, and materials wrapping around the sides. The current ordinance doesn't address these items. This is an infill tool for infill projects. The amendments include aesthetics and creating a safe community. It requires homes to engage with the surrounding areas.

Public Comments:

Jerry Robinson stated as an architect, people approached him about designing communities in Springville, Payson, and other places. One thing he wanted to accomplish is what this ordinance allows including a place with gathering areas and open space. There are a lot of homes in communities where the garages are dominant. The standards require a roof pitch, trees, large columns, wrapping materials, and window groupings. The same form is not allowed on both sides of a duplex. The results will be great. The density is the same with more standards and more flexibility.

MOTION: Commissioner Beecher – To close the public hearing. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

MOTION: Commissioner Beecher – To recommend to the city council to modify the ordinances for land use, eliminate the second public hearing in most cases with a couple of items that still having a public hearing and with the planning commission holding the public hearing. To recommend to the city council the accessory apartment as outlined and modified by staff in all the residential and agricultural areas. To recommend to the city council the accessory living unit in all those areas covered as presented by staff and the removal of the casitas from the provisions and the second kitchens as part of the grouping to be included and including definitions. To recommend to the city council the other recommendations to Code 19 including annexations, conditional use permits, and cellular towers, which were minor changes or corrections. To recommend removal of the RMO-A Overlay Zone and replace it with the accessory apartment ordinance, and all of the definitions. Motion seconded by Commissioner Nichols. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

MOTION: Commissioner Beecher – To recommend to the city council approval of the modifications to the Subdivision Ordinance as outlined by staff, which includes zoning ordinances, accessory living units, information about other things. Essentially mirroring all the items in Title 19 making both match and be congruous together along with the signature block for the city attorney on the final plat. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

MOTION: Commissioner Beecher – To recommend to the city council the addition of a standard drawing to the Standards and Specifications and Plans for the repair of city streets for trenching with the additional modification recommended by the planning commission for additional details on the drawing to match the current specifications. Motion seconded by Commissioner Nichols. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

MOTION: Commissioner Beecher – To add the RMO-1 Overlay Zone to the Planned Residential Community only with the design recommendations and additional specifications that would make it a pleasant and pleasing addition to the city. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

7. Commission and Staff Reports (9:32 p.m.)

Project updates will be out in a few days.

Commercial Recycling – Staff mentioned commercial recycling to the city manager because he attends the Economic Board meetings. Staff will follow up with him. Businesses receive credits with recyclable materials.

8. Adjournment

MOTION: Commissioner Beecher – To adjourn the meeting. Motion seconded by Commissioner Hiatt. Those voting yes: Kirk Beecher, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

The meeting adjourned at 9:38 p.m.

/s/ Kim E. Holindrake
Kim E. Holindrake, Deputy City Recorder