

PAYSON CITY  
PLANNING COMMISSION MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, October 24, 2018 7:00 p.m.

CONDUCTING Kirk Beecher, Vice Chair

COMMISSIONERS Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills (via telephone)

EXCUSED Adam Billings, John Cowan, Harold Nichols

STAFF Jill Spencer, City Planner  
Daniel Jensen, Planner II  
Kim E. Holindrake, Deputy Recorder/Admin. Asst.  
Travis Jockumsen, City Engineer, Development Services Director

OTHERS Ross Welch – Patterson Construction, Eric Stringham, David Gardner, Tyson Remensnyder – Brown Group, Matt Brown – Brown Group, Jeremy Smith, Jeff Southerd – South Haven Homes, Debra Bell, Taresa Hiatt, Brian Anderson, Richard Holdaway

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:07 p.m.

2. Roll Call

Four commissioners present with one via telephone.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Frisby.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of October 10, 2018

**MOTION: Commissioner Frisby – To approve the minutes from October 10, 2018.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

5. Public Forum

No public comments.

6. Review Items

6.1 PUBLIC HEARING – Proposed amendments to the Payson City Annexation Policy Plan.  
(7:09 p.m.)

Staff Presentation:

Jill Spencer stated the proposal is to amend the Payson City Annexation Policy Plan (APP) to include parcels into the city including a public hearing with the planning commission and potential recommendation to the city council. There are several steps in this process, which is the same process to amend as it was to create the APP. The city adopted the APP on November 20, 2002. Property annexed into the city must be in the APP. At this time, there are no proposed changes to the APP. This amendment was initiated by a land use application for 213 acres near Payson Canyon, and the council took action to accept the application for further review. In preparing the information for certification, staff found that a good portion of the property was not in the APP. The applicant could either modify his development plan or request to amend the APP. It is the same process to amend the APP as it is to create the plan. The amendment process includes an application by the applicant (Patterson Construction), a public meeting with the planning commission including verbal and written comment periods with affected entities, a public hearing and recommendation by the planning commission, and a public hearing and decision by the city council. Tonight is the public hearing and recommendation by the commission. At the previous public meeting, the city received a request by Santaquin City to exclude any parcels already within their municipal boundaries. Genola Town requested to exclude any parcels within its boundaries including any parcels for the expansion of Keigley Quarry. The commission also directed staff to evaluate additional properties near the entrance of Payson Canyon. Staff is also requesting that any parcels addressed in an interlocal cooperative agreement with Salem and Elk Ridge be excluded. She reviewed the private and public lands near the proposed annexation area in the canyon. The request has not been discussed with any of these landowners in the canyon. She suggested that if the commission wants to make any of the additional modifications that it be done through another amendment.

Applicant Presentation:

Ross Welch stated this annexation addresses the remaining parcels in the area. They are anxious to move forward with the development. More than two-thirds of the development will be dedicated to the city for public open space. Their plans are to ensure the Payson Canyon and hillsides remain undeveloped and for recreation. He would hope the city would look at the other properties as a second application.

**MOTION: Commissioner Marzan – To open the public hearing.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

Public Hearing:

Jill Spencer read a letter from Blair Hamilton, Chairman of the Board of Trustees for South Utah Valley Electric Service District (SESD), which is an affected entity. *I am writing to inform you that SESD was granted a service area under a Certificate of Public Convenience and Necessity (CPCN) when SESD was created. The previously mentioned parcels, as well as many other areas within Payson City's Declaration Boundary, are within SESD's certificated service area. SESD will be very happy to provide power to all development within its certificated service area. Should Payson City desire to serve power in an area currently certificated to SESD, that area will need to be withdrawn according to the withdrawal provisions of UCA 17B-1-Part 5.* She noted, the annexation and

development are not being discussed at this time so there will be no discussion about power services. The city will be cognizant of this comment as it moves forward.

**MOTION: Commissioner Marzan – To close the public hearing.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

Commission Discussion:

Jill Spencer stated if other parcels are not included at this time, staff or the commission could initiate the process.

Commissioner Beecher stated these are areas to consider but not necessarily at this time.

Commissioner Frisby and Commissioner Marzan agreed.

Commissioner Mills questioned if this area was in the pre-evacuation area for the fire. He is concerned with opening the city to additional development that puts potential and future residents at risk as well as first responders. Developing further up the hillside is not good planning. His major concern is the city inherits a responsibility with an annexation. The commission could recommend a zoning or preservation zoning.

Jill Spencer confirmed this area and anything above the Highline Canal was in the pre-evacuation area. A majority of this property cannot be developed because of slopes, access, etc. Much of the land will be kept as recreation land for recreation purposes. Staff brought this up in redlines to the applicant as well as concerns with drainage and wildland fires. Through the annexation and development processes, the city could impose requirements to mitigate these concerns. The applicant is proposing to dedicate the undeveloped property to the city, which could be in a public facilities zone, a preservation zone, or a conservation easement. These suggestions are warranted and should be discussed with the annexation with a solution in the annexation agreement prior to annexing.

Ross Welch addressed the concerns. If done right, development enhances these things. In another community they developed in, the fire chief stated the development would be the safest in the community because of the creation of buffer areas. The ground, vegetation, and home materials all have an impact to make it quite safe for fires in this case. They are putting in mitigation efforts to safeguard against debris flows and have a vested interest in these homes.

**MOTION: Commissioner Marzan – To recommend approval to the council to adopt the proposed amendment to the Annexation Policy Plan and asking staff to consider a future phase to reach out to those additional landowners to include in an annexation policy plan.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

- 6.2 PUBLIC HEARING – Request for approval for use of the I-O, Infill Overlay Zone for Utah County Parcel 08:063:0011 located at 343 South 400 West in the R-2-7.5, Residential Zone.  
(7:32 p.m.)

Staff Presentation:

Daniel Jensen stated the purpose of the I-O Zone is to allow a flag lot. The area is surrounded by existing single-family homes so there isn't a good way to access the land midblock. The property is almost .5 acres with 110 feet of frontage. The flag lot will have a 30-foot-wide flag portion to allow visibility from the street for the new home. There is at least a 20-foot paved drive access because of the fire code requirements. The development standards require building materials such as brick, stone, stucco, LP wood siding and/or hardy board but no vinyl or aluminum siding. The design standards include a side-loaded garage so the front of the home is not garage dominant. The home location has a reduced front setback and increased south-side setback to move the home forward. There is a hammerhead turn around for emergency vehicles and a building envelope. These are two separate lots so there is no shared driveway. Staff findings include meeting the I-O Zone requirements, zoning and development codes, and consistency with the neighborhood and general plan. He received a call from a concerned neighbor who heard this would be multi-family housing, which it is not. This neighbor was very supportive of a single-family home.

Applicant Presentation:

Eric Stringham stated he is excited and this will be a great addition to the neighborhood. It will be a nice, good looking home that will add value to the neighborhood. The home will be pushed to the north side to make it visible from the street. His goal is not to allow a fence on the north side of lot 1 to keep the visibility.

Daniel Jensen stated there could be a cap of 42 inches or 50% open with the fence.

**MOTION: Commissioner Frisby – To open the public hearing for items 6.2 and 6.3.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

Public Hearing:  
No comments.

**MOTION: Commissioner Marzan – To close the public hearing.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

**MOTION: Commissioner Frisby – To approve the I-O Overlay Zone for the lot at 343 South 400 West providing that it is consistent with the General Plan, compatible with the existing neighborhood, and meets all staff conditions.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

- 6.3 **PUBLIC HEARING – Request for preliminary approval of the proposed Erik Estates Subdivision, Plat A arranged on Utah County Parcel 08:063:0011 located at 343 South 400 West in the R-2-7.5, Residential Zone.**

**MOTION: Commissioner Marzan – To recommend to the city council approval of the preliminary plan and final plat of the Erik Estates Subdivision, Plat A, located at 343 South 400 West and to consider a fence height of 42 inches or translucent.** Motion seconded by Commissioner Robert. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

6.4 PUBLIC HEARING – Request for preliminary approval of Phases 5, 6 and 7 of Villages at Arrowhead Park, a planned residential development arranged on Utah County Parcel 30:009:0067 located west of Arrowhead Trail at approximately 1500 North. (7:48 p.m.)

Staff Presentation:

Jill Spencer reviewed the entire project of the Villages at Arrowhead Park, which is the most northern part of the city boundary. The developer is extending utilities quite a distance to this development for phases 1 through 4. Unique features to the site include wetlands, Beer Creek Channel, extension of city services, a lift station as a temporary system, arterial roadway improvements, coordination with irrigation companies, agricultural and animal rights, and coordination with Salem City for future sewer connections and local street access. Land use and density may have slight modifications to the concept plan as the development progresses and the market changes. Phases 5 through 7 include 85 single-family residential homes including accesses across the wetlands. The only concern with phasing is having two points of ingress/egress. Phases 1 through 7 include 215 units. Items of consideration include project layout and design with a request for a modified street cross section. This is for the two accesses across the wetlands and due to staff requesting that no homes be located along the wetlands, which are considered an amenity. The road along the wetlands is 30-foot wide so parking is allowed. The other request is to not have an RV parking and storage area but include wider setback on the lots. Amenities include fencing consistent with phases 1 through 3, open space areas, and a public trail system. Compliance with city regulations, phasing plan, and housing product is required.

Applicant Presentation:

David Gardner stated they are aware of the 10-lot limit with only one access, which will be honored in the phasing plan. The first 50 units in phases 1 through 3 have five different builders, and they have a good product. These are small builders and create a good mix. Phases 5 through 7 have a better design with no lots along the wetlands. They will have the landscaping plan in the next few days. The infrastructure is being completed with phases 1 through 3. Once complete, they will submit for building permits.

Commissioner Mills questioned traffic calming for the long, lengthy roads and if fill is being added to the lots.

David Gardner stated they haven't incorporated any traffic calming on the streets but could look at it in the future. There is no fill on the project. Some lots have a low water table that could accommodate a basement. They would like to do basements where possible.

**MOTION: Commissioner Marzan – To open the public hearing on item 6.4.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

Public Hearing:

No comments.

**MOTION: Commissioner Marzan – To close the public hearing.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

**MOTION: Commissioner Frisby – To recommend approval of Phases 5 through 7 at the Villages at Arrowhead Park with the consideration for RV parking be waived as long as the homes and lots are situated in a way to accommodate side parking for RV's, also consider modifying the road cross section near the wetlands in order to accommodate better visibility and use of the wetland areas, and all staff conditions and recommendation be followed and taken into account.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

- 6.5 PUBLIC HEARING – Request for approval to extend the municipal boundaries to encompass the parcels included in the proposed Holdaway-Pleasant Flats Annexation. The annexation consists of three (3) parcels containing approximately 39.38 acres along with portions of existing roadways for a total annexation area of 43.61 acres and is located adjacent to and south of SR-198 extending to 100 South and between 1300 East and 1500 East. (8:14 p.m.)

Staff Presentation:

Daniel Jensen stated the annexation includes 43.61 acres over three parcels with a future road along the east boundary. The surrounding zoning includes agriculture in the county to the east, the PO-1 Medical to the west, A-5-H, and industrial. The proposal includes six acres of assisted living/medical on the northwest to be zoned PO-1, 11.08 acres of commercial on the northeast to be zoned GC-1, 13.13 acres of multi-family to the southeast to be zoned RMF-20, and 6.16 acres for townhomes to the southwest to be zoned RMF-15. There is a small three-acre parcel that is not part of the development that could be zoned A-5-H. Items to discuss include land use limitations in the commercial because the uses are broad and the density of the PO-1 Zone, RMF-15 Zone, and RMF-20 Zone. The property falls in the East Side Comprehensive Plan (ESCP) including a commercial village and professional offices with design standards. The ESCP includes language in the commercial village to avoid strip commercial along SR-198 and in the professional offices to support the activities of the medical facility. There are architecture and design standards in the ESCP. The applicant submitted a utility plan that analyzed the property and showed the needs for sufficient utilities. The commission and staff have discussed using a grid for roadways as well as greenway, trails, and open space. Staff would work with the applicant and city attorney on the annexation agreement to address the specifics.

Applicant Presentation:

Tyson Remensnyder stated the Brown Group is a commercial developer by trade and finds the site to be very intriguing because of growth and the roadways. The project has changed over time through the course of the process. The commercial has increased from two acres to 10 acres, the residential components were downsized, and the assisted living/senior housing was added. They received and reviewed the comments from last week. They are okay with the vast majority of the staff comments, but have some concerns and questions. There are requirements to avoid strip commercial, which has a negative connotation of throwing stuff up, not first class, and a hodgepodge. This is not their intent at all; they are a national developer. The term strip commercial is vague. They understand the concern to make this a first class commercial property and are asking for the GC-1 Zone. Staff recommends

prohibiting some of the uses, which impacts them in bringing a first class development. Staff has suggested the following uses be prohibited.

- Automotive, Equipment and Marine – Excludes an Auto Zone, O’Reilly, Napa, or any type of auto parts store.
- Tire Sales and Minor Auto Maintenance – Excludes Big O Tires, Tire World, Discount Tire, or Les Schwab.
- Field Centers and Convenience Stores – Excludes Maverik, 7-11, or Chevron. It could also be taken to the level of convenience stores that have gas as part of their business.
- Building Materials – Excludes home improvement centers over 10,000 square feet, which includes Home Depot or Lowes. Hardware stores can’t be less than 10,000 square feet and excludes an Ace Hardware, True Value, or Stokes that has a hardware component. This also excludes paint, glass, or wallpaper such as Dunn Edwards, Sherwin-Williams, or Benjamin Moore. No flooring materials or products excludes Floor and Décor, Lumber Liquidators, or Tile for Less.
- Construction Contractor and Services – Excludes plumbing, heating, air conditioning, painting, papering, decorating, carpentry, and wood work services.
- Professional, Scientific Manufacturing and Repair Services – He is unsure what this category means and is okay giving it up.
- Repair Services – Excludes Pep Boys, AAMCO, and Midas. It also excludes auto body and restoration, auto lube and tune up that excludes Jiffy Lube or Fast Lube Plus. Automobile detailing is excluded but could do a car wash. Some car washes do detailing. Watch, clock, and jewelry repairs are excluded but the selling of those items are allowed.
- Pens, Pencils, and Other Office and Artistic Materials – Excludes a bookstore, stationery, and office supply store. Stores are allowed with office materials but not office supplies. He questioned the difference. Artistic supplies excludes a Michaels, JoAnn’s, or any craft store.

He is asking that these restrictions be lifted and allow all the uses in the GC-1 Zone. They have stepped up to 10 acres of commercial. They reached out to the owner of the three-acre parcel but haven’t heard back. He understands the grid concept, but the challenge is with a big box tenant where a road can’t go right through the big box. A grid also creates issues with the senior housing layout. Each of the four nodes will have a site plan to create connectivity. A grid causes more problems than good. Basically, three sides of the project have roads on the north, east, and south. They are excited to come to Payson and get started.

Commissioner Beecher stated the guiding document in this area is the East Side Comprehensive Plan. Some areas are being followed and some are not. The city is in the middle of new general plan updates. Doing something here that doesn’t fit the rest of the area is a concern, which is part of his hesitancy. One item not addressed is that the proposal uses all the sewer capacity in the area with this buildout without any additional infrastructure to take care of other areas.

Tyson Remensnyder stated the ESCP was done several years ago. It is challenging to fit with the reality of today’s market, but they feel this new design is coming very close.

Matt Brown stated there are approximately 200 dwelling units accounted for in the existing lift station when following the sewer analysis. When they meet the 200 units, they will upgrade the lift station. This property was allocated 200 units, and the lift station has more units available.

Daniel Jensen clarified the use restrictions. In the city code under Title 19, there is an appendix listing all the land uses by category. The staff report lists categories that brought up concerns but wasn't to prohibit every use in each category. It sounds like the most concern was with retail. Staff has no ability to curtail a use once the zone is in place. There are many areas in town with uses that are not compatible to the neighborhood but are permitted under the zone. This is an issue with the land use codes and discussions have been held regarding a form base system.

Commissioner Mills stated there is a significant difference between principle use and accessory use. He has no problem with a grocery store as a principle use and gas station as an accessory use. The applicant can always come back and petition for a text amendment.

Daniel Jensen clarified if there is an agreement, the agreement would have to be amended to change any uses. The list in the staff report may be over broad. He suggested sitting down with the applicant to go through the land use appendix.

**MOTION: Commissioner Marzan – To open the public hearing.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

**Public Hearing:**

Jeremy Smith stated his concern as a landowner nearby is the designation of the residential piece as RMF-15 and RMF-20. Multifamily or townhomes are a concern and affects the property values of existing landowners. He is concerned with the street on the east side as a major thoroughfare. This side should be more commercial than residential.

Debra Bell stated she lives east of the property. This is additional commercial development for Payson when there is a large area by the movie theaters available. She wants to preserve the agricultural way of life. The 10300 South road is county and carries a lot of traffic now as well as pedestrians, which can be a safety issue. She questioned if the multi-housing would be owner occupied or rentals. She questioned if there is a better way for the current owners to get what they need economically but develop differently to enhance the area. Most residents moved there to have agricultural property and want future green space and open space. She also wants to continue with animal rights.

Jeff Southerd stated he is looking at the assisted living senior housing portion. His company recently built senior apartments in Lindon at about 30-units per acre. The moto in Lindon is a little bit country with horse property and a half-acre lot minimum generally throughout the city. This senior housing has been a great benefit to the city and the residents. He is hopeful it will work for everybody, and he will have a chance to build in Payson.

Taresa Hiatt stated she likes the place for the older people but would like to see it back behind. She understands what is being said about the green space. She has a hard time with this many units. She is a firm believer of commercial on the main road where it is seen. She would like to see commercial that whole way along the street and move the assisted living behind. She also questioned if the apartments would be owned or rented and would they be managed. It is too high of a density for that



area. A bunch of units shouldn't be shoved in and take away the green space. She would like to know what commercial could be built.

Tyson Remensnyder stated the multi-family is one development and would be leased and professionally managed. The townhomes are owned or leased.

Brian Anderson stated he is Mr. Holdaway's son in law and real estate broker. This project has been through about five iterations. This is the closest to what the city council is looking for and the East Side Comprehensive Plan. He's not sure how the developer and owner make a decision when there is this possibly maybe changing future. The bigger concern are the standards now and are decisions based on what is in place now.

Richard Holdaway stated he is the property owner. The residents live there because of the rural community and farming. He loves it and has lived there 60 years. He can no longer take care of the farm and doesn't want it to go to weeds. He doesn't want to hurt the neighbors. When they get old and their kids don't want to run the farm, what will they do with their property. The proposal is a nice thing for the community and will take care of the property. He knows where his neighbors are at; he was there 20 years ago.

**MOTION: Commissioner Marzan – To close the public hearing.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

Commission Discussion:

Commissioner Frisby stated this is a big improvement over some of the previous plans and seeing what it needs to be. He understands the concerns of what is viable now and what the market can handle. The city is looking 20 to 30 years down the road and how the area will develop. Clarification on what would and wouldn't be allowed is needed prior to moving forward. The high density needs a transition or buffer, which is difficult because we don't know what the adjacent property will look like. We do have the East Side Comprehensive Plan to work from for the area.

Commissioner Marzan stated she understands the concerns with the grid system with the commercial and assisted living, but the residential needs a grid system to be walkable and viable. The residential also needs walkable access to the commercial.

Commissioner Mills agreed with both statements. The city is going through a general plan update that will address those situations and spreading out commercial too much. It is hard to stick with something that is so ambiguous as far as having an annexation agreement and not knowing what will be contained in it. He would like to come back and work through some of the issues to see more of what the plan specifically is and what is allowed and required.

Commissioner Beecher stated the general plan is a year away from being done and can't wait for it to be done with this application. The proposal and the East Side Comprehensive Plan are very similar in land use but in different locations.

**MOTION: Commissioner Frisby – To remand back to staff for clarification on which uses are allowed and what zoning designation it would be whether the GC-1 Zone or another**

**appropriate zone that is best for the city now and in the future, with possible minor adjustments to bring it more in line with the East Side Comprehensive Plan as far as land use, and determine the zoning for the three-acre agriculture property.** Motion seconded by Commissioner Marzan.

Jill Spencer clarified the planning commission provides a recommendation with any conditions along with any public comments received and the decision by the city council is memorialized in the annexation agreement. The commission's recommendation needs to be specific.

Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

7. Commission and Staff Reports

No reports.

8. Adjournment

**MOTION: Commissioner Marzan – To adjourn.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills. The motion carried.

This meeting adjourned at 9:18 p.m.

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