

PAYSON CITY  
PLANNING COMMISSION MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, November 14, 2018 7:00 p.m.

CONDUCTING Kirk Beecher, Vice Chair

COMMISSIONERS Kirk Beecher, Adam Billings, Kathy Marzan, Robert Mills, Harold Nichols

EXCUSED John Cowan, Ryan Frisby

STAFF  
Jill Spencer, City Planner  
Daniel Jensen, Planner II  
Kim E. Holindrake, Deputy Recorder / Admin. Asst.

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:00 p.m.

2. Roll Call

Five commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Nichols.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of October 24, 2018

**MOTION: Commissioner Mills – To approve the consent agenda.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

5. Public Forum

No public comments.

6. Review Items

6.1 PUBLIC HEARING – Proposed amendments to the Payson City Code, Title 19, Zoning Ordinance including Appendix A, Title 20, Subdivision Ordinance, and the Standard Specifications and Standard Plans. (7:02 p.m.)

Staff Presentation:

Daniel Jensen reviewed the proposed ordinance amendments to Title 19 and Appendix A with discussion from the commission.

Title 19:

- Title 19.28 Definitions – Define Lot of Record – *Any parcel of land created as a buildable lot prior to January 1983 or subsequently amended to meet the regulations for a buildable lot.*
- Title 19.28 Definitions - Define Development or Development Activity – (a) *Any construction or expansion of a building, structure, or use. (b) Any change in the use of a building or structure. (c) Any manmade change to improved or unimproved land, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations. (d) Any change in the use of land that creates additional demand and need for capital facilities. (e) The total area of a lot or parcel of land on which a building permit is to be issued or the total area of property being improved. (f) The land being developed and/or subdivided. (g) The act, process or result of developing.*
- Title 19.9.4 - Amend Living Area by adding, *A single-family dwelling with an accessory apartment has two (2) living areas. Add to 19.9.4 Human habitation is limited to the living area in each dwelling.*
- 19.8.4.1 Change title from Permanent Building Required to Primary Building Required – Delete text for exceptions and add, *Any parcel with any primary use that is a manufacturing, retail, business, service, trade, storage, educational facility, or similar use requires a primary building on a permanent masonry foundation except for any temporary or transient business authorized under Title 4, Business License Ordinance.*
- Section 19.6.7.4 (page 34) – Staff is suggesting the text be amended to include “up to” the maximum density of each RMF Zone. RMF 19.6.7.4 Project Density Calculation – Change RMF-15 - *Up to 15 units/gross acre.* Change RMF-20 - *Up to 20 units/gross acre.*
- Section 19.6.10 PO-1 Professional Office Zone – Staff is proposing to include a cross reference to Chapter 19.23, Special Needs Housing for additional permitted or conditional uses allowed in the PO-1, Professional Office Zone. Change 19.6.10.2 by adding/modifying, *Uses and development consistent with Payson City Code 19.23 “Special Needs Housing” is a permitted or conditional use as stated in 19.23.10. Any use not specifically listed in Appendix A or Title 19 Chapter 23 is not a permitted use in the zone.*
- Section 19.6.16, I-1 Light Industrial Zone, Section 19.6.17 I-2 Zone, and Section 19.6.15 BPD Zone - Setbacks – Discussion to change the current standard of 30 feet for the side and rear setbacks to 20 feet except with fortress style storage units. Setbacks could be reduced but strengthen the transition areas. Address the amount of lot coverage requirement, which is currently 60%. Landscaping requirements could be added with minimums.
- Section 19.6.25 I-O Overlay – Staff is proposing new text to clarify flag lot requirements and permitted uses. Setbacks are unclear. Regulations need to be created for flag lots. The term should be “Infill Overlay” and not addressed as a “Zone”. Question if multiple access is available to an inner block, then should a flag lot be allowed. Question on how to address infill.

Appendix A:

- Remove *automobile and passenger truck sales* from the CC-1, Central Commercial Zone.
- Add *motorcycles, snowmobiles and off-road vehicle sales* as a permitted use in the I-1, Light Industrial Zone.
- Add *family and behavioral counsel services* as a permitted use in the CC-1, Central Commercial Zone.
- Remove *automobile repair and auto bodywork and restoration* from the CC-1, Central Commercial Zone.

**MOTION: Commissioner Mills – To forward Appendix A as amended to the city council with a recommendation of approval and remand Title 19 back to staff for further review.** Motion seconded by Commissioner Nichols. Those voting yes – Kirk Beecher, Adam Billings, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

Jill Spencer reviewed the proposed ordinance amendments to Title 20 with discussion from the commission.

Title 20:

- Various Sections – Several years ago, Utah Code was amended to refer to the approving body as the “land use authority” instead of the city council. This change allows each municipality to determine the individual or board that will take final action on a land use application. Changes are proposed throughout the document along with various grammatical, capitalization, and formatting changes. A chart will be include to define the land use authority and appeal authority.
- Various Sections – The requirements outlined in Title 20, Subdivision Ordinance, are often applied to projects that do not involve subdividing property (i.e. site plan, boundary line adjustment, zone change); therefore, staff is proposing to change the applicable references to “development” or “developing”, as applicable.
- Chapter 20.4 (page 2) – Staff is proposing to remove text indicating a subdivision may be denied following a three-year period. Inactive applications are addressed in another section of the title. Additionally, staff is proposing to include text indicating a land use application can be denied based on concern with public health, safety, and general welfare, which are fundamental principles of land use and zoning.
- Sections 20.8.4 and 20.8.6 (page 5) – Staff is proposing to remove text related to the number of meetings the planning commission has to act on a request as well as the provisions for joint hearings.
- Section 20.9.2 (page 6) – Staff is proposing the planning commission act as the land use authority for plat amendments that do not involve the vacation of a street, right-of-way, or easement. Moreover, staff is proposing some general cleanup to the text, including clarification in terminology (i.e. boundary line adjustment) and references to Utah Code.
- Section 20.10.13 (page 17) – Phasing of development projects is addressed in another section of the ordinance (20.11.6); therefore, this section will be removed.
- Chapter 20.11 (pages 17–20) – Proposed changes include, (1) Not all subdivisions or developments are reviewed and approved by the City Council; therefore, staff is suggesting the text be changed to clarify the approving board (i.e. land use authority). (2) To streamline the approval process, staff is proposing to eliminate the review of the final plats by the planning commission. (3) Staff has also moved the section on development agreements from Chapter 20.30, Assurance for Completion and Maintenance of Improvements to Chapter 20.11, Approval and Appeals Processes. (4) Add requirement for secondary point of access with each phase.
- Section 20.16.3 (page 27) – Staff is proposing to remove the requirement for staff to send a report regarding all concept plans to the planning commission. Staff will compare all the sections relative to concept plans.

- Section 20.16.5 (page 28) – Concept plans are strongly encouraged, but not necessarily required before the preparation of a preliminary plan or final plat; therefore, staff is suggesting to remove text that would suggest a concept plan is required.
- Chapter 20.17 (page 28) – Staff has modified the second paragraph to include a list of ordinances and regulations rather than a run-on sentence.
- Section 20.17.7 (page 30) – Utah Code requires notification be sent to any affected canal companies within 30 days of receiving a land use application; therefore, staff is proposing changes to this section.
- Section 20.18.2 (page 33) – Chapter 20.10, Planned Residential Developments allow for modified setbacks; therefore, this section should reflect the possibility of modified setbacks.
- Section 20.18.7 (page 34) – Add text to clarify that no debris and waste can be left on any lot or parcel in the city. Debris and waste cannot be buried. Additional changes may be needed.
- Section 20.18.8 (page 34) - Remove the requirement that fire department reviews fences within a certain distance from fire hydrants.
- Section 20.18.9 (page 34) – To ensure access to waterways, it is proposed that no obstructions be allowed within 20 feet of the bank or historic high water mark. Waterways need to have a preserved corridor and possible dedication to the city. Most developments have been centered around the Dry Creek Channel. New proposal now deal with other channels and wet lands. This section needs more work as well as the addition of permits for stream alterations and FEMA. The City Engineer should make the decision.
- Section 20.19.2 (page 35) - Remove text that would discourage a grid street network. A step further could require the grid.
- Section 20.26.1 (page 45) – Amendments to ensure that applicants are required to improve recreation areas consistent with the master plan.
- Section 20.26.6 (page 46) – Remove language because acquisition of land is the purview of the city council and the planning commission is not involved.
- Chapter 20.27 (page 46) – Expand section to ensure natural features are designed as an amenity to the development (i.e. wetlands, rivers, streams). Add language for public access.
- Section 20.28.1 (page 47) – Remove reference to the number of copies needed for review.
- Section 20.28.4 (page 49) – Require cross-sections on slopes and require review of project drawings by the Development Review Committee.
- Section 20.28.6 (page 50) – Remove the requirement to provide written documents to the applicant following the planning commission meeting. Minutes and audio of meeting are available upon request.
- Chapter 20.29 (page 51) – Remove reference to the number of copies needed for review and the requirements for the planning commission to review and comment on the final plat.
- Section 20.29.4 (page 51) – Remove the timeframe for review of a land use application.
- Section 20.29.6 (page 52) – Utility company names may change. Proposal to use a generic term such as utility services.
- Chapter 20.30 (pages 52–56) – Amendments to the performance guarantee regulations and adding “in-lieu of” provisions to ensure compliance with Utah Code.
- Chapter 20.31 – Amendments to ensure consistency with the changes made to Chapter 20.30. (performance guarantee amount (110%), require a slurry seal rather than 1” asphalt overlay, road completion prior to issuing building permits).
- Fencing requirements need to be addressed for new developments
- Add a definitions section in the subdivision ordinance or reference back to the zoning ordinance.

- Staff can look at required street trees and possibly not having grass in park strips.

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

Public Hearing:

No public comments.

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

**MOTION: Commissioner Mills – To remand the suggested changes to Title 20 back to staff for further review.** Motion seconded by Commissioner Nichols. Those voting yes – Kirk Beecher, Adam Billings, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

#### 7. Training (9:05 p.m.)

Jill Spencer reviewed planning commission responsibilities.

- Experts in Your City:
  - Citizen body that represents the city with a duty to citizens and property owners and a responsibility to applicants.
  - Duty to decide/protect best interest of the city. Synthesize public feedback (general plan, public hearings, personal conversations/experience)
  - Expertise shared in opinions (recommendations) to city council
- Personal Empowerment:
  - Contact staff with questions, ideas, request for more information
  - If you need more time—take more time
  - Outside resources – field trips, trainings, land use planning principles
  - Continuing education
  - Planning commission is responsible to make sure the application is ready for a final decision
- Motions:
  - Documented meeting minutes (discussion, public input, motion)
- Findings – Statements for Recommendation:
  - Understand Type of Application
    - Administrative (satisfies code) Includes traditional subdivisions, site plans, signage, conditional use. Findings based on the law or the intent of the law
    - Legislative (discretion) Includes general plan and area plans, annexation, planned residential developments, zone change, overlay zone, text amendments. Findings can be broad and contain “soft” issues such as perceived need.
  - Factors to Consider
    - Health, safety, and general welfare (promoting and damaging)
    - General plan
    - Area specific plans
    - Land use and development ordinances

- Neighborhood dynamics
- Public opinion vs. public clamor
- Future growth and imp acts; redevelopment (the big picture)
- Land use planning principles
- Staff Recommendations
  - Options in report are general – whether or not the application meets the general plan, land use ordinances, etc.
  - Legislative deference left to planning commission
  - Additional information from staff?

8. Commission and Staff Reports (9:33 p.m.)

A general plan update open house was held last Thursday, November 8, with comments being gathered from the public. A report will be created for presentation in December. Then a hybrid plan will be prepared and given to staff in January for review. Basic work is being done on the utility plans.

9. Adjournment

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

This meeting adjourned at 9:35 p.m.

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Kim E. Holindrake, Deputy City Recorder