

PAYSON CITY  
PLANNING COMMISSION MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, December 12, 2018 7:00 p.m.

CONDUCTING Ryan Frisby

COMMISSIONERS Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols

EXCUSED John Cowan, Kirk Beecher, Adam Billings

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 7:07 p.m.

**MOTION: Commissioner Mills – To allow Commissioner Frisby to conduct the meeting this evening.** Motion seconded by Commissioner Marzan. Those voting yes – Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

2. Roll Call

Four commissioners present.

3. Invocation/Inspirational Thought

Invocation given by Commissioner Mills.

4. Consent Agenda

4.1 Approval of minutes for the regular meeting of November 14, 2018

4.2 RESOLUTION – Planning Commission Annual Meeting Dates and Times

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

5. Public Forum

No public present.

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. (7:09 p.m.)

Staff Presentation:

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

- Section 19.3.4 Infrastructure Improvements and Upgrades to Existing Utility Services - Whenever there is residential construction on a property, it triggers the placement of curb, gutter, sidewalk, and other infrastructure. The actions include, 1. The construction of a new dwelling unit. 2. An addition to an existing dwelling unit of twenty-five (25) percent or more of the existing square footage. 3. The construction of an attached or detached garage *or conversion of a carport to a garage*, or 4. An accessory building, *other than a garage*, larger than three hundred fifty-350) square feet.
- Section 19.6.7.4 Project Density Calculation – Amended to include “up to” the maximum density of each RMF Zone. Change RMF-15 - *Up to 15 units/gross acre*. Change RMF-20 - *Up to 20 units/gross acre*.
- Section 19.6.10.2 PO-1 Zone – Add: *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 Unless specifically listed in Appendix A or Title 19 Chapter 23 is not a permitted use in the zone.* Discussion that conditional uses are pointless. It’s easier to identify the thing causing the conditional use and regulate it in the ordinance.
- 19.6.16.6 I-1 and I-2 Zones, Setback Requirements, Lot Coverage, and Landscaping. Currently lot coverage is 60% with a statement that the remaining 40% has to be landscaped. The proposal is to reduce the setbacks and increase the buildable area. Similar zones in Orem City have 20-foot front, rear, and adjacent to the street side setbacks. The setback is greater when adjoining to a residential zone. Provo City allows a 10-foot front setback, a zero side setback unless next to a residential zone, school or park, and a 15-foot corner side setback. Accessory structures may be on the property line with certain conditions such as a firewall. There is no maximum building height, required distance between buildings, or lot coverage requirement. Provo has more requirements relative to parking and landscaping. Issues such as safety and fire code would be addressed with the project submittal.
  - Commissioner Mills stated the numbers just represent sprawl and wasted land space. It represents a higher cost to do business in the city. If the city wants to attract businesses and industries, then this is the opportunity to make the code more palatable. Not every business will do a zero lot line. Even a 10-foot setback is dead space. He is most concerned with having a transitional setback standard to other land uses. Large side setbacks add to the work and cost of the city because the streets are wider.
  - Jill Spencer stated the Development Review Committee (DRC) is comfortable with a 10-foot front setback but maybe not a zero setback. Staff can take this back to the DRC to discuss setbacks and the distance between buildings. Flexibility promotes more business. The code could focus on transition and landscaping. EXCEPTION – Language in the I-2 added to the I-1 on storage units (fortress style) to allow a zero lot line and make consistent.
- Section 19.6.15 Business Park Development (BPD) Zone – Staff is looking for feedback on this section. Proposed amendments include a reduction in the setback requirements and an increase in the allowable lot coverage. Rear and side setbacks reduced to 20 feet with the front

setback remaining at 30 feet. Increase lot coverage from 60% to 80% with 20% landscaping. This zone is limited in terms of location, which is off American Way. Jill Spencer stated future amendments may be needed. Staff is trying to create a distinction between the business park and industrial.

- Commissioner Mills stated lot coverage means lots of different things, which concerns him. Allowing 80% could cause businesses to just pave their sites. The structure can take up 80% of the lot coverage, but he doesn't want to see an impervious parking lot that takes up an unnecessary additional 20%. Businesses may choose to pave the remainder instead of landscaping the area. The code could address a maximum number of parking stalls allowed. Non-impervious materials are better than paving because it takes pressure off the storm drain system and the heat affect.
- Daniel Jensen stated the title could be changed from lot coverage to percent covered by buildings and structures with a 60% lot coverage. However, lot coverage can be up to 80% if the additional coverage is used for buildings and structures.
- Kim Holindrake mentioned Cedar Hills City requires 30% landscaping in its commercial but a percentage of that can be decorative concrete or hardscape.
- Commissioner Frisby is not concerned with the 80% in this zone. Landscaping looks nice and pretty, but 30% uses up much of the property and is a huge investment to a business owner.
- Jill Spencer stated the business park has limited outdoor storage so there is a greater potential for pavement. The landscaping requirement is off in all the zones except residential and needs to be addressed. She recommended not moving this section forward. The business park is a fairly new zone and has been applied only six times with amendments being needed.
- Section 19.6.25.3 I-O Infill Overlay – This section allows for the creation of a flag lot in residential zones. The amendments make a clear intent of when to apply and not apply the overlay. A flag lot is discouraged when a through street or cul-de-sac is more efficient. The amendment reads, *It is the responsibility of the applicant to demonstrate that a flag lot is preferable to all alternatives, including alleys, through streets, cul-de-sacs, clustered housing, or other infill development potential, that future redevelopment potential of adjoining lots is not imminent and that the creation of a flag lot will not hinder future redevelopment opportunities that the Planning Commission finds would better enhance the neighborhood and provide better value for the community.* In some areas, flag lots make sense with surrounding newer homes. The question is how to develop some areas or the core of the city where the lots are large enough for multiple homes by applying the RMF or RMO. Discussion to use *Land Use Authority* and *alternative development pattern* and not list all the alternatives. The land use authority would need to use findings when addressing an overlay. Other language could be *alternative housing product, street connectivity, or redevelopment potential.* Staff needs to come up with additional infill tools. The last portion, *better enhance the neighborhood,* needs to be reworked because it's very subjective.
- Section 19.6.25.8 Special Considerations – Amendments with paragraph 7 being moved to guidelines for neighborhood preservation. Staff will rework this section.
- Section 19.8.4.1 Permanent Building Required – Change title to *Primary Building Required.* Amend to read, *Any lot or parcel with any primary use requires a primary building on a permanent foundation except for any temporary or transient business authorized under Title 4, Business License Ordinance, or any use that is classified in Payson City Code Appendix A under "Communications Facilities," "Bus passenger terminals," and "Utilities."*

- Section 19.9.4 Each Dwelling or Building on a Zoned Lot – Title changed to, *Single-Family Dwelling*. First paragraph changed to read, *Only one single-family dwelling shall be located and maintained on a single-family residential lot. The dwelling shall be constructed on a permanent foundation. Human habitation is limited to the living area in each dwelling.*
- Definitions, Paragraph 71 Living Area. Modified to read, *The interior habitable area of a dwelling unit, including the basement and attic, but excluding the garage and any accessory structure. A single-family dwelling with an accessory apartment has two (2) living areas.* Paragraph 72 Lot of Record – Added to read, *Any parcel of land created as a buildable lot prior to January 1983.* The city had zoning ordinances before 1983 but 1983 has been used in the code.
- Definitions, Paragraph 33 Development or Development Activity - The code uses the term “development” over 850 times. Definition added to read, *Means any of the following: 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. h. When the context so requires, a project plan as set forth in this Title or Title 20, Subdivision Ordinance.*

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

- Chapter 20.11, Pages 17-20 - Concept plan review concerns. Three different sections of the code address concept plans. Staff proposes making minor adjustment now with a note to address the chapter on concept plans. The following changes are proposed in this chapter: (1) *Concept plan review is an option for applicants to receive input from city staff early in the process; however, a concept plan should not be required. Staff is proposing to remove the strict requirement (shall) of submitting a concept plan.* (2) *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).* (3) *To streamline the approval process, staff is proposing to eliminate the review of the final plats by the planning commission.* (4) *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.* (5) *Add requirement for secondary point of access with each phase.*
- 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. Minor changes to the hierarchical order of the list of ordinances, plans, and studies.
- Section 20.18.9, Page 34 – To ensure access to waterways, it is proposed to use the language, *No obstructions be allowed within 20 feet of the bank or historic high water mark.* In reviewing the code, there are sections for waterways and regulations for the Dry Creek Channel, which are one in the same. This section needs to be strengthened when it comes to waterways because the code addresses allowing waterways on 25% of a lot. Staff would like to see that any waterways be removed from the lot. Waterways need to be an amenity. Staff will rework.

- Chapter 20.30, Pages 52-56 – To ensure compliance with Utah Code, staff is proposing amendments to the performance guarantee regulations and adding “in-lieu of” provisions. The city attorney requested some minor changes from the staff document. It could be recommended with changes from the city attorney.

Jill Spencer reviewed proposed amendments to the Standards Specifications and Standard Plans with discussion from the commission.

- Staff is proposing amendments to the Standards Specifications and Standard Plans, including the name of the document to Development Guidelines. This document outlines the general improvement requirement of Payson City utility and service departments. These are considered land use ordinances according to State law so a public hearing is required with a recommendation from the planning commission and decision from the council. It is a living document that continues to evolve and is created to act as a checklist for developers. The goal is to have it adopt by the council in January. Because of this document, there is text in the subdivision ordinance that can be removed. Discussion that road widths are still being reviewed by staff. The title of the document may need to be Engineering Guidelines as a chapter in the Development Guidelines that would also include design standards.

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

**MOTION: Commissioner Nichols – To recommend approval to the city council, Title 19 staff report numbers, 1 – Section 19.6.7.4, 2 – Section 19.6.10, 6 – Section 19.6.25, 7 – Section 19.8.4.1, 8 – Section 19.9.4, 9 – Chapter 19.28, and 10 – Chapter 20.30 with item 6 being amended; and remand back to staff numbers 3 – Section 19.6.15, 4 – Section 19.6.16, 5 – Section 19.6.17 remanded back to staff; and amending Section 19.3.4.** Motion seconded by Commissioner Marzan. Those voting yes – Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

**MOTION: Commissioner Nichols – To recommend approval to the city council, Title 20 all staff report numbers with comments 25 – Chapter 20.30 regarding legal be incorporated for performance guarantee prior to city council and as recommended by staff.** Motion seconded by Commissioner Marzan. Those voting yes – Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

**MOTION: Commissioner Nichols – To recommend approval to the city council, the amendments to the Standards Specifications and Standard Plans as presented.** Motion seconded by Commissioner Marzan. Those voting yes – Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

7. Commission and Staff Reports

No reports.

8. Adjournment

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

This meeting adjourned at 8:29 p.m.

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