

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, February 27, 2019 7:00 p.m.

CONDUCTING Kirk Beecher

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

EXCUSED John Cowan

ABSENT Adam Billings

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

OTHERS Diane Soffe, Ross Welch – Patterson Construction, Rebecca Kohler, Mary
 Rasband, Ken Carol, Jim Mower

1. Call to Order

This meeting of the Planning Commission of Payson City, Utah, having been properly noticed, was called to order at 7:02 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 February 13, 2019

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

5. Public Forum

No public comments.

6. Review Items

6.1 PUBLIC HEARING – Preliminary plan and final plat for Red Bridge Meadows Subdivision (two-lots) arranged on parcels 29:012:0022 and 29:012:0023 at or near 790 South and 2450 West. (7:04 p.m.)

Staff Presentation:

Daniel Jensen reviewed the Red Bridge Meadows Subdivision that includes two lots split by the railroad tracks located in the A-5-H Zone. Lot 2 is unique because the only access is through lot 1 so lot 2 is not a buildable lot at this time. The use of lot 2 will remain as agriculture. Access to the existing home will remain the same. There is a potential future node encompassing lot 2 and the area surrounding. The lot split will not have any bearing on future roadways. Approvals include waiving access for lot 2 and a deferral agreement for infrastructure for lot 1 only. Staff recommends approval. There is a historical access at the northern tip of lot 2.

Applicant Presentation:

Diane Soffe clarified a new access has been created to access lot 2, which was required by the Fire Chief.

Commission Discussion:

Commissioner Beecher recommended showing the access easement on the plat.

MOTION: Commissioner Frisby – To open the public hearing for Item 6.1. Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

Public Hearing:

No public comments.

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

MOTION: Commissioner Mills – To recommend approval to the city council, the preliminary plan and final plat contingent upon meeting all the requirements including the red lines as noted by staff and finding it meets the necessary parameters of the ordinance. Motion seconded by Commissioner Nichols. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

6.2 PUBLIC HEARING – Request to extend the municipal boundaries to encompass the parcels included in the proposed Payson Heights Annexation. The annexation consists of eight parcels and portions of the High Line Canal corridor totaling 216.57 acres located east of the High Line Canal, west of Nebo Loop Road, and south of the Payson View Estates development (1600 South). (7:19 p.m.)

Staff Presentation:

Jill Spencer reviewed the Payson Heights Annexation that includes about 216 acres and eight parcels. All the property owners signed the petition. The annexation was accepted initially for further review on February 7, 2018, but the initial request did not meet the certification requirements because a

portion of the property was not in the city's annexation policy plan. Following changes to the annexation policy plan, which took several months, the application was accepted for further review again on November 7, 2018. Then the deputy recorder certified the annexation. The protest period ended December 15, 2018, and the county did not receive any protests. A letter was sent to the annexation sponsor for additional information, and a notice was sent to all property owners. The approval process includes a public hearing with the planning commission with a recommendation to the city council. The city council will make the final decision. A development proposal is to be determined. The current uses include livestock grazing and a water tank located on the upper portion. The proposed uses include future residential development, expansion of the Payson View Estates development, and open space dedicated to Payson City for hillside preservation. The proposed zoning is the R-1-12 Residential Zone. The conceptual layout includes 146.47 acres of parks and open space and 63.47 acres of developable land including 163 units ranging in lot sizes from 6,600 up to 20,000+. The annexation agreement will include an adequate public facilities analysis, traffic impact study, second point of access, storm water analysis, Wildland Urban Interface regulations, geologic hazard study, accommodations for other services such as the High Line Canal and Rocky Mountain Power, dedication of property to Payson City, trail improvements, and access to adjacent property. The entire annexation will be zoned residential because the city does not have a public facilities zone. This is why it's important that the hillside property be dedicated to the city. The city may need to explore a conservation easement or land trust. The city will have to determine the fiscal analysis of the property dedicated to the city.

Applicant Presentation:

Ross Welch stated Patterson Construction discussed donating funds to create trails, etc. but the city asked that they just put them in. The city does take on some risk. As a developer, they do studies to ensure the area is safe. It will be a good asset to the city. The development will bring in impact fees and property taxes to assist in the maintenance of the property. With the topography and the location of the water tank, the development is as high as it can go. Public access is available. This is a concept so road slopes have not been determined. Studies will be done to meet city standards.

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

Public Hearing:

Rebecca Kohler stated she lives up the canyon. She attended some of the canyon meetings with the county for zoning changes. The county needed the geological studies prior to development. There is a fault line at the bottom of the canyon. She hoped the upper area would not be annexed so no houses could be built up the canyon.

Mary Rasband represents family members who own property to the southwest (Williams). They have partial ownership of the water from the canal and a spring. She questioned if high-density homes would affect the water from the spring. Commissioner Beecher stated there is a process to go through that includes looking at the ground water. Jill Spencer stated at the time of annexation, the specifics of the springs isn't addressed. It is addressed during the development process to ensure the needs of downstream users. If things can't be mitigated, it won't be developed.

Kent Carol stated he lives in Payson Canyon. He has 6.35 acres at the northeast corner. He's not really opposed to the project but would like to ensure no houses can be built on the northeast area. If it were buildable, he would like to ensure he could develop his property for maximum value. Commissioner Beecher stated if annexed, this area would be deeded to the city and not developable. Jill Spencer clarified that there is a piece of private property between this annexation and the canyon. Those property owners could petition the county for development.

Jim Mower addressed the safety concerns with flooding. The mountain has burned multiple times, and he has never seen the west side flood even after a fire. He has hiked the mountain multiple times over his 75 years living here.

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

Commission Discussion:

Commissioner Marzan stated she would like to see a land trust or conservation easement on the open area and include that in the motion. She is excited for the biking trails and asked the applicant to talk to the biking club when creating the biking trails.

Commissioner Mills stated he personally feels hillside development is not a good choice. There are many examples where it doesn't work out well for the city, neighbors, or the community. It becomes a real liability. He questioned why the city would assume that liability when there are other options within the city and annexation policy plan that are zoned for residential development. It is a difficult area to service with utilities, fire, water, etc. He's not comfortable zoning all 200 acres to residential use. He understands the topography and slopes limit development. He has been a land planner for a long time and sees how it can change. The city needs more answers.

Commissioner Beecher stated the lower portion of this area is 10% to 12% grade and the rest is about 6% to 8% grade. He questioned if there is a way to address Commissioner Mill's concerns in the motion. It's a legitimate concern not having a zone to accommodate the 160 acres adequately.

Jill Spencer stated staff would have three to four months to create a public facility zone. There are things unique to Payson to draft a correct zone. It may take more time than the applicant is comfortable because of time lines with the Mower family.

Commissioner Frisby stated he would like to look at creating the public facilities zone and rezoning the property at a later date.

Ross Welch questioned what the zone matters if the land is being dedicated as part of an annexation agreement with the city. If the land is the city's land, it is for recreational purposes. He's not following the zone concern.

Commissioner Mills stated the concern arises because he has no idea 25 years from now when the city has to balance the budget and sells off the land for development purposes. It could happen with enough development pressure and create a situation of uncertainty. As a land planner for Provo City, working with the east bench is the most difficult part of his job because of geological issues.

Ross Welch stated this property doesn't have some of the steepness of the east bench of Provo. The suggestion of putting it in a conservation easement would ensure it. The city will receive a great benefit. He does have time constraints.

Commissioner Nichols understands the concerns of Commissioner Mills as well.

Commissioner Beecher stated from an engineering standpoint, there are areas that can be developed and others that can't be developed. He looked at this site for a water treatment plan for the south Utah County. There is some good potential in the 60 acres for development that has less of an issue than properties further north. The concern of how the city manages and protects the open space is a concern. He hoped the commission could draft a recommendation to the council to cover the concerns.

Jill Spencer stated one concern of the hillside is the zoning, and it being changed in the future. A land trust would be ideal because it would require many steps to change. The Mower family wants to sell all the property not just a portion. Utah County has a Critical Environment Zone (CE-1). Staff could explore working with the Mower family to keep the hillside property in Utah County and zone it CE-1. Currently it is zoned RA-5 in the county, which is one unit per five acres.

Commissioner Mills supports a land trust and management plan.

MOTION: Commissioner Mills – To recommend to the city council, approval of the proposed Payson Heights Annexation totaling 216.57 acres located east of the High Line Canal, west of Nebo Loop Road, and south of the Payson View Estates with the conditions staff noted, in addition that the city council work with applicant to create and adopt the annexation agreement as well as a land management plan for the proposed area that will be dedicated to Payson City and that the city council strongly look at the financial constraints as well as if the land is dedicated to city it would be put in a perpetual conservation easement or land trust administered by the city. Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Robert Mills, Harold Nichols. The motion carried.

7. Commission and Staff Reports (8:28 p.m.)

FEMA responded to the city's appeal with concerns with some of the data submitted, but there is no further information.

The next General Plan open house will be in April to accommodate additional traffic modeling.

The State of the City went well but not a lot of attendance. It was recorded for the city web site. Mayor Wright highlighted the I-15 EIS, Utah Valley University, major city projects, general plan updates, and fires in the canyon. It was good to hear the positive happenings in the community.

The KFC building was repainted because the contractor didn't go by the approved plan. The project was approved to compliment the Walmart and surrounding buildings. There are some design standards in the commercial and industrial areas.

There has been no request to change the Walmart color scheme to the gray/blue. The existing color scheme is in the development agreement.

8. Adjournment

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

This meeting adjourned at 8:38 p.m.

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