

**PAYSON CITY  
PLANNING COMMISSION MEETING**  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, April 24, 2019 7:00 p.m.

CONDUCTING	John Cowan
COMMISSIONERS	Kirk Beecher, Adam Billings (7:03 p.m.), John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore
STAFF	Jill Spencer, City Planner Daniel Jensen, Planner II Kim E. Holindrake, Deputy Recorder/Admin Asst
OTHERS	Ludean Haskell, Chad Gasser, Becky Gasser, John Peterson, Becky Ellsworth, Jeff Capozzoli, Mike Morley – Walkera Development, Max Lerwill, Noreen Lerwill, Julie Nielson

**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**

Six commissioners present.

**3. Invocation/Inspirational Thought**

Invocation given by Commissioner Mills.

**4. New Business**

**4.1 Selection of Planning Commission Chair and Vice Chair**

**MOTION: Commissioner Beecher - To appoint John Cowan as chair.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

**MOTION: Commissioner Frisby - To appoint Kirk Beecher as vice chair.** Motion seconded by Commissioner Mills. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

**4.2 Review of Planning Commission Bylaws and Rules of Procedure for Consideration of Amendment**

**MOTION: Commissioner Mills – To retain the Bylaws as currently adopted.** Motion seconded by Commissioner Beecher. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

5. Consent Agenda

5.1 Approval of minutes for the regular meeting of April 10, 2019 (7:05 p.m.)

**MOTION: Commissioner Billings - To approve the minutes from the April 10 meeting.** Motion seconded by Commissioner Frisby. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

6. Public Forum

No public comments.

7. Review Items

7.1 PUBLIC HEARING – Request to extend the municipal boundaries to encompass the parcels included in the proposed Condie Annexation. The annexation consists of one parcel owned by Charlene H. Condie containing approximately 5.30 acres located north of Salem Canal Road at approximately 1400 East (2200 West, Utah County coordinate). (7:06 p.m.)

Staff Presentation:

Jill Spencer reviewed the Condie Annexation including one parcel encompassing 5.30 acres. An additional public hearing will be held with the development proposal. The process includes acceptance of the annexation petition by the council for further review, certification of the petition by the city recorder, publication and noticing, no qualified protests filed, notification of pending annexation to the property owner, and additional information to the annexation sponsor to address code requirements. The annexation sponsor must satisfy the regulations of Utah Code and Payson City Code. The East Side Comprehensive Plan (ESCP) was adopted by the city about 10 years ago that includes general overview of neighborhoods, utilities, and improvements. The ESCP shows this property split between the traditional and township neighborhoods including larger lots and natural and passive open space. With a smaller annexation, it is more difficult to incorporate the natural and passive open space. The applicant is requesting 1/3 acre lots with 90-foot frontage, which complies with either neighborhood. Currently there is one single-family home with crop production on the remaining property with access on Salem Canal Road. The applicant is requesting a single-family residential development with the R-1-9 Zone. The lots will not be 9,000 square feet but will have 90-foot frontage. The R-1-15 Zone could also be used with 1/3 acre lots and 100-foot frontage. An annexation agreement will include single-family dwellings on 1/3 acre lots, residential design standards consistent with the Ashlee Ridge Subdivision, tree-lined streets, continuation of the trail system along Salem Canal Road, grid-network street layout, and connection of the existing home to city services. The applicant will also need to address any unresolved staff issues, redlines, and coordinate with the Salem Canal Company and private irrigation users. The required public hearing will be held tonight with the planning commission with a copy of the meeting minutes given to the council.

Commissioner Beecher stated that as part of the Utah Lake System Pipeline, bids were opened yesterday for this section. It is a 60-inch pipeline along the shoulder of the Salem Canal Road

including the piping of the Salem Canal. A small piece (.07 acres) of this Condie property was sold to the United States for a turnout. The work will begin within a month, and the road will be widened as well.

**MOTION: Commissioner Marzan - To open the public hearing on the Condie Annexation.**

Motion seconded by Commissioner Mills. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

Public Hearing:

Jill Spencer summarized information she received from property owners in the area.

- John Peterson - Concerns about the timing, ensure following the ESCP, size of properties, exception given to the Loveless property, agricultural uses verses nonagricultural uses, irrigation water, maintaining roads, conditions of roads, and traffic.
- Ray Loveless - Adherence to the ESCP and any variance should be open to public input. The description of the township neighborhood doesn't fit the zoning designation of the R-1-9 Zone. He has concerns with the 90-foot frontages. To accommodate agricultural areas in the township, adequate water rights must remain with the land for irrigation, and Salem Canal Company should be able to supply this water. He quoted from the ESCP. *The township neighborhood will allow families seeking upscale housing on larger lots to purchase single-family dwellings in neighborhoods with curb, gutter, sidewalks, trails, parks, and other suburban features but with conspicuous rural traits such as orchard areas, large areas of natural or passive open space and meadows. Based on the traditional townships found in the eastern United States, these areas provide housing with suburban services with a touch of country living. Areas of the township neighborhood will be clustered along the major roadways with tree-lined streets and trees in the rear yard areas with large areas of agriculture and meadows behind the housing. If properly screened, these homes will blend into the agricultural areas preserving the agrarian feel of the area.*
- Jean Gasser – She is not in favor of the annexation and concerns with neighborhood connectivity. She supports the ESCP.

Ludean Haskell stated she owns property to the north and east. She is thrilled with the previous comments. When she moved here, Elk Ridge and Woodland Hill didn't exist. Population growth is a sure thing, and it creates a need for family dwellings, which sometimes creates uncontrolled changes and unexpected expenses for surrounding property owners. Her concerns include the natural flow of ground water to the north to west, which is where her irrigation water flows. To prevent flooding to the Condie Annexation several things need to be addressed including changing her runoff to go to the east against the natural flow with a ditch and embankment on the property line, determining the exact property line by a surveyor, cementing the irrigation ditch, and installing a fence to keep livestock on the property. Her responsibility as an owner and some of the expenses are a big concern. She would appreciate the city and Mr. Capozzoli working with her and helping her with these issues.

Chad Gasser stated Payson spent 2.5 years to develop the ESCP, which was well thought out and engineered. Payson was great to come to the residents and confide in them. Developers and greed shouldn't sway the decisions. The plan should be adhered to by the city with no exceptions, which occurred with the Loveless property. The annexation is too small to meet the requirements, and there are issues with water lines. The Haskellville residents paid and brought the water line out, and each tap to the line causes low pressure and volume as well as needed fire efforts. This area is a gem and

can be the best place in Utah Valley. Transportation and traffic needs to flow and access SR-198 and I-15 in a safe manner. Development can improve and better Payson City if the ESCP is adhered to. There needs to be consideration of improvements to support additional growth as stated in the ESCP. The developer will sway the city in deciding to make exceptions.

Becky Gasser agreed with Chad Gasser. The commission has a big job. There are rules for things; and when the rules are followed, it makes life easier. She appreciates the commission and hopes they think things through. She and others have horses; there are concerns with people who don't understand livestock who could get hurt. There will be less of a barrier with this development.

John Peterson questioned if Central Utah Water would be paving the road from Payson to Salem and who is responsible for maintenance. He questioned if 2100 West in the county would be widened because everyone uses the road, it's barely wide enough for two cars, and is a safety issue. He questioned if the homes would be down in or at ground level, and would existing county homes be required to connect to the sewer. Commissioner Beecher stated they would pave everything that is disturbed, but it won't all be done at the same time. Each entity responsible for the road will maintain it. Connection to the sewer is only a requirement if the property is in the city. Jill Spencer clarified the applicant is proposing a connection from Salem Canal Road up to 550 South. Any other road extensions will occur with future development. Commissioner Cowan He is concerned with the road connections.

Becky Ellsworth represents Allred Orchards who leases property to the south. They have been working with the CUP regarding dust issues and how construction causes issues with the trees, and they have been wonderful. Dust causes mites, leaves to drop off, and fruit to shrivel up. She is concerned because more people brings more theft, which has occurred lately.

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

**Applicant Presentation:**

Jeff Capozzoli clarified that the first five or six lots on the west side of the new street will have walk out basements. The road will then grade down to reach 550 South. He has discussed installing a new irrigation line on the east side to catch Ludean Haskell's runoff. There have been some issues on the current subdivision because of over irrigation. They tend to let things flow and not shut it down; they are responsible to control their irrigation. He is working with Salem Water Users as to where they want the line. There is no budget for fencing, but he could move the fence on phase 1. He thought the proposal met all the zoning requirements for the area and the ESCP. He believes the preliminary drawings have 100-foot frontages.

Commissioner Mills stated extrapolating 100-acre annexations would fill the entire north area, but would create cohesion for trails, amenities, and open space. The idea of 100 acres at a time is a planning dream. To overcome the challenges discussed with connectivity and the grid system, a vicinity plan could be required help alleviate the situation. It is hard to bring 100 acres together. A vicinity plan creates an end goal. He suggested even an appendix to the ESCP.

Jill Spencer explained the ESCP encourages 100-acre annexations north of the Salem Canal and requires 300-acre annexations to the south. Two property-owner groups worked on the adopted plan.

It's difficult to get roads in the correct locations and larger parks with smaller annexations and developments. The city has moved to a grid system, which will help. The water line is city owned but will need to be verified. With regards to water pressure, looping will be added and will improve pressure, which can be a recommendation or condition of approval. The city ordinance doesn't require 100 acres. Staff understands those who want to keep farming and have animal rights. When a landowner wants to do something different, the compromise creates smaller annexations. A 100-acre vicinity plan could be addressed. It's challenging because an applicant puts together a vicinity plan that may upset landowners in the area.

**Commission Discussion:**

Commissioner Cowan voiced concerns with the water and fire pressure needs, which need to be addressed by the city and developer.

Commissioner Billings stated the city should not compromise on frontage, and it should remain in the R-1-15.

Commissioner Beecher stated the 100 acres is just a guideline; not rule of land. It's not a code requirement. It's very difficult to bring in 100 acres unless you're the property owner; it's unreasonable to expect. The city would never annex anything and would be stagnant. The 100-foot frontage isn't the requirement; the requirement is larger lots and open areas. It meets the requirements of the townships neighborhood. A 90-foot frontage won't accommodate a ranch style home.

Commissioner Mills stated the biggest concern with zoning upfront is no site plan. The project will go through the development process, but a site plan makes it easier to see what it will look like at annexation. He suggested the annexation-holding zone.

Commissioner Frisby stated the annexation isn't an issue if it meets the ESCP, but the commission needs to see that it meets the ESCP.

Jill Spencer stated the applicant could process the annexation and development concurrently. She clarified that with any zoning recommendation; there will still be another comment period with the development.

**MOTION: Commissioner Mills – To recommend to city council approval of the annexation but the zoning be adopted as A-5-H Annexation Holding Zone and then the applicant come back and rezone the property with a project plan. To recommend to incorporate the conditions of ESCP and staff conditions and to check into issues mentioned regarding engineering water, sewer, etc.** Motion seconded by Commissioner Beecher. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

**7.2 PUBLIC HEARING - Request by Walkera Development LC to rezone 5.35 acres including The Depot, Plat A, Lot 4, located at 614 North 400 West on parcel 37:292:0004 from the S-1, Highway Commercial Zone to the RMF, Residential Multi-Family Zone. (8:23 p.m.)**

**Staff Presentation:**

Daniel Jensen reviewed the rezoning proposal located on the north side of the city near the I-15 interchange. The applicant wants to continue the development or sell to another developer. They are

looking at a similar percentage of open space, amenities, and density of 20 units per acre. The property to the far north is zoned commercial, which makes sense for a neighborhood commercial, and agricultural property is to the west. Future development includes the Nebo Beltway and I-15 expansion. Frontrunner intends to go to the Utah Valley University property, but it's unclear about bringing it any further. Access, layout, density, and other requirements will be addressed with the development proposal. The S-1 Highway Commercial Zone doesn't allow for any residential use or mixed use; it's mainly a big box use. The RMF Residential Multi-Family Zone allows a density of 10, 15, or 20 units per acre, and the applicant has requested 20 units per acre to match the Depot.

Discussion regarding the commercial property to the north along 900 North including timeline, road widening, and mixed use.

**Applicant Presentation:**

Mike Morley stated ground-floor commercial would be very difficult here against the freeway and next to the railroad tracks. This is a good location for multi-family; there aren't many other good uses for the property. It's close to collectors and gets people in and out of the city without impacting other residents. It is close to Utah Valley University, but he doesn't see it as housing for students. It is a good housing option that is affordable and a quality product. The timeframe will be driven by the market. The current project is expected to be full in about six to eight months.

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

**Public Hearing:**

Max Lerwill stated the Depot is less than half-full, and there are two mobile home parks in the area. The roads are becoming congested already. He would like to see a road from 900 North along the east side and join with 400 West. Traffic is a concern. The property shouldn't be rezoned unless there is an actual plan.

Noreen Lerwill stated it's interesting using the word impact. It's not an impact unless it's across the street from you. When construction began across the street, she was given a half-hour notice. There was a 12-foot trench, no driveway, no internet multiple times, and no road for 10 months. People told her they were sad for her and the way it was handled. Telephone poles were in the road, and a car hit one. Payson Power put a new power pole in their yard without any notice. She wants to be a good neighbor. Before moving forward, there needs to be plans. She questioned who owns the road in front of her house. Change is going to come, but it needs to be managed and managed right. The city staff wasn't watching and just let the contractors go. She worries about the road being dug up again and a new sewer line.

Julie Nielson stated it's helpful to have one more voice. There is no need to hurry especially on a development like this.

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

Commission Discussion:

Commissioner Cowan stated the road issue needs to be addressed.

Commissioner Beecher stated most of 400 West is a county road as near as he can tell. Half of 900 North is in the city. The access issue is a concern because the city doesn't control 400 West. Quite a bit of traffic has been added with the Depot Subdivision.

Daniel Jensen stated the right-of-way dedication of 400 West was deeded to Payson City. No site plan has been submitted, but the intention is to build similar to the Depot in quality and materials. The site plan process is handled by staff per the ordinances and requirements in place.

**MOTION: Commissioner Billings - To recommend denial for the change of the commercial zone to RMF Residential Multi-Family Zone until there is an appropriate traffic study or determination to resolve the traffic problems on 400 West and more clarification on sewer and electrical issues. If there hasn't been staff down that street, let's get them down that street.**

Motion seconded by Commissioner Moore. Those voting yes – Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. No – Kirk Beecher. The motion carried.

7.3 **PUBLIC HEARING - Request by Scott and Julie Nielson for the I-O Overlay to create a future flag lot at 377 South 400 West on parcel 08:063:0003 in the R-2-7.5 Zone. (9:02 p.m.)**

Staff Presentation:

Daniel Jensen stated this project includes a single-family home in an older neighborhood located next to Eric Estates and proposes a flag lot. There is a 30-foot flag access with the home being pushed to the north for visibility from the street and stone or brick with smart siding. There aren't many other options to access the interior land for alternative development without doing a flag lot. The public hearing is held with the planning commission. The subdivision application will come later.

Applicant Presentation:

Julie Nielson stated the property is an eyesore and safety issue. She is currently working on the existing home as well as rehabbing other homes in Payson. She wants to create a sense of community. She plans to build on the flat lot. She has been involved in discussions with staff to rejuvenate Payson and address affordable housing.

**MOTION: Commissioner Frisby - To open the public hearing on item 7.3.** Motion seconded by Commissioner Marzan. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

Public Hearing:

No public comments.

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

**MOTION: Commissioner Beecher - To recommend to the city council approval of the I-O Overlay Zone for the property at 377 South 400 West finding it is a good use for the property, matches the property to the north and rejuvenates the area.** Motion seconded by Commissioner Mills. Those voting yes – Kirk Beecher, Adam Billings, John Cowan, Ryan Frisby, Kathy Marzan, Robert Mills, Tyler Moore. The motion carried.

8. Commission and Staff Reports

8.1 Central Utah Water Project (CUP) Update

Commissioner Beecher reviewed the Utah Lake System Spanish Forks Santaquin Pipeline, the progress, and where it's headed. He works for the Central Utah Water Conservancy District as the lands manager. The Central Utah Project (CUP) was created because the United States elected to do water development in the western United States. In 1964, the District was formed and enacted to be the local entity to develop Utah's portion of the Colorado River water. He reviewed the Bonneville Unit of the CUP. The CUP brings water from the basin to the west through collections in the High Uintahs, Strawberry Reservoir, Duchesne Tunnel, Provo River, Jordanelle, and several other pipelines and canals. Recently the pipeline from Strawberry Reservoir to the mouth of Provo Canyon was finished, which then connects to Salt Lake. This project is the start of the pipeline going south to Santaquin. The pipeline is a 60-inch diameter, welded steel pipe carrying 120 cfs. The different reaches include (1) Spanish Fork – completed November 2018, turnout operational; (2) South Fields 1 - under construction; (3) South Fields 2 – bids 2020; (4) Salem 1 - bids Fall 2019; (5) Salem 2 - bids yesterday and construction starts in about 6 weeks; (6) Payson – pending; (7) Spring Lake – pending; and (8) Santaquin – pending. Much of the work is done in the winter so it doesn't conflict with the irrigation season. The projects are dependent on funding from the United States.

8.2 Other Reports

The next General Plan Update Open House is Thursday, April 25 at 6 p.m. in the banquet hall with a focus on parks/recreation and transportation.

The Utah Transit Authority is conducting a service choices study open house for south Utah County next Tuesday, April 30, to study bus routes, coverage, and frequency.

9. Adjournment

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

This meeting adjourned at 9:40 p.m.

/s/ Kim E. Holindrake

Kim E. Holindrake, Deputy City Recorder