

Provo City Planning Commission

Report of Action

January 22, 2020

*Item 2 Bob Jones is requesting a General Plan Amendment to change the land use designation in the Provo City General Plan from "Agricultural" to "Residential" within Sections 7 & 18 of T6S R3E, SLM (approximately between 300-1000 E, and 4800-6000 North) North Timpview Neighborhood. Brian Maxfield (801) 852-6429. PLGPA20190352

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 22, 2020:

RECOMMENDED APPROVAL

On a vote of 6:2, the Planning Commission recommended approval of the above item based upon the following findings:

1. That the General Plan amendment is consistent with the General Plan goals and policies outline in the staff report;
2. That the General Plan amendment would allow for further evaluation of a zone change and a project plan without a commitment to approve a zone change or project plan.

Motion By: Andrew Howard

Second By: Lisa Jensen

Votes in Favor of Motion: Andrew Howard; Lisa Jensen; Russ Phillips; Robert Knudsen; Maria Winden; Deborah Jensen.

Votes Against Motion: Laurie Urqulaga; Dave Anderson.

Deborah Jensen was present as Chair.

The motion includes facts of the case, and the analysis and conclusions presented in the Staff Report.

STAFF PRESENTATION

Key points addressed in the Staff's presentation to the Planning Commission included the following:

- Staff addressed the specific items requested by the Planning Commission at their December meeting.
- Staff emphasized the property included within the proposed amendment has always been and is still privately owned, and is not property being transferred or sold by the city or other public agency to the applicant.
- Staff presented the difference between a General Plan and a Zoning Ordinance as a large majority of the e-mails received regarding the proposal, as well as many who spoke at the previous meeting, referring to a proposed rezoning of the properties.
- Staff presented the entire process that would be required for the complete review of this item, prior to any development actually being allowed to occur. The emphasis was that this is the initial review of the existing policy contained within the General Plan, with more detailed reviews occurring during actual consideration of the project and a particular zone. Those additional reviews will only occur if the General Plan amendment is approved by the Council, and will take several months of extensive review and field work before even the concept plan, rezoning, and annexation proposals would be presented for consideration.

CITY DEPARTMENTAL ISSUES

A more detailed examination relating to the extension of utility services and the environmental review will be presented by the Public Works Department in conjunction with the review of a Concept Plan for the site.

NEIGHBORHOOD MEETING DATE

An initial neighborhood meeting was held in May, followed by several smaller meetings with various members of the community. An additional neighborhood meeting was held on 29 October, 2019. Several other meetings have been held with various neighborhood groups and individuals.

NEIGHBORHOOD AND PUBLIC COMMENT

Mike Roan, the Northeast Area Neighborhood Council representative, presented on behalf of Bonnie Morrow, the North Timpview neighborhood chair, as she was out of town. The main points expressed included that the chair represents all of the neighbors, not just a group of neighbors; the commission needs to stay focused on the issue before them and not items that will be addressed otherwise; the commission needs to focus on the facts instead of misrepresentations; that property owners have legal rights; and that the developer has had several meetings with the neighborhood and neighbors in the neighborhood. Other neighborhood chairs who spoke included Sharon Memmott representing the Edgemont Neighborhood, and Paul Evans representing the Pleasant View Neighborhood. Ms. Memmott's comments emphasized goals in the General Plan related to foothill development and the need to adopt the foothills ordinance now being discussed by a city committee before proceeding with the development. Mr. Evans felt the general plan should not be amended without an accompanying project plan that can be reviewed so that everything can be looked at, at the same time.

All public comments received by staff since the December Planning Commission meeting, were forwarded to the Planning Commission members prior to the meeting. Because of the public comment made at the previous meeting and the e-mails that have been submitted, public comment was opened but restricted by the Planning Commission, to a total of one hour, with 5 minutes being allotted to neighborhood chairs and 3 minutes allotted to individuals making public comment. Fifteen members of the public spoke at the meeting within the time allotted for additional public input.

CONCERNS RAISED BY PUBLIC

Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing mostly issues related to the review and approval of the development of the site rather than speaking to the issues of the General Plan Amendment. The following represent staff's interpretation and summary of the comments made and are not a verbatim transcript.

- Joanna Ludlow expressed her belief that the city needs to provide for the type of housing the amendment will facilitate.
- Five members of the adjacent Smith family, that is currently a very productive orchard area, stated specific issues that needed to be addressed as the project goes forward, but otherwise did not object to the project and expressed their confidence in Provo City addressing those concerns as the project moved forward.
- Kay Budge expressed her concern with the preservation of the Smith Ditch.
- Russ Loveless spoke to his concerns with the proposed access to the development and how it affects his property.
- Lew Burnham, a member of the City's Agricultural Commission, presented his concerns with reducing agricultural lands and expressed the need to maintain urban agricultural areas and production.
- Ned Anderson asked the Commission to recommend approval, stating we shouldn't get into the particulars of the development at this time, but only what we're supposed need to look at with this request, and that the need for additional development won't stop until people stop having kids.
- Diane Christensen, Sean Warnick, Angela Eckstein and Kay Nelson all expressed their concern that the City is moving too fast on the project and that the new foothill ordinance and a neighborhood plan need to be in place before consideration of this amendment.
- Cindy Defaine? asked the Planning Commission to look at what happened on Mile High Drive and the various springs in the foothills that undermine development improvements before considering changes to the area.

APPLICANT PRESENTATION AND RESPONSE

The applicant presented the visual presentation of the development as requested by the Planning Commission. Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Providing clarification about the creation of a Public Improvement District (PID), and stating that it is for the development of his property only and that no one would be forced into the district as had been stated or implied by information being sent out to neighbors in the area;
- That he will be applying to develop under the current TR-5 zoning in the County, but will still look to annex this area.
- Some clarifications regarding questions or issues raised through the public comment and from the Planning Commission.

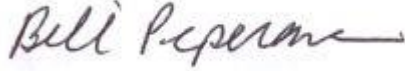
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Asked the applicant regarding any additional meetings he had with neighbors;
- Asked clarifying questions of staff regarding the status of the new hillside ordinance and the neighborhood plan; the Agricultural Protection Area and its effect on the proposal; the number of owners and properties within the proposal; and the location of other private lands in this area not within the city boundaries, along with boundary of Forest Service lands.
- Lisa Jensen asked if there is no agriculture use or foreseeable users on the subject properties, does that cause a negative impact or reduction in agricultural uses?
- Maria Winden asked clarification of the impact on the 4200 foot common boundary between the project and the Smith farm to the north.
- Andrew Howard gave his family's legacy from Edgemont and Indian Hills and stated there is a trade-off with growth and stated that the amendment is appropriate given the growth of the city and that new people is a good thing. The amendment will then allow the ability to look at more detail in the proposal.
- Deborah stated that the General Plan supports the goals for housing, but still supports agriculture. She stated the city needs to consider the impact of the proposal on economic development and that it could have a very positive impact on the development of the city.
- Dave Anderson stated that he believed it was premature to change the plan while the city is working on changes that could affect the project, and that we needed to pump the brakes and pause. He stated concerns with the economic return on the project and doesn't see the Public Improvement District working in this case. He said that he would gladly give up responsibility to Utah County for the future development of the property. He later clarified that he thinks it would be best to look at the rest of the approval (concept plan, zone, application) as a whole, but does see the property eventually being developed residentially.
- Maria Winden said there was not a lot of (privately owned) foothill area left, but she was familiar with the Florida experience of sensitive lands being quickly developed. She felt it would be well to take more time to look at the Salt Lake County ordinances. She further stated she would love to see this development occur in Provo rather than Utah County.
- Laurie Urqulaga stated her first inclination was to continue the hearing, contingent on the foothill plans.
- Robert Knudsen stated he agrees with Lisa Jensen and Mr. Howard's comments.
- Russ Phillips also stated he agreed with those comments.
- Maria Winden stated she wants agricultural and residential to co-exist.
- Dave Anderson expressed that he still thought it was premature, but that the Commission should move this item onto City Council.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS