

PAYSON CITY
PLANNING COMMISSION MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, July 8, 2020 7:00 p.m.

Electronic meeting

CONDUCTING Kirk Beecher

COMMISSIONERS Kirk Beecher, Ryan Frisby, Kathy Marzan, Kit Morgan, Blair Warner

EXCUSED John Cowan, Tyler Moore

STAFF Jill Spencer, Planner
 Daniel Jensen, Planner II
 Kim Holindrake, City Recorder

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 – Inspirational thought given by Commissioner Kathy Marzan.

4. Consent agenda

4.1 Approval of the minutes for the regular meeting on June 24, 2020

Commissioner Morgan noted that at line 84 in the June 24, 2020 minutes, it should state “in the past worked with Geneva Rock.”

MOTION: Commissioner Morgan- With the correction, to accept the minutes as written.

Motion seconded by Commissioner Frisby. Those voting yes Kirk Beecher, Ryan Frisby, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

5. Public Forum

No public Forum

6. Review Items

6.1 Review & Recommendation: Proposed amendments Title 19, Zoning Ordinance to allow concrete batch plants as a conditional use in the I-2, Heavy Industrial Zone.

Staff Presentation:

Daniel Jensen reviewed the proposed amendments to Title 19, Zoning Ordinance to allow concrete batch plants as a conditional use in the I-2, Heavy Industrial Zone. This item was discussed previously by the Planning Commission to allow in the I-2 Industrial Zone and as a conditional use with specific regulations. To amend the conditional use chapter to accommodate the request, the entire conditional use chapter was rewritten. Currently, Chapter 19.13, Conditional Use Permits, requires a planning commission review with a public hearing and a city council review. The discretion given to the Planning Commission and City Council under the current ordinance is pretty broad and makes it like a legislative function. In reality harmony of the request with existing uses in the neighborhood is decided with the conditional use decision. If it's not harmonious, it shouldn't be in the zone. Under state code, a conditional use permit is not legislative but an administrative function. In the Payson Code, there are A-typical conditional uses that operate like a legislative function that was cause for concern. The key differences between the proposed new ordinance and the current ordinance include bringing it to a planning commission for review rather than the city council, removing the public hearing requirement, and allowing public comment for fact gathering. The proposal includes general review criteria (19.13.5) to address impact such as fencing, landscaping, lighting, hours of operation, noise, crowd management, emergency vehicle access, utility impacts, and other impacts on city systems. Specific use criteria (19.13.6) includes additional items that can be considered specific to concrete batch plants; automobile repair and auto body work and restoration; and meat, poultry, and small game and slaughterhouses.

Concrete Batch Plants

1. Due to the potential for noise, dust, and pollutants, the land use authority shall consider the nature of surrounding properties and shall require landscape buffers, fencing, and setbacks as appropriate. Landscape buffers may include a minimum number and size of trees, to better reduce the impacts on neighboring properties and shield the view of the batch plant from the public.
2. The city engineer shall review and make a recommendation regarding the vehicular routes commonly traveled by commercial trucks accessing the batch plant and determine whether the streets are adequately designed to accommodate the travel.
3. The city engineer shall review access to and from the site to determine the impact on city streets and recommend actions to reduce damage to city streets from vehicles exiting the batch plant.
4. The Public Works department shall review the site and make a recommendation as to whether municipal systems are sufficient to accommodate the batch plant.
5. If the street design, access, and/or utility systems is/are inadequate, the application may be denied. An applicant may take curative measures by providing off-site or system improvements to better facilitate the use.
6. No portion of a batch plant shall be within 100 feet of an existing single-family home. If any part of the batch plant is within 500 feet of a residential property, or a property zoned residential, a landscape buffer of at least 10 feet wide shall be required. The applicant is responsible to provide a landscape plan that shows how the proposed vegetation will effectively shield the business and the impacts from the residential properties.

The standard of review (19.13.7) is clarified that this is not a legislative function. It is an administrative function addressing reasonably anticipated impacts of a conditional use and the mitigating conditions to impose. The process is much simpler, and a violation and/or/ revocation section is included.

Commission Discussion:

Commissioner Marzan questioned how to deal with scale in 19.13.5, paragraph 11. Their batch plant in Orem is 20 acres, which is about the size of the Payson sewer and power plants combined. The current batch plant in Payson is about 10 acres and they own an additional 20 acres, which would be huge. Are we okay with a 30-acre batch plant? Can we put limits on scale? She is okay with a batch plant but not a 30-acre batch plant. Another concern is the 100-foot distance from a single-family home, which is county property. We don't know their intent so they could request to develop the additional 20 acres.

Daniel Jensen stated as long as the scale isn't damaging to roads or utility systems, it can't be denied if zoned for the use. The existing home in the county is 150 feet away from the property line.

Commissioner Morgan clarified the Orem plant has an asphalt batch plant, concrete batch plant, maintenance facility, and large office structure on the property. He's sure this plant is looking to expand, and they would have to amend the conditional use permit by coming before the Planning Commission as a separate issue.

Commission Warner stated it raises a question of adding criteria for an asphalt plant to the code. The administrative process doesn't give a place for the public to come with comment, yet these heavy industrial uses would be the cause of public concern. He questioned the best vehicle to manage public input.

Daniel Jensen stated under Utah law, the ordinance has to specifically allow an asphalt plant for it to be permitted. He is unsure of the material differences between an asphalt batch plant versus a concrete batch plant and the legal analysis. On scale, if size is important, language should be put directly in the use criteria with a maximum acreage. This can be done under legislative authority in drafting the ordinance but can't be done with administrative authority. If size restriction is wanted, it needs to be put in the ordinance.

Jill Spencer questioned using 20 acres could be arbitrary and could overly be used instead of a conditional use.

Daniel Jensen clarified when amending the code, the city has reasonable broad discretion with health, safety, and welfare. The city could say concrete batch plants are noisy, bring in pollution, and traffic so we don't want them to be very large. As it relates to an overlay, only the I-2 Zone allows a concrete batch plant, which isn't used very often. The legislative function controls how a property is zoned. The city wouldn't want to up zone from I-1 to I-2 until the batch plant application is received because if it is unwanted, the zoning is denied. Public input comes into play when the property is zoned I-2. Once zoned, any permitted use is allowed without any review except for a business license. State law is very clear that a conditional use is a permitted use if the criteria is met. A conditional use could be done at the staff level.

Jill Spencer stated this goes back to training over the last year of not giving away our legislative authority with applications. If these amendments are adopted and a property owner wants to rezone, the City should consider remanding it back to staff or denying until there is a development proposal

concurrently with the application. This ensures the end use will meet those additional conditions. She clarified that the current property is zoned I-2 and the additional property is I-1 so they will need to apply for a zone change.

Commissioner Beecher stated this is still a good use for a conditional use permit. It should be administrative when it gets to this point. It shouldn't be an overlay. He's concerned about just picking an acreage a number out of the air. Acreage for sites is dependent on a lot of things and generally has nothing to do with the current use. The current use dealt with the neighbors at the time of purchase, etc. The acreage needs to be justifiable.

Discussion regarding limiting the size of the zone instead of acreage, looking at the size of other batch plants, and sizing changes with the amount of storage used. There could be separate batch plants owned and operated by the same entity, which gets around the acreage. The commission needs to be more diligent when addressing zone changes. A conditional use permit could be revoked under Section 19.13.11 via a court for criminal issues but not because neighbors just find it a nuisance. Some typographical corrections were addressed and corrected to the proposed amendments.

MOTION: Commissioner Morgan - To send to the city council with the adjustments in language as discussed once the attorney has reviewed and approved it. Motion seconded by Commissioner Frisby. A roll call vote was taken with those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

6.2 Review & Recommendation: Proposed update to the city's general plan, proposed strategic plan, and master plans (culinary water, pressurized irrigation, wastewater, storm drain, and transportation).

Staff Presentation:

Jill Spencer reviewed the recent revisions to the general plan, strategic plan, and master plans.

Requested Revisions:

- Complete a final reading to check for consistent voice, grammatical content, chapter references, population numbers, place references, remove incorrect references, etc.
- Add a chapter reference in the Table of Contents for the Parks and Recreation Chapter
- Chapter 1: Vision
 - Expand on the need to focus on centers, corridors and connections
 - Further explanation on scenario planning
 - The Vision Map is the preferred scenario (hybrid of Scenario 2 and Scenario 3)
- Chapter 2: Land Use
 - Add section to emphasize the importance of Small Area Plans in the planning process
 - Expand on the need for the community to identify long-term preservation efforts to protect nature, open space, and agriculture
 - Changes to Development Types:
 - Mixed Use Development Node (Haskellville and South Farms areas) – remove density ranges
 - Mixed Use Center (Payson Gateway) – remove density ranges
 - Transit Oriented Development Node – up to 30 net units per acre

- High Density Residential – up to 20 net units per acre
- Low Density Residential – allow twin homes in addition to duplexes
- Add Critical Environment classification
- Chapter 3: Infrastructure
 - Reword to clearly state the 2014 impact fees will be replaced by the 2020 impact fees
- Chapter 4: Transportation and Circulation
 - Update cross-sections and revise Functional Classification Map
- Chapter 7: Housing
 - Add section on workforce housing

The consultants are hoping for a recommendation from the Planning Commission tonight and then it will go to the City Council with a public hearing. The dates for City Council have not been set. The pending chapters will be later amendments to the plan with public hearings before adoption.

Commission Discussion:

Commissioner Marzan is comfortable recommending approval if staff is comfortable with the consultants making the necessary changes.

Jill Spencer is comfortable because a lot of the content was staff written.

MOTION: Commissioner Marzan- To recommend approval to the City Council of the proposed updates to the city’s General Plan, proposed strategic plan, and master plans pending finalization from the consultants with the recommendations suggested from staff. Motion seconded by Commissioner Warner. A roll call vote was taken with those voting yes – Kirk Beecher, Ryan Frisby, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

7. Commission and Staff Reports and Training (8:07 p.m.)

No reports or training.

8. Adjournment

MOTION: Commissioner Morgan– To adjourn. Motion seconded by Commissioner Warner. Those voting yes Kirk Beecher, Ryan Frisby, Kathy Marzan, Kit Morgan, Blair Warner. The motion carried.

This meeting adjourned at 8:10 p.m.

Kevin Stinson, Administrative Assistant