



MINUTES

Planning Commission
Work Session
Tuesday, December 22, 2020

IN ATTENDANCE

Commissioners: Chair Brad Mertz, Genevieve Baker, Karen Ellingson, and Michael Farrer

Commissioners Excused: Frank Young, Kay Heaps, Rod Parker

City Staff: Josh Yost, Community Development Director
John Penrod, City Attorney
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:03 p.m.

DISCUSSION OF AGENDA

Chair Mertz asked if there were any corrections to the agenda. Laura Thompson, City Planner said that the River's Plat E on the agenda has already been approved. It can be removed from this agenda. Chair Mertz said there needs to be a motion to amend the agenda to remove Item #2.

DISCUSSION OF MINUTES

December 8, 2020

Chair Mertz asked if there were any corrections to the minutes. The corrections to the minutes were emailed in.

CONSENT AGENDA

- 1. Scott and Suzette Anderson seeking plat amendment approval for the Anderson-Morse Subdivision located at 504 S 1650 E in the R1-10 Residential Single-Family Zone.***

- 2. Paul Knight seeking plat amendment approval to amend Lot 10 of The Rivers Subdivision, Plat D located at 2541 E 100 S in the R1-15 Residential Single-Family Zone.*

LEGISLATIVE SESSION

- 1. Matt and Amy Bowman seeking amendments to Springville Code 11-6-130 (6) Protection of Creek Corridors, to add provisions permitting the construction of private bridges in such corridors.*
- 2. Steve Birt seeking amendments to Springville Code 11-4-301 Land Use Matrix, to clarify the effective date of street classifications as cited by this section.*
- 3. Springville Community Development seeking amendments to Springville Code Title 11 Chapter 5 Article 5 - Westfields Overlay - Village Center Zone..*

ADMINISTRATIVE SESSION

No Items

With nothing further to discuss, Commissioner Farrer moved to adjourn the briefing session. Commissioner Baker seconded the motion. The vote to adjourn the meeting was unanimous.

Chair Mertz adjourned the meeting at 7:05 p.m.

IN ATTENDANCE

Commissioners: Chair Brad Mertz, Genevieve Baker, Karen Ellingson, and Michael Farrer

Commissioners Excused: Frank Young, Kay Heaps, Rod Parker

City Staff: Josh Yost, Community Development Director
John Penrod, City Attorney
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:05 p.m.

APPROVAL OF THE AGENDA

Commissioner Ellingson moved to approve the agenda as amended. Commissioner Farrer seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

December 8, 2020

Commissioner Farrer moved to approve December 8, 2020 meeting minutes. Commissioner Baker seconded the motion. The vote to approve the meeting minutes was unanimous.

CONSENT AGENDA

- 1. Scott and Suzette Anderson seeking plat amendment approval for the Anderson-Morse Subdivision located at 504 S 1650 E in the R1-10 Residential Single-Family Zone.*

Commissioner Baker moved to approve the Consent Agenda. Commissioner Farrer seconded the motion. The vote to approve the Consent Agenda was unanimous.

LEGISLATIVE SESSION:

- 1. Matt and Amy Bowman seeking amendments to Springville Code 11-6-130 (6) Protection of Creek Corridors, to add provisions permitting the construction of private bridges in such corridors.*

Josh Yost, Community Development Director, presented. This has been a long process as we have discussed this and related amendments. We looked at the trail plan and our further desires for trail easements. We have been involved in the trails process that has been a part of this amendment. And last year and into this year an amendment of our Creek Corridor ordinance was taken through Planning Commission and City Council and was ultimately approved. The City's position on the technical aspects of this amendment regarding private bridges in the creek corridors has evolved. Initially Staff didn't have a lot of concerns on the technical aspect, but as we moved through the process, we became aware of additional concerns from the Public Works Department and from a risk management standpoint. Also, we have been looking at the General Plan. Community Development's stance has been consistent through the process.

Mr. Yost named key provisions of the current ordinance. All structures must be set back 50 feet from the nearest creek edge, this is not applicable to City, State or Federal projects that are for public use or public driveway bridges that are constructed off of a public right of way. In 11-1-102, the intent of the code is to promote the health, safety, morals convivence, prosperity, general welfare of the current and future inhabitants of Springville. There are additional measures that are listed in the staff report. In 11-7-101 states that 'all amendments in this title shall be in accordance with the General Plan of the City.'

We start out by evaluating applicable General Plan provisions. Mr. Yost summarized the four that are related to connectivity open space and recreation: creek corridors are public trust, essential for recreation, for connectivity and providing open space that should be used for the public good. There are provisions that are related specifically to the Hobble Creek Trail system. These provisions state that the construction of the trail is important. It states that every effort should be made to get the trail directly adjacent to Hobble Creek.

The proposed amendment increases the difficulty of developing the Hobble Creek Trail adjacent to the creek, has the potential to bring in other private development and other encumbrances into the City.

In Chapter 10, the General Plan states that we need to pay particular attention to protecting environmentally sensitive areas. Our creek corridors are some of our most environmentally sensitive areas. The provision tells us specifically that we should prevent development that is inappropriate in these fragile areas. Limiting construction of bridges both public and private is of particular interest when we try to prevent development in the creek corridors. A code amendment that would open up creek corridors to the possibility of private bridge construction would not be in accordance with this objective.

The proposed amendment doesn't further the General Plan or the intent of the development code of the City. It doesn't further the general welfare of the City. It primarily and only benefits private property owners and creates only risk for the public and the City. We are concerned that it will further privatize the creek corridors more so than they already have been. These concerns cannot be mitigated or fixed with any amount of code language, engineering or personal guarantees by those who wish to construct these private bridges. The proposed amendment is to subsection 6. The applicants are proposing to add an additional category of exemption from these requirements under subsection 5, listed under '3' here. The language proposed by the applicant says that private bridges would be allowed if they met the following criteria:

- a) directly accessible for heavy equipment for the property owner, not city workers, to keep the creek clear of debris, and
- b) able to be temporarily removed if creek water level reaches the eighty (80) year base flood elevation, and
- c) completely self-contained within a privately-owned parcel with no less than .75-acre ownership on both sides of the creek, and
- d) limited to one (1) instance per privately-owned parcel, and

e) able to be permanently removed if property ownership changes and new owner is unable to adhere to these requirements;

Mr. Yost covered each of these points. Under a), there is no standard in the ordinance to know what directly accessible means. Or no threshold to determine when debris must be cleared from the bridge. And no obligation established for when the property owner would clear that debris. Unclear what the recourse is for the city if the debris is not removed.

Under b), although the bridge would be required to be temporarily removed at a certain base flood elevation, there is no obligation stated in the proposed amendment for the property owner to actually remove the bridge. It becomes an almost impossibility for the City to enforce it or have any recourse if it doesn't happen.

Under c), we are particularly concerned that providing for private bridges across Hobble Creek that this may lead to the assemblage of parcels in the existing areas developed areas of the City so that people can gain the right to a private bridge and have the river in their yard with property on both sides. Second, it may incentivize developers to plat lots in our undeveloped areas of the City that span the river, giving people frontage on both sides and the right to a private bridge. This could be for both residential and commercial development. We have multiple opportunities for this in the Westfields.

Under e), it is a similar concern that there is no criteria if a new owner is unable to adhere to these requirements. The responsibility if the owner is unable to remove the bridge to meet these requirements is not defined and could put the City at risk and become the City's responsibility.

In general, there are no standards for maintenance of the bridge or standards for inspections or things such as if the bridge fails or the upkeep of the bridge.

The applicants provided additional assurances that aren't codified in the ordinance and are not enforceable. The applicants can't make assurances for future owners. This leaves the City in a position of risk.

Mr. Yost concluded by saying the staff recommendation is that the proposed amendment provides no real public benefit and creates the potential for significant public risk and recommend that you move to recommend denial of the proposed amendments.

Chair Mertz had questions. In the staff report #4, Chapter 6 objective 2 strategy D, it provides links between neighborhood parks and the city-wide trail system. He quoted where Mr. Yost said 'The proposed amendment can only diminish the enjoyment of the listed recreational activities. The particular site of the Bowman's proposed bridge impacts the integrity of a specific important link between neighborhood parks and the larger trail system.' Chair Mertz asked what trail is being referred to. He is not aware of one. Years ago, he looked at purchasing a lot there and didn't because the City was going to put a trail there. So he concluded it looks like Mr. Yost is saying there is a problem but there isn't a trail there. Mr. Yost said that is a very good point. There is not a trail currently constructed. There is along that stretch of the river, a dedicated public access and trail easement. The specific location of the Bowman's proposed bridge provides difficulty to implement that trail when the City is able to do that. More generally across the City it makes it more difficult and less welcoming for the members of the public to use a corridor that is crisscrossed by private accesses where trails have to divert around bridge landings that connect private property. We want to do a good job of communicating that the trail is for the public. Allowing bridges increases the difficulty of doing that.

The section we are talking about is to connect Hobble Creek Park from Deer Creek to 1700 East where there is a bike lane and active transportation facilities there. In this case, we want to

make it as easy on the City as possible to make this linkage here and don't want to increase obstacles and for the City to construct and maintain that trail. The bigger issue is the impact on the City's ability to obtain and develop the rest of that trail corridor.

Chair Mertz said the question is will a trail behind that property ever be accessible. He understands that there is a homeowner there that will not grant an easement to the City, and therefore the trail would not be able to be built. Mr. Yost said there are several ways the City could obtain the land: the city could pursue real estate purchase options like a first right of refusal or an option on that property, and get in the chain of title and get the easement. As we get through the active transportation plan, additional strategies will be planned for and there will be more areas that have accesses or easements where we don't currently have them. In the long term view of 50-100 years, Mr. Yost feels there will be a trail there. He doesn't want anyone to look back at these decisions and say that it would have been easier if the City wouldn't have taken certain steps. He feels that this is one of those wouldn't have steps. Chair Mertz said that a bridge doesn't prevent a trail. Mr. Yost said it doesn't, but it increases the area needed for an easement. It could further diminish the public's enjoyment of the trail. Chair Mertz reiterated that a bridge doesn't prevent a trail.

Chair Mertz pointed out number 8 Chapter 10 objective 1D. He asked Mr. Yost if he is saying that the bridges over Hobbie Creek have had a significant impact on the environment. Mr. Yost said he hasn't attributed that to existing bridges but would defer the question to another member of administration or Public Works staff. He is aware of older bridges and some type of construction on those bridges have caused damage to the creek. One example is the railroad bridge at Hobbie Creek across 400 West has created a lot of ecological and other type of harm, exacerbating flooding potential and diminishing the ecological quality of the creek upstream. This is common in this type of construction.

Commissioner Baker pointed out that on 400 East by the pump station where it goes under the road has had environmental impacts to the surrounding creek and the edges there by the property. It can have quite an impact.

Chair Mertz asked how many bridges are currently across Hobbie Creek. Mr. Yost said that any place a roadway crosses a railroad or utility crosses, there is a bridge. He doesn't have an exact number but it is a lot. Chair Mertz asked how many private bridges there are. Mr. Yost said that there are two. One was constructed by a private entity and one by the Federal Government. Chair Mertz asked how the private bridges are maintained. Mr. Yost said that he is not privy to that information.

Chair Mertz pointed out that this is the second time this has come to the Planning Commission and it was heard in February. Mr. Yost said yes and the Planning Commission gave a favorable recommendation to the City Council on a staff sponsored Creek Corridor Protection Ordinance. Chair Mertz asked if it was a result of this petition. Mr. Yost said not specifically, this request was part of the impetus for reevaluating this section but it was only a piece of that motivation. Chair Mertz said he went back and looked at the minutes because he wasn't at that meeting and the Planning Commission did recommend the amendment to the code. He asked if at that time the City recommended approval of the change and now we are not recommending the change. Mr. Yost said that is correct. Chair Mertz asked why the shift. Mr. Yost said we have learned things along the way but John Penrod was the presenter on the first one. Chair Mertz is trying to understand the reasoning between then and now. Mr. Yost said it may be best for John Penrod to answer that question. John Penrod, City Attorney, said that at the time of the first staff report, the ordinance was at the City's request. From the time it went to Planning Commission to when it went to City Council we had more of the Public Works and Engineering staff weigh in on the ordinance. There were some concerns that they raised that were significant with respect to flooding and different hazards that come with having bridges in high water. That was one of the

big reasons the position changed. Chair Mertz reiterated that it was because of flooding concerns. Mr. Penrod said yes.

Commissioner Baker asked what the implications are since it is crossing over into another City's jurisdiction. Mr. Penrod said that with respect to a permit, any owner wanting to get a bridge would have to get a permit from both jurisdictions. Mapleton is fine with the bridge being built. The flooding concerns are different in Mapleton in this area.

Chair Mertz invited Matt and Amy Bowman to speak. Ms. Bowman thanked the Commissioners and staff for their work to make Springville a great place to live and work. They have owned their property in Springville since 2007. In May 2019, they purchased an additional 1.3 acres across the creek in Mapleton. They purchased the property after a member of Springville City staff showed them a copy of the vacated easement plan and confirmed that private bridges are permitted by the City code. Over the past 13 years of owning the Springville land, they have put in a lot of time and effort to making this a great place to live. They are very mindful of the blessing to live on Hobble Creek. They respect the responsibility of protecting the creek.

The Bowman's have worked with the US Army Corp of Engineers, FEMA Engineers, Endangered Species Protection Department, Utah State Department of Rivers and Streams, Mapleton City and Springville City Engineers and Staff. They are very mindful of the importance of and the sacredness of the Hobble Creek corridor.

In October 2019 after working with Springville City Engineers and Staff, during the bridge collaboration process, they submitted a bridge permit application. In the ensuing 14 months since the application was submitted, they have worked with Staff to get it approved. During that time, there has been frustration. The City sought to change the ordinance upon which our bridge permit was filed, and upon which it was based. The City disregarded the Planning Commission's recommendation to enact an ordinance that pertain to private bridges. They are surprised that their proposed amendment didn't have staff support as they have worked with them. Mr. Bowman stated that they didn't get the information until Friday afternoon that staff was not in support of their proposal. They have said that they would love to meet with Josh or John to work it out.

Mr. Bowman asked if it is appropriate and/or legal for the city to change the rules after someone submits for a permit. To them, it isn't. Mr. Bowman pointed out where Mr. Yost said it was changed after the permit was submitted. February's meeting was a public hearing and no City staff showed up for that public hearing. When the meeting was over, staff went to City Council and said that it was coming to them and for them to reject it. He showed a slide that showed six concerns that staff brought to City Council: safety of staff, flooding risk, access for the equipment, precedent, owners installing multiple bridges and transfer of property ownership. They addressed these items for staff concerns. They collaborated with Staff, engineers, heavy equipment operators, etc. Ms. Bowman said that they met onsite with John Penrod, Brad Stapley, Jeff Anderson, a certified arborist and heavy machinery operator they brought so everyone could collaborate and address the concerns. They had an open dialogue asking how they could meet those concerns and they were addressed. Ms. Bowman said that Mr. Yost says in his presentation tonight that their amendment doesn't include criteria and ways to enforce that. They are happy to collaborate and work with the wording on that so it is something that the City feels comfortable with and can enforce.

Mr. Bowman listed four new concerns that they learned on Friday. The easement issue surprised them because it has already been addressed. In October 2017, in City Council, John Penrod instructed staff to vacate the easement in that specific section. City Council said that is not something we are going to ever do, and to go ahead and vacate that easement. In April 2019, they were showed a plan of the vacated easement and then they purchased the property

in Mapleton. The easement issue was not a new issue. In February 2020 Planning Commission, Mr. Penrod presented and recommended to move forward with the bridge at this time. Knowing that the easement had not yet been officially vacated, Mr. Penrod worked with them and asked if they were comfortable granting additional easement space that goes around the bridge end. They said they would do that, knowing that by the end of 2021 or more the City would vacate that easement. Ms. Bowman said maybe things will change and the easement isn't vacated, but there will continue to be an easement around the bridge. Mr. Bowman said the owner to the East will never give easement rights and to the West is also private property that has no access to the trail. Those owners have not granted easement and said they will not. The Bowman's are happy to sign something that says if the City builds the trail, they will remove the bridge. If that needs to be part of the ordinance, then make it so. Ms. Bowman said they will put it in as part of the sale of their home that they would pull the bridge out. They feel that the easement is a non-issue.

Mr. Bowman said that the damage to the creek environment and citizen enjoyment of the creek are two issues that have not been brought up in 14 months. These are new issues. He feels that installing a bridge doesn't cause damage to the creek. They feel it will not harm the creek but enhance it. The way they have designed the bridge, will not prohibit public access to the creek. They have invested in a high bridge that won't be close to the river. Their bridge design provides two times the surface area compared to the water tunnel a few blocks down the road. It is 2 feet above the 100 year flood elevation requirement.

Mr. Bowman continued saying Mr. Yost pointed out that the ordinance is not written well. They are not perfect code writers. He asked for the City to collaborate with them to write language to the City's standard. For weeks they have been asking if we need to change any language. They received no answer.

Ms. Bowman said that they recognize that the City doesn't want private bridges all over the City. There are ways to put that into the code to minimize that. She mentioned that Mapleton City and others have approved this. Springville City is the only one not giving approval. They feel that we have bent over backwards to do what Springville City wants.

Mr. Bowman pointed out that if they are worried about this happening in the Westfields, add to the requirement that owners must own property in two cities. Ms. Bowman added that it could say they must own it prior to 2020.

Mr. Bowman pointed out that the ordinance was changed after the permit was submitted. There is some risk to the City for having done that. Ms. Bowman said that in good faith they worked with the city and applied for permits and they feel that the rules are being changed.

Chair Mertz asked the Bowman's if they had signed an easement agreement with the City to expand the easement if you do the bridge or if they are just open to it. Mr. Bowman said he asked on February 26 after the last Planning Commission unanimously approved it and Mr. Penrod said they had to wait until City Council. The Council flip flopped the approval and Mr. Bowman said he is unable to do the plat amendment because of that. Mr. Penrod said the Bowman's have been great to work with on the easement revision. Ms. Bowman thanked Mr. Penrod for his collaboration.

Commissioner Baker pointed out that this is very different from the February version. She asked if there were things taken out for specific reasons or the other one didn't pass so you were trying a different tactic. She asked what the motivations were behind the two different versions. Mr. Bowman said that the February version was broader in scope. He could have built 10 bridges on his property, only needed to have .2 on both sides of the river to build, and it didn't have to be removable, and didn't have to have the ordinance language to clear the debris. It had City

support and now it is surprising as the language is narrowed and then the City doesn't support that.

Chair Mertz clarified the answer saying that it had City support and now it doesn't. And the ordinance language now is what the Bowman's got after consulting with the City. Mr. Bowman said that is correct and it was at their request. Ms. Bowman said that the land that they own they cannot access. She said they wouldn't have purchased the land if they had known they wouldn't be able to have a bridge.

Commissioner Farrer said to Mr. Yost that we are talking about that the City and staff are opposed to this, but that isn't the entire City. It seems Attorney Penrod isn't opposed to it. He asked if this is coming from the members of the Public Works Department and Engineers. Mr. Yost responded that there are definitely concerns from the Public Works Department, but his staff report doesn't focus on those, but focuses on elements related to Community Development department such as the General Plan and general health, safety and welfare of the community and the philosophical elements of bridges across the creek. Staff was of the position we couldn't support this amendment. We have support of the City Administrator and City Attorney in the recommendation that staff has made in this staff report. But if there is a desire to hear anything more particularly from the Public Works staff, the Planning Commission could continue the meeting or facilitate additional discussion.

Commissioner Farrer asked Mr. Yost if he is concerned that Attorney Penrod could not draft language that would actually give the protection that the City desires. Mr. Yost reiterated that in the staff report he said that there are concerns that no degree of code language or engineering or other types of assurances could ameliorate. He is open to discussion. He doesn't want to cast a potential for a shift in those concerns in an extremely positive light, but the major concerns are beyond the technical changes of the ordinance to address.

Mr. Bowman asked Chair Mertz to speak. Mr. Bowman said that he loved what Commissioner Farrer said about who is 'the public'. Mr. Bowman said the public is invited to a public hearing. What he finds interesting is that 100% of the public comments in February were in support. City staff are members of the public and he finds it interesting that they don't come to the public hearing to voice their opposition. They do it behind closed doors instead of the public hearing. Also, he doesn't oppose Mr. Yost's philosophical position. But said you can't dislike something after a permit has been submitted. At a minimum, he would have to grandfather them in, and then moving forward, let it be philosophical that no bridges are happening. At the time we submitted for the permit, private bridges were permitted. And it can't be philosophically opposed because some citizen submitted something that you don't like.

Commissioner Ellingson said it seems like we could write an ordinance and grandfather in any active permit. That said, she doesn't feel that this can be resolved tonight and supports continuing this.

Chair Mertz said the public hearing needs to be held first.

Commissioner Baker asked if private bridges were allowed before or not, because the City Council didn't approve the February ordinance change. Mr. Bowman said that prior to February 25, 2020, private bridges were allowed. Chair Mertz asked for Mr. Penrod's comment. He said that he and the Bowman's do not agree on this point. The ordinance, he would argue, did not allow a private bridge. No structure was allowed within 50 feet. Mr. Penrod suggested having the public hearing, continuing the item and he would be happy to meet with the Bowman's.

Chair Mertz opened the public hearing at 8:15 p.m.

Logan Millsap
531 S 300 E

Mr. Millsap said the Bowman's have put in a lot of effort to make this as cooperative as possible for the City and the neighbors. He is not opposed to the bridge for the Bowman's. His main concern is that there is an easement there so that someday there can be a trail there. He feels that Hobble Creek is a birthright that should be preserved. He doesn't want to look back and say that we didn't preserve an easement along the creek. We may not see the easement turned into a trail, in the short term. In long term, we want to reserve access along the creek for the citizens of Springville for as long as there is a Hobble Creek. As the Bowman's have stated, they are in favor of granting the easement around their bridge, so as long as the easement is preserved then he feels most of the citizens of Springville will be OK with them having the bridge, as long as dangers and flooding can be reduced to a minimum.

Commissioner Baker moved to close the Public Hearing. Commissioner Farrer seconded. The vote to close the public hearing was unanimous. The public hearing was closed at 8:19 p.m.

Chair Mertz said that he feels the consensus is to proceed with a continuance. Commissioner Baker feels it needs more discussion and possible revision. She has three concerns. There are three sections of previous versions that allowed it to be wider than 10 feet. One of her concerns in February was if someone wanted to drive a car over it. It makes sense to restrict width. There is no provision in here to restrict width. The previous version had in there that they would give the 20-foot wide easement, which we've been discussing, but isn't in this current version. And the owner being responsible for flood damage caused by or related to the bridge. It is addressed but doesn't state specifically who is responsible. Staff concerns are that they have to have access to it, but they are not responsible for it. There was a lot of discussion in February about trees, flooding, backlog and damage. She would like to see more of that specified if we were to see another version of this. Commissioner Baker has concerns about the Planning Commission looking at a specific case, as it is an ordinance that will affect the entire city. She wants to ensure that it will work for the entire City. Those who are wanting to build a bridge - those willing to work with the City and those who aren't - that the ordinance is written to make sure those things are protected.

Commissioner Ellingson said that she doesn't have much to add to what Commissioner Baker said. Anytime we are adjusting an ordinance that has a city wide impact, a significant part of the conversation is what the language should be of that ordinance. We know that something that works in one area may not work in another one and there are different concerns that need to be addressed. In this particular ordinance, it does seem like that a narrow approach is what we are looking for. We don't want bridges all along Hobble Creek. We are looking for access. She agrees with Commissioner Baker and thinks that a continuance is the right approach.

Commissioner Farrer said we ought to have a continuance. Building bridges all up and down the creek, if you are making a requirement to purchase property on both sides, he doesn't see a lot of people willing to do that. He wants the easement maintained and he feels the Bowman's are willing to do that. He prefers to walk every morning on the Spanish Fork River Trail because it is right on the river. The thing disappointing to him on the trail in Springville, is that it only crosses twice and that is about the only time you ever see the river. He would eventually like to see one that goes right along the river. He understands privacy concerns of property too. He feels a continuance is needed on this. Even if we did not propose an additional opportunity for people to build bridges in Springville, he feels Bowman's deserve a grandfather clause to allow them to do this.

Chair Mertz said this ordinance will impact the entire City. He agrees with other Commissioners comments. He asked if they remember the wind turbines approval in the City and he had the feeling that there would not be wind turbines all over the City of Springville. And the same in this

case. It won't happen. He feels we are not going to see a bridge in every yard that borders Hobble Creek. The Bowman's purchased property being led to believe that they could access it from the Springville City side. He brought up the question of who is 'we' at the City. It sounds like Community Development is approaching it from a General Plan/philosophical point of view. He mentioned that he went through each point and could counter each one on behalf of the Bowman's. He thinks there appears to be a difference of opinion on how the General Plan applies. He commented that Mr. Penrod stated the difference was between February's staff recommendation and today's was flooding being the main concern. Now it appears staff has a philosophical difference based on the General Plan. He then asked what is it? A philosophical difference based on the General Plan, or flooding? He suggested Community Development, Engineering and Public Work confer.

Commissioner Baker said that not everyone that borders Hobble Creek will start building bridges but she does have concerns that some people will build a bridge poorly. She feels they need to be engineered and maintained for safety. Someone can easily build a poorly made bridge and there should be protections in place for that. Chair Mertz said that there should be engineering standards in place. Commissioner Baker doesn't understand the privatization concerns in the Westfields are and what can be done to mitigate that.

Chair Mertz said that if people are putting a bridge over Hobble Creek, they are enhancing it. He suggested looking at the San Antonio river walk and how it is constructed. Hobble Creek is a benefit to our community.

Chair Mertz invited the Bowman's to speak. Mr. Bowman agrees with the discussion and addressed Baker's comments on poorly designed bridges. He complimented Jeff Anderson's work as an Engineer and look to Mr. Anderson to prescreen any bridge permits.

Commissioner Baker pointed out that a building permit was part of the February version, but not in this one. Mr. Bowman said OK.

Ms. Bowman said that this was a great discussion and they appreciate your consideration. They are as committed to having it done safely and well, and maintained. They want to do it right.

Commissioner Baker moved to continue this item to enable further discussion and review of the proposed ordinance. Commissioner Farrer seconded. The vote to continue the item was unanimous.

Mr. Penrod clarified that they have continued the item, but asked if they want to move it to a date certain. Chair Mertz said that his suggestion is to amend the motion and suggested that it be continued to after the petitioners and the City have had time to meet and resolve each other's concerns. Commissioner Baker asked if there was a specific date that should be put on it or continue it with a time limit before it comes back. Chair Mertz asked staff if this could be revisited at the second meeting in January. Mr. Penrod said yes.

Commissioner Baker moved to continue this item to enable the petitioners and City staff to further discuss this until the second meeting in January of 2021. Commissioner Farrer seconded. The vote to continue the item was unanimous.

2) Steve Birt seeking amendments to Springville Code 11-4-301 Land Use Matrix, to clarify the effective date of street classifications as cited by this section.

Director Yost presented. On May 19, the City adopted an ordinance that amended the Land Use Matrix to prohibit the uses listed on the slide within 500 feet of an arterial street. Subsequently

the Transportation Master Plan was updated. This made 2600 West an arterial. It increased the area to where the Land Use Matrix arterial area applies. The applicant purchased property on 2600 West prior to the adoption on the Transportation Master Plan. With the adoption, it rendered the proposed use no longer permitted on the property. They made application for site plan approval on November 17, 2020. As a result, the applicant has asked for a text amendment that amends the May 19 amendment so it will apply to streets designated as arterials in the Transportation Master Plan as adopted on May 19. It created non-conforming properties from the additional commercial light industrial properties that were shown on the map. The update had unintended effects on the permitted land use and constitutes a changed condition that justified the proposed amendment. Staff recommendation is that the proposed amendment meets the criteria and recommend these proposed amendments to City Council.

Chair Mertz invited Steve Birt to speak. Mr. Birt said Mr. Yost put it in perspective of what they are trying to do. They are bringing 100 plus jobs to Springville. They purchased this property, had discussions with the City and proceeded with the plan, worked on in September and made changes, but had discussions before the changes were made. He asked the Commission to please approve their petition.

Chair Mertz thanked the applicants for choosing Springville and bringing jobs for economic growth.

Chair Mertz opened the public hearing at 8:40 p.m. Hearing none, Chair Mertz asked for a motion to close the public hearing. Commissioner Farrer moved to close the public hearing. Commissioner Baker seconded. The vote to close the public hearing was unanimous. The public hearing was closed at 8:41 pm.

Commissioner Baker asked Director Yost with this saying it will only apply to that setting in May of 2019, is that going to be problematic for anything in the future as the city grows and other arterial streets are designated. Mr. Yost said first, we don't anticipate a Transportation Master Plan update that would involve changing functional classifications to come along in the next few years. Second, with our effort this coming year to look at the General Plan we anticipate that we will have a pretty clear understanding of these areas in the city and what we feel the future land use will be in these areas. It helps to preclude surprises. After we get through the General Plan and code amendments that come along after, I would not be surprised if the land use matrix changes and this provision is struck from the code.

Chair Mertz asked if there was any more discussion. Hearing none, he asked for a motion. Commissioner Farrer moved to recommend approval of the amendment to Springville Code 11-4-301 Land Use Matrix to clarify the effective date of street classifications as cited by this section. Commissioner Ellingson seconded. The vote to approve the legislative item was unanimous.

3) Springville Community Development seeking amendments to Springville Code Title 11 Chapter 5 Article 5 - Westfields Overlay - Village Center Zone

Director Yost presented. The Community Development department has received numerous inquiries and many of them for the VC zone. We wanted to address the height requirements in the VC and RMF-2 zones. It states that the RMF-2 zone applies. To clarify, the height is 45 feet in VC and 35 feet in RMF-2. The purpose of the zone is to provide a setting for a mix of commercial, office, public/quasi-public and residential uses. There are 3 sections of the VC zone of the development area: mixed use, civic and multi-family residential. It should be designed primarily with pedestrians in mind. It should be characteristic of an urban village.

On line 34, the setback has changed from 30 feet to 20 feet to better meet the intent of urban village. On Line 100 the minimum sidewalk width increased in the Mixed-Use section from five feet to eight feet. On lines 122 - 123 the language is clarified to describe the maximum density bonus for the Multi-Family section. This came up a lot as people called in to inquire, so it is here to clarify. Line 131 the maximum height changed from forty-five feet to thirty-five feet. This was changed to align the RMF-2 and VC zone height requirements.

Staff finds that these amendments are in accordance with the General Plan are justified by the continued refinement of planning techniques and the increasing development pressure being experienced in Springville City. Staff recommends approval to City Council.

Chair Mertz asked if there were questions. He asked how long have we had the Westfields overlay in place. Mr. Yost said that he feels it was 2003 but deferred to Mr. Penrod. Mr. Penrod said that is correct and it has been in place for quite some time. Commissioner Mertz asked if is working to bring in the desired type of development. Mr. Penrod said that in talking to Troy Fitzgerald and Laura Thompson, the vision they had is not happening as they would like it to. In the Westfields overlay, 90% of it is already constructed or in construction. Ms. Thompson added that we have not seen anything developed in the VC zone. Chair Mertz asked what that is due to. Ms. Thompson said there is plenty of interest.

Chair Mertz opened the public hearing at 8:52 p.m. Hearing no one, Chair Mertz asked for a motion to close the public hearing. Commissioner Baker moved to close the public hearing. Commissioner Ellingson seconded. The public hearing was closed at 8:53 p.m.

Commissioner Farrer moved to recommend adoption of amendments to Springville Code Title 11 Chapter 5 Article 5 – Westfields Overlay – Village Center Zone. Commissioner Baker seconded. The vote to approve the legislative item was unanimous.

ADMINISTRATIVE SESSION

No items

Chair Mertz said there are no administrative items. He said that in January and February he has a conflict every Tuesday night. He will do his best to be here.

Planner Thompson wished everyone a Merry Christmas and told the Commissioners that they do a great job.

Councilman Packard said that, in regards to the bridge issue, the City Council was worried about the flooding problem and cluttering the creek with bridges. He encouraged the Commissioners to reread the minutes of the previous discussions. He appreciates the patience of Bowman's to work through this.

Chair Mertz asked to have the previous minutes for these items included in the packet or a link to be able to access them easily. Commissioner Ellingson agreed. Commissioner Baker said part is knowing what meeting it was part of. Mr. Penrod agreed and said it was an excellent comment and, in the future, we will give dates and supply a link. Mr. Yost added that he will do a better job of summarizing and reviewing past actions and discussions.

With nothing further to discuss, Commissioner Farrer moved to adjourn the meeting. Commissioner Baker seconded the motion. Chair Mertz adjourned the meeting at 9:02 p.m.