

Pleasant Grove City Council and Planning Commission Meeting Minutes
Work Session
October 22, 2013
6:00 p.m.

PRESENT:

Mayor:

Bruce W. Call

Council Members:

Cindy Boyd
Cyd LeMone
Heather Pack
Kim Robinson

Excused:

Jay Meacham, Council Member

Planning Commission:

Levi Adams
Dianna Andersen
Jeff Cardon
Scott Richards

Staff Present:

Scott Darrington, City Administrator
Dean Lundell, Finance Director
Degen Lewis, City Engineer
Tina Petersen, City Attorney
David Larson, Assistant to the City Administrator
Deon Giles, Parks and Recreation Director
Kathy Kresser, City Recorder
Mike Smith, Police Chief
Marc Sanderson, Fire Chief
Ken Young, Community Development Director
Lynn Walker, Public Works Director
John Schiess, Utility Engineer

Other:

Robert Schow, Applicant
David Petersen, Engineer for Mr. Schow
Don Wadley, Irrigation Company

The City Council and staff met in the City Council Chambers at 86 East 100 South, Pleasant Grove, Utah.

1) **CALL TO ORDER**

Mayor Call called the meeting to order and noted that Council Members Boyd, LeMone, Pack, and Robinson were present. Council Member Meacham was excused from the meeting.

2) **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Planning Commission Member, Scott Richards.

3) **OPENING REMARKS**

The Opening Remarks were given by Planning Commission Member, Diana Anderson.

4) **PUBLIC HEARING TO CONSIDER FOR APPROVAL THE REQUEST BY ROBERT SCHOW FOR A SPECIAL EXCEPTION TO CITY CODE SECTION 8-6-6, PIPING OF EXISTING DRAINAGE/IRRIGATION FACILITIES FOR PROPERTY LOCATED AT APPROXIMATELY 2548 NORTH 900 WEST. (MANILA NEIGHBORHOOD) Presenter: Attorney Petersen.**

City Attorney, Tina Petersen, stated that the applicant/property owner, Robert Schow, is asking for an exception to an ordinance, which requires the piping of all existing drainage/irrigation within a proposed development. Mr. Schow is proposing to create a new lot for a subdivision and there is an open channel at the rear of the lot that normally would be piped because it does not fall within the exceptions built into the ordinance for keeping a ditch open.

Mr. Schow stated that historically his property has been an open channel in the Storm Water Master Plan. Recently a new Storm Water Master Plan was adopted by the City and the channel was removed from the plan. Not piping the irrigation ditch does not affect the health, safety, or welfare of the citizens in the area, but rather enhances it. The open channel is an integral part of Mr. Schow's agricultural irrigation system in the area and it is necessary if there is an emergency in the irrigation system. He reported that they pump 1.2 million gallons per day and take water from three different sources and combine them into Mr. Schow's pond and pressurize it. If there is a failure in any part of the system the open channel provides a location to safely release the water.

Mr. Schow stated that leaving the channel open provides protection in the area during an abnormal or excessive water event. The large rain storm on September 7 could have caused a big problem if the channel had been closed. There have been other times throughout the past year that the open channel has been beneficial to the City and the residents in the area. Not piping the channel preserves the historical and aesthetic value of the area. Mr. Schow's farm was established in 1890 and the stream bed was used to bring water to his family's homestead. The trees in the area are over 100 years old and if the channel is piped they will die.

Mr. Schow and his engineer as well as a representative from the irrigation company were present and prepared to answer questions. The irrigation company was not opposed to Mr. Schow leaving the channel open.

City Engineer, Degen Lewis, stated that the ordinance requires the area be piped for safety. A subdivision lot was being created as it is no longer being used for agriculture. The only section required to be piped is on the new lot, rather than on Mr. Schow's farm property. Mayor Call asked about the length of the section requiring piping. Engineer, David Petersen, stated that the pipe length is roughly 130 feet. Mr. Schow stated that they will save taxpayer money by not requiring the piping.

Engineer Lewis stated that the City made the decision that open area channels need to be piped as development occurs. The City is no longer agricultural in those areas so the open channels create a safety issue. In order to remain consistent staff recommended requiring the channel be piped. He stated that if this is not a requirement that makes sense in every case the City can adjust the Master Plan accordingly.

Mayor Call commented that at some point the entire area around the channel will likely be developed. If an exception were granted on 130 feet of the channel it could potentially cause problems with exceptions being requested on the same channel in the future. Engineer Lewis felt the Council could decide if they want to allow open sections to any channel, but suggested they develop objective criteria.

Council Member Boyd explained that from Canyon Brook north all the way to the mouth of the canyon the creek is open. She felt they did not need to look into what should be done in the entire City but what should be done in particular areas. Because that area is agricultural she thought the Council should discuss whether the Storm Drain Master Plan needs to be changed to accommodate the look, functionality, feel, and historical value of the agricultural area. Due to the value of the ability to accommodate flood issues she was comfortable leaving the channel open and was not concerned about safety in that area.

Mr. Schow stated that in the late 1950s Pleasant Grove Irrigation Company came through the City and cemented most of the ditches creating four-foot deep ditches. Those were the ditches that cause safety issues in the community. For some reason this particular channel was not cemented and is a wide meandering stream bed. It does not present a health safety issue from downing because it does not get that deep.

Mr. Schow said that when the Master Plan was changed for the storm water it was made with the assumption that there was no storm water coming out of Cedar Hills. However, on the day of the big storm the channel reached capacity due to water being put into the stream. Mr. Schow stated that Cedar Hills shows 10 places where they discharge storm water into the channel. Attorney Petersen said she was interested in knowing how much water actually comes into Pleasant Grove from Cedar Hills. Because Cedar Hills has told us that they do not have any storm water coming into Pleasant Grove.

Mayor Call reported that before Council Member Meacham went out of town he had concerns regarding what happens to the flow that is now going into the area once it is piped. Utility Engineer, John Schiess, stated that any time a ditch is piped the water needs to go somewhere else and the property owner is responsible for that water movement.

Council Member Boyd remarked that the creek is an asset to the community particularly to those who live there. She did not feel that the storm drainage plan was one size fits all and that it should be looked at on an individual area basis.

Council Member LeMone agreed with Council Member Boyd and felt that it had served as a safety net for the community and has historical value. She asked if drowning was a main concern in the ordinance. Engineer Lewis did not know why the ordinance was adopted but felt that people moving into a new home do not typically expect open irrigation systems on or near their property. Piping can help with water rights and other similar issues.

City Administrator, Scott Darrington, stated that the area is totally undeveloped currently. He assumed that when the ordinance was created the Council at the time was likely planning for the future because the best time to cover the channels is when the property develops. There are other areas in the City that they would like to have covered because of the population density. Mr. Schow's property does not have that population density and there is likely no harm in leaving it open. It was suggested that the Council create wording for the Master Plan to account for different areas in the community that may have different needs.

Mayor Call stated that the issue the Council needs to consider today is if they will grant the exception or not. If the exception is granted the Council will need to schedule time to discuss the Manila Creek area and what is proper for piping there, which will be an agenda item at a later date. Mayor Call walked Mr. Schow's property earlier and if there is not an absolute danger he would like to avoid filling the channel in.

Council Member LeMone asked if many requests had been requests from people who want to change the ordinance to allow open channels. Administrator Darrington explained that this was the first request. Council Member Boyd stated that a similar issue occurred at Creekside. Engineer Lewis stated that when Creekside was approved the Storm Drain Master Plan intended to run water down the channel, however, changes were made when the City decided not to run storm drainage down backyard channels in an effort to avoid flooding and similar issues on privately owned properties.

Mayor Call opened the public hearing.

Paulette Smith gave her address as 594 West 3300 North and stated that her backyard backs the beautiful stream and trees on Mr. Schow's property. She stated that she raised her family in New Mexico and wanted to move somewhere with water and trees to enjoy. They selected their lot based on the beauty of the area. She hoped the Council would make the exception because it adds value to the area, her property, her lifestyle, and the way she wants to raise her grandchildren.

Council Member LeMone asked Ms. Smith if she had any safety concerns with the stream. Ms. Smith responded that she had never had any concerns and thought the stream only added value.

There were no further public comments. Mayor Call closed the public hearing.

Council Member Boyd stated that the findings were that the Council needs to look into revising the Storm Drain Master Plan and that the stream is an asset to the area both from the perspective of the value of the landscape as well as the historical value. She stated that spot piping is not beneficial to the City or the area. Mayor Call added that the Council was not able to find any discernible safety issues. Mr. Schow commented that the channel is an important part of his irrigation system for his agriculture.

ACTION: Council Member Boyd moved to approve the request by Robert Schow for a special exception of City Code Section 8-6-6 piping drainage/irrigation facilities for property located at approximately 2548 North 900 West. The motion was seconded by Council Member LeMone. A public hearing was held. The motion passed with the unanimous consent of the Council.

5) **DISCUSSION ON AGENDA ITEMS FOR THE NOVEMBER 6, 2013 CITY COUNCIL MEETING.**

Mayor Call stated that there will not be a City Council Work Session next week because there will be a public information meeting regarding the general obligation bond. He stated that there were no unusual items in the consent agenda.

- A. Public Hearing** to consider for adoption an Ordinance (2013-32) at the request of Leisure Villas to amend the City Code by adding Article K of Chapter 10-11, "Senior Housing Overlay." *Presenter: Director Young*
- B. Public Hearing** to consider for adoption an Ordinance (2013-33) at the request of Leisure Villas to apply the Senior Housing Overlay on 12.74 acres located at approx. 800 West 220 South in the Grove Zone. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young*
- C.** To consider for approval a 2 lot final plat called Strawberry Creek Villas located at approx. 220 South 800 West in the Grove Zone. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young*
- D.** To consider for approval a site plan for Strawberry Creek Villas located at approx. 220 South 800 West in the Grove Zone. (SAM WHITE'S LANE NEIGHBORHOOD) *Presenter: Director Young*

Community Development Director, Ken Young, said that items A through D pertain to the Senior Housing Overlay. The Senior Housing Overlay has been in process for some time and has been reviewed by the Planning Commission who recommended approval. There are three projects in mind that will be covered by the overlay. The initial request was to have it applied to Strawberry Creek Villas, the senior housing project on 220 South. The senior housing overlay allows for a single-family senior community, which is what Strawberry Creek Villas will be. They will develop four-plex buildings consisting of four single-family attached homes with separate entrances in different directions. The entire development is set up as a single-family neighborhood.

Director Young stated that there are two categories provided for within the overlay. One is for a single-family home community that has a maximum of eight units per acre. The other category is a congregate housing type of senior housing that can be either rental apartments or condominiums and allows for both to be together in one building. The two projects that anticipate taking advantage of this category have a maximum of 24 units per acre and were identified as Grove Crest and Tuscan Gardens.

Director Young explained that the overlay is anticipated to cover the needs of the three upcoming projects. Staff tried to determine if there were other types of senior housing projects that would not be covered under the two categories and discovered that they were not able to. The overlay can be amended later if necessary. There are areas within the overlay that allow for some variation to be approved from what is otherwise required in the underlying zoning. Those variations include setback requirements, landscaping, architectural design, open space requirements, and parking.

Mayor Call asked when the Council would see the actual ordinance. Director Young explained that they would have the ordinance to the Council at least one week in advance of the meeting. Council Member Boyd stated that there are some open channels near Strawberry Creek. The Council may need to look into the possibility of leaving that channel open. Director Young stated that the site plan submitted includes the creek remaining open. Engineer Lewis stated that they have given the developer engineering comments and while there are still details to work out, leaving it as an open channel is not likely to be an issue.

Mayor Call asked if the Planning Commission had any insight to share since they had already reviewed the ordinance. Commissioner Richards reported that the Commission voted unanimously to pass the plan onto the City Council.

- E. To consider for approval a site plan for My Oil Business at 236 South 1300 West in the Grove Zone –Commercial Sales subdivision. **SAM WHITE’S LANE NEIGHBORHOOD**

Director Young stated that earlier in the year the City approved Proctor Corner, which is the Utah Fertility Center. The same developer wants to build a new business called My Oil Business. It is related to doTERRA and will be a two-story building with a third story popup in the middle of the building. It will have the same architectural style as the Utah Fertility Center. Administrator Darrington stated that it will be a retail and office establishment.

- F. To consider for approval a 6 lot final plat called Residences at Mayfield Plat 1 at approximately 2200 West 250 South in the Grove Zone – Mixed Housing subdivision. **(SAM WHITE’S LANE NEIGHBORHOOD)** *Presenter: Director Young*
- G. To consider for approval a 1 lot final plat called Residences at Mayfield Condominiums Plat A at approximately 2200 West 250 South in the Grove Zone – Mixed Housing subdivision. **(SAM WHITE’S LANE NEIGHBORHOOD)** *Presenter: Director Young*
- H. To consider for approval a 1 lot final plat called Residences at Mayfield Plat Condominiums Plat B at approximately 2200 West 250 South in the Grove Zone – Mixed Housing subdivision. **(SAM WHITE’S LANE NEIGHBORHOOD)** *Presenter: Director Young*

- I. To consider for of approval a Site Plan for Residences at Mayfield at approximately 2200 West 250 South in the Grove Zone – Mixed Housing subdivision. (**SAM WHITE’S LANE NEIGHBORHOOD**) *Presenter; Director Young*

Director Young stated that Items “F-I” deals with the Mayfield project. It is a project that has been in the works for over seven years and they are finally getting ready to complete it. The Planning Commission will review the items on Thursday and then it will come to the City Council. The northern portion of the project consists of the remaining 12 acres of property that have yet to be developed. There will be 12 units per acre overall. The developers are requesting to add on to Phase Four of the project. The developers purchased the undeveloped portion of Belle Monet. The remaining property is divided into Area A and Area B with Area A subject to the previous zoning code requirements. Area B is subject to the new zoning requirements.

Director Young explained that Plat One takes the existing properties and divides them according to their new development plans. The developers will then make condominium plats out of Area B. They also anticipate purchasing the unfinished portion of Belle Monet in the Phase Three area, which will provide a connection to the roadway. Overall there will be 214 units with 54 in the lower density area and 160 in the lower area.

Council Member Boyd asked for clarification regarding why some of the buildings are apartments rather than condos. Director Young stated that the City does not stipulate or require in the ordinance that the developers build one or the other. Council Member Boyd said that when the development began they were all condos and she does not know when apartments became part of the plan. Her preference was for all of the development to be condos rather than apartments. Mayor Call asked staff to conduct some research to determine if it is possible to legally enforce making the developer create condominiums or if that is something the City has done in the past. Director Young stated that they would do the research, but currently the ordinance does not include a stipulation about condos or apartments.

- J. To consider for adoption a Resolution (**2013-043**) authorizing the Mayor to sign the Equipment Lease Agreement with Sun Trust Equipment Finance and Leasing Corporation for the purpose of acquiring a VacAll Truck for the Public Works Department and equipment for the Recreation Center and authorizing the Mayor to sign said lease-purchase agreement and authorizing the execution and delivery thereof, and providing for an effective date. *Presenter: Director Lundell*

Mayor Call stated that this Item is regarding the new vac truck for Public Works and equipment for the Recreation Center.

Administrator Darrington stated that there will be some discussion regarding recreation items. A small committee including himself and Council Members LeMone and Robinson wanted to share some minor improvements and costs with the Council. No action would be taken.

Council Member Boyd asked if staff could have the Master Plan amended regarding the 800 South connection. Administrator Darrington agreed to add it to the November 6 agenda.

6) **DISCUSSION ON GRANTING WAIVERS.**

Engineer Lewis stated that according to City ordinance when a new home is built the owner must finish the road. When a home is remodeled or modified it is not a requirement. There is a criterion that states that if there is an addition of 300 square feet or more or if \$30,000 or more in renovations are done on a home, the street in front of the property must be completed. Mayor Call clarified that “street” means curb, gutter, sidewalk and any additional asphalt that is necessary.

Engineer Lewis stated that the ordinance includes a number of exceptions. One such exception is item number six in the ordinance. It states that any residential property that obtains an exemption through the conditional use permit process from the Planning Commission and when the Planning Commission grants an exception, the property owner shall sign a waiver of protest for any future special improvements which stalls all or a portion of its improvements. The exception does not exempt the property owner from improving the roads; it simply means that they do not have to make the improvements right away. It is the City’s right at any time to require the road completion.

The conditional use process is reviewed by the Planning Commission who has never refused an exception. Engineer Lewis stated that the City Council needs to determine the intent behind the requirement. If they are satisfied with the Planning Commission continuing to grant exceptions, each time, the Council may want to change the rule so that the Planning Commission does not have to spend so much time on these types of requests. If the Council prefers they can modify the exception or condition the approval on additional input from staff.

Engineer Lewis explained that in the past the process has often been abused, however, staff modified the verbiage to help create consistency. Mayor Call asked how long the conditional use permit has been decided by the Planning Commission. Engineer Lewis was not sure but stated that it has been at least a few years. Mayor Call asked if it should be required for the Planning Commission to enumerate findings for each exception. Attorney Petersen recommended findings be included as well as guidance in the criteria. Mayor Call agreed that concrete criteria would be beneficial.

Attorney Petersen stated that a frequent complaint from the residents is that Pleasant Grove does not have a good sidewalk system. Mayor Call remarked that the Waiver of Protest does not remove the obligation to complete the road. Once a certain critical mass is reached the road will be required. Mayor Call felt the City could be more specific. Engineer Lewis asked if the City should continue granting waivers as they have been with the improvement to state findings of fact. Mayor Call felt that developing criteria for the Planning Commission that allows them to have findings of fact was the best way to proceed.

Commissioner Richards thought that would be very helpful. He observed that the last few exceptions were in rural residential areas and they tried to discuss whether it made sense with the existing zoning. Mayor Call recommended the Planning Commission work with Attorney Petersen to develop the criteria based on what they have seen in the past. Commissioner Andersen said that in the last two years there have only been three or four exceptions granted. She thought it would be beneficial to go back through and determine why they were requested and why the request was granted.

7) **MAYOR, CITY COUNCIL AND STAFF BUSINESS.**

Administrator Darrington reminded the Council that a neighborhood meeting was scheduled for the following night at Grovecrest and on Thursday at Manila Elementary. The meeting at the Rec Center is scheduled for Tuesday October 29th and will take place of the City Council Work Session meeting.

Attorney Petersen reported that she received the red line copy from ICO on the Tuscan Gardens Agreement. The Participation Agreement also recently came back from doTERRA.

Engineer Lewis said that UDOT will complete the paving work on State Street by the end of the week and they are close to completing the entire project. Mayor Call stated that it has been a long process but the road will be greatly improved.

City Recorder, Kathy Kresser, distributed a document regarding the last several years of general elections and early voting. In 2011, the early voting was 189 and the primary was 221 votes. This was the first day of early voting and 60 votes were received. Of the 653 absentees sent out, 231 were returned.

Council Member Boyd thanked the Police and Fire Departments for making themselves available when residents have questions and for distributing accurate information. Administrator Darrington added that many City staff members have stepped out of their realms to help distribute information.

8) **ADJOURN.**

ACTION: Council Member LeMone moved to adjourn. Council Member Robinson seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:13 p.m.

This certifies that the City Council
Minutes of October 22, 2013 are a true,
-full and correct copy as approved by
the City Council on November 19, 2013.

Kathy T. Kresser, City Recorder
(Exhibits are in the City Council Minutes binders in the Recorder's office.)