

Payson City
Planning Commission Meeting
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, December 14, 2022, 6:30 p.m.

Conducting: Ryan Frisby, Planning Commission Chair

Commissioners: John Cowan, Ryan Frisby, Kathy Marzan, Kit Morgan, Tyler Moore, Jim Rowland, Blair Warner (Zoom)

Absent: John Cowan, Tyler Moore

Staff: Robert Mills, Development Services Director
Jill Spencer, Senior Planner (Zoom)
Michael Bryant, Planner II
Marty Dargel, Planning Technician
Jonathan Knight, Development Engineer

Others Mark Weldon, Richard Behling, Jason Knapp, Helena Carter Thomas, Gene Carly, Kelly Warner, Carrie Knapp

1. Call to Order

This meeting of the Planning Commission of Payson, Utah, having been properly noticed, was called to order at 6:30 p.m.

2. Invocation/Inspirational Thought – Commissioner Frisby

3. Consent Agenda

3.1 Approval of minutes for the regular meeting of November 9, 2022.
3.2 Resolution – Planning Commission Annual Meeting Dates and Times.

MOTION: Commissioner Morgan - To approve the Consent Agenda. Motion seconded by Commissioner Marzan. Those voting yes – Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. The motion carried.

4 Public Forum

No public comment.

5 Review Items

5.1 PUBLIC HEARING - WICP Payson Tech Subdivision: Request by WICP Payson Tech LLC to consolidate seven parcels totaling 25.456 acres, identified as Utah County Parcels 30:014:0029, 30:014:0030, 30:014:0032, 30:014:0035, 30:014:0047, 30:014:0048, 30:014:0067, into four lots, each totaling 5.9 acres or more. The approximate address for the subdivision is 1130 North Main Street, located in the I-1, Light Industrial Zone.

Staff Presentation:

Staff gave an overview of the request by the applicant to consolidate seven small parcels located at approximately 1130 North Main Street, into a four-lot subdivision. Maps were shown indicating the location and layout. The parcels are currently zoned I-1, Light Industrial Zone. There are three outstanding issues prior to recordation of the plat. 1.) Applicant must receive approvals from the U.S. Army Corps of Engineers on wetland areas in the northeastern-most portion of the subdivision. 2.) Applicant must receive approval for right-of-way access onto Main Street from UDOT. 3.) Applicant must address all redline concerns prior to recordation of plat.

Applicant Presentation:

Mark Weldon introduced himself and gave some background regarding his company. He reviewed the proposed project, went over the steps they have taken through this process, and gave insight on their vision for the subdivision.

MOTION: Commissioner Morgan – To open the public hearing. Motion seconded by Commissioner Marzan. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. The motion carried.

Public Comment:

Richard Behling introduced himself as Supervisor, Timp/Nebo Conservation District, under the Utah Department of Agriculture. He expressed concern regarding cross-contamination of the springs and run-off water. He stated the Conservation District may want to see that the engineering has been taken care of.

MOTION: Commissioner Morgan – To close the public hearing. Motion seconded by Commissioner Rowland. A roll-call vote was taken. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. Those voting no: None. The motion carried.

Commission Discussion:

Commissioner Marzan had questions regarding the outstanding issues referred to in the staff presentation. Staff addressed those questions.

MOTION: Commissioner Marzan – To recommend to City Council, approval of item 5.1.

Motion seconded by Commissioner Rowland. A roll-call vote was taken. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. Those voting no: None. The motion carried.

5.2 PUBLIC HEARING - Title 14 Sensitive Lands Code Amendment: Payson City requests an amendment to the Payson City Title 14 Sensitive Lands Code. This amendment will more specifically address section 14.20.020, Stream Corridor and Wetland Development Standards.

Staff Presentation:

Staff Development Engineer gave an overview of the amendment proposed for Title 14 section 14.20.020, Sensitive Lands Code. This amendment would enable an option to reduce set-back limits with proper approvals.

MOTION: Commissioner Morgan – To open the public hearing. Motion seconded by Commissioner Frisby. A roll-call vote was taken. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. Those voting no: None. The motion carried.

Public Comment:

Richard Behling, Timp/Nebo Conservation District, under the Utah Department of Agriculture, stated concerns when working with sensitive land issues with the chance of cross-contamination, problems with water rights, and issues with water run-off from streets, buildings, and parking lots.

MOTION: Commissioner Morgan – To close the public hearing. Motion seconded by Commissioner Marzan. A roll-call vote was taken. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. Those voting no: None. The motion carried.

Commission Discussion:

Commissioners agreed the proposed amendment is straightforward, and if the guidelines are followed there should be no issue.

MOTION: Commissioner Frisby – To recommend to City Council approval of item 5.2.

Motion seconded by Commissioner Morgan. A roll-call vote was taken. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. Those voting no: None. The motion carried.

5.3 REMANDED REVIEW - Request by Rob McNeel for preliminary plan approval of the Springs at Spring Lake Subdivision at approximately 2100 South (12240 South, Utah County coordinate) and 500 West. The subdivision would consist of 35 single-family homes with lots no less than 15,000 square feet.

Staff Presentation:

Staff reviewed the details of the project that was presented at a previous meeting and remanded back to staff for further review at that time. The applicant was instructed to work with Payson City on the possibility of a road extending northward from the western side of the subdivision and exiting onto 1900 South. Payson City was not in favor of the road request since it would eliminate a large portion of a future park, a future fire station, and possible storm retention. The applicant was also instructed to work with Utah County for possible access onto 12240 South. An approval letter from the County to utilize 12240 South was received. Final instruction to the applicant was to meet with the neighboring property owners to help resolve some of their concerns. Payson City was instructed to address another access onto SR-198 with UDOT. This access would require 660 feet between streets, and the only option would be to close the 'Y' intersection at 12200 South.

Applicant Presentation:

Rob McNeel feels he has addressed all items that were requested of him. He has worked with staff and met all requirements for a subdivision. He has met with neighboring property owner, Jason Knapp, concerning alternative accesses.

Commission Discussion:

Commission Chair Frisby opened the floor to the public for comment and discussion.

Public Comment:

Jason Knapp voiced his appreciation to be able to share some of their continued concerns with the traffic from the subdivision and potentially more from the north coming down onto 12240. Additionally, he pointed out that recently the residents of Spring Lake have submitted to the state of Utah a request for a feasibility study that they might consider the possibility of incorporating as their own town. He is concerned that if that were to happen, Spring Lake would be left with the result of

all the traffic and the burden of the consequences. He feels it is a loss all the way around for Spring Lake. He also commented about the need for a specific area plan to be implemented.

Helena Carter Thomas voiced concerns about the wetland areas. She would like to see the engineering reports. She agrees with Jason Knapp and feels going ahead with the subdivision will ruin all opportunities for great amenities for Payson and Spring Lake.

Richard Behling, Timp/Nebo Conservation District under the Department of Agriculture, stated that about two weeks ago, they put the city on notice that there were some issues with run-off water that would head directly to the pond. He has concerns about there being nowhere for the city to put a retention pond to catch the run-off water. He is also worried about the high ground water in the area being contaminated with run-off water. He has several other issues concerning the roads.

Gene Carly is the property owner adjacent to the proposed subdivision. He is concerned about the determination of no wetlands in the area by the Army Corps of Engineers. He stated that from his experience there definitely are wetlands. His second concern is who will be paying for the widening of 12240.

Jonathan Knight, Payson City Development Engineer, stated the concerns regarding the water and drainage issues brought up previously have already been addressed in the grading and drainage plans by the applicant's engineers. The developer has had a wetland delineation performed, he submitted to the Army Corps of Engineers, and the Corps agreed with what was delineated. Legally the developer cannot be asked to do anything more concerning the wetlands. The roads that stub into the adjacent properties are being put in to accommodate potential future development by those property owners and is not something that the developer must do. The developer has done everything that Payson City is legally allowed to ask him to do.

Kelly Warner would like to see proof that the studies that have been done.

Carrie Knapp pointed out that the letter from the county concerning road access is not an actual permit granting that access.

Commission Discussion:

Commissioner Morgan understands the feelings and concerns of the residents but is under constraint to follow the master agreement and laws that are in place.

Commissioner Frisby commented he is glad to see the 15,000 square foot lots in that area. They are large lots which will be conducive to nice homes. He feels it is a good fit for that area.

Commissioner Marzan agrees with Commissioner Morgan but stated the applicant has done all and more than what has been asked of him and what the law demands.

Commissioner Rowland agrees. He feels the water run-off can be dealt with by engineering.

Commissioner Warner agrees with fellow commissioners. He feels the city has made great efforts to try to foresee everything needed with this kind of development. He feels good about the processes in place and that this will be looked at with sufficient scrutiny before any development takes place.

MOTION: Commissioner Marzan – To recommend approval to City Council for item 5.3 seeing that it fits the General Plan and the applicant has met all requirements. Motion seconded by Commissioner Frisby. A roll-call vote was taken. Those voting yes: Ryan Frisby, Kathy Marzan, Kit Morgan, Jim Rowland, Blair Warner. Those voting no: None. The motion carried.

6 Commission and Staff Reports and Training

No reports or training.

7 Adjournment

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

The meeting adjourned at 7:29 p.m.

/s/Marty Dargel

Marty Dargel, Planning Technician