

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, March 03, 2010, in the Council Chambers, 45 West 100 South, at 7:00 pm.

AGENDA

1. ROLL CALL
 2. PLEDGE OF ALLEGIANCE
 3. INVOCATION/INSPIRATIONAL THOUGHT
 4. CONSENT AGENDA
 - a. Minutes
 1. February 17, 2010
 - b. Bills
 1. Unknown amount
 5. FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS
Public Forum is held to a 30-minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement
 6. FORMAL PUBLIC HEARINGS
 7. UNFINISHED BUSINESS
 8. BUSINESS LICENSES
 9. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
 10. NEW BUSINESS
 - a. Discussion and Possible action with regard to TBS Single Lot Subdivision (approx 87 E 100 S)
 - b. Discussion with regard to the Farm Worker Housing and Agricultural Zones Standards
 - c. Discussion with regard to the proposed Noise Ordinance
 11. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
 - a. Ordinance 03-01-2010, "An Ordinance Amending the City's Public Health and Safety Regulations to Address Noise"
 12. PETITIONS AND COMMUNICATIONS
 13. REPORTS BY MAYOR AND COUNCIL MEMBERS
 - a. Mayor DeGraffenried
 - b. Council Members
 14. EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)
 15. EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
 16. ADJOURNMENT
- If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was faxed to the Payson Chronicle, Payson, UT, 84651.

BY: 
Susan B. Farnsworth, City Recorder

POSTED:

CITY CENTER
POST OFFICE
ZIONS BANK

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
MARCH 3, 2010**

The meeting was called to order at 7:00 pm by Mayor James E. DeGraffenried. Council Members attending: Filip Askerlund, James Linford, Rick Steele, and Brent Vincent. Martin Green was excused.

Other present: City Manager Ben Reeves, Director of Public Safety Dennis Howard, City Planner Dennis Marker, Legal Counsel Brett Rich, Fred Openshaw, Bryant Safford, Scott Sutherlund, Seth Sutherlund, Marie Durney, David Sutherlund, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Scott Sutherlund Led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Seth Sutherlund Offered an Invocation.

CONSENT AGENDA

Minutes

February 17, 2010

Bills

Unknown amount

Council Member Linford moved to approve the Consent Agenda. Council Member Steele seconded the motion. Council Members Askerlund, Linford, Steele and Vincent voted in the affirmative.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Nothing

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Nothing

BUSINESS LICENSES

New Business Licenses from February 17, 2010 to February 28, 2010

- Fusion IT Consulting, Joseph Wells, Home Business
- J's Tire, Truck & Diesel Repair, Jay Mecham (in Terry's Tires building)
- Santaquin Chiropractic, John Marshall, 151 E Main Street

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Mr. Openshaw reported the Planning Commission reviewed amendments to the Ag Zone pertaining to Farm Housing as well as a discussion was held with regard to excavating within the same zone. Also reported was the Planning Commission has scheduled a Public Hearing with regard to the Hillside zone.

NEW BUSINESS

Discussion and Possible action with regard to TBS Single Lot Subdivision (approx 87 E 100 S)

A discussion was held with regard to a single lot split at approximately 87 E 100 S. The property is currently owned by Bryant Safford who would like to add an additional home to the property. This property recently was granted a zone change from Central Business District to Main Street

Residential zone to accommodate the proposed single lot split. Both of the lots would front the 100 South roadways with the new dwelling including an accessory apartment (see attachment "A" for Staff notes).

Council Member Vincent was told a firm decision has not been made as to whether the new home will have an accessory apartment. Mr. Safford indicated he did not have any intentions of living in either of the homes. He will continue to renovate and sell the corner home. The Council Member Askerlund voiced his concern with an accessory apartment being used as a rental.

Council Member Askerlund moved to approve the single lot subdivision split at approximately 87 E 100 S. but has concerns with allowing an accessory apartment since the owner is not planning to live in the new home. He would like a discussion to be held when the plans are made to build on the property as well as direct staff to review the Accessory Apartment Ordinance. Council Member Linford seconded the motion. Council Members Askerlund, Linford, Steele and Vincent voted in the affirmative.

Discussion with regard to the Farm Worker Housing and Agricultural Zones Standards

The City adopted the Agriculture and Residential Agriculture Zones in November 2008. Since then it has been applied to lands primarily to the northeast of the City Center and only recently approved for use on the Olsen Greenhouses South West of the City core area. As staff has applied the standards for land uses within these zones they have determined that some clarification of uses and setbacks would be appropriate. Additionally, when zones were considered in 2008, there was some discussion of allowing farmers to have farm worker housing on their farms. The Planning Commission had forwarded a positive recommendation to allow the use. When the ordinance was adopted the City Council asked that the farms worker housing portion not be adopted at that time, but that additional review and consideration be given to the topic.

The drafted code amendment has three parts; first, a proposed revision to the required setbacks for properties; secondly, language addressing farm working housing, and third, modification of uses permitted within the Agriculture Zones (see attachment "B" for Staff notes).

Council Member Askerlund was told a conditional use permit, within the Agricultural Zone had a two year limit. After the two year time frame, the application will need to be reviewed. Council Member Linford indicated he was in favor of a 50' setback. Council Members Vincent, Askerlund, and Steele were in agreement.

Legal Counsel Rich indicated he was not in favor of the housing proposal. He indicated he has seen such housing have a number of problems attached to them.

Council Member Linford was told the City would be governed for the most part by Federal/State Guidelines but the City could/should attach more strict guidelines.

Mayor DeGraffenried suggested moving further discussion to a work session.

Discussion with regard to the proposed Noise Ordinance

City Planner Marker indicated the proposed Noise Ordinance is the first time draft. Legal Counsel Rich indicated he was not opposed to a Noise Ordinance but would like it to be more sites specific. Legal Counsel Rich recommended changing wording in Section I.1.15 from "maliciously or willfully" disturb to less harsh wording.

Council Member Vincent was told the proposed ordinance needs to have more "objectivity" and less "subjectivity".

Legal Counsel Rich continued with the following comments:

- Noise --- An undesired or harmful sound --- *to whom?*
- Noise Disturbance --- *Narrow the definition some*
- Loud-speakers --- *suggesting adjusting the wording so it does not regulate content of speech*
- Exemptions --- *has concerns that any construction project may be a violation of this section*
- Penalty for Violation --- *remove the wording of "section 76-3-301"*

Legal Counsel Rich suggested the Mayor and Council review the established ordinance from a different City to see if this is the direction they would like the proposed ordinance drafted.

Mayor DeGraffenried suggested with the consent of the Council, continuing this discussion to the next work session as well as table the proposed ordinance until the next Council Meeting.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)

Ordinance 03-01-2010, "An Ordinance Amending the City's Public Health and Safety Regulations to Address Noise"

Council Member Linford moved to table Ordinance 03-01-2010, "An Ordinance Amending the City's Public Health and Safety Regulations to Address Noise" to another date to have an extensive review during a future work session. Council Member Askerlund seconded the motion. Council Members Askerlund, Linford, Steele and Vincent voted in the affirmative.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried

Mayor DeGraffenried reported Mrs. Durney and Claudia Peterson spoke with him with regard to forming an Arts Counsel. Mrs. Durney said they have talked to a number of community members who would be willing to help with construction of a stage to be used to hold entertainment. She suggested the project be a community project which would be constructed and improved over a number of years. Mayor DeGraffenried suggested Mrs. Durney draft a proposal and contact Council Member Askerlund, Council Member over celebration, for review.

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

At 8:00 pm Council Member Steele moved to enter into an Executive Session to discuss the pending or reasonably imminent litigation and/or purchase, exchange, or lease of real property.

Council Member Linford seconded the motion. Council Members Askerlund, Linford, Steele and Vincent voted in the affirmative. Those attending: Mayor DeGraffenried, Council Members Askerlund, Linford, Steele, and Vincent, Legal Counsel Rich, City Manager Reeves, City Planner Marker and City Recorder Farnsworth.

At 9:20 pm the Regular Council Meeting resumed.

Continuing with the REPORTS BY MAYOR AND COUNCIL MEMBERS

Council Members

Council Member Askerlund reported he and his committee is continuing to work on the website update. He will have additional information for the next Council Meeting.

Council Member Askerlund reported to date the celebration committee has received approximately \$8000 in committed donations. He said the donation efforts continue. He said he had spoken with Steve Clement of Whitaker Construction with regard to the need of concrete for rodeo grounds project. Mr. Clement committed to help with the project. To date the excavation and concrete forms have been lined up for use. In return for the extensive contribution Whitaker Construction will receive a two year sponsorship for celebration activities.

The Council were told that there would not be a meeting held on Wednesday, March 31st since that is the fifth Wednesday.

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)


Nothing

ADJOURNMENT

At 9:25 pm Council Member Vincent moved to adjourn. Council Member Linford seconded the motion. Council Members Askerlund, Linford, Steele and Vincent voted in the affirmative.

Approve on March 17, 2010.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder



freedom · family · friendship

CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executive Session held on March 03, 2010 was called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.

James E. DeGraffenried
James DeGraffenried, Mayor

3/3/10
Date



**A Community Prospering
in Country Living**
(Agriculture, Equestrian, Recreation)

MEMORANDUM

February 3, 2010

To: Mayor DeGraffenried and City Council via Planning Commission
From: Dennis Marker, City Planner
RE: TBS Single-lot Subdivision S#10-01, Zone: MSR
87 East 100 South Lots: 2, Acres: 0.3

Notice: This item was noticed to property owners within 500 feet of the subject property.

City Council Actions Needed

1. Conduct a final review of the proposed single lot subdivision and grant final approval.

Background

Mr. Bryant Safford recently completed the process for rezoning his property located at 87 East 100 South from Central Business District (CBD) to Main Street Residential (MSR) Zone. His purpose in doing this was to create a single lot subdivision on the same property, which was not allowed in the CBD zone. Mr. Safford has submitted his desired subdivision for review. The proposed subdivision includes a new lot at 75 East and the preservation of the existing home on the corner as the other lot. Both lots would front onto 100 South and are proposed to contain single family dwellings. Mr. Safford intends to include an accessory apartment in the new single family home to be built.

Subdivision Analysis

Area and Dimension Standards. Single family detached lot standards in the MSR Zone are found in section 10-7M-12 of the Santaquin City Code (S.C.C.). Lots are required to have 6,500 square feet and 55 feet of frontage. The proposed lots comply with these area and dimension standards.

Access. All lots are required to front onto public or private streets. The proposed lots front onto 100 South. The existing home also fronts 100 East and has an existing drive access from this street.

Utilities. New lots are required to tie onto and if necessary extend public utilities (e.g. sewer, water, irrigation) to the properties. The applicant is proposing to tie the future home on to existing utilities located in 100 South. Impacts to the City's systems are addressed through impact fee assessment at the time of building permit purchase.

Existing Structures. When a property is subdivided and an existing home or structure is to remain, the proposed parcel boundaries must be located such that all required setbacks are

maintained or not encroached upon further. The setbacks required within the MSR zone include a 15' front setback to living areas, a 25' front setback to any garage door, a 5' side yard setback, and a 25' rear yard setback. The existing home fronts 100 East and has the following setbacks; front to living area: 17', front to living area on 100 South: 22', side yard: 23', rear yard: 31'. The existing structure will comply with current setback standards.

Public Improvements. S.C.C. §11-6-8.B. requires street improvements (e.g. curb, gutter, & sidewalk) to be installed when a subdivided lot abuts or is proposed to abut a public road. However, S.C.C. §11-13-1 lists 100 East and 100 South as streets which are not required to install such improvements.

The proposed subdivision complies with the City's standards for subdivision within the MSR zone.

General Plan Application

The City's general plan lists a goal of the city's community vision "to provide a small-town atmosphere with well-planned, organized growth". The first policy under this goal is to "channel future growth and development into areas that can be efficiently and effectively served by public infrastructure and facilities". This subdivision is within the core part of town and will not require additional public facilities or infrastructure for its development. This is an efficient and effective use of existing public infrastructure.

The subject parcel is within the Main Street Business area. Parcels to the north have been developed and are part of an 8 unit multi-family complex. Parcels located to the east, across 100 East, include single family homes, professional offices and a church. Properties to the south are zoned R-8 and include single family homes and the historic Hudson Hall where community gatherings once took place. Properties to the west also include some single family homes and are zoned CBD in order to foster new development in accordance with the City's downtown Main Street plan.

The downtown plan includes goals for the redevelopment and enhancement of the City's civic business area. It states, "This district is intended to create a mixed-use shopping and financial center for the City and surrounding territory which is characterized as 'the center of town'. This will be an area that combines the best aspects of a traditional central business district development with current and future trends in transportation, shopping, employment and living. Residents and employees in this district will enjoy easier access to employment, shopping, transportation systems, and City services. At the same time, it will allow the City to accommodate new residents who are expected to move to Santaquin in the coming years while maintaining the single-family character of existing neighborhoods to the north and south of Main Street" (A Community Prospering in Country Living, Economic Element pg 6-5).

Notice Response

Notification of the proposed subdivision was mailed to property owners within 500 of the subject property. Mr. Michael Hendricks, who owns the 8-plex development on the north side of the subject property to responded and his comments are included in the Planning Commission minutes attached hereto.

Planning Commission Review

The Planning Commission reviewed this proposal as a conditional use during their February 11, 2010 meeting. They forwarded the application to the City Council with a favorable recommendation (see attached minutes).

Staff Recommendation

Staff recommends the City Council grant final approval of the TBS Subdivision located at approximately 87 East 100 South, based on the following findings and condition.

Findings

1. The request is consistent with the goals and policies of the General Plan. More specifically by channeling growth and development into areas that can be more efficiently and effectively served by public infrastructure and facilities.
2. The Planning Commission has determined that the proposal meets the criteria for conditional use allowance as outlined in S.C.C. §10-8-6.
3. The proposed subdivision complies with the subdivision development standards of the city and the requirements of the MSR Zone.

Conditions

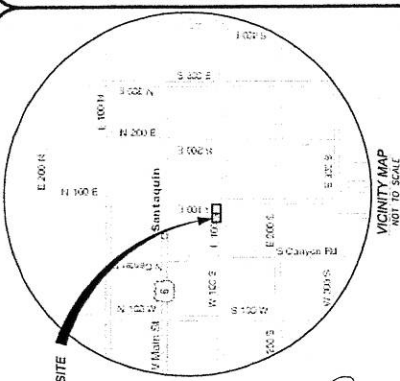
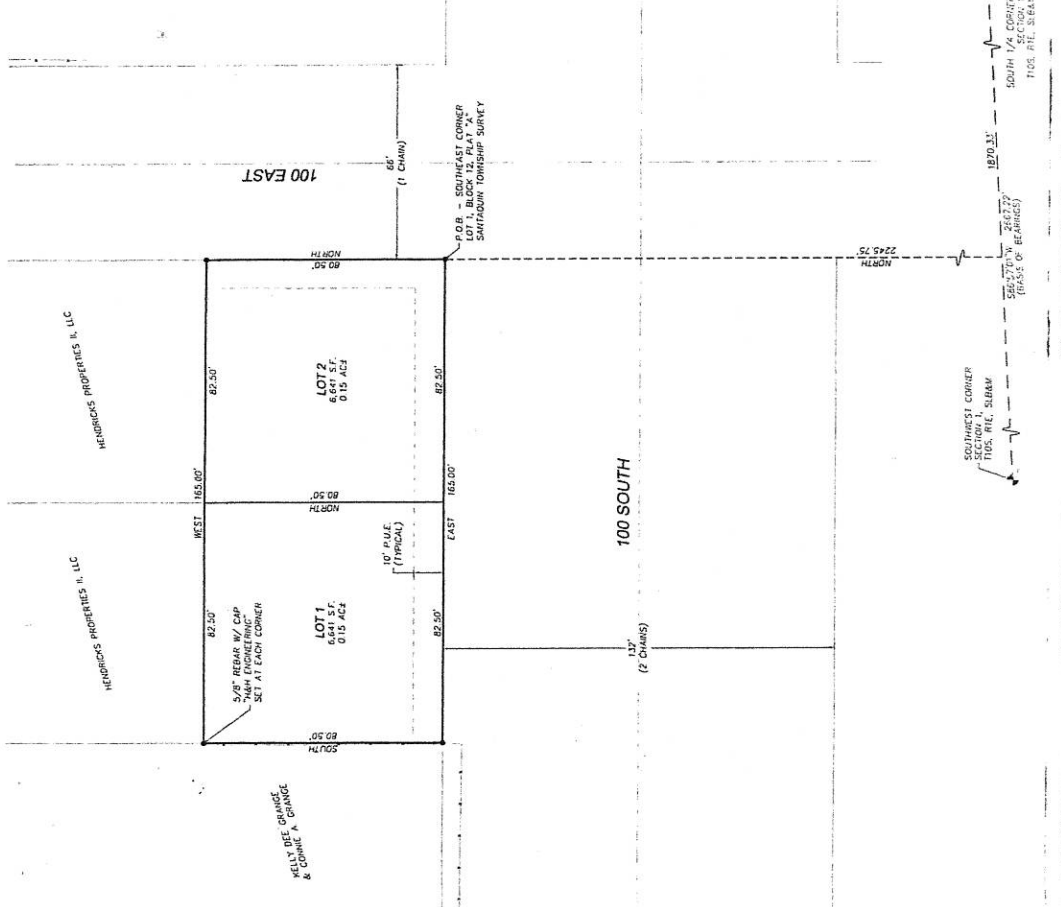
1. Any dwelling units constructed on the proposed lots comply with all utility, site development, landscaping, and architectural standards outlined for the MSR Zone.



Dennis L. Marker
City Planner

TBS SUBDIVISION
NOVEMBER, 2009

PROJECT SITE ADDRESS



LEGEND

- BOUNDARY
FENCE LINE
CENTER LINE
PUBLIC UTILITY EASEMENT
SURVEY MONUMENTS



NOTES

- 1) 5/8" DIAMETER REBAR WITH PLASTIC CAPS STAMPED "HAM ENGINEERING & SURVEYING" TO BE SET AT EACH LOT CORNER AS SHOWN

H & H

SURVEYOR'S CERTIFICATE

VICTOR E. HANSEN, DO HEREBY CERTIFY THAT I AM A REGIST-
ERED LAND SURVEYOR OF THE STATE OF IOWA, AND THAT I HOLD CERTIFICATE NO. 176695 AS PRECISELY ONE OF THE
OFFICERS OF THE BOARD OF LAND SURVEYORS OF THE STATE OF IOWA, AND
THAT I HAVE SUBMITTED SAID TRACT OF LAND INTO LOGS, 5
AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED
AND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT,
AND AS THE BEST OF MY KNOWLEDGE.

FACTOR E. HANSEN RLS 176695

BOUNDARY DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN, LOCATED IN THE CITY OF SALT LAKE, COUNTY OF UTAH, STATE OF UTAH, SAID PARCEL DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 12, PLAT "A", SANITARIUM TOWNSHIP SURVEY, THENCE NORTH 80.5 FEET; THENCE WEST 165.00 FEET; THENCE SOUTH 80.5 FEET; THENCE EAST 165 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.305 ACRES, MORE OR LESS.

OWNERS' DEDICATION

OWNING DELICATOR

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDESIGNED OWNERS OF
THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN
HEREIN, HAVE AGREED TO DONATE AND FOREVER DEDICATE THE STRIPS AND OTHER PUBLIC
LANDS AND INTERESTS, AND CASUALTIES AND NOT BEHIND DEDICATE THE STRIPS AND OTHER PUBLIC
LANDS AND INTERESTS, AS INDICATED HEREON FOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HERETO SIGNED OUR HANDS
THIS _____ DAY OF _____ A.D. 20____

ACKNOWLEDGMENT

5775 65 1740 150

ON THE _____ DAY OF _____, A.D. 20____ PERSONALLY
APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY
ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

NOTARY PUBLIC - (SEE SEAL BELOW)

MY COMMISSION EXPIRES:

ACCEPTANCE BY LEGISLATIVE BODY

THE MAYOR OF PAYSON CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20____.

PAYSON CITY MAYOR

APPROVED: _____
CITY ENGINEER (M/I SEAL BELOW)

CLERK/RECORDER (SEE SCALE BELOW)

TBS SUBDIVISION
MAGNIN CITY, UTAH COUNTY, UTAH
SEC. 1, T10S R1E, SLB&M





PLANNING COMMISSION MINUTES

Santaquin City Council Chambers, 45 West 100 South
February 11, 2010

Present: City Council Member Rick Steele, Commission Members Pamela Colson, Fred Openshaw, Richard Payne, Steve Shaffer, Kurt Stringham, Kaye Westwood, Lance Wollebaek, City Manager Ben Reeves, City Planner Dennis Marker and Clerk Linda Midgley.

Visitors: Scott Brand, Bryan Safford, Kaleb Washburn.

Commissioner Richard Payne called the meeting to order at 7:01 p.m., and welcomed Kaye Westwood and Steve Shaffer to the Commission.

INVOCATION / INSPIRATIONAL THOUGHT

Commissioner Openshaw offered a word of prayer.

PLEDGE OF ALLEGIANCE

Commissioner Westwood led those present in the Pledge of Allegiance.

AGENDA

No changes were made to the Planning Commission agenda.

CITY COUNCIL REPORT

Rick Steele welcomed new Commissioners Westwood and Shaffer, and said between the Planning Commission, staff, and City Council he felt the City was well-served. He commended the Planning Commissioners for their efforts on behalf of the City.

Council Member Steele said the Council would be reviewing the Places of Assembly ordinance in their next meeting.

PUBLIC FORUM

Commissioner Payne opened the Public Forum. No items were brought to the attention of the Commission. Commissioner Payne closed the public forum.

PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS

TBS Subdivision, 2 lot subdivision located at 87 East 100 South

Dennis Marker said Bryant Safford had submitted an application for a single lot split at 87 East 100 South. There is an existing home on the ground with a large vacant portion to the west of the house. An 8-plex is located north of the property. Mr. Safford plans to make a second single family lot. The subdivision meets the standards for the Main Street Residential Zone. Staff recommends forwarding the single lot split to the City Council with a positive recommendation.

Commissioner Payne opened the public hearing on the TBS Subdivision. Bryant Safford addressed the Commission. Mr. Safford said the existing home used to be rented, but had not been for the last two years. It has now been fixed up to the point where Mr. Safford is considering selling it.

PLANNING COMMISSION MINUTES

February 11, 2010 – Page 2

TBS Subdivision, continued:

Commissioner Westwood asked if the paved area was the access road to the 8-plex. Mr. Safford said he did not know what the paved area actually was, but he planned to eliminate it. He said he believed the legal egress for the 8-plex was on 100 East.

Mr. Marker said he had received a phone call from Michael Hendricks on February 9, 2010, at 1:14 p.m. Mr. Hendricks owns the 8-plex. Mr. Hendricks asked what Mr. Safford's intent was for the subdivision. He was informed that the applicant's indication was to build a new single family home with an accessory apartment in it. Mr. Hendricks related that when Larry Davis sold the 8-plex to the Hendricks', he had indicated the access across Mr. Safford's property was an easement or had been granted to the 8-plex through some conveyance. Mr. Hendricks is concerned about access to 8-plex through subject property. The retaining wall along the south property line of the 8-plex was constructed to permit the access. Mr. Hendricks stated that he was willing to pay fair market value for the Safford property. He said wouldn't mind tearing down the existing home and building some units with combined parking and access control for the property. He said the City is heading down the wrong path if it was trying to build up housing around Main Street, and single family homes would not help generate the intended density for the area. He added that the existing home has been a nuisance and building another home on a small lot next to it might not be any better. He asked the city to give the two of them time to try and work out a deal.

Mr. Safford said he had purchased the property in 1994, and Hendricks did not purchase his until 1996. He said a prescriptive easement needed to be in place for 20 years to be considered legal, and he would put up barricades once a year if necessary to prevent a permanent easement.

Commissioner Payne closed the public hearing.

Commissioner Openshaw made a motion to forward the TBS two lot subdivision, located at 87 East 100 South, to the City Council with a positive recommendation. Commissioner Shaffer seconded the motion. The vote to forward the TBS subdivision to the City Council with a positive recommendation was unanimous.

Rezone 31 acres from C-1 to Ag, located at approximately 1000 S. South Ridge Farms Road

Dennis Marker said the City had received a request from Kirk Greenhalgh, on behalf of Richard Greenhalgh Properties, to rezone almost 32 acres from C-1 to Ag. There are four criteria reviewed for a rezone; conformance with the intent of the General Plan and Annexation Plan, the creation of spot zoning, any adverse affect on surrounding properties, and the creation of any non conforming uses.

The subject property is surrounded by vacant grounds, and no adverse affect is anticipated on surrounding properties. No non-conforming uses will be created. The General Plan includes commercial areas, but also includes protection of agricultural areas. It is the intent of the General Plan that near the subject property there will be a transition between commercial and agricultural lands. There are some concerns regarding possible conflicts with spot zoning, if the areas around the subject property are left as commercial.

Mr. Marker said an additional item of concern is the State Land and Development Management Code. In Utah Code 10-9a-102(1), the Code outlines the purpose for which the State has enabled municipalities to pass land use laws.

DEVELOPMENT REVIEW COMMITTEE MINUTES

January 26, 2010 – Page 3

Oak Summit H, continued:

Public Works: Committee Member Denny Barnes said he had no concerns with the subdivision.

Infrastructure Inspector: Committee Member Jared Shepherd said he had no concerns with the subdivision.

Fire: Fire Chief Shayne Bott said he had no concerns with the subdivision.

Public Safety: Police Chief Dennis Howard said he had addressed both plats in his initial memorandum.

Rocky Mountain Power: Greg Peterson said he had no concerns with the subdivision.

Engineering: Dave Thurgood said he had already discussed his concerns with the developer.

Zoning: Committee Member Dennis Marker distributed a list of required details (see attached memorandum). Mr. Marker asked that the plat map show the public utility easements along the frontages of the ravine/hiking trail and areas deeded to the City, and to stub PI service to the properties being deeded to the City.

Randy Spadafora made a motion to grant final approval to Oak Summit, Plat H, contingent on compliance with issues raised in this meeting and modifications noted. Dave Thurgood seconded the motion. The vote to grant final approval to Oak Summit, Plat H, was unanimous.

TBS Subdivision 2 Lot Split

Review of a 2 lot subdivision located at 100 East 100 South. Bryant Safford was present to discuss issues with the subdivision. Mr. Safford said the house on 100 East 100 South had been vacant for a year and a half, and he had fixed up the exterior and planned to improve the interior, sell the home and build another one on the additional lot.

Building Official: Committee Member Randy Spadafora suggested the address on Lot 1 be shown as 75 East 100 South, and the address for Lot 2 be shown as an even number, perhaps 80 South 100 East.

Public Works: Committee Member Denny Barnes said Lot 2 has utilities, and Lot 1 is showing utility stub-ins. Dave Thurgood asked if Mr. Barnes was comfortable with the location shown for the utilities, which are shown in the center of the lot and not in the standard location. Mr. Barnes said the location was acceptable.

Infrastructure Inspector: Committee Member Jared Shepherd said he had no concerns with the subdivision.

DEVELOPMENT REVIEW COMMITTEE MINUTES

January 26, 2010 – Page 4

TBS Subdivision, continued:

Fire: Fire Chief Shayne Bott said he had no concerns with the subdivision.

Public Safety: Police Chief Dennis Howard said he had no concerns with the subdivision.

Rocky Mountain Power: Greg Peterson said he had no concerns with the subdivision.

Engineering: Dave Thurgood distributed a list of required details (see attached memorandum). Several minor details on the plat and utility plan need correction. Mr. Thurgood said it appeared the plat was shifted to the west of the lot line. He asked Mr. Safford to provide an explanation of how the point of beginning for the property was determined.

The developer was asked to show the addresses of neighboring properties, building setbacks and envelopes, the existing 4 inch pressure irrigation line and the existing culinary water line in 100 South Street.

Dennis Marker said the subdivision will be reviewed by the Planning Commission and the City Council. He informed Mr. Safford that any home built on the new lot would need to meet specific standards for the zone.

Dennis Howard made a motion to grant final approval to the TBS subdivision, contingent on compliance with issues raised in this meeting. Shayne Bott seconded the motion. The motion to grant final approval to the TBS subdivision was unanimous.

DRC Business

After some discussion, Committee consensus held that 2 p.m. is a preferable meeting time.

Minutes

Dennis Howard made a motion to approve the minutes of November 10, 2009, as written. Denny Barnes seconded the motion. Dave Thurgood abstained from the vote, as he was not present at the meeting. The vote to approve the minutes of November 10, 2009 as written was unanimous.

Adjournment

Shayne Bott made a motion to adjourn the meeting. The meeting adjourned at 2:53 p.m.

Dennis Marker, Committee Member

Linda Midgley, Secretary



**A Community Prospering
in Country Living**
(Agriculture, Equestrian, Recreation)

MEMORANDUM

Friday, February 26, 2010

To: City Council via Planning Commission
From: Dennis Marker, City Planner
RE: Farm Worker Housing and Agricultural Zones Standards CA#10-01

City Council Actions Needed

This item is for discussion and possible action. It would need to be adopted by the City Council before being effective. No ordinance is on the agenda for adoption during the March 3, 2010 meeting.

Background

The City adopted the Agriculture (Ag) and Residential Agriculture (R-Ag) Zones in November 2008. Since then it has been applied to lands primarily to the northeast of the City center and only recently approved for use on the Olsen Greenhouses south west of the City Core Area. As staff has applied the standards for lands uses within these zones they have determined that some clarification of uses and setbacks would be appropriate. Additionally, when the zones were considered in 2008, there was some discussion of allowing farmers to have farm worker housing on their farms. The Planning Commission had forwarded a positive recommendation to allow the use. When the ordinance was adopted the City Council asked that the farm worker housing portion not be adopted at that time, but that additional review and consideration be given to the topic.

The drafted code amendment has three parts; first, a proposed revision to the required setbacks for properties; secondly, language addressing farm working housing, and third, modification of uses permitted within the Agriculture zones.

Analysis

Part 1: Setbacks

Setbacks were initially conceived as means to protect residents from the hazards of fire and unsanitary conditions due to the proximity of other dwelling units. Much of this occurred through building code regulations implemented after the London fires in 1666.

Modern building codes have addressed the fire, health and safety risks, but setbacks have remained and been utilized as a planning tool to help establish neighborhood characteristics and community aesthetics. The setbacks shown in the Ag zones were adopted to achieve an aesthetic purpose, particularly the large front setbacks (50-200 feet), which were intended to create a feeling of openness around streets.

It has become apparent with new building permits being submitted in the Agriculture zones that the 200 feet setback is too constraining. The purpose of the agriculture zones is to encourage and enable agriculture operations, but by placing a home 200 feet into a property, workable land becomes

disconnected or isolated and thus more difficult to work. Workable lands are further reduced because of the amount of driveway area and front yard landscaping which home owners usually desire in these areas. The current large setbacks do not complement the intent or purpose of the Agriculture zones.

To address the above concern and still retain a more open feeling in the Ag zones, staff has proposed the required front yard setbacks in the R-Ag zone be changed from 200 feet and 50 feet, respectively from a public or private road, to 50 feet from a public road and 30 feet from a private road. These setbacks are the same as allowed under the Ag Zone. The setbacks are still greater than any other zone in the City and would enable property owners to not encumber their workable lands with unnecessary improvements.

Part II: Farm Worker Housing

Farm worker housing is primarily regulated by the Federal Government under the Code of Federal Regulations (20 CFR 654.404-654.417, see attached copy). These regulations address fire, health, sanitation, water, accessibility, sleeping areas, and many more. Inspections of such dwellings are conducted on an annual basis by federal inspectors. Cities are able to make more restrictive requirements than the federal code (e.g. minimum height within living areas of 7 feet rather than federally allowed 6 feet).

Many of the local farmers are currently utilizing mobile homes to house their workers. Those dwellings are generally located within the mobile home parks in the City. However, some trailer units are also situated on farms under County jurisdiction. Some of those farmers have now requested annexation or have been discussing annexation into the City and have asked that the City clarify its position on worker housing. Staff has prepared the attached farm worker housing standards to try and address some of the farmers' concerns.

Part III: Permitted Uses in Agriculture Zones

Two uses are proposed for inclusion as Conditional Uses with the Agriculture Zones. The first is "Dwellings – Bunkhouses" and the second is "Gravel, Sand, Earth Extraction, and Mass Grading". The bunkhouses are proposed to address farmers needs as long as all applicable standards are met. The second is to address existing and potential operations within the Ag Zone.

The Sumsion gravel pit was annexed with the Northeast Annexation in July of 2009. The operation was permitted through the County as an extraction operation not authorized to crush materials or mine. The city placed an Ag zone on the property as a holding zone until the operation is completed. It is anticipated that when the extraction is completed the property will be rezoned and developed into a higher use. The Ag zone does not list "Gravel, Sand, Earth Extraction, and Mass Grading" as a permitted use and so the current operation is legal non-conforming.


To speed up the excavation and reclamation of the property the current operator, Whitaker Construction, has requested the City permit them to have a crusher on the site. This would be an expansion of the legal nonconforming use and require either a rezoning or code amendment to allow it. The Council has authorized a temporary crusher operation until the end of April in order to address public health and safety issues on the property and as long as a zoning solution can be reached.

The City Council discussed many options during their last City Council meeting including rezoning the property to Industrial (I-1), the creation of a new hillside zone that would allow it, or amending the Ag zone to allow the use. Staff has reviewed each of these methods and is proposing that the Ag zone be amended to include Gravel, Sand, Earth Extraction, and Mass Grading as a Conditional Use. City staff feels this would accommodate the request while providing the City the ability to review and have greater oversight of the operation.

Affect and Non-conforming Uses

These proposed code amendments will not create any non-conforming structures. Although some existing structures which were constructed in the County do not conform to the setbacks, their status as legal non-conforming will not change.

The greatest effect this amendment will have is making the legal non-conforming gravel pit operation on the Sumsion property a Conditional Use rather than non-permitted. This change will enable the pit to modify its operation to have a crusher and thus speed up the processing of materials and the time frame for reclamation and higher use development.



Dennis L. Marker
City Planner

TITLE 10-70 AGRICULTURE ZONES

10-70-3: PERMITTED USES: is amended to include the following land uses with the respective designations shown.

Use	Ag	R-Ag
Dwellings - Bunkhouses	C	C
Gravel, sand, earth extraction, and mass grading	C	N

10-7P-4.A: STRUCTURE REQUIREMENTS is amended as follows
(underlined text is added, stricken text is deleted)

- A. Setbacks. The following table outlines the setback requirements for primary dwellings within the respective Agriculture Zones.

Yard	Ag	R-Ag
Front Yard	50-30 ft from public road <u>30-60</u> ft from <u>center line of</u> private road	200-50 30 ft from public road <u>50-60</u> ft from <u>center line of</u> private road
Secondary Front Yard	25 ft	50 ft
Side Yard	25 ft	20/30 ft with at least 50 feet between dwellings
Rear Yard	30 ft	30 ft
Non-farm related dwellings.	50 ft from any agriculture boundary	

10-7P-4.D: STRUCTURE REQUIREMENTS is created and adopted to read as follows.

- D. Bunkhouses. Housing for seasonal workers, ranch or farm hands and/or their families are allowed as accessory dwellings on a Farm.
1. All necessary permits and inspections as outlined by City ordinance and policy shall be obtained. A Certificate of Occupancy must be granted by the City prior to occupancy of the building.
 2. Bunkhouses are only permitted on lands which are designated as agriculture protection areas.
 3. All health and safety standards established by federal and state government agencies overseeing housing for agricultural workers shall apply, with the following additions.

Exhibit A

- a. A minimum of 100 square feet shall be provided per building occupant. This shall include a minimum of 50 square feet of floor area for sleeping per person.
- b. The interior ceiling height shall be at least 7 feet above the floor in all living areas.
- c. All openings to the outside of the building shall comply with the most recently City adopted building, safety and fire codes.
- d. A public fire hydrant shall be located within 250 feet of the dwelling.
- e. An access road shall be provided to the structure which is constructed to accommodate public safety vehicle access in accordance with the most recently City adopted fire and safety codes.
- f. There shall be at least 50 square feet of recreation area provided around the structure per bed within the building.
- g. A report from the applicable government agencies, showing inspection and compliance with all applicable regulations shall be provided to the City from the bunkhouse occupant's employer. This report shall be due on an annual basis before May 1st of each year.
- h. Modular homes/units.
 - 1. Modular homes or units may be used as bunkhouses for no more than four adult individuals or no more than one family unit.
 - 2. No more than two modular homes or units used for worker housing may be located on a single farm.



PLANNING COMMISSION MINUTES

Santaquin City Council Chambers, 45 West 100 South
February 25, 2010

DRAFT

Present: Commission Members Fred Openshaw, Richard Payne, Steve Shaffer, Kurt Stringham, Kaye Westwood, Lance Wollebaek, City Manager Ben Reeves, City Planner Dennis Marker and Clerk Linda Midgley.

Visitors: None

Commissioner Richard Payne called the meeting to order at 7:07 p.m.

INVOCATION / INSPIRATIONAL THOUGHT

Commissioner Stringham offered a word of prayer.

PLEDGE OF ALLEGIANCE

Commissioner Wollebaek led those present in the Pledge of Allegiance.

AGENDA

No changes were made to the Planning Commission agenda.

PUBLIC FORUM

Commissioner Payne opened the Public Forum. No items were brought to the attention of the Commission. Commissioner Payne closed the public forum.

PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS

Agricultural Zone Standards and Farm Worker Housing

In the work session, Dennis Marker said one of the properties under a current petition for annexation contains trailer homes that are used for farm worker housing. Other area farmers have also expressed an interest in building worker housing on their farms. The County does not allow such structures, and some of the farmers are hoping the City will work with them and allow farm worker housing to be built.

Commissioner Payne opened the public hearing on Agricultural Zone Standards and Farm Worker Housing.

The Commission discussed changes to setbacks in the Agricultural Zones in relation to public and private roads. The minimum width of a private road is 24 feet. The following changes were made to the proposed ordinance:

10-7P-4.A Front yard setbacks were changed from *'50 feet from a public road'* to *'30 feet from a public road'*; and from *'30 feet from a private road'* to *'60 feet from the center line of a private road'*.

10-7P-4.D 3c: *'shall comply with the most recently City adopted building, safety and fire codes'* was changed to *'shall comply with the current City building, safety and fire codes'*.

10-7P-4.D 3d: *'A public fire hydrant shall be located'* was changed to *'A functioning fire hydrant shall be located'*.

10-7P-4.D 3e *"in accordance with the most recently City adopted fire and safety codes"* was changed to *'in accordance with the current City fire and safety codes'*.

PLANNING COMMISSION MINUTES

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Agricultural Zone Standards and Farm Worker Housing, continued:

10-7P-4.D 3f: The wording of section 'f' was changed to '*An open recreation area equivalent to 50 sq. ft. per bed within the building shall be provided adjacent to the structure*'.

10-7P-4. D 3h: The following clause was added; no more than one family unit, '*in accordance with minimum federal space requirements*'.

Commissioner Payne closed the public hearing.

Commissioner Stringham made a motion to forward the code amendment regarding Agricultural Zone Standards and Farm Worker Housing to the City Council with a positive recommendation in accordance with the following staff findings:

1. It is the goal of the City to implement policies and regulations which enable agricultural operations to remain viable.
 - a) The regulation of structure placement and farm related dwellings greatly affects a property owner's ability to work their lands. The proposed amendment frees up the restricted areas of farmer lands.
 - b) Some farmers in the area have determined that providing farm worker housing, in accordance with federal and local standards, is a means of keeping their operations viable. The proposed amendment addresses how the city can enable this to occur while meeting health and safety standards.
2. It is a goal of the City to retain its rural character, which can be accomplished within Agriculture zones by maintaining sufficient setbacks from streets and enabling view corridors to open lands situated around housing in these areas. A 50 feet setback should be sufficient to accomplish this.
3. Making Gravel, Sand, Earth Extraction, and Mass Grading operations a conditional use in the Ag zones will enable the City greater oversight and flexibility with existing legal non-conforming operations. This includes speeding up reclamation and developability of those properties.

Commissioner Shaffer seconded the motion. The vote to forward the code amendment regarding Agricultural Zone Standards and Farm Worker Housing to the City Council with a positive recommendation was unanimous.

DISCUSSION AND POSSIBLE ACTION ITEMS

Hillside Residential Zone

Dennis Marker said some concerns with the original Hillside Residential Zone stemmed from regard to the purpose of the zone. Rather than establish a residential zone, the proposed article establishes standards for development in environmentally sensitive or geologically hazardous areas, as an overlay zone. The intended use is for areas with steep terrain or associated with City foothills. Language referring to the gravel pit operations and density bonuses has been removed. The term 'non-residential uses' was clarified as parks, schools, and places of assembly.

Originally open space requirements for developments were set at 15%. In the review of the original article, the Planning Commission recommended the requirements be set at 10%, which has been incorporated in this edition. This requirement is not set in other zones or in the subdivision requirements. Open Space and

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20 CFR 654.404 - Housing site.

- (a) Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.
- (b) Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards.
- (c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.
- (d) The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.

20 CFR 654.405 - Water supply.

- (a) An adequate and convenient supply of water that meets the standards of the State health authority shall be provided.
- (b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.
- (c) Common drinking cups shall not be permitted.

20 CFR 654.406 - Excreta and liquid waste disposal.

- (a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.
- (b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.
- (c) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

20 CFR 654.407 - Housing.

- (a) Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.
- (b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

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(c) The following space requirements shall be provided:

- (1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;
- (2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;
- (3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) Separate sleeping accommodations shall be provided for each sex or each family.

(f) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(g) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors.

The minimum total window or skylight area, including windows in doors, shall equal at least 10 percent of the usable floor area. The total openable area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

20 CFR 654.408 - Screening.

(a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

20 CFR 654.409 - Heating.

(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68 deg. F. if during the period of normal occupancy the temperature in such quarters falls below 68 deg..

(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No

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portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

- (c) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.
- (d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

[45 FR 14182, Mar. 4, 1980; 45 FR 22901, Apr. 4, 1980]

20 CFR 654.410 - Electricity and lighting.

- (a) All housing sites shall be provided with electric service.
- (b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways, etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.
- (c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.
- (d) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

20 CFR 654.411 - Toilets.

- (a) Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.
- (b) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.
- (c) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.
- (d) Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.

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- (e) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.
- (f) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.
- (g) Toilet facilities shall be located within 200 feet of each living unit.
- (h) Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.
- (i) Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

20 CFR 654.412 - Bathing, laundry, and handwashing.

- (a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.
- (b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.
- (c) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.
- (d) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be provided in addition to the mechanical washers.

20 CFR 654.413 - Cooking and eating facilities.

- (a) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with:
 - (1) A cook stove or hot plate with a minimum of two burners; and
 - (2) adequate food storage shelves and a counter for food preparation; and

Federal Regulations
Regarding Agricultural Worker Housing

- (3) provisions for mechanical refrigeration of food at a temperature of not more than 45 deg. F.; and (4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and (5) adequate lighting and ventilation.
- (b) When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with:
 - (1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and
 - (2) adequate food storage shelves and a counter for food preparation; and
 - (3) mechanical refrigeration for food at a temperature of not more than 45 deg. F.; and
 - (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and
 - (5) adequate sinks with hot and cold water under pressure; and
 - (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.
- (c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.
- (d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

20 CFR 654.414 - Garbage and other refuse.

- (a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.
- (b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

20 CFR 654.415 - Insect and rodent control.

Housing and facilities shall be free of insects, rodents, and other vermin.

Federal Regulations
Regarding Agricultural Worker Housing

20 CFR 654.416 - Sleeping facilities.

- (a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots, or bunks, provided with clean mattresses.
- (b) Any bedding provided by the housing operator shall be clean and sanitary.
- (c) Triple deck bunks shall not be provided.
- (d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.
- (e) Beds used for double occupancy may be provided only in family accommodations.

20 CFR 654.417 - Fire, safety, and first aid.

- (a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.
- (b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.
- (c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.
- (d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.
- (e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.
- (f) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2½ gallon stored pressure or 5-gallon pump-type water extinguisher.
- (g) First aid facilities shall be provided and readily accessible for use at all time. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.
- (h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.
- (i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.