

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, September 6, 2006, in the Council Chambers, 45 West 100 South, at 7:00pm.

## AGENDA

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **CONSENT AGENDA**
  - a. Minutes
    1. August 16, 2006
  - b. Bills
    1. \$207,951.50
5. **PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

Public Forum will be 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**
  - a. Public Hearing with regard to the vacating a portion of 100 West at 500 South
  - b. Public Hearing with regard to a proposed rezoning of 400 East Orchard Lane
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
  - a. Discussion and possible action with regard to the Preliminary approval of the Apple Cove Subdivision Plat "C"
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
  - a. Resolution 09-01-2006 "A Resolution Promoting the Quality of the Santaquin City Water Supply"
  - b. Resolution 09-02-2006 "Declaration of Surplus Property"
  - c. Resolution 09-03-2006 "A Resolution Adopting the Santaquin City Construction Standards"
  - d. Ordinance 09-01-2006 "An Ordinance amending the Santaquin City Zoning Map to include the rezone of 400 East Orchard Lane"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
  - a. City Manager
    1. General update
  - b. Planning Commission
    1. General update
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - a. Mayor DeGraffenried
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  
Susan B. Farnsworth, City Recorder

## POSTED:

CITY CENTER  
POST OFFICE  
ZIONS BANK  
® Amendment to Agenda

**MINUTES OF A CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SEPTEMBER 06, 2006**

At 7:03 p.m. Mayor James E. DeGraffenried called the meeting to order. Council Members attending: Arthur Adcock, Tracy Roberts, Todd Starley, Martin Green and James Linford.

Others attending: City Manager Stefan Chatwin, City Planner Dennis Marker, Legal Counsel Brett Rich, Police Chief Dennis Howard, Planning Commission Representative Carolyn Callahan, Santaquin Days Celebration Chairperson Marie Durney, Carl Durney, Norm Taylor, Rena Taylor, Lester Charlesworth, Blair Charlesworth, Dawn Warenski, Claudia Peterson, Nell Morgan, Wes Morgan, Brad Bishop, Ted Jones, Denise Rohbock, Doug Rohbock, Ashley Mortenson, Kelly Vinanti, Diane Vinanti, Steve Hyson, Laurie Branagan, Xavoer Fleuranceau, Glenda Wyath, Doug Wyath, JoAnne Lozano, Mike Pierce, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Mr. Jones led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Mr. Morgan offered an Invocation.

**CONSENT AGENDA**

*Minutes*

**August 16, 2006**

*Bills*

**\$207,951.50**

Council Member Starley moved to approve the Consent Agenda. Council Member Linford seconded the motion. The vote was unanimous.

**PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

*Presentation of Appreciation Awards*

Council Member Green thanked the numerous Individuals who participated in making the Santaquin Days 2006 Celebration a success. He presented Marie Durney with a Plaque of Recognition as well as presented a number of Appreciation Certificates.

**FORMAL PUBLIC HEARINGS**

*Public Hearing with regard to the vacating a portion of 100 West at 500 South*

Council Member Roberts moved to enter into a Public Hearing with regard to vacating a portion of 100 West at 500 South. Council Member Green seconded the motion. The vote was unanimous.

City Planner Marker reviewed with those in attendance the issues pertaining to the proposed vacating of a portion of 100 West at 500 South (see attachment "A" for Staff recommendations). City Planner Marker indicated the Staff recommendation was to enter into negotiations with Mr. Bishop with regards to the land purchase. Ms. Peterson questioned if the piping of the irrigation ditch would include her property, which is located on the East of the proposed project. She was told that the piping project would only be on the opposite side of the street. There were no additional Public comments or questions.

Council Member Green moved to close the Public Hearing. Council Member Adcock seconded the motion. The vote was unanimous.

***Public Hearing with regard to a proposed rezoning of 400 East Orchard Lane***

Council Member Starley moved to enter into a Public Hearing with regard to rezoning of 400 East Orchard Lane. Council Member Linford seconded the motion. The vote was unanimous.

City Planner Marker reviewed the rezoning issue (see attachment "B" for Staff recommendations). He indicated that the residential homes would remain as residential units unless vacated for a period of over 1 year or the use of the property was changed. He indicated Mr. Charlesworth voiced his concerns with the rezone during the Planning Commission Meeting. However he has since sold his property with the new owner voicing his support of the rezone.

Mr. Wyath indicated he lives at 60 North 400 East and is not in favor of a zone change. He also voiced his concern that the proposed round-a-bout would not accommodate large trucks (18 wheelers). He was told the round-a-bout would be designed to accommodate all traffic.

Mr. Charlesworth personally addressed the Mayor and Council with regard to the proposed rezone. He indicated he was not in favor of the rezone and was under the impression that the person who had the property under contract wasn't in favor of it either. Mayor DeGraffenried reported he had spoken with Mr. Charlesworth's brother who indicated he had an interest in the property as well and was in favor of the rezone.

Mr. Taylor was told individuals who have expressed interest in development along that particular road have been in contact with the City. By rezoning this area the Developers have adequate area to place a grocery store.

With there being no additional Public comment or concerns, Council Member Linford moved to close the Public Hearing. Council Member Starley seconded the motion. The vote was unanimous.

**UNFINISHED BUSINESS**

Nothing

**NEW BUSINESS**

***Discussion and possible action with regard to the Preliminary approval of the Apple Cove Subdivision Plat "C"***

City Planner Marker reviewed the issues pertaining to the proposed Apple Cove Subdivision Plat "C" (see attachment "C" for Staff recommendations). He reported the development plans would be required to follow the Annexation and Development Agreement with a request from the Planning Commission that all lots meet a 10,000 square foot minimum. Council Member Green asked for help in locating the boundaries of Plat "B". Council Member Adcock recommended having the changes made to the lot square footage before giving any approval is given by the Council Members. Council Member Roberts was told that at Preliminary approval, the City Council could make recommendations that the Development Review Committee would in turn see implemented. Mr. Pierce addressed the Mayor and Council Members with regard to the proposed project. He requested being allowed to keep the 3 under sized lots. He indicated he was not aware of the change in the Ordinance pertaining to lot sizes and if he had been, he would have submitted the project before the changes were implemented. He indicated that the sewer lines are shallow in the area, which causes the need for an expensive temporary lift station with replacement pumps being on hand. He indicated he would be in favor of trading a small amount

of property along the trail if the City would maintain, at the City's cost, the sewer pumps. Mr. Pierce indicated he felt the City should be required to pay for any over sizing of any road widths. He believes the City has an obligation to the "Citizens" of the City to protect their rights and he believed he, as a developer, should not be required to bare the entire cost of the increase in road width. Mr. Pierce indicated that the State's Property Ombudsman could be included in any discussion held with regard to this issue. He indicated he had held numerous conversations with the State Representative with regard to this issue. City Planner Marker indicated the proposed 420 West road is the road that is proposed to be oversized due to the anticipated growth to the North of the project. City Planner Marker indicated the proposed road is one of only three roads that cross the railroad tracks. City Planner Marker reported Union Pacific would not work with Developers, only Cities, to widen the roadway over the track. Legal Counsel Rich indicated he isn't familiar with the proposed project therefore he could not comment on the issue. He did report that Connector's Agreement could be drafted and implemented. City Manager Chatwin recommended tabling the approval if Mr. Pierce so chooses to involve the State Personal Property Rights Ombudsman. Council Member Roberts indicated the Master Plan noted the oversize road and the Developer should have been aware of the road width at the time he purchased the land. Mr. Pierce indicted he was aware of the road sizes in the area at the time the property was purchased. Mr. Pierce indicated he had been through a similar issue with Pleasant Grove and the City paid for the road over sizing.

Council Member Green moved to table the approval and further discussion until Legal Counsel Rich could review this issue.

Mr. Pierce indicated he wanted to proceed with the project and agreed to pay the cost of the road widening if Preliminary Approval was given. Council Member Roberts indicated this was the first time he has heard of the issue and would have liked to review the issue before a vote was required. City Manager Chatwin once again recommended table the approval.

Council Member Linford asked Council Member Green if he would like to withdraw his motion. Council Member Green moved to resend the motion.

Council Member Green moved to grant the Preliminary approval of the Apple Cove Subdivision Plat "C" with the 3 undersized lots being increased to the minimum requirement of 10,000 square feet with Mr. Pierce being responsible for the cost associated with the oversize road. City Planner Marker indicated Mr. Pierce mentioned issues with regard to pumps. City Manager Chatwin recommended allowing the staff to address the pump issues. Council Member Linford seconded the motion as stated by Council Member Green. Council Members Roberts, Starley, Green, and Linford voted in favor of the motion. Council Member Adcock voted against the motion.

## **BUSINESS LICENSES**

Council Member reviewed the following Business License Applications:

- ~ Vinanti, Diane D.B.A. Hometown Video, LLC, 252 W Main, Santaquin
- ~ Thomas, Chet D.B.A. Shady Surveillance, 114 E 100 S, Santaquin
- ~ Moore, Sheri D.B.A. Mon-Sheri's Jewelry, 550 N 450 W, Santaquin
- ~ Bowers, Kent D.B.A. Bee-Line Striping, 261 E Main #6, Santaquin
- ~ Price, Allen D.B.A. Rocky Mountain Surveillance, LLC, 535 N 450 W, Santaquin
- ~ Wall, Amy D.B.A. Red Wall Salon, 848 E 400 S, Santaquin

Council Member Starley indicated that all the required inspections had been preformed and the required signatures obtained.

Council Member Starley moved to approve the above mentioned Business License Applications. Council Member Roberts seconded the motion. Legal Counsel Rich had a question with regard to one of the applications and requested a recess in order to conduct some research. At 8:15 pm Council Member Starley withdrew his motion and moved to take a 5-minute break with agreement from the Council Members. Council Member Green seconded the motion. The vote was unanimous.

At 8:22 pm Mayor DeGraffenried called the meeting to order.

Council Member Starley moved to approve all the submitted Business License Application except for Shady Surveillance due to the recommendation of Staff. Council Member Green seconded the motion. The vote was unanimous.

#### **MAYOR DEGRAFFENRIED REQUESTED MOVING TO ITEM 10B**

#### **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

##### ***Resolution 09-02-2006 "Declaration of Surplus Property"***

Legal Counsel Rich indicated a Bill of Sale would be adequate proof of ownership. The Bill of Sale will be presented at the time the "Rustic Building" is sold to the Daughters of the Utah Pioneers.

Council Member Adcock moved to approve Resolution 09-02-2006 "Declaration of Surplus Property". Council Member Green seconded the motion. Council Members Linford, Green, Starley, Roberts, and Adcock voted in favor of the motion.

##### ***Resolution 09-01-2006 "A Resolution Promoting the Quality of the Santaquin City Water Supply"***

Council Member Starley indicated the reasons he wanted the Resolution adopted is contained within the Resolution. He indicated he would not have recommended the adoption of the Resolution if he didn't want the reassurance "that the City's water supply is at the purist". Council Member Linford asked if Legal Counsel Rich had reviewed the content of the Resolution. Legal Counsel Rich indicated he limited his review to the form of the Resolution due to not being instructed to research any of the content.

Council Member Starley moved to approve Resolution 09-01-2006 "A Resolution Promoting the Quality of Santaquin City Water Supply". Council Member Roberts seconded the motion. Council Members Adcock, Roberts, and Starley voted in favor of the motion. Council Members Green and Linford voted against the motion.

##### ***Resolution 09-03-2006 "A Resolution Adopting the Santaquin City Construction Standards"***

Council Member Starley moved to approve Resolution 09-03-2006 "A Resolution Adopting the Santaquin City Construction Standards". Council Members Linford seconded the motion. Council Member Starley was told the one major change from the review which was held in January, is the

addition of the trail detail. After the discussion, Council Members Adcock, Roberts, Starley, Green, and Linford voted in favor of the motion.

***Ordinance 09-01-2006 "An Ordinance amending the Santaquin City Zoning Map to include the rezone of 400 East Orchard Lane"***

Council Member Green moved to approve Ordinance 09-01-2006 "An Ordinance amending the Santaquin City Zoning Map to include the rezone of 400 East Orchard Lane". Council Member Roberts seconded the motion. Council Member Green amended the motion to include the rezoning to include the property included in Attachment "A" of the Staff recommendation. Council Member Roberts seconded the amendment. Council Members Linford, Green, Roberts, and Adcock voted in favor of the motion. Council Member Starley voted against the motion.

**PETITIONS AND COMMUNICATIONS**

Nothing

**REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**

***City Manager***

**General update**

City Manager Chatwin indicated Legal Counsel Rich would be meeting with Norman Jones with regard to Reservoir RFP.

City Manager Chatwin reported the 400 East Project should begin within the next week.

City Manager Chatwin reported he would be meeting with Kathy and Dennis Brandon as well as the Chamber of Commerce Representatives to discuss the proposed Master Plan.

City Manager Chatwin also reported he will be contacting Senator Madson to discuss the proposed Economic Development plans for the City.

***Planning Commission***

**General update**

City Planner Marker reported the Planning Commission has reviewed the process of development and will shortly have recommendations for the Council Members. He also indicated the Planning Commission Members were looking forward to the Proposed Town Meeting.

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

Council Member Starley expressed his appreciation to the new Community Development Secretary. He reported she is very helpful and pleasant to work with.

He reported Amy Jackson as well as Marie Durney would not be participating in the City Celebration next year. Mayor DeGraffenried indicated he would contact Mrs. Durney to discuss this issue.

Council Member Starley read his Letter of Resignation, as he will be moving out of the City Boundaries (see attachment "D"). He thanks the numerous Individual whom he was worked with over his tenure as a Council Member.

Mayor DeGraffenried indicated that he hasn't always agreed Council Member Starley but he knows Council Member Starley has always done what he thought was right. He indicated Council Member Starley would be missed.

Council Member Adcock reminder the Mayor and Council that the clock is ticking on the Industrial Zoning issue.

He also questioned why the Main Street Landscaping Project needed to go back out to bid? He was told that due to the cost of the previous design there is a need to down size the project.

In closing, Council Member Adcock thanked Council Member Starley for his dedication to the Residents of the City.

Council Member Roberts reported the wording addressing the "grace period" for Utility Payments was misleading. He requested changing the wording. He was told the wording would be adjusted. Council Member Roberts reported he, along with City Manager Chatwin attended a "Success Seminar" and found it to be a great opportunity. He indicated it was nice to see Stefan sit in a seat for a period of time. Council Member Roberts also thanked Council Member Starley for his service to the community.

Council Member Green also thanked Council Member Starley for his dedication to the Residents of the City.

Council Member Linford reported the Web Site needed work and requested in the very least, the Council Member's responsibilities be corrected. Council Member Linford was told the striping along 300 West was completed. Council Member Linford and Council Member Adcock reported they would be attending the Strawberry Water Users B-B-Q, which is scheduled for next week.

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

Nothing

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

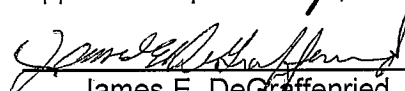
At 9:15 pm Council Member Green moved to enter into an Executive Session with regard to pending or reasonably imminent litigation. Council Member Starley seconded the motion. The vote was unanimous.

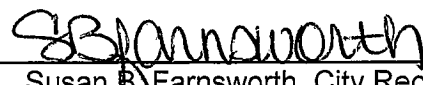
**At 9:31 pm the Mayor and Council Members returned to the Council Meeting.**

#### **ADJOURNMENT**

At 9:32 pm Council Member Green moved to adjourn. Council Member Starley seconded the motion. The vote was unanimous.

Approved September 27, 2006.

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder



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## MEMORANDUM

December 16, 2005

To: Planning Commission  
From: Dennis Marker, City Planner  
RE: Vacation of a Portion of 100 West  
100 West 500 South

MISC#06-01

### Background:

Mr. Brad Bishop, who represents Rural Housing Development Corporation, has petitioned the City for the vacation of a portion of 100 West at approximately 500 South (See attached maps). This petition relates to the development of the Morley Meadows subdivision adjacent to the subject street. The Planning Commission and City Council have granted preliminary approvals of the subdivision with condition that this proposed street vacation be reviewed through the appropriate processes. State law, §10-9a-608 and the Santaquin City Code (S.C.C.) requires that any proposed vacation, amendment, or change of a public street be reviewed during a public hearing before Land Use Authority after recommendation from the Planning Commission.

### Analysis:

**City Ordinances.** The S.C.C., §11-5-12.B., provides three criteria to be met when evaluating whether or not to vacate a street. They are as listed below with staff narrative based on facts concerning the proposal.

1. *Neither the public nor any person can demonstrate that a material injury will occur by the proposed vacation, alteration, or amendment, or*

No person to date has provided the City with evidence of possible material injury due to the proposed vacation.

2. *Such action is necessary for the health, safety, or welfare of the residents of Santaquin City, and*

The proposed vacation facilitates the following public improvements

- **Alignment of 100 West and 500 South intersection.** The intersection of 500 South and 100 West would be made an improved intersection with perpendicular crossing traffic patterns. The developer of Morley Meadows would also be responsible for making safe



grade changes around the intersection to provide improved visibility around corners for local traffic.

- **Alleviating a non-maintained and unused portion of City street.** The subject property was established as City street property with the original town plat. Since that time it has remained unimproved. It has caused limited visibility at the intersection of 100 West and 500 South and has been a potential fire hazard for adjacent property owners.
- **Piping of a section of Summit Creek Irrigation ditch.** A portion of a Summit Creek Irrigation ditch will be covered by the developer of the Morley Meadows Subdivision. This will provide for a safer outdoor environment for persons walking along 100 West and 500 South. It will also enable residents along 500 South to have more secure access to their properties.
- **Installation of curb, gutter, and sidewalk.** The developer has agreed, with the vacation, to install curb, gutter, and sidewalk along the subject piece. These improvements would tie into existing City improvements further south along 100 West.
- **Transition from the City core street system.** New developments to the south of the City's core have been utilizing a reduced street width of 56 feet. This has included sidewalk, curbing, and gutters. The Morley Meadows subdivision is located on the edge of these new areas and the core street system which required 99 feet wide streets along 100 West. Vacating the subject street area provides the City with a better transitioning point, at an intersection, rather than away from an intersection. This allows for better visual relationship to the intersection and entrance into the more fully improved developments to the south. It further provides for better alignment of sidewalk, curb and gutter, along 100 West and 500 South,

The last criterion is;

3. *That there is good cause for the vacation, alteration, or amendment,*

Based on the improvements listed above and the benefits to be derived by their installation, the vacation is necessary for the health, safety, or welfare of the residents of Santaquin City. There is good cause for vacation since the City is not in a position at this time to improve the core streets with curb, gutter, and sidewalk and this is a means to provide such improvements for local residents at no expense to the City.

**Recommendation:**

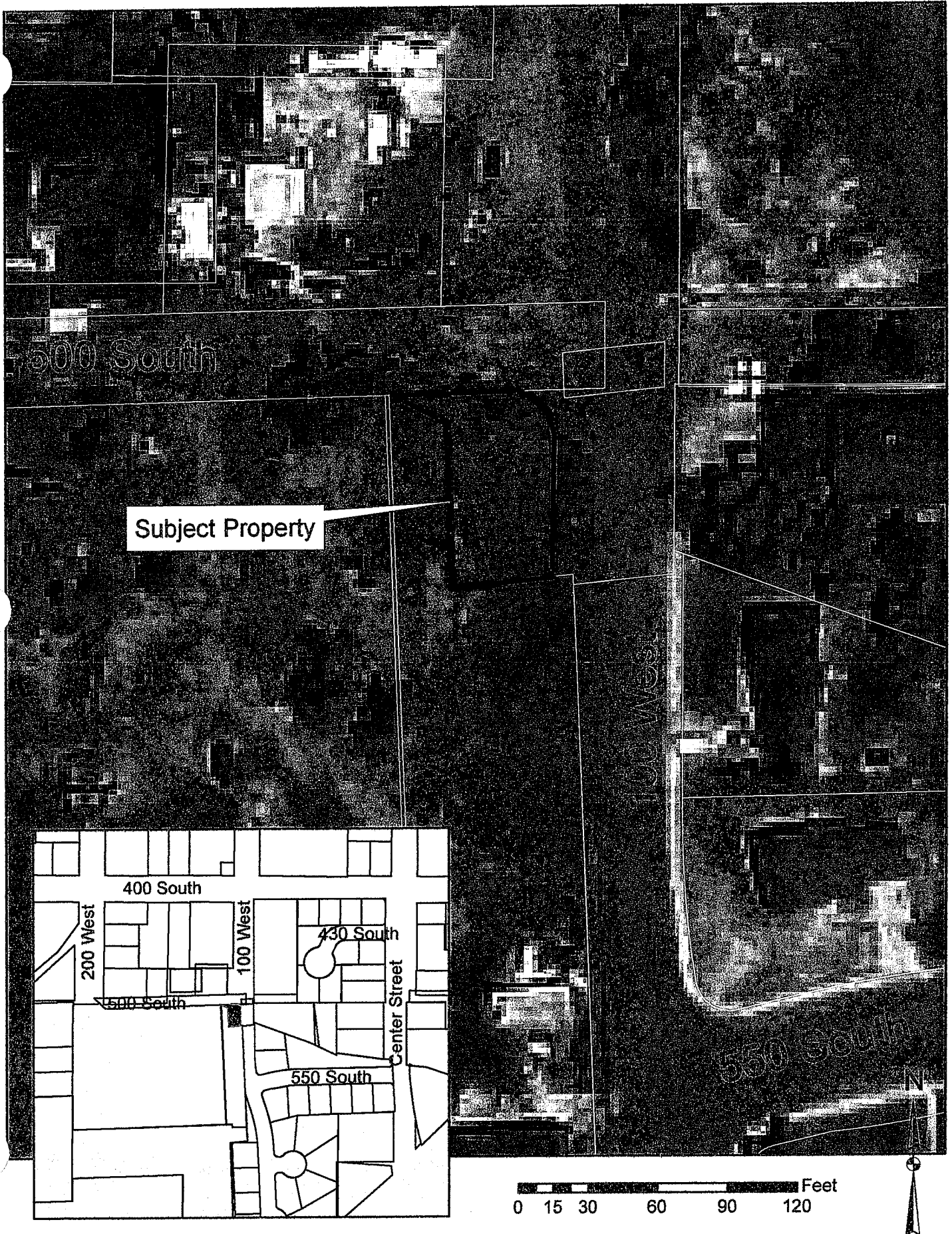
Staff recommends the Planning Commission forward a positive recommendation for vacation of the proposed area of 100 West located at approximately 500 South, based on the following findings.

**Findings**

1. Neither the public nor any person has demonstrated that a material injury will occur by the proposed vacation, alteration, or amendment taking place.
2. Such vacation is necessary for the health, safety, or welfare of the residents of Santaquin City, and
3. That there is good cause for the vacation.

  
Dennis L. Marker  
City Planner







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## MEMORANDUM

December 16, 2005

To: Mayor DeGraffenried and City Council  
From: Community Development Department  
RE: 400 East Orchard Lane Rezoning (R-10 to C-1)  
Approximately 400 East Orchard Lane (100 North)

R#06-01  
22.4 Acres

Notice: This item has been noticed in accordance with City and State standards.

### Background:

Based on discussions with the Mayor, James DeGraffenried, the City Council and the City's economic and land use consultants, Mr. Stuart Reid and Mr. Bill Wright, staff is proposing the City rezone approximately 22.4 acres from the R-10 "Residential District" to the C-1 "Commercial" District. The subject properties are located at approximately 400 East 100 North (see attached map: Exhibit A). The proposal is in anticipation of facilitating the future development of retail and commercial centers around Santaquin's northern I-15 interchange.

The City Planning Commission reviewed this proposal during their June 8, 2006 meeting (See attached minutes). The Planning Commission has recommended a modified rezoning boundary from the initial proposal (see attached map: Exhibit B).

Adjacent zoning to the subject properties is mixed. The C-1 zone is to the east and south. Properties to the west are currently zoned R-8, "Multi Family and Single Family". Lands to the north are zoned R-10, "Single Family".

### Analysis:

Santaquin City Code (S.C.C.), §10-7-6, lists the following criteria to be reviewed before approving a rezoning request.

1. The rezoning conforms to the intent of the Santaquin City general plan and annexation policy plan;
2. The rezoning does not create an unnecessary island or spot zoning;
3. The rezoning will not adversely affect surrounding properties; and
4. The rezoning will not cause property, structures, or uses of the property to unnecessarily become nonconforming according to this title.

**Criteria 1: General Plan and Annexation Plan**

The Future Land Use map in the Santaquin City Long Range Master Plan, adopted April 6, 2005, does not show a proposed future use of the subject properties. The document does however give the following commentary on commercial uses:

The commercial-industrial and mixed use land use categories are designed and intended to provide a variety of scenarios where goods and services to the people who visit, live and work in Santaquin can be located. It is the purpose of these areas to provide appropriate locations where a combination of businesses, services, entertainment, limited residential opportunities and related activities may be established, maintained, and protected (pg 5)

The land use plan further states:

Areas of substantial size and appropriate layout should be planned as commercial and/or industrial parks with established design and development criteria and constraints. Emphasis in the design, review and approval of eventual development projects should be to encourage harmony with the surrounding areas (pg 6)

Whenever strictly commercial use areas are adjacent to established or planned residential areas, special care must be taken to ensure privacy and to protect personal property. Methods of protecting residential areas by providing transitions and buffers between residential and commercial areas include, but are not limited to: increased setbacks, landscaping, restricted land uses, traffic control, controlled noise or light, height limitations, and transitional land use types which are known to generate little or no patron traffic such as business offices (pg 5).

To implement the goals and policies of the General Plan, the C-1 Zone was created for the following reasons (S.C.C. §10-7F-1):

- To establish the primary use of land for integrated commercial and service uses.
- To create new development which is characterized by well landscaped frontages, safe access and egress, proper parking design, coordinated site planning, and buildings which follow, whenever possible, the objectives of the city general plan.
- To mitigate potential negative impacts upon residential zones caused by commercial activity. The city commercial zones are surrounded by residential areas and buffering restrictions are necessary, and
- that new developments will be "reviewed with the emphasis of protecting the appearance of the entrances to the city"

The proposed rezoning found in Exhibit A provides for a commercial area of "substantial size". The subject properties north of Orchard Lane would contain approximately 15.6 contiguous acres of C-1 Zoning. South of Orchard Lane to Main Street there would be about 18.6 acres of C-1 zoning.

As shown in Exhibit B, the subject properties north of Orchard Lane would entail a parcel with 0.37 acres and a second parcel having about 6.3 acres. The area south of Orchard Lane to Main Street would contain the same amount of C-1 zoning as in Exhibit A.

The larger amount of contiguous C-1 acreage north of Orchard Lane, as compared to Exhibit B, provides greater flexibility in site layout and design of a large commercial development, hence potentially greater harmony with the adjacent residential properties.

The properties are already annexed into the City in accordance with the adopted annexation policy plan.

#### **Criteria 2: Spot Zoning**

City ordinance does not define "spot zone". This typically refers to establishing relatively small land use zones which may or may not be compatible with adjacent zoning districts. State law used to require a minimum 1 acre per zone, but with recent changes in the Land Use and Development Management Act (LUDMA), cities are able to determine "the number, shape, boundaries, or area of any zoning district" (Utah Code, §10-9a-503).

#### **Criteria 3: Adverse Affect on Surrounding Properties**

Increased traffic volumes on surrounding streets would need to be evaluated with each development proposal brought to the City. It is anticipated that most traffic would be utilizing Orchard Lane and Main Street to access any developments in the subject area. There will likely be an increase of traffic on area local roads if the property develops commercially or residentially.

The C-1 zone does provide standards for buffering, screening and other mitigation measures when commercial developments are adjacent to residential properties. As the City refines these commercial standards, minimal noise and light or visual impacts should be had on adjacent properties. Ultimately the area can become a greater benefit to the adjacent properties as service oriented and commercial businesses are developed.

#### **Criteria 4: Nonconforming Uses**

There are various uses within the subject area (see Table 1), and a majority of the ground is in agricultural production or sits vacant. There are four residential homes in the subject area that would become legal non-conforming homes with the proposal in Exhibit A. According to S.C.C. §10-1-9, agricultural production is a conditional use in all zones since it is not listed as a permitted or conditional use in any zone. The remaining uses are permitted.

Table 1: List of uses in the subject area

Use	Acres +/-	*Percentage of Whole	Status in C-1 Zone
Public Right-of-Way	2.5	11.16	Permitted
High Density Single Family ( $< \frac{1}{2}$ acre lot)(2 homes)	1.4	6.25	Not-Permitted - Grandfathered
Low Density Single Family ( $> \frac{1}{2}$ acre lot)(2 homes)	2.8	12.50	Not-Permitted - Grandfathered

Agricultural	6.3	28.13	Conditional Use - Grandfathered
Vacant	9.4	41.96	Permitted
Total	22.4		

\* Percentages may not add up to 100% due to rounding

While it is possible for the City to establish multiple zones of varied sizes within the subject area (See criteria 2 above), this would complicate future consolidation of properties for development and impair appropriate design and connectivity of commercial projects near the City's main entrance. City ordinance does not allow properties to have split zonings (S.C.C. §10-7-6F) and the City has received complaints from neighbors about the RC Zone being an effective tool for land management. To further the goals and objectives of the general plan it is necessary and appropriate to rezone the subject area to the C-1 Zone.

#### Notice

This item was noticed to the public through the Payson Chronicle and posted in three public places, which included Zion's Bank, the US Post Office, and City Hall. Mr. David Anderson has contacted staff and discussed many issues surrounding the rezoning and the City's General Plan. Mr. Anderson has purchased the 6.04 acres of property which was owned by Lester Charlesworth at the time the Planning Commission held their public hearing. In addition to the Sorenson property being rezoned, Mr. Anderson has requested that his property be rezoned C-1.

#### Recommendation:

Staff recommends the City Council adopt the rezoning of approximately 22.4 acres near 400 East Orchard Lane, as shown on the attached Exhibit A, from the R-10 Zone to the C-1 Zone, based on the following findings.

#### Findings

1. The rezoning conforms to the intent of the Santaquin City general plan and annexation policy plan;
2. The rezoning does not create an unnecessary island or spot zoning;
3. The rezoning will not adversely affect surrounding properties; and
4. The rezoning will not cause property, structures, or uses of the property to unnecessarily become nonconforming according to the Santaquin City Code.

  
Dennis L. Marker  
City Planner



are being parked on the street. He stated that there is not room for what is being done there now and would hate to see this happen again. City Planner Marker stated that the business in question is pre-existing, non-conforming, but if that business owner came in to request expansion, he would have to comply with all current requirements.

Commissioner Rohbock moved to recommend approval for the Kester Used Car Dealership with a 2-year time frame on the Conditional Use Permit. He commented that he knew that Mr. Kester would do as he said and indicated that he did not see a need to put a limit on the number of cars allowed. Commissioner Reed seconded the motion.

Commissioner Callahan stated that she would rather see an 18-month time frame. Commissioner Rohbock stated that he moved for the 2 year time frame because the road realignment may not be completed in 18 months. Commissioner Callahan agreed and stated that she appreciated any business in Santaquin. She added that she hoped Mr. Kester would keep his business location in clean condition and not leave wrecked cars around the parking area.

With no further discussion, the vote to approve the Conditional Use Permit Application for the Kester Used Car Dealership located at 55 South Highland Drive was unanimous.

City Planner Marker informed Mr. Kester that a modification to his current business license needed be made. Mr. Kester expressed his appreciation to the Commissioners and staff.

Public Hearing regarding the Greenhalgh 2006 Rezoning.

Commissioner Bean opened the Public Hearing regarding the Greenhalgh 2006 Rezoning.

City Planner Marker stated that the C-2 designation should be corrected to C-1.

Commissioner Bean invited Ms. Clayson to approach the Commissioners. Ms. Clayson thanked the Commissioners for their time. She indicated that she is the Secretary for the Greenhalgh LLC and indicated that she would like to address the rezoning. She reported that she has served on the Economic Development Committee for over 8 years. She stated that she would like to see the property zoned Industrial / Commercial. However, if it would be more beneficial to the City to zone the property Commercial 1, she would be okay with that. Commissioner Bean asked what the Greenhalgh's opinion was. Ms. Clayson responded that they were all okay with the change. She thanked the Commissioners.

Ms. Peterson approached the Commissioners and stated that she too would like to see the property zoned commercial.

With no further comments, Commissioner Bean closed the Public Hearing regarding the Greenhalgh 2006 Rezoning.

Discussion and Possible Action regarding the Greenhalgh 2006 Rezoning.

Commissioner Rohbock moved to recommend approval to the City Council for the Greenhalgh 2006 Rezoning. Commissioner Callahan seconded the motion.

The vote to recommend approval for the Greenhalgh 2006 Rezoning was unanimous.

Public Hearing regarding the 400 East Orchard Lane Rezoning.

Commissioner Bean opened the Public Hearing regarding the 400 East Orchard Lane Rezoning.



Commissioner Bean recognized Ms. Wyeth. Ms. Wyeth indicated that she had spoken with City Planner Marker prior to the meeting. Ms. Lozano stated that she also had spoken to City Planner Marker. Commissioner Bean stated that if they had any concerns, those concerns should be brought to the Planning Commissioners. Ms. Lozano stated that her sister, Ms. Wyeth lives right off Main Street and has been concerned with the road configuration. Ms. Wyeth thought that eventually the City would get rid of Orchard Lane, but understands now that the road, I.E. 500 East, cannot be installed north to south from Main Street. She stated that her next concern was why the zone was being changed. City Planner Marker responded that the major reason for changing the road configuration was to make more ground available along the freeway. He stated that property owners in the area were trying to attract large box retailers including a grocery store.

Commissioner Hales asked if all of the Sorenson property would be zoned commercial. City Planner Marker displayed a map and explained that some of the Sorenson property is zoned R-10 and Mr. Sorenson would like to see the property zoned commercial. Commissioner Hales asked if any individual had contacted the City requesting Commercial property. City Planner Marker responded that he had not personally received any calls, but has had calls from others who have been contacted regarding commercial development. Commissioner Goudy asked how the other property owners felt.

The following individuals addressed the Commissioners:

Mr. Taylor stated that he did not know of one property owner who wanted the change.

Mr. Charlesworth stated that he did not receive a letter of notification regarding the rezone.

Mr. Ferguson asked who the applicant was. Commissioner Rohbock responded that the City Consultant and the Mayor requested the rezone. Mr. Ferguson stated that if he were the owner of the property, he would strongly object because once the property is rezoned to commercial it could sit for long periods of time before anything is done. He stated that this would be down zoning the property and that it could be considered a "taking". He asked how much commercial property was in the area that there was no market for right now. He also questioned what type of traffic plan there was for Orchard Drive and Main Street. He stated that a traffic study should be done before the zone change would be made.

Mr. Charlesworth stated that he supported his father.

Mr. Sorenson approached the Commissioners and stated that he was in favor of the rezone. He stated that he has been working with developers trying to get a grocery store and indicated that there have been some issues that have slowed the process.

Ms. Kester indicated that she was very much against the rezoning. She stated that she lives behind Mr. Taylor and did not know of any where in town where there was a commercial zone to 200 north. She stated that the traffic was already horrendous stating that this change would increase traffic. She added that property values would go down because the properties would no longer be in a residential section.

Mr. Taylor reiterated Mr. Ferguson's concerns adding that businesses will build in the area when the population will support that business. He stated that he did not want to see warehouses across the street from his house.

Ms. Taylor stated that she agreed with Ms. Kester's comments.

Ms. Wyeth stated that she agreed with the concerns and stated that she would like the property left as residential.

Commissioner Bean called for a brief recess at 8:04 PM.

Commissioner Bean reconvened at 8:12 PM.

Commissioner Bean stated that he appreciated all the comments made. Commissioner Bean closed the Public Hearing regarding the 400 East Orchard Lane Rezone.

Discussion and Possible Action regarding the 400 East Orchard Lane Rezoning.

Commissioner Bean opened the discussion regarding the 400 East Orchard lane Rezoning and turned time over to City Planner Marker. City Planner Marker thanked the Commissioners and concerned public. He stated that as the City reviewed the criteria for the rezone, it found that the request met the General Plan, it was not a spot zoning, there would be minimal adverse affects and it was not creating any unnecessary, nonconforming uses. He stated that the rezoning would utilize the gateway to the City and would provide for as little impact as possible. He added that the best place for commercial zoning is along the freeway corridor and UDOT was impairing access to this area. The larger commercially zoned area could possibly make new access options available.

After several attendees reiterating their concerns and feelings, Commissioner Rohbock moved to accept the 400 East Orchard Rezoning with the Sorenson property being zoned Commercial and the remaining property as R-10 to the City Council. Commissioner Goudy seconded the motion.

With the motion to rezone the Sorenson property to C-1 and leave the rest of the property as R-10 made and seconded, the vote was as follows:

Commissioner Goudy – Aye  
Commissioner Callahan – Nay  
Commissioner Hales – Aye  
Commissioner Bean – Aye  
Commissioner Rohbock – Aye  
Commissioner Reed – Aye

Commissioner Bean commented that this was a thorny issue and indicated that everyone would not be happy with the decision. He stated that concerns should be taken to the City Council, but stated that the City has no control over stop lights and access issues. City Planner Marker stated that no future mailings would be sent to adjacent property owners and added that residents should watch for local papers and postings on the property regarding public hearings in front of the City Council.

Commissioner Bean thanked everyone for their comments.

~~CODE AMENDMENTS~~

~~Creation of an Ordinance Regulating Adult Businesses.~~

~~Commissioner Bean opened the discussion regarding the Creation of an Ordinance Regulating Adult Businesses. Commissioner Goudy complimented City Planner Marker of the fantastic job he has done on the Ordinance. She stated that the Ordinance indicated where an Adult Business could not be and did not determine where it might be permitted. City Planner Marker stated that the discussion at the last meeting was to stay away from specific zones where Adult Business could be allowed.~~

~~Commissioner Bean moved to recommend that the City Council accept the Ordinance Regulating Adult Businesses with the change of operating hours from 10:00 AM to 10:00 PM. Commissioner Reed seconded the motion.~~

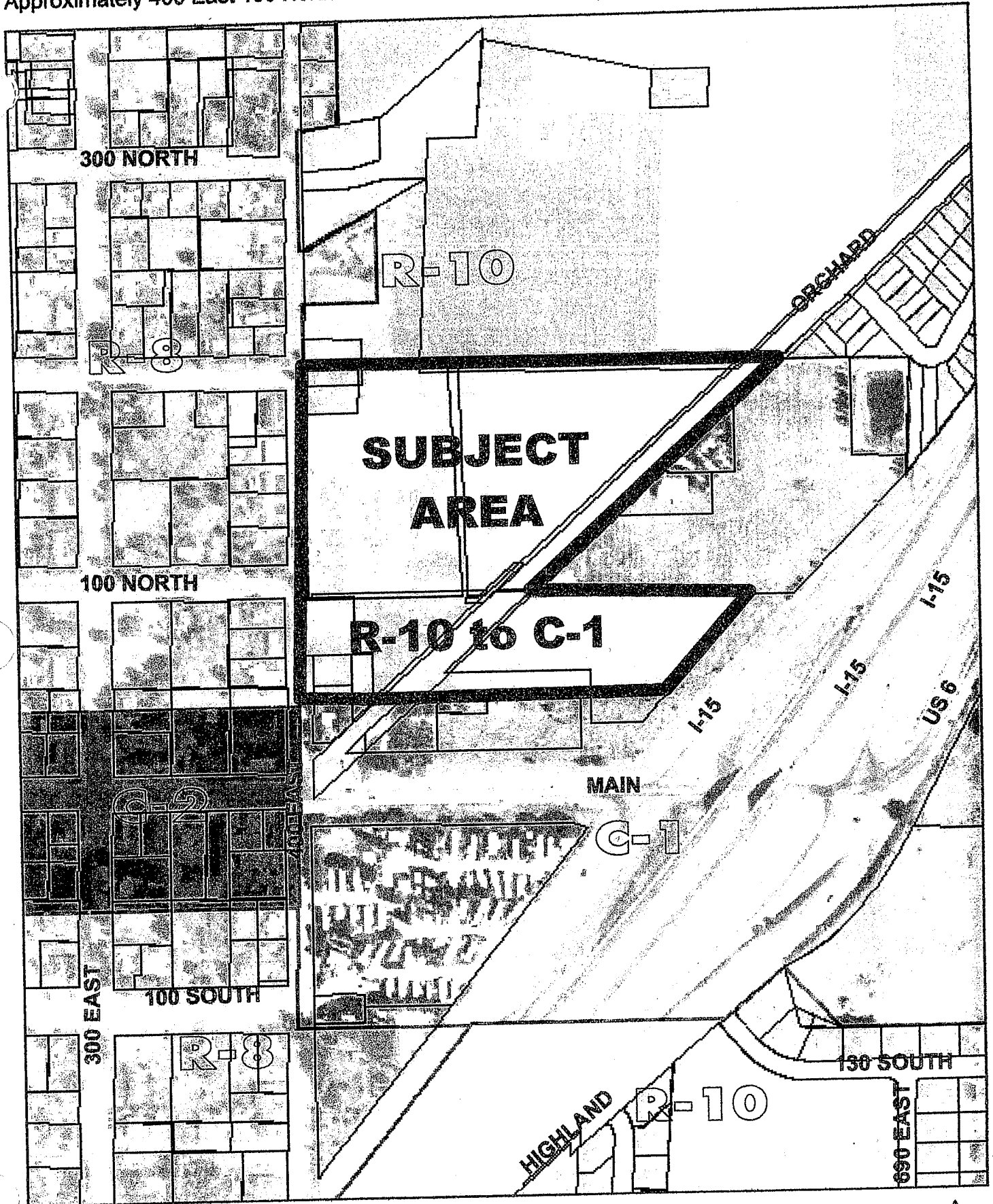
~~ROLL CALL~~

~~Commissioner Goudy – Aye  
Commissioner Callahan – Aye  
Commissioner Hales – Aye  
Commissioner Bean – Aye  
Commissioner Rohbock – Nay  
Commissioner Reed – Aye~~

400 East Orchard Lane  
Approximately 400 East 100 North

CITY COUNCIL MEETING 9-06-06  
ATTACHMENT "B-8"

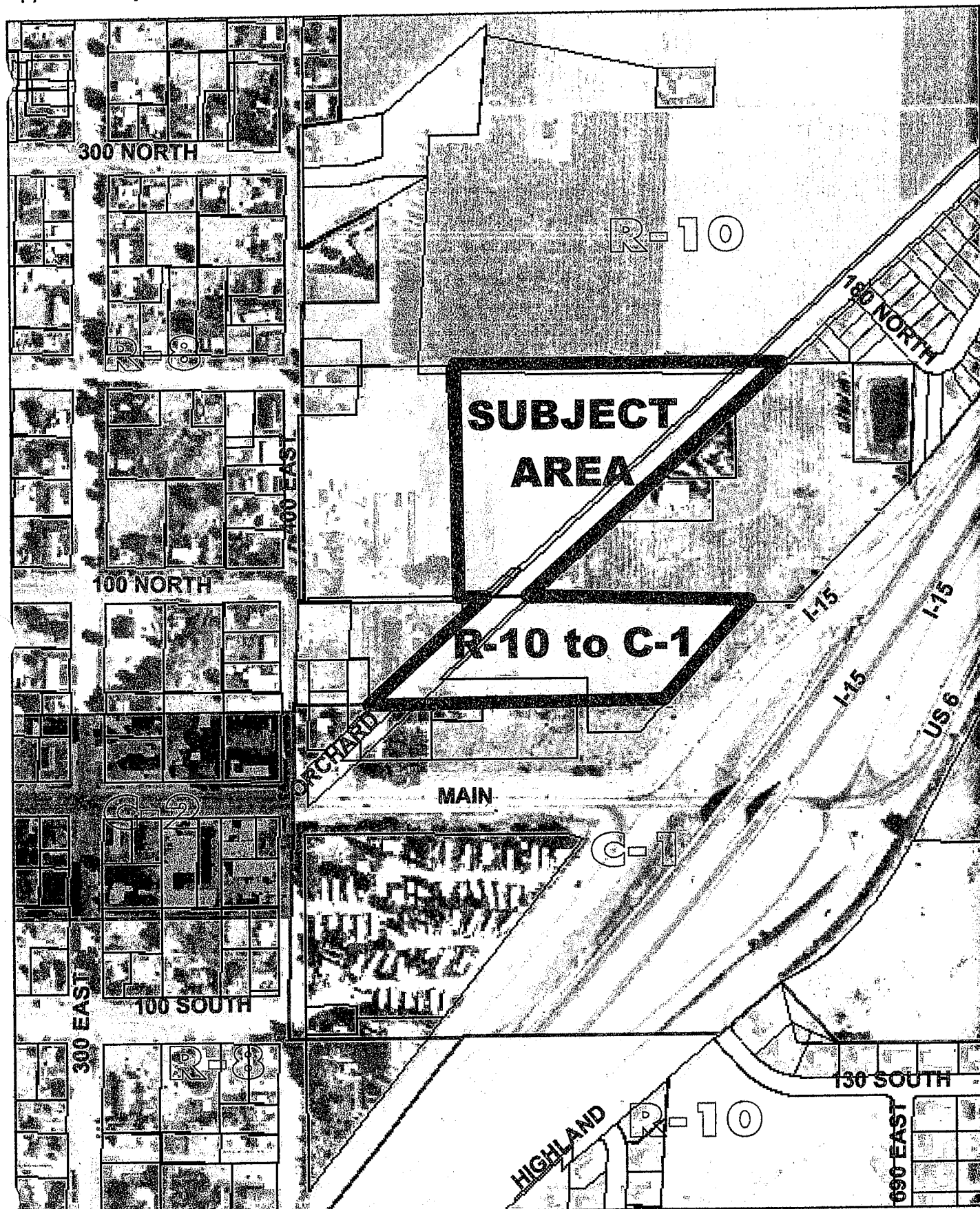
R-10 to C-1 Zone  
R#06-01



**EXHIBIT A**

0 145 290 580 870 1,160 Feet





**EXHIBIT B**

0 145 290 580 870 1,160 Feet





*freedom · family · friendship*

## MEMORANDUM

August 18, 2006

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To: Mayor DeGraffenried and City Council via Planning Commission  
From: Dennis Marker, City Planner  
RE: Apple Cove Plat C Subdivision (Preliminary Review)  
500 South 100 West

Zone: R-10  
Acres: 9.0  
Lots: 25

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### Background:

Mr. Mike Pierce, of Utah Valley Real Estate, is seeking approval of a 25 lot subdivision at 400 West 850 North (See attached map and provided plans). The Development Review Committee (DRC) has reviewed the proposal. Major issues that were discussed in DRC meetings included road connectivity to future development, sewer facilities, and recreation trails along the Union Pacific railroad. The Planning Commission reviewed the proposal during their August 24, 2006 public meeting (See attached Planning Commission minutes).

The Apple Cove Subdivision has been developed under an annexation and development agreement adopted by the City on August 6, 2001 (Ordinance 08-01-2001). That agreement addresses issues of water rights, road and trail construction, infrastructure, and fencing along the railroad property.

The subject area is bounded on the north by the Union Pacific Rail line, on the east by orchard lands associated with the North Orchard Annexation and development area, on the west by active orchard operations owned by Mr. Fred Openshaw, to the south there is existing single family neighborhoods.

### Analysis:

#### Zoning.

The property has been zoned R-10 since it was annexed, however the development standards within that zone have changed since that time (See Lot Standards below). The proposed development does follow the established purposes of the R-10 Zone, namely single family developments.

Lot Standards.

On March 1, 2006, the City adopted Ordinance 03-01-2006, which required all new lots in the R-10 Zone to have a minimum 10,000 square feet. Lots 7, 8 and 25 of the proposed development have less than 10,000 square feet. The remainder of the lots meet the current size requirements.

When the concept plan for this development was reviewed and approved at the time of annexation, the R-10 zone allowed for lot sizes of 9,600 square feet. The applicant has requested that the proposed plat be reviewed under the same standards that the previous two phases of Apple Cove had been approved.

The annexation and development agreement does state the following

**2.2 General Rights and Responsibilities of the City**

- 2.2.2 **Compliance with City Requirements and Standards.** Developer expressly acknowledges that nothing in this Agreement shall be deemed to relieve Developer from its obligations to comply with all applicable requirements of the City necessary for approval and recordation of subdivision plats and site plans for the Project Area in effect at the time of development approval, including the payment of unpaid fees, the approval for subdivision plats and site plans, the approval of buildings permits and construction permits, and compliance with all applicable ordinances, resolutions, policies and procedures of the City.

Access.

The subdivision will have direct access off of existing public roads, 420 West, and 350 West. The development will also be extending these same streets, 420 to the railroad property, and 350 will be constructed as a connecting piece into the North Orchard area. The improvements will comply with the current City approved street cross-sections. All proposed lots would have direct access off of one of these public streets. No private streets are proposed within this development.

Access across the railroad tracks, north of 420 West is currently done by a two lane asphalted road. Crossing standards are installed. Expansion of the road across the tracks will need to be done when future development occurs to the north.

Impact on Adjacent Properties.

The orchards to the west of the subject area are part of a functioning agricultural operation, which includes spraying of pesticides, burning of woody materials, irrigation, and working hours not always consistent with residential neighborhoods. Persons moving into the subject development should be made aware of these and other possible impacts associated with orchard farming. Staff suggests the following language be attached to the subdivision plat

"This area is subject to the normal, everyday sounds, odors, sights, equipment, facilities, and any other aspects associated with an agricultural lifestyle. Future residents should also recognize the risk inherent with orchard farming, including pesticide use."

The applicant should also be sensitive to air borne particulates and matter caused by the proposed development which may affect the adjacent agricultural operation as well neighboring residents. The SCC, §11-6-3, states that "until the time of dedication to and acceptance by the city, the subdivider shall be responsible for maintaining existing road surfaces suitable for travel by the public. The subdivider shall be responsible for **all dust and mud control and all claims and damages resulting from failure to maintain a construction or development area**" (emphasis added).

Sensitive Lands.

There are no sensitive lands located within this development.

Recreation Trails.

The annexation and development agreement required the developer of Apple Cove to install a 10' wide asphalt trail, in a 14' area along the railroad property. Mr. Pierce will be installing this trail. It will be a multi-use non-motorized traffic trail that will connect into master planned trails along the railroad and canal to the east as well as the Center Street trail that will connect into Santaquin Canyon.

In addition to the trail being constructed the developer is also required to install, according the development agreement, a chain-link fence along the length of the railroad property. This will need to be coordinated with Union Pacific and can be addressed during final review.

**Notice Response:**

Staff has received no comments about this project from adjacent property owners.

**Recommendation:**

The Planning Commission has forwarded a positive recommendation of the proposed Apple Cove Plat C subdivision located at 500 South 100 West, to the City Council, based on the following findings and subject to the following conditions:

**Findings**

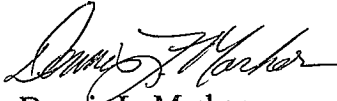
1. The request is consistent with the goals and policies of the General Plan.,
2. The request follows the purposes and intent of the R-10 Zone.
3. The development has the potential to meet the standards of the R-10 Zone by resizing lots 7, 8 and 25.

**Conditions**

1. That all requirements of the annexation and development agreement are adhered to, including compliance with the current standards of the R-10 Zone.
2. That the following language be attached to and made part of the subdivision plat, "This area is subject to the normal, everyday sounds, odors, sights, equipment, facilities, and



any other aspects associated with an agricultural lifestyle. Future residents should also recognize the risk inherent with orchard farming, including pesticide use."



Dennis L. Marker  
City Planner





**PLANNING COMMISSION MINUTES**  
Santaquin City Council Chambers, 45 West 100 South  
August 24, 2006



**Commissioners Present:** Commission Chair Rex Bean, Commission Members Carolyn Callahan, Clara Goudy, Robert Hales, Allen Reed, Doug Rohbock

**Commissioners Excused:** Curtis Rowley

**Staff Present:** City Planner Dennis Marker, Planning Commission Clerk Linda Midgley

**Staff Excused:** Council Representative Martin Green, City Manager Stefan Chatwin

**Others Present:** La Rain Goodall, Zaloma Goodall, Mike Pierce.

Commissioner Bean called the meeting to order at 7:05 PM.

**PLEDGE OF ALLEGIANCE**

Commissioner Bean led those present in the Pledge of Allegiance.

**PUBLIC FORUM**

Commissioner Bean opened the Public Forum. No business was brought to the attention of the Commission.  
Commissioner Bean declared the Public Forum closed.

**SUBDIVISION APPLICATION - APPLE COVE PLAT C**

City Planner Dennis Marker showed the Commission a map of the proposed Apple Cove Plat C subdivision. Mike Pierce has picked up the third and final phase of the Apple Cove subdivision. Mr. Pierce is asking for 25 single family lots in an R-10 zone. The property is bordered on the north and west by the railroad, and on the west and east by the Shaw and Goodall orchards. There is access off existing streets, and the continuation of a road through the subdivision will provide access to a future road tie in with the North Orchard development. No sensitive lands, such as excessive slopes or protected wetlands, are within the area. The applicant has agreed to install a 10' wide asphalt, non-motorized recreation trail beside the railroad tracks. Until future trails are ready to tie in, the trail will be terminated at both ends by fencing. Eventually this trail will continue along the tracks to tie in to a major regional park area.

One issue for the subdivision is the proximity to the orchards. Mr. Marker said the applicant is aware of the sensitive nature of orchard operations and has agreed to put a notice on the plat regarding air borne particulates. Commissioner Goudy said she would like the notice to include a specific mention of pesticides. Currently an R-10 zone requires lots to have an area of at least 10,000 sq. ft. Three of the lots are smaller than the required footage. Requirements for these lot sizes were changed by the City Council in March, 2006, after Mr. Pierce had begun meeting with the city to draw up conceptual plans. Mr. Marker said staff had looked at the plans and was comfortable that some small issues like sewer details would be resolved during the final review. He recommended approval of the subdivision.

Commissioner Callahan asked if the plans had been drawn up during the zone change. Mr. Marker said the applicant had been drawing up conceptual plans during the change, but a complete application had not been submitted. The plans technically become vested upon complete submittal.

**PLANNING COMMISSION MINUTES**

August 24, 2006 – Page 2

**DRAFT**

**SUBDIVISION APPLICATION - APPLE COVE PLAT C, continued:**

Developer Mike Pierce addressed the Commission. Mr. Pierce expressed his appreciation for the help he had received from the city staff, and said there were three issues he would like to address concerning the subdivision.

Mr. Pierce said the first issue was lot size. The property was under contract in December 2005, and Mr. Pierce said he anticipated closing on the property in April, and thought he would be through the approval process by then. He was not able to close on the property as early as he had anticipated, and the new ordinance on lot sizes was passed in March.

Mr. Pierce felt the smaller lots should be grandfathered in because he had been ready to submit his plans before the ordinance was passed, but had instead been working with the City in good faith to accommodate some changes made for the benefit of the City. He said a combination of issues have affected the timeliness of his plan, including lower sewer lines and changes made by the new City engineer on the master street system. One of the terms of the annexation agreement with the previous owner of the property was the trail. Mr. Pierce said there would not be an issue with lot size if the trail was not needed.

The second issue for Mr. Pierce is the width of the required road. The engineer had recommended widening the master street parallel to the railroad tracks to 66 feet, instead of the standard 56 feet. Mr. Pierce said he understood it was the city's responsibility to pay for the additional ten feet. Dennis Marker said that according to legal counsel, although payment may be made for oversized utilities, roads are a different story. This street will be one of the few connections across the railroad, and a major collector from the north side of the railroad. It is anticipated that daily traffic will require this additional width. After some discussion, Mr. Pierce suggested bringing the question of payment to the state private property ombudsman. Mr. Pierce said he would be willing to submit to the ombudsman's determination if the City would also be willing to accept the determination.

The third issue is the lift station. The DRC recommended a second pump as a backup. Mr. Pierce said he was willing to pay for the pumps, but requested that the city take on the cost of maintenance. Mr. Pierce said he had considered transferring the lift station property to the city to use as a park area. Dennis Marker said maintenance would be a city council determination, as it is not a land use issue but a funding issue. Lot 25 is next to lift station, and Mr. Pierce said he could incorporate all the lift station property into Lot 25, and not build until the lift station had been abandoned.

The Commission discussed allowing the three smaller lots. Commissioner Goudy asked if the three lots could come under heading of variance. Mr. Marker said the only reason would be economic variance, and State law states a variance cannot be granted for economic reasons. The legal consequences of setting a precedent by allowing smaller lots, as well as ways to move lot lines to increase the lot sizes were discussed.

**PLANNING COMMISSION MINUTES**

August 24, 2006 -- Page 3

**DRAFT**

**SUBDIVISION APPLICATION - APPLE COVE PLAT C, continued:**

Doug Rohbock make a motion to follow staff recommendations and approve Apple Cove Subdivision, Plat C. Carolyn Callahan seconded the motion. After further discussion on the legal problems that could ensue from making an exception for Apple Cove, the Commission voted as follows on the motion to approve Apple Cove Subdivision:

Rex Bean	Nay
Carolyn Callahan	Aye
Clara Goudy	Nay
Robert Hales	Nay
Allen Reed	Aye
Doug Rohbock	Aye

The motion to approve Apple Cove Subdivision, Plat C, did not pass.

Although the Commission was sympathetic to Mr. Pierce's situation, Commission consensus held the legal ramifications of allowing an exception was not in the best interest of the City. Further possible realignments of the lots were discussed.

Doug Rohbock made a motion to send the subdivision plans to City Council, providing the three undersized lots are realigned to bring them into compliance, and a specific pesticide advisory added to the plans. Allen Reed seconded the motion. The vote on the motion to approve Apple Cove Subdivision with realigned lots was unanimous.

**MINUTES**

Approval of the August 10, 2006 Meeting Minutes

Approval of the August 10, 2006 meeting minutes was tabled to the September 14, 2006 meeting.

**REPORT OF OFFICIALS AND STAFF**

City Council Report

Council Representative Martin Green was not present to report.

City Manager's Report

City Manager Stefan Chatwin was not present to report.

City Planner's Report

Conferences -City Planner Dennis Marker asked the Commissioners which of the upcoming conferences they would like to attend, Utah League of Cities and Towns, the Water Conference, or the American Planning Association Conference in Provo. Allen Reed and Doug Rohbock said they would like to attend the Water Conference. Commissioner Goudy plans to attend the Utah League of Cities and Towns conference, and Carolyn Callahan the Provo Planning Association Conference.

**PLANNING COMMISSION MINUTES**

August 24, 2006 – Page 4

**DRAFT**

City Planner's Report, continued:

North Orchard Update – Developer Garrett Sealy has picked up the area, and is working on concept plan that includes 1800 homes on 450 acres, which will triple the present size of Santaquin. He would like to begin developing next year. All water rights have been dedicated to the city. One four corner where commercial development was planned in the original concept is now set for institutional use, such as a local church or schools. The overall project is a decrease in population density. Some town homes and some auto court areas, with one driveway for four homes, are planned. One main road will run parallel to the railroad tracks, the other will be a 4<sup>th</sup> major collector aligned with Center Street. The finished concept will be brought to the Planning Commission in October. The area along the tracks includes a 20 acre regional park and trail system. Union Pacific Railroad will not work with developers but only with local jurisdictions, so the city will be involved with all business to do with the railroad.

Work Sessions, Town Meeting – Mr. Marker went over the dates of work sessions with the City Council. The master plan is due to the City Council in November. Commissioner Goudy asked about including members of the public in the Commission presentations at the Town meeting. Mr. Marker encouraged the Commission members to discuss issues with neighbors and friends, and let everyone at the meeting know their feedback is welcomed.

Nevada Initiative - Mr. Marker informed the Commission about a Nevada initiative entitled "Nevada Property Owners' Bill of Rights" concerning land use planning in Nevada. The initiative proposes that any government actions which result in substantial economic loss to private property would require just compensation. It is the opinion of the Las Vegas District attorney's office that this initiative, if passed, will result in extensive claims and eventually eliminate zoning.

**NEW BUSINESS**

Assignment of Commission Representative to 9/6/06 City Council Meeting:

Commissioner Carolyn volunteered to represent the Planning Commission at the September 6, 2006 City Council Meeting.

City Council Report:

Commissioner Goudy reported on the August 16, 2006 City Council meeting.

- Road problems at the new school are being addressed.
- A new home occupation ordinance was passed.
- The legal description of a health facility contains the word 'abortion', which caused some concern.
- A change in start up times from 7 a.m. to 6 a.m. was approved for child care centers.
- A public hearing on the commercial rezoning of the Sorenson property will be held next week.
- The Family Dollar store does not yet have occupancy permit, because 3<sup>rd</sup> West was pulled up for sewer lines and has not been properly repaired. They have paid back the city for road work done.
- Hometown video has asked for a business license, but will need a dividing wall built before one can be issued.
- The Ekins annexation petition was denied.

**PLANNING COMMISSION MINUTES**

August 24, 2006 – Page 5

**DRAFT**

Report of Planning Commissioners:

Commissioner Rex Bean had no new business for the Commission at this time.

Commissioner Clara Goudy – Ms. Goudy expressed her concerns with the present practice of changing a zone for a developer, who may then sell the property without actually building. Ms. Goudy said the Commission might consider making zone changes only after a plat has been submitted.

Commissioner Carolyn Callahan – Ms. Callahan also had concerns with zone changes, in particular with the recent retirement rezones to R-8. She suggested the agreement remain with the property and not with the owner.

Commissioner Robert Hales – Mr. Hales asked about the time line for working on the school. Dennis Marker said the contract for the work had been awarded, and the contractor was in the process of putting a bond together.

Commissioner Allen Reed - Mr. Reed asked about the landscaping at the end of Main Street. Dennis Marker said a bid is out. Federal money will be used for the landscaping. Originally there was some discussion of utilizing the UDOT plan, but costs would be in excess of \$100,000. The City is currently having the plan redesigned. A guard rail will be installed for pedestrians.

Commissioner Doug Rohbuck had no new business for the Commission at this time.

**ADJOURNMENT**

Commissioner Allen Reed moved to adjourn the meeting. Commissioner Bean declared the meeting closed at 8:43 P.M.

Approved on September 14, 2006.

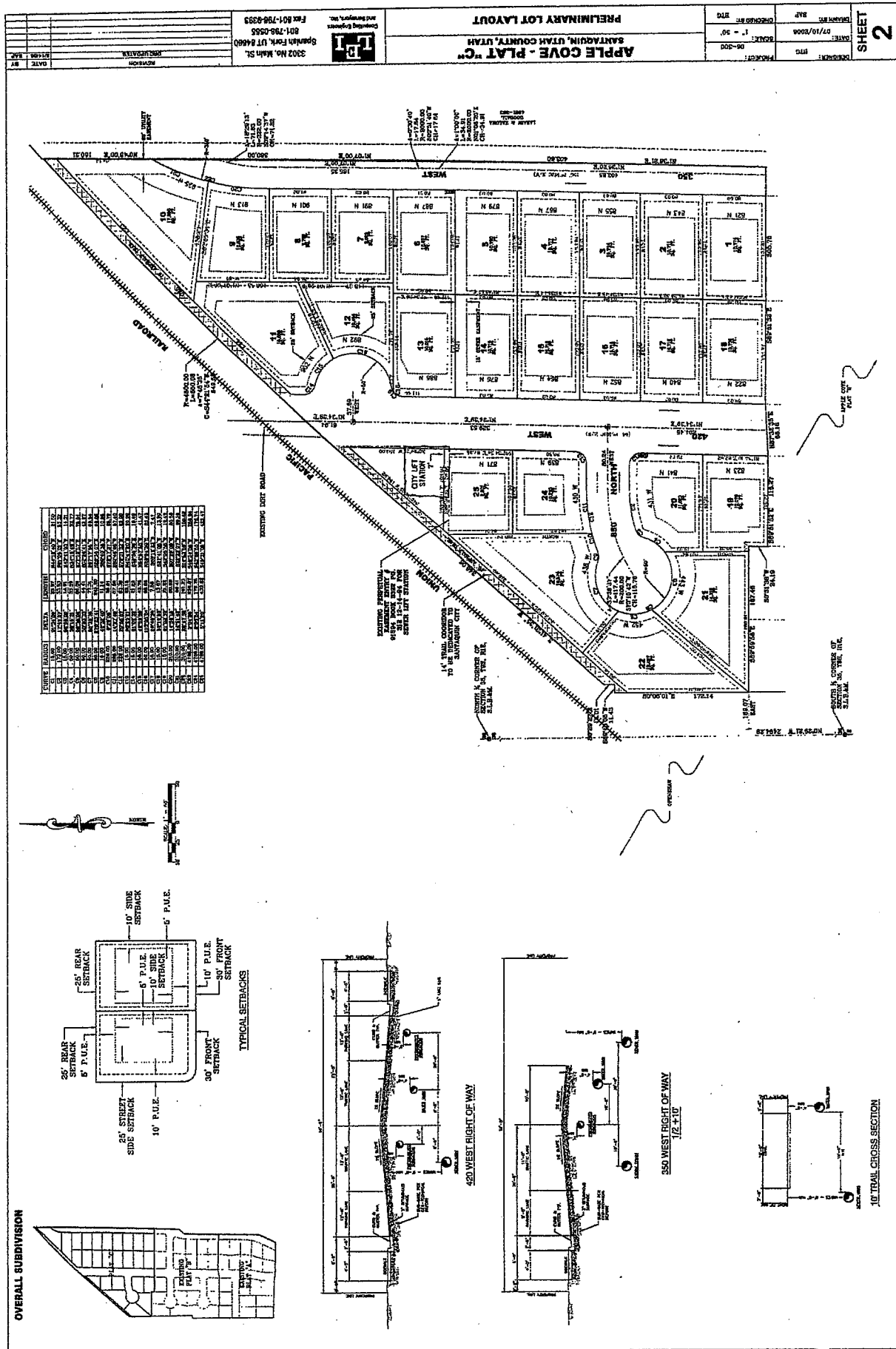
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Rex Bean, Chairperson

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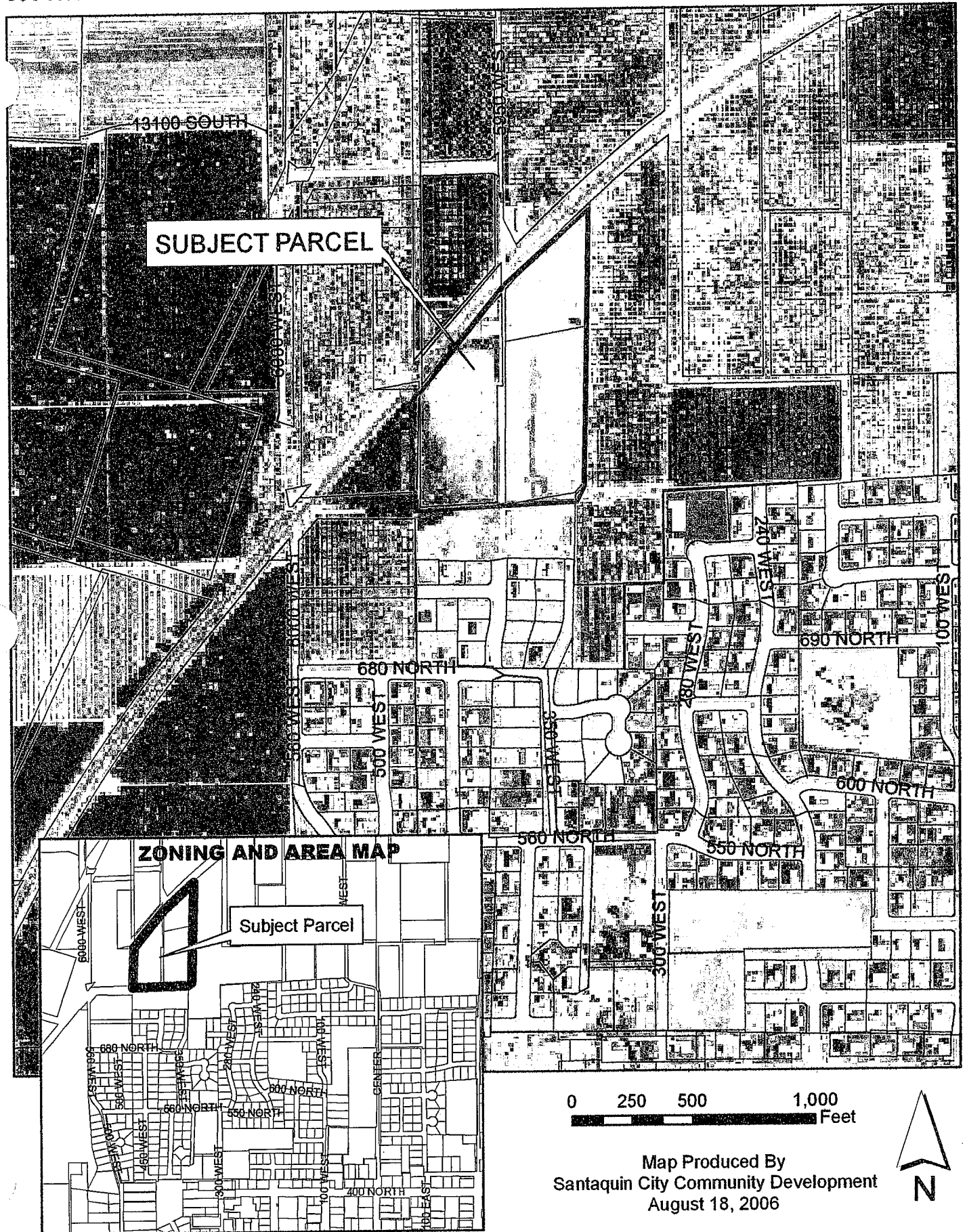
Linda Midgley, Planning Commissioner Clerk

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[illegible]





September 6, 2006

Dear Santaquin Citizens and City Council. As a councilman for the last 2 years and 8 months, I have experienced many things that I did and did not expect. It has been an interesting time of challenge, learning, and at times an exercise in frustration, but this is an important thing for good people to be involved in. One definitely needs to accept at times, on agreeing to disagree, not only with council members and staff, but with the public as well. This is not going along to get along, but being firm in ones belief and understanding, but also willing to look at all the options.

As a councilman I have tried to do my best and vote my conscience each time. I can honestly say concerning my actions and words as a councilman, my conscience is clear and I am at peace with God. I know there are those on the council and in the city that do not agree with some of my positions or remarks. My intent has never been to insult or cause harm, yet I have tried to be one of honesty, frankness, and openness. If you are one that has taken offense, I am sorry that you have done so, but I would ask that you consider the reasons for why you have been offended. I do not apologize for honest remarks that I feel or know to be true. I do apologize if I have acted rudely or inappropriately.

As a councilman, I have also tried to remind myself and others of the importance of an increasingly unpopular subject and duty, and that is as elected officials, it is our duty to keep our oath of office by defending the Constitution of the United States, which means following its precepts, and not creating law against its precepts. When this is mentioned by almost anyone, you hear the sighs of a few that seem to say, "why do we have to hear about the constitution again, "or", man, what a waste of time, "or" here we go again." The apathy over this matter is very alarming, and those that fall into this category should be ashamed of themselves, yet, that is between themselves and their Maker, for He, meaning God, is the giver of rights, and it is by His hand that we have this great land that so many take for granted. We do not get our rights or freedom from government or any man, we get them from God. It is up to man and government to protect these rights. The council has missed the mark a few times on this, which is a concern to me, and I hope the council will consider this when making future decisions. If it was not a problem, it would not have to be brought up. It is also my desire that as our law enforcement officers do their duty in protecting and serving, that they protect the rights of others as much as possible. I think they do this pretty well, but I feel a reminder is good for us all.

I have also tried to EQUALLY support the issues and citizens in the entire town, instead of showing favoritism for a specific neighborhood, individual, or special causes. It is the duty of the city staff and officials to show no bias towards, or favoritism towards anyone or anything, yet this has happened on a few occasions.

My wishes for the city are to always remember the proper roll of government. Government's primary role is to protect the rights of the people, the rights of the property owner, and the lives of the people that reside in the government jurisdiction. Our Federal and State governments have a lot of work to do in getting this right, and even in Santaquin, our elected officials need to be more cautious of this. A major movement is underway to destroy our rights as individuals and property owners, and this is happening through intrusive ordinances, specifically SOME land use or planning and zoning ordinances. It is a wide spread problem across America, and it is being facilitated in many ways, including the UN's Agenda 21, and Envision Utah. You can look at it on the internet and see how it is happening. It is real, and it is a real danger to us all. Government really should have very limited involvement in what happens to private property. That is up to the property owner. So as the city moves forward with a master plan, please get the agreement of the property owners before taking legal action to make effective change on someone else's property. I think this is happening for the most part.

In regards to the city master plan, be careful with the building of multiple use facilities, such as putting residential units above commercial units. It is not the business of the residents being put in certain areas like this, to "keep an eye" on our business district. Also, something needs to be done to "break" the traffic flow on Main St. It is very difficult at times, to get onto Main St. at certain times of the day, and the flow of cars needs short interruptions, so as to facilitate others entering Main St. Round-a-bouts on Main St. will not help this, since it only makes traffic continue to flow. Please be very careful with the round-about idea, it may or may not be the best idea for our town, and personally, I am highly opposed to them. They create a risk because people have to yield to traffic in the opposite direction than they normally do. Personally, I do not think it will help Main St. grow and prosper. The beautification and growth of Main St., which I support, will come, regardless of Round-a-bouts. Do not anchor oneself to that idea, for there are many viable options for traffic flow. What Santaquin really needs are less laws, more respect for one another, and less

government influence in our lives. I hope to see one day, when our society can get back to basics and rule themselves according to correct principles.

In light of all of this, there are much more important matters in our lives, including mine. Opportunity and necessity can present themselves to each of us. Both of these are happening at this time for my family I. There is no more important thing in my life than my family. My family comes first, and that is why, with some sadness as well as some relief that I officially submit my resignation from the Santaquin City Council, effective at 11:59 pm on Saturday September 9<sup>th</sup>, 2006.

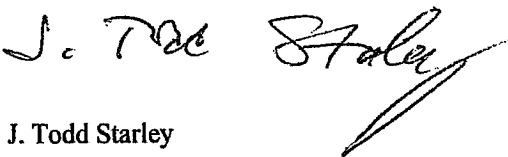
I have no regrets with submitting my resignation; however, I am concerned with who will replace me on the council. I hope and pray the council will choose wisely, and choose someone that has the entire town's interest at heart, who will server with integrity, and someone that will offer representation from a part of town that does not already have councilmen. I also hope that the council can adopt a good ordinance that will create council voting districts for the entire town, so there will be even and fair representation from all parts of town. This would help remove some of the inappropriate monopolies that can be created.

It has been an honor and a pleasure to serve on the council, and with those that I have served with. I also thank from the bottom of my heart, all of my friends, family, staff and citizens that have supported me, counseled with me, and have worked to help better our community. It is these good people that have helped keep me going through tough times. They have helped me remember that as an individual and a councilman, that there are many more that are with me, than those that are against me.

I thank God for His support in this position, for without Him it would have been much tougher to serve on the council. I am grateful to my family, for they are part of the reason that I wanted to be involved with the city, to try and better the place that they live. Thank you to Mayor Degraffenreid for your support and leadership of this town, you are a good man and I wish you the best. Thank you Tracy, for your support of good constitutional principles, your colorful and enjoyable personality, and your friendship. You are on the right track so keep going. Thank you Jim and Martin for helping me to want to try harder, to be a better person, and to be more clear in my debate and reasoning on the council. Thank you Art for being a pleasure to work with and to talk to. I thank the staff for their hard work as well. There are many that I could thank, but it would be a long list, but I want to thank a few folks anyway. All of those that have served to help make Santaquin Days events go so well, those on our public safety staff that train hard and work hard to do their duties, you render an important service. I also thank the roping club and rodeo people that have been an absolute pleasure to get to know and work with, and I hope the coming changes will work out well for all of you. Thank you to a good friend and past mayor, Dennis Brandon. I have come to love this man as a friend and neighbor. He is a good man, and loves this town. Thank you to the Crook family, the Carwyn Carter family, the many members of the Wall family, the Rowley's, Roberts, Staheli's, Bean's, Smith's, Haroldsens' Davis's, Goudy's, Lamb's, Hinckley's, Lafferty's, Bott's, the Library Board, Museum Board, Honor Guard, and countless others that have befriended and supported me. I have made many new friends while on the council, and it has been a pleasure serving you, and working with you all. I wish you all the best, especially the Mayor and Council, for you have a serious and heavy obligation to this people of this town. I wish you God speed in doing the job right on the council, and in your personal lives. I wish to part on a good note, even though there have been disagreements, I think we are all good people at heart.

With that I say good bye as a councilman.

Sincerely,



J. Todd Starley