



Planning Commission Meeting Minutes
Tuesday, May 12, 2020

Planning Commission Members in Attendance: Trevor Wood, Brad Gunnell, Art Adcock, Kylie Lance, Michelle Sperry, Jessica Tolman, and Kody Curtis.

Other's in Attendance: City Manager Ben Reeves, Community Development Director Jason Bond, City Council Member Betsy Montoya, City Council Member Nick Miller, City Engineer Norm Beagley, and John Bylund.

Commission Chair Wood called the meeting to order at 7:00 p.m.

Invocation / Inspirational Thought: Commissioner Lance shared an inspirational thought.

Pledge of Allegiance: Mr. Bond led the Pledge of Allegiance.

Public Forum: Commission Chair Wood opened the Public Forum at 7:02 p.m.

Mr. Reeves read public comments that were received regarding tonight's agenda items 'See Attachment 'A'.

Commission Chair Wood closed the Public Forum at 7:11 p.m.

DISCUSSION AND POSSIBLE ACTION ITEMS

PUBLIC HEARING- City Wide Landscaping Requirement

The Planning Commission will review a proposed City Wide Landscaping Requirement for new homes.

Mr. Bond explained that the Planning Commission and City Council have discussed and considered providing an amendment to City Code, which would require landscaping City wide for new homes. Mr. Bond shared that roughly 75% of new development within the City falls under a Planned Unit Development (PUD) and already has a landscaping requirement. He stated that the Council thought this would be worth considering, in order to mitigate issues with dust, weeds, etc.

Mr. Bond provided the following suggested language, 'See Attachment 'B'. He explained that per State Code, a Certificate of Occupancy cannot be held up unless it is a matter of Public Safety. In order to meet this State Requirement, the ordinance would need to allow for the resident to bond for the landscaping regardless of the time of year.

Commission Chair Wood opened the Public Hearing at 7:15 p.m.

Mr. Reeves shared the public comment received from Crystal Shultz who is against this ordinance amendment 'See Attachment 'C'.

Commission Chair Wood closed the Public Hearing at 7:16 p.m.

Mr. Bond clarified that if this ordinance amendment were to be adopted it would not be retrograded; meaning it would only apply to new building which would be made aware of the requirement up front. Commissioner Tolman asked if bonding would include a time limit in which the residents would need to complete their landscaping. Mr. Bond explained that he would need to consult with legal counsel regarding a time limit.

Commissioner Gunnell suggested that the bonding could be adjustable based upon the size of the lot. Commissioner Wood asked if lenders allow for a landscaping bond to be a part of a home loan. Commissioner Lance answered that it can be part of the home loan if it is a part of the fee break down.

Commissioner Tolman asked if this ordinance amendment is necessary if it would affect so few houses within the City. She also indicated that she would rather see enforcement for weeds rather than a landscaping requirement. Mr. Bond explained that enforcing for weed abatement is more difficult than requiring landscaping up front.

Commissioner Wood asked if home owners could draw money from their landscaping bond to install their yard. Mr. Bond stated that it wouldn't be an option, but a partial bond release could happen if half of the yard were installed. Commissioner Wood explained that he struggles with the idea of requiring a bond for someone who is struggling to afford landscaping. He suggested that a bond amount should be considered that would be an incentive rather than a burden.

Commissioner Gunnell expressed that he is conflicted with this amendment as he feels that the City right of ways are more impactful than unfinished neighboring yards. He indicated that he likes that the proposed language only requires landscaping for the area that can be viewed from the street. Commissioner Lance thinks that it makes sense to make the ordinance consistent throughout the City. She added that she would like to see the core area of town to look better.

Commissioner Gunnell asked if numbers could be provided for past years showing how many homes this ordinance would impact. Commissioner Sperry asked what surrounding towns have a landscaping requirement. Mr. Bond stated that Payson, Spanish Fork, Saratoga Springs and Alpine City all have a similar landscaping requirement.

Motion: Commissioner Gunnell motioned to table the Proposed City Wide Landscaping Requirement pending further input from Staff. Commissioner Tolman seconded.

Roll Call:

Commissioner Adcock:	Aye
Commissioner Curtis:	Aye
Commissioner Lance:	Aye

Commissioner Sperry: Aye
Commissioner Tolman: Aye
Commissioner Gunnell: Aye
Commissioner Wood: Aye
The vote passed unanimously 7 to 0.

Bylund Shared Parking Agreement

Mr. Bond explained that a site plan for a Commercial building was conditionally approved at DRC. He noted that this proposal is a permitted use within this zone; it is coming before the Planning Commission, because the developer is asking to implement a shared parking agreement. Mr. Bond explained that if the parking agreement can't be made, the project would have to be reduced to one commercial space instead of the proposed three. Mr. Bond indicated that the owner of this site also owns the existing Dairy Queen. He referred to the proposed shared parking agreement, (See Attachment 'D'). Mr. Bond clarified that the developer has indicated that they would like to share 10 parking stalls from the existing Dairy Queen with the new Commercial building. Mr. Bond noted that there would be sufficient parking for both sites if this parking agreement is approved.

Commissioner Adcock asked how things would be complicated if the property owner were to sell to separate owners in the future. Mr. Bond explained that the parking agreement would run with the land in case of new ownership.

Mr. John Bylund explained that it isn't anticipated that Marco's Pizza (one of the proposed businesses for this building) will require a lot of parking. Commissioner Curtis asked if there will be a dine in area for Marcos Pizza. Mr. Bond stated that the plans show a small amount of dine in space. Mr. Bylund explained that in light of current events there has been discussion regarding removing the dine in area. Commissioner Gunnell expressed concern that customers may use Stringhams parking which isn't included in the agreement. He suggested that employees be encouraged to park in the Dairy Queen parking lot.

Motion: Commissioner Tolman motioned to approve the parking agreement between Logandale Investments and Bylund Properties. With the condition that the agreement provides more details regarding the number of parking stalls that will be shared. Commissioner Curtis seconded.

Roll Call:

Commissioner Adcock: Aye
Commissioner Curtis: Aye
Commissioner Lance: Aye
Commissioner Sperry: Aye
Commissioner Tolman: Aye
Commissioner Gunnell: Aye
Commissioner Wood: Aye
The vote passed unanimously 7 to 0.

Multi Family Moratorium

The Planning Commission will discuss recommending a moratorium for multifamily housing to the City Council.

Mr. Reeves explained that State Code has removed the word ‘moratorium’ and now uses the phrase ‘temporary restriction’. Code has also been updated to no longer allow a renewal for temporary restrictions. Mr. Reeves clarified that if a temporary restriction were to be made it would have to be for a certain purpose. He explained that the City Council has prioritized updating the General Plan this year. Mr. Reeves described that when Council Member Miller brought up this idea last year, it was decided by the City Council; that the general plan should be re-configured prior to implementing a temporary restriction.

Commissioner Wood expressed concern with the time limit and noted that it would make sense to align a temporary restriction with the general plan revision. He asked when the City will begin reconfiguring the general plan? Mr. Reeves explained that the City will begin advertising the project to bring a company on board beginning July 1st. He also noted the importance of understanding what changes need to be made to the general plan prior to the update. Commissioner Gunnell pointed out that a temporary restriction may not necessarily slow down development, but make it come forward in a surge. He stated that with a lot of high density applications coming forward, he would like to pause it in order to understand what is needed in the City. Mr. Bond explained that Legal Counsel has expressed concern that a temporary restriction could be seen as delaying multifamily development. if the general plan update isn’t moving forward.

Commissioner Curtis expressed that he thinks that a temporary restriction should coincide with the general plan. Mr. Reeves explained that the general plan doesn’t change anything other than the vision of the City. On the other hand, ordinance changes made in conjunction to the general plan update would incite change. He noted that ordinance changes take time as they require public hearings and multiple reviews.

Commissioner Gunnell asked what a temporary restriction would stop. Mr. Bond explained that it would not stop any development that is either in the process, or that has a completed application. It would only stop new applications. Commissioner Gunnell stated that he sees a purpose for initiating a temporary restriction in order to pause high density which has come at a high rate within the last year. He noted that he also understands tying it to tie to the general plan. Commissioner Tolman stated that she is still in favor of placing a multifamily moratorium as soon as possible, if legally allowed. Mr. Bond explained that the current increase of high density may not be a legally sufficient reason to initiate a temporary restriction.

Mr. Reeves stated that copies of the general plan have been printed for the Planning Commission members to review and provide feedback by the end of May.

Roles and Responsibility Training

Mr. Bond explained that the purpose of the agenda item is to learn how to facilitate better communication between the Planning Commission and City Council and move forward with a

common goal. City Council Member Betsy Montoya provided a training regarding roles and responsibility.

Council Member Montoya explained that the primary responsibility within the Planning Commission is land use. She noted the difficulty of not allowing public clamor to influence the Commission when the Code or development agreement says otherwise. She explained that one of the roles of the Planning Commission is to shape policy, but not to make policy. Council Member Montoya noted that another role is to support the City Council. She clarified that this doesn't mean that the Commission must agree with them.

Commissioner Curtis asked why the Planning Commission takes public opinion if their decisions are based off of code. Council Member Montoya explained that public hearings are required by law. She stated that Commissioners should listen, keep an open mind and not allow decisions to be made based upon public clamor. Council Member Montoya recognized the challenge in balancing both public feedback and understanding that residents don't have the information that the Planning Commission has. Commissioner Wood expressed that even though the Commission can't always do what the public wants, it allows the Planning Commission to provide feedback to the developer. In some cases, it also mitigates impacts.

Council Member Montoya and the Planning Commission discussed issues of communication between the Planning Commission and the City Council. Mr. Reeves expressed that unification is necessary to move forward. Council Member Montoya stressed the importance of reaching out and trying to gain understanding even if there isn't agreement.

Motion: Commission Chair Wood motioned to extend the meeting to 10:15 in order to finish business. Commissioner Lance seconded. The vote was unanimous in the affirmative.

PLANNING COMMISSION BUSINESS

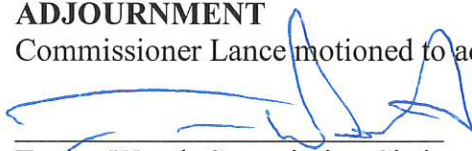
Approval of minutes from
April 28, 2020

Motion: Commissioner Tolman motioned to table the minutes from April 28, 2020. Commissioner Sperry seconded. The vote was unanimous in the affirmative.

Commissioner Wood asked if the meetings moving forward can continue to be held remotely. Mr. Bond stated that the plan is to continue holding meetings via zoom moving forward.

ADJOURNMENT

Commissioner Lance motioned to adjourn at 10:02 p.m.


Trevor Wood, Commission Chair
Kira Petersen, Deputy Recorder

We must hold off on additional approvals of multi family developments Until a full review of the city's development plan has been looked at. The city continues to approve these plans when the community lacks other features that would improve the quality of life for its CURRENT residence. The "hap hazard" approach the the current city has taken will impact the long term viability of a desirable community and it appears that the city is more concerned with money.

Jason Fitzsimmons

Greetings,

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Thanks,
Richard Elliott

Greetings,

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Thanks,
Mindy Elliott

I am emailing to have my voice heard that I am in favor of the six month temporary ordinance which does not allow multi family housing developments to be approved during that time.

Thank you,
Mindy Elliott

I am in favor of a 6 month temporary ordinance which would not allow multi family developments to be approved during that time.

Bruce Bradley

I am in favor of a 6 month temporary ordinance which would not allow multifamily developments to be approved during that time

Dennis Lamb

I am in favor of a 6 month temporary ordinance which would not allow multi family developments to be approved during that time.

Thank you,
Brian Miner
Dear Commissioners,

Thank you for adding to tonight's agenda items a discussion of "a potential recommendation to the City Council regarding a temporary ordinance on multifamily developments."

This item addresses a critical issue of concern to many residents in the city. To those of us outside of city government, recent instances of rezoning seem to violate any pattern of long-term vision for the future of the city. In some instances, projects being seriously considered for rezoning even seem to threaten the most fundamental purposes of zone designations. These projects appear to weaken future growth opportunities in much-needed commercial areas and create a less advantageous positioning of residential development in places that might be highly problematic in the future.

I do not believe that most Santaquin citizens are opposed to growth in general, but would like to live in a city where long-term planning leads to growth which supports a high quality of life and economic stability. I wholeheartedly support a temporary ordinance on multifamily developments delaying approval of future projects for six months so that we can be certain that we are looking to the future with a clearly outlined blueprint for success.

Thank you for your careful consideration of this matter and for all your service to our city and its citizens.

Sincerely,

Jody Reid

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Thank you,
Roxanne B. Lamb

I Am in favor of a 6 month temporary ordinance which would NOT allow multi family developments to be approved during that time.
Cathy Bradley

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Jenny Fernelius

I am in favor of a six month temporary ordinance which would not allow multi family developments to be approved during that time.

Thank you,
Kimberly Hutchings

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

I am also in favor of keeping the commercial land we have, and not re-zoning it to make it high density housing.

Jennifer Hansen

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Hilary Fitzsimmons

HI,

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Thank you,

Laurelee Zimmerman

To whom it may concern:

I am aware of you discussing the multifamily ordinance today at your meeting. I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Thank you for your consideration.

Melissa Nielsen

Sent from my iPhone

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time

Pamela Colson

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pjc

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Lisa Eisenstat
82 N Angelous Dr

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Michael Eisenstat
82 N Angelous Dr
801-420-6014

To whom it may concern,

I am in favor of a six month temporary ordinance which would not allow multifamily developments to be approved during that time.

Thanks,
Amy Westover

Thank you for including a proposal on tonight's agenda to recommend to the City Council that a temporary ordinance prohibiting approval of multifamily developments be enacted.

I appreciate all your hard work on behalf of the citizens of Santaquin.

Thank you.

David Reid

I am in favor of the recommendation that the City place a moratorium on multi-family development for, at least, the next 6 months.

I am not in favor of the City placing landscaping requirements on privately own property.

Thank you,

Jeffrey Siddoway

6.c - Regarding the potential townhomes that no one wants, which is always a sore subject among my neighbors, why is there not separate zoning for single family residential, and multifamily residential? Perhaps even a zoning for 2+ acre lot residential?

It seems misleading to zone an area residential, then to add townhomes, which is a very different kind. Also, I might add, the very opposite of the beautiful country quality and style here in our city. We should be building on that.

Thank you for your time,

~ Crystal Schultz
Santaquin City resident

We support a moratorium on multifamily dwelling construction in this city. The city is growing too fast. Your road infrastructure is already insufficient because of the recent population boom which you seem to want to encourage. Consequently the quality of life here is rapidly declining.

Yours,
Pete and Lyle and Amanda Baumgarten

My wife and I recently heard about the rezoning of a large portion of C-1 commercial land to residential down by the Red Barn. We have lived in Santaquin for a few years now and we are apposed to this change. More town homes and high density residential down by the south exit is the OPPOSITE of what

we need. We need to keep our commercial land the way it is and stick to the general plan. In a few years we will desperately need that commercial land. I urge the city council to vote NO on the rezoning.

David and Leah Watkins
Summit Ridge Residents

Hello,

I am Kristina Woods from Summit Ridge. I have watched as other cities, like Pleasant Grove, have taxed their residents to death because they do not have enough businesses in town to drive revenue. The sales tax revenue goes to neighboring Lindon, which is already wealthy and virtually debt free. However, Lindon has a Walmart, fast food options, car maintenance options, that Pleasant Grove doesn't. Likewise, Santaquin residents drive to Payson for nearly all of their purchases. It is also rumored that there will be no tax revenue from the new Macey's for 20 years. Meanwhile, I am told that the tar needed to fill the road gaps as proposed by Mr. Roy cost \$500 that the city had a hard time coming up with. Many projects have been slow and I am told it is often due to funding.

Due to these increasing concerns I want to clearly state that I want as much commercial zoning as possible on Main Street and all along the Red Barn Road. I would be happy to have more businesses along Summit Ridge Parkway near Kars. It would not be in the best interest of Santaquin residents to rezone commercial areas to be residential. I am strongly opposed. I feel like those that would vote to do so are focused on increasing the size of our town without consideration for proper planning, infrastructure, and conveniences that would keep people here.

There is no need for more transient high-density housing in our community. Statistics show that these communities are connected to high crime rates. People suggesting this is a good idea are obviously not invested in the city's demographic or crime stats. I find this alarming.

Please listen to the people of Santaquin before making your decision. Thank you.

Sincerely,
Kristina Woods

ORDINANCE NO. DRAFT

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO REQUIRE LANDSCAPING IN THE FRONT AND SIDE YARDS OF EVERY NEW RESIDENTIAL DWELLING, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth class city of the state of Utah; and

WHEREAS, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the City Council desires to amend Santaquin City Code Title 10 Chapter 15 to require landscaping in the front and side yards of every new residential dwelling; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on May 12, 2020, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in a newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I. Amendments

Title 10 Chapter 15 is amended as follows: (underlined text is added, stricken text is deleted)

Chapter 15 LANDSCAPING STANDARDS

10-15-1: PURPOSE:

10-15-2: SCOPE OF REQUIREMENT:

10-15-3: GENERAL LANDSCAPING STANDARDS:

10-15-4: LANDSCAPE YARDS AND SCREENING:

10-15-5: BUILDING LANDSCAPING:

10-15-6: PARKING AREA LANDSCAPING:

10-15-7: SPECIES DIVERSITY AND MINIMUM STANDARDS:

10-15-8: WAIVERS AND EXCEPTIONS:

10-15-9: NONCONFORMING STATUS:

10-15-1: PURPOSE:

The purpose of the landscaping requirements in this title shall be to promote the health, safety, and general welfare of the public; to stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere to facilitate the orderly development of an attractive and harmonious community. Specific ways these purposes are accomplished include:

- A. Enhancing the appearance and visual character of the community;
- B. Promoting compatibility between all land uses by reducing visual, noise and light impacts of development on adjacent properties;
- C. Reducing the area of impervious surfaces and storm water drainage impacts;
- D. Providing shade to help mitigate heat and exposure on paved surfaces and to help conserve energy;
- E. Encouraging the conservation of water resources through inclusion of more drought tolerant plants;
- F. Defining entry points on property and guides for the separated circulation of vehicles and pedestrians.
- G. The relief of heat, noise, and glare through the proper placement of landscaping. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-2 CITY WIDE LANDSCAPING REQUIREMENT FOR NEW RESIDENTIAL DWELLINGS:

All new residential dwellings must provide completely landscaped front yards and side yards, as defined in section 10-6-29, where such yard area is visible from the public street or private street. Acceptable landscaping must include plants and sufficiently control erosion, dust, and weeds to mitigate negative impacts on neighboring residences. Landscaping must be completed before the residential dwelling receives a certificate of occupancy.

In the event that a residential dwelling is completed when pressurized irrigation is not available, a cash bond may be provided to Santaquin City as per the approved fee schedule. If a cash bond is paid, the landscaping improvements shall be completed the following season before the City's pressurized irrigation is turned off.

10-15-3 DEVELOPMENT PROJECT LANDSCAPING REQUIREMENTS:

10-15-~~23~~-1: SCOPE OF REQUIREMENT:

The provisions of this section shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private nonresidential projects, developer installed landscaping in multi-family residential projects, and developer installed landscaping in single-family projects, which require project review and approval by the city. Such review may include initial or modified site plan reviews, modified conditional use permit review, and building permits issued for commercial and multi-family building exterior or site modifications, other than typical maintenance, where the estimated cost of construction is greater than fifty thousand dollars (\$50,000.00) in either a single application or any number of applications within a five (5) year period. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-~~33~~-2: GENERAL LANDSCAPING STANDARDS:

The following requirements apply to all landscaping projects that are subject to city review:

- A. Site Landscaping: All areas not utilized in a building footprint or necessary for site access, parking, or vehicle and pedestrian circulation shall be planted with an effective combination of trees, ground cover, lawn, shrubbery, and/or approved dry landscape materials and mulches under the standards established by this section and in accordance with an approved landscape plan.
- B. Landscape Plans: A landscape plan is required for all developments under the scope of this chapter and shall be submitted to and approved by the development review committee prior to issuance of any permit or site plan approval. Each landscape plan shall address the functional aspects of landscaping such as grading, drainage, runoff, erosion prevention, wind barriers, provisions for shade, and reduction of glare. The landscape plan shall be prepared by a landscape architect registered in the state of Utah or professional landscape designer and shall contain the information required in exhibit A attached to the ordinance codified herein.

- C. Plant Selection: Plants selected for landscape areas shall be well suited to the microclimate and soil conditions at the project site as well as year round aesthetics of the property. Developments should include a good combination of evergreen trees in addition to deciduous trees in order to achieve a nonbarren landscape design during winter months when there are no leaves on the trees. Preference shall be given to those species listed in the city approved tree species list provided in the city's construction standards. Sod shall not be permitted in landscape areas less than four feet (4') in width.
- D. Installation: All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. The following shall also apply:
1. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials. Plants with similar water needs shall be grouped together as much as possible.
 2. Landscaping shall be completed in accordance with the landscape plans submitted and approved by the development review committee.
 3. All landscape work must be installed prior to a certificate of occupancy of the associated building or as otherwise approved by the development review committee as seasonal conditions may dictate.
 4. The developer shall bond for such landscape improvements prior to occupancy to ensure that installations are completed as submitted and approved. Guarantee requirements for landscape improvements shall be the same as required by the city for all other site improvements.
- E. Maintenance: Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular and proper maintenance of all landscaping elements installed. Maintenance is required on all landscaping appropriate to the method and type, which may include, but is not limited to, mowing, removal of litter, trash, or garbage, pruning, watering, and repair of all landscape structures such as fences and walls, etc. Maintenance also includes replacing dead or dying plants with healthy stock of the same species or another as approved by the community development department, and as required by the approved landscape plan. Failure to adequately maintain the health, condition, and number of plantings required by an approved landscape plan is a violation of this chapter.
- F. Vegetation Removal: Any alterations to site landscaping beyond typical maintenance must be approved by the community development department. Any vegetation removed or needing to be replaced due to disease, health, or condition, shall be replaced within one growing season. No vegetation required by a landscape plan shall be removed for purposes of greater visibility to a site or signage.
- G. Curbing: All landscape yards and areas abutting driveways, drive aisles, parking stalls and property lines shall be protected by a concrete curb, which shall be four inches wide and six inches deep (4" x 6"). No curbing is required along property lines where a shared landscaping area extends over a property line and the adjacent property has been or will be developed within six (6) months or is part of a master planned development. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-43-3: LANDSCAPE YARDS AND SCREENING:

A. Required Landscape Yards: The following landscaping yards and buffers are required as listed in table 1 of this section:

TABLE 1
REQUIRED LANDSCAPE YARDS AND AREAS

Zone/Use	Front To Building/To Parking	Street Side To Building/To Parking	Side	Rear	Side Or Rear Abutting A Residential Zone¹	Minimum Percentage Of Landscape Area
MBD along Main Street (200 W to 100 E)	10'/10' ²	10'/10' ²	5' ³	5'	5'	See MBD development standards
C-1	Landscape yards within these zones shall be established in relationship to required setbacks for buildings and parking areas					10%
RC	30'/15'	20'/10'	10'	10'	20'	10%
PC	30'/15' ²	20'/10' ²	10'	10'	20'	10%
I-1	35'/20'	25'/20'	10' ⁴	10' ⁴	15'	8%
PO	30'/15'	20'/10'	10'	20'	20'	10%
Multiple-unit residential dwellings ⁵	30'/20'	30'/20'	20'	30'	30'	See multi-family development standards
Core area (multi-family/nonresidential) other than MBD	20'/20'	15'/20'	10'	20'	20'	10%
Nonresidential uses that may be appropriate in a residential zone	30'/20'	30'/20'	5'	5'	10'	15%

Notes:

1. A site is considered to abut a residential zone even if the residential zone begins at the centerline of an adjacent public street to the rear or side of the proposed development.
2. Where sites are constructed with outdoor eating and display areas along the public right of way, a maximum of 60 percent of this area may include pavers or other city approved hardscape.
3. This side yard requirement for the building can be waived when the associated building is constructed with 0 setback from a side property line and an adjoining building is or will be constructed with a similar 0 setback as part of a master planned development or plans for the adjoining site are under review by the city.
4. Landscaping yards are not required within storage or material yards unless adjacent to a residential zone.
5. Landscape yards are to be established from the outer walls of any attached unit structures.

B. Required Landscaping Amounts Within Landscape Yards:

1. Landscape yards abutting residential zones shall include a minimum of one tree and five (5) shrubs for each thirty (30) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
2. Side and rear landscape yards abutting a nonresidential development or property zoned for such shall include a minimum of one tree and four (4) shrubs for each forty (40) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
3. Front and street side landscape areas shall include a minimum of one tree for each forty (40) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
4. In addition to the above, ground cover shall be provided over all landscape areas. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

C. Plant Spacing: Trees and shrubs may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization of the site. Perimeter landscaping along a street shall be designated and integrated with the streetscape in the street right of way.

D. Park Strips: Developments which front onto a public road shall install one tree per thirty feet (30') of frontage or fraction thereof and ground cover in accordance with city approved streetscape designs, materials and plantings between the sidewalk and curb. Maintenance of these areas is to be performed by the adjacent property owner.

E. Utility Screening: All aboveground utility equipment (e.g., power, phone, cable boxes, etc.) as well as ground mounted HVAC equipment, etc., shall be screened from public view by a wall or plantings equal to or greater than the equipment height.

F. Fencing And Property Line Screening:

1. In addition to the required landscaping, screening along rear or side property lines should incorporate berming, open construction barriers, low maintenance fencing materials or decorative walls constructed of stone, masonry or decorative iron.
2. Screening heights along front property lines and along side property lines within the existing or proposed building front setbacks shall be the same as outlined in section [10-6-26](#) of this title for all fences, walls, and hedges.
3. Fences or walls along rear or side property lines shall not exceed six feet (6') in height for general nonindustrial uses. Walls may be ten feet (10') tall to lessen the sound and visual impacts of industrial uses or uses where diesel traffic or noise caused by service bays, loading docks, crushing operations, etc., is expected. Walls greater than six feet (6') in height must be architecturally articulated (e.g., materials, planes, columns, crown features, etc.) and landscaping around such walls shall be designed to soften the wall presence.
4. Screening shall be designed and located to provide a natural crime deterrent. Barbed or razor wire is not permitted unless specifically approved by the planning commission for security, public safety, health, or general welfare of the citizens and property owners of Santaquin and/or their property. This provision does not apply to agricultural uses and public utility facilities. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

G. Decorative Materials: Materials such as crushed rock, redwood chips, pebbles, pavers, or stamped concrete and stones may not cover more than fifty percent (50%) of the areas required to be landscaped. Artificial plants are not acceptable.

H. Clear View Areas: Landscaping within designated clear view areas shall comply with section [10-6-9](#) of this title. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

10-15-~~53~~-4: BUILDING LANDSCAPING:

- A. Except within MBD areas, exposed sections of building walls that are in high visibility areas along arterial and collector streets as well as on site, general public access areas, shall have planting beds approximately six feet (6') wide placed directly along at least fifty percent (50%) of such walls. These planting areas may overlap required landscape yards.
- B. Trash enclosures and other accessory structures shall have a minimum five foot (5') wide planting area along three (3) sides and a minimum of four (4) shrubs per landscaped side. These planting areas may overlap required landscape yards.
- C. Except within MBD areas, a group of four (4) shrubs and one tree shall be provided in a landscape area or grade adjacent to the front and side elevations of a building per fifty (50) linear feet or fraction thereof, of elevation where the building exceeds one hundred feet (100') in length (e.g., 110 feet of building face would require 3 of the above groupings). (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

10-15-~~63~~-5: PARKING AREA LANDSCAPING:

In addition to the required landscape yards, parking lots shall have landscaping which reduces the area of impervious surfaces and stormwater drainage impacts, provides shade to help mitigate heat and exposure on paved surfaces and to help conserve energy, and helps to define entry points on property and guides for the separated circulation of vehicles and pedestrians. The following shall apply: (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

- A. Landscape Areas: Landscaping shall be provided in the amount of six percent (6%) of the interior space of parking lots with less than one hundred (100) spaces, and ten percent (10%) of the interior space of all parking lots with one hundred (100) spaces or more. For single developments on less than two (2) acres, this

percentage will count toward the minimum landscape requirement provided in subsection [10-15-4A](#) of this chapter. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

- B. Screening: Screening from the street and all nonresidential uses shall be of sufficient height and opacity to continuously block the lowest three feet (3') of the cross section view of the parking area from the street or adjacent use. These screening standards may be met in any number of different ways, including, but not limited to, a garden wall, earthen berm, constructed planter, dense hedge, or combination of ways. Landscape plans submitted for review shall include a graphic depiction of the parking lot screening as viewed from the street. Plant material used for the required screening shall achieve required capacity in its winter seasonal condition within three (3) years of construction of the vehicular use area.
- C. Pedestrian Walking/Refuge Areas: Pedestrian walking/refuge areas shall be provided between parking aisles closest to major business entries where one hundred (100) or more parking spaces are required. Such areas shall be at least eleven feet (11') wide and have a five foot (5') wide meandering sidewalk running the length of the area. Those portions of this area not utilized as sidewalk shall be landscaped with at least one tree and four (4) shrubs per sidewalk return. Additionally, ground cover shall be provided over the entire landscape area.
- D. Planter Islands: Landscaped islands shall be provided at the end of parking aisles and appropriately spaced at intermediate locations along parking aisles.
1. Dimensions: Islands at the end of single stall width parking aisles shall be at least six feet (6') in width and eighteen feet (18') in length. Islands at the end of dual stall width parking aisles shall be at least six feet (6') in width and thirty six feet (36') in length, with at least one hundred sixty (160) square feet of ground area per shade tree or one hundred (100) square feet of ground per ornamental tree to allow for root aeration.
 2. Vegetation: Islands shall include one or more canopy shade trees and four (4) or more shrubs per eighty (80) square feet of planter area. Additionally, ground cover shall be provided over the entire landscape area.
 3. Curbing: All islands shall have raised concrete curbs surrounding them. Curb extents shall not be included in the required dimensions. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-~~7~~3-6: SPECIES DIVERSITY AND MINIMUM STANDARDS:

A. Diversity: To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following requirements shall apply to site development plans:

Number Of Trees On Site	Maximum Percentage Of Any One Species
10 - 19	75%
20 - 39	60%
40 or more	50%

B. Plant Sizes: The following minimum plant sizes shall be required: (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

Type	Minimum Size
Canopy shade (deciduous) tree	2.0 inch caliper balled and burlapped equivalent
Canopy shade (deciduous) tree as a street tree on a residential local street only	2.0 inch caliper container or equivalent
Evergreen tree	6.0 foot height balled and burlapped or equivalent

Ornamental tree	1.5 inch caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent

(Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006; amd. Ord. 10-02-2007, 10-17-2007, eff. 10-18-2007)

10-15-~~8~~3-7: WAIVERS AND EXCEPTIONS:

The city's land use authority may waive a requirement of a site plan if, in its opinion, specific requirements are unnecessary or inappropriate due to circumstances unique to the property, or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purpose of this chapter is not violated. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-~~9~~3-8: NONCONFORMING STATUS:

Any use of property, which, on the effective date hereof, is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping were conforming until such time that any such land use, parking area, site development or landscaping changes. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section IV. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, May 20th, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 19th day of May 2020.

Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya
Councilmember Lynn Mecham

Voted ____
Voted ____

Councilmember Jennifer Bowman
Councilmember Nick Miller
Councilmember David Hathaway

Voted ____
Voted ____
Voted ____

ATTEST:

K. Aaron Shirley, City Recorder

Regarding the agenda item 6.a -

I find it ridiculous that it's on the agenda at all. You may encourage and support people to maintain their yards in a beatifying way, but to force new homes to have a good looking front yard by requirement is a huge overreach of our city government.

~ Crystal Schultz
Santaquin City resident

Property Owner Agreement

This Property Owner Agreement ("Agreement") dated May 4, 2020 by and between Logandale Investments(Dairy Queen) ("Party A") for the property known as Tax ID 46:784:0002, and the Bylund Properties("Party B") Tax ID 46:784:0003 do agree to the following items:

Terms & Conditions.

1. Party A shall allow Party B to use parking spaces located on Party A's property during normal work hours (Monday through Saturday 8AM – 10PM).
2. Party A agrees to give full support at any city meeting, or if any city official requests Party A's approval for the Bylund Pizza North development.

Attorney Fees. The prevailing party's attorney fees, court costs, collection fees, and all costs and expenses relating to the suit shall be borne and paid for by the non-prevailing Party.

Time is of the Essence. With regards to all items above each party agrees to complete its work in a timely manner.

Entire Agreement. In addition to the prior recorded easement this is the only Agreement, which contains the complete understanding, and agreement of the parties relating to the relationship between property owners and supersedes all prior representations, warranties, agreements, arrangements, understanding, negotiations, or oral agreements (other than those already recorded on public record).

Governing Law; Jurisdiction. This Agreement shall be governed by the laws of the State of Utah irrespective of choice of law principles. Parties agree that any suit brought to enforce this Agreement can be done in any state, county, or city court found within the State of Utah,

Severability.

If any provision of this Agreement is held to be illegal, invalid or unenforceable, (a) the legality, validity and enforceability of the remaining provisions of this shall not be affected or impaired thereby and (b) the parties shall endeavor in good faith negotiations to replace the illegal, invalid or unenforceable provisions with valid provisions the economic effect of which comes as close as possible to that of the illegal, invalid or unenforceable provisions. The invalidity of a provision in a particular jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction. In Witness Whereof this Agreement is executed as of the date first set forth above.

Party A

Logandale Investments LLC

A handwritten signature in black ink, appearing to be a stylized 'L' or 'J' followed by a large loop, positioned over a horizontal line.

Party B

Bylund Properties LLC

A handwritten signature in black ink, appearing to be a stylized 'B' followed by a large loop, positioned over a horizontal line.