



**Planning Commission Meeting Minutes**  
**Tuesday, April 28, 2020**

This Planning Commission Meeting is being held electronically via Zoom. It is also being live streamed on the Santaquin City YouTube Channel. All participants are participating electronically unless otherwise specified.

**Planning Commissioners in Attendance:** Trevor Wood, Art Adcock, Brad Gunnell, Jessica Tolman, Kody Curtis, Kylie Lance & Michelle Sperry.

**Other's in Attendance:** Community Development Director Jason Bond, City Manager Ben Reeves, John Money applicant for the 341 Townhomes development.

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

**Invocation/Inspirational Thought:** Commissioner Tolman offered an inspirational thought.

**Pledge of Allegiance:** Mr. Reeves led the Pledge of Allegiance.

**Public Forum:** Commission Chair Wood opened the Public Hearing at 7:03 p.m.

Mr. Reeves read a comment provided by Chelsea Rowley regarding her opposition to the proposed ordinance amendment (See Attachment 'A').

Commissioner Wood closed the Public Hearing at 7:06 p.m.

## **DISCUSSION AND POSSIBLE ACTION ITEMS**

### **PUBLIC HEARING-Ordinance Amendment to Clarify the Criteria Used in Consideration of a Rezone.**

*The Planning Commission will review a proposed amendment to Santaquin City Code Section 10-7-6 which would clarify the criteria used in consideration of a rezone.*

Mr. Reeves shared a memo that he provided to the Planning Commission Members (See Attachment 'B'). He explained that the current language states that 'In order to grant an approval for the rezoning of property, the Planning Commission and City Council must find...' the requirements that must be reviewed are then listed below. The indication that the Planning Commission can turn down a rezone is incorrect, as the City Council as elected leaders have the right to make decisions. Mr. Reeves explained that the Planning Commissions role is to make a recommendation to the City Council after reviewing the items stated in code. He clarified that the only intent of this ordinance change is to make the role and responsibility of the Planning Commission as an advisory committee more clear. The proposed language states 'That the Planning Commission and City Council should review the following items before approving a rezone.'

Commissioner Wood reiterated that the intent of the ordinance amendment is to clarify that the Planning Commission does not have the authority to take away the legislative role of the City Council.

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

Mr. Reeves read the comments received regarding the proposed amendment to Santaquin City Code 10-7-6. There were many comments regarding this issue, all of which were opposed to this amendment (See comments in Attachment 'C').

Commission Chair Wood closed the Public Hearing at 7:23 p.m.

Commissioner Wood shared his thoughts that since there is a conflict between City Code and State Code, it needs to be changed. Commissioner Curtis asked why the word 'and' is still included in the proposed language. Mr. Reeves explained that the word 'and' was left because both the Planning Commission and the City Council should consider all three criteria.

Commissioner Gunnell expressed that he sees the conflict in code and he thinks it should be addressed; however, he thinks that the proposed language would remove both the Planning Commission and the City Council from having to review considerations as part of the rezoning process. He explained that while reviewing neighboring Cities code, he noticed that all of them require that the general plan be referred to in the case of a rezone. Commissioner Lance suggested that new verbiage is proposed.

Commissioner Tolman suggested that the verbiage states that the Planning Commission 'needs to' review certain criteria rather than using the word 'should.' Mr. Reeves explained that the proposed language can be changed. He suggested that it be changed to read; 'Prior to granting approval to rezone a property the Planning Commission, with the support of City Staff shall consider the following criteria before making a recommendation to the City Council.' Mr. Reeves explained that this change will require the Planning Commission and Staff to do this work prior to a rezone coming before the City Council. He asked the Commissioners for their input. Commissioner Wood asked that the first part of the language is changed so it doesn't imply that the Planning Commission will be granting approval. The language was updated to read 'Prior to making a recommendation to the City Council'.

Commissioner Curtis stated that he likes removing the combination of the Planning Commission and the City Council since they have different roles. Commissioner Gunnell noted that he is in favor of this direction. Commissioner Tolman asked if language should be included that outlines the City Council's role in a rezone. She explained that many of the concerns from residents were regarding the fact that the City Council can make any rezoning change they would like. Mr. Reeves clarified that the purpose of the City Council is to have ultimate authority.

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Mr. Reeves explained that the City Council decided that their second highest priority of the year is to update the City General plan, as it hasn't been updated since 2012. Commissioner Lance stated her thoughts that the more eyes reviewing a rezone, the better. She expressed her approval of the proposed language as long as it meets State Code. Commissioner Wood suggested that a language be included stating that the City Council should consider the following items for a rezone. Mr. Reeves proposed the following language; 'The City Council should consider the recommendation of the Planning Commission and the criteria of this paragraph before approving a rezone. Commissioner Lance asked that under criteria, language is added to include 'any facts found by the Planning Commission' (See Attachment 'D' for the updated proposed language).

**Motion:** Commissioner Lance motioned to forward a positive recommendation to the City Council for the proposed verbiage of the ordinance amendment to clarify the criteria used in consideration for a rezone (Santaquin City Code 10-7-6). Commissioner Tolman seconded.

Roll Call:

Commissioner Wood	Aye
Commissioner Adcock	Aye
Commissioner Tolman	Aye
Commissioner Lance	Aye
Commissioner Sperry	Aye
Commissioner Curtis	Aye
Commissioner Gunnell	Aye

The vote passed unanimously with 7 votes to 0.

**PUBLIC HEARING-Heelis Farm Townhomes Concept Review**

*The Planning Commission will review a concept plan for a proposed 20-unit townhome subdivision located at approximately 200 N. and 400 E.*

Commissioner Lance was excused from the meeting.

Mr. Bond introduced the Heelis Farm Townhomes subdivision. He explained that last year this property was granted a rezone to the Main Street Residential (MSR) zone where Townhomes area permitted use. He clarified that this project has been reviewed by the DRC and the purpose of tonight's meeting is to hold a Public Hearing and provide feedback to the applicant. Mr. Bond explained that 400 E. would need to be widened and improved as it will have a significant amount of traffic. He noted that part of the subdivision requirements would include installing the curb, gutter and infrastructure.

Commission Chair Wood opened the Public Hearing at 7:53 p.m.

Mr. Reeves read two Public Comments that were provided regarding the Heelis Farms Townhomes development. Both comments opposed the Heelis Farms development (See comments in Attachment 'E').

Commission Chair Wood closed the Public Hearing at 7:57 p.m.

Commissioner Adcock expressed concern regarding the widening of 400 E. and how the traffic will be addressed. He also asked if units 1-5 will front 400 E. and expressed concern regarding residents parking there, etc. Mr. Bond confirmed that units 1-5 would front 400 E. Mr. Reeves clarified that units 1-5 front 400 E. so pedestrian access will be off of the front while the garages will be located in the back of the units. Commissioner Adcock expressed concern that residents will want to park near their front door on 400 E. and asked if this can be addressed. Mr. Bond explained that parking is difficult to enforce, however the DRC could look into making 400 E. a no parking zone if the Planning Commission recommends it.

Commissioner Curtis asked why this zone change was approved, along with the additional multifamily housing to the North of the grocery store. Mr. Bond explained that these zone changes were approved by the City Council. He reported that the rezoning was due to the location of the property next to the Grocery store and the access to the interchange. Mr. Bond stated that it was indicated that the land behind the grocery store won't have good visibility and would provide high density residential housing close to the amenities available on Main Street, etc. Mr. Bond clarified that part of Mr. Degraffenried's property was rezoned as R-8 where single family homes will be built.

Commissioner Wood pointed out that he doesn't see multiple access points for this project. Mr. Bond explained that the fire department brought this up and communicated with the developer that they will need to connect the dead end accesses or shorten them. Commissioner Curtis noted that he sees the need of looping the driveways, but noted concern about increasing traffic speed next to the playground. He suggested that the playground location is reconsidered if the driveways are looped for connectivity.

Commissioner Wood noted that where the sidewalk fronts units 16-20 that the fence will be close to the sidewalk and may create a narrow alley way; he suggested that the developer look into mitigating this.

### **PUBLIC HEARING-Three Four One Townhomes Concept Review**

*The Planning Commission will review a concept plan for a proposed three-unit townhome subdivision located at 341 E. 100 S.*

Mr. Bond reported that this proposal includes 3 townhomes. He noted that the proposed garages are 24 feet by 24 feet, which would allow the garage to be counted as two parking spots. He added that additional guest parking would also be required.

Commission Chair Wood opened the Public Hearing at 8:20 p.m.

Mr. Reeves read public comments that were submitted for this agenda item (See Attachment 'F'). All of the public comments were opposed to this development.

Mr. John Money stated that he has owned this property for the past three years. He denied the allegations made in public comments regarding him bothering neighboring property owners, after they had stated that they wouldn't like to sell their property. Mr. Money noted that many people have been interested in this property. And that he has kept the community in consideration.

Commission Chair Wood closed the Public Hearing at 8:45 p.m.

Mr. Bond showed the proposed renderings of the 3-plex (See Attachment 'G'). He noted that there is a provision in the City Code that requires the units to front the street. The proposed plan shows the units fronting away from the street. Mr. Bond acknowledged that this is a concept review and many items will need to be addressed.

Mr. Bond explained that development improvements such as curb, gutter and sidewalk are usually required up front. However, a deferral agreement may be requested by the applicant. The City Council would ultimately decide if the improvements can be deferred, or not.

Commissioner Wood noted for those residents that are concerned; the process of ensuring that this project meets code will be continued into the preliminary review. Commissioner Adcock asked how a deferral agreement would work, if each unit has a different owner. Mr. Bond acknowledged that this is a good point for the Council to consider when reviewing it.

Commissioner Wood expressed concern regarding the sidewalk and the fence on the East side creating a type of alley way. He suggested that this is looked at.

## **PLANNING COMMISSION BUSINESS**

Approval of minutes from

March 24, 2020

April 14, 2020

**Motion:** Commissioner Adcock motioned to approve the minutes from March 24, 2020. Commissioner Tolman seconded. The vote was unanimous in the affirmative.

**Motion:** Commissioner Adcock motioned to approve the minutes from and April 14, 2020. Commissioner Gunnell seconded. The vote was unanimous in the affirmative.

Commissioner Gunnell asked if there is an update regarding the Ercanbrack property. Mr. Reeves explained that he is working with Mr. Ercanbrack and things are still moving forward. He explained that it will be brought before the Commission when it is ready.

Commissioner Tolman asked what it would take to put a moratorium on high density housing. Mr. Reeves explained that a moratorium cannot prevent current developments moving forward, but it

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could prevent new multifamily housing for a certain period of time. He indicated that if the Planning Commission would like they could ask that the Council consider to do this along with the general plan update. Commissioner Curtis asked that this is included on the next Planning Commission meeting agenda.

**ADJOURNMENT**

Commissioner Tolman motioned to adjourn at 9:07 p.m.



Trevor Wood, Commission Chair



Kira Petersen, Deputy Recorder

Planning Commission,

I would like to share with you my concerns about the proposed rezone ordinance language change. It seems harmless enough to change “must comply” to “should consider”, but this does not simply clarify our code, it changes the entire intent.

These guidelines are set to not only protect the current businesses, but residence and future businesses as well. Imagine sitting down to play chess and all of a sudden your opponent takes their pawn and skips it across the board and says king me - they tried to win by playing checkers - you didn't know they changed the rules of the game mid play. That's exactly what this ordinance change would be doing. It totally disregards our rules to allow for any change at any time with no accountability.

The word should means “plan to, intend to, or expect to”

I “should” drink more water, I “should” exercise, I “should” put down the chocolate. But I don't. Why? Because Should has no accountability.

I fully support clarifying an ordinance to make it more black and white but not to add ambiguity to it. To change this wording to justify making a decision that would otherwise be out of compliance is wrong. Plain and simple. I ask you to vote no to changing the rezone ordinance with this particular wording. Truly ask yourself what this rezone ordinance change would mean to your neighbors, to your children, and to your grandchildren, because they'll be left to deal with the lasting effects of whatever decision you make.

I think most of us are familiar with the old Scout sayings “be prepared” and “leave it better than you found it”. This change does neither of those things. This change would open us up to NO guidelines to base our future decisions. I know the city council has the right and the power to make this change, but I don't know how morally correct it is to change an enforceable ordinance to one that can be interpreted on a whim by 5 people whom will change every few years. You may trust the decision making abilities of this council, or this mayor, or this city manager, but what about the next? As stated this ordinance with its checklist protects our future builders, they know exactly what they need to present when they come. When they want exceptions made they will propose changes, but we have to have some enforceable guidelines, black and white, that allow for our city to make fair decisions for every applicant, not just those who have the most money or most appealing plans.

Certain criteria must be met to justify the rezoning to ensure the goals of the General Plan are being progressed. The State requires we have a General Plan, but what's the point of having that plan if the City Council can change the direction of growth/development in the city with no regard to that plan? Our current general plan is outdated NOT our rezoning ordinance. If anything needs updating or modifications it is the general plan. In my research this current ordinance is within state code and does not require modification at this time. If the city feels otherwise, I encourage them to set forth actual enforceable criteria that MUST be, not Should Be met. If this change is approved, we are setting a trap for ourselves to become victims of many unacceptable changes. Please don't let this happen on your watch. Thank your for your time and service, Chelsea Rowley



## MEMORANDUM

To: Santaquin City Planning Commissioners  
From: Benjamin A. Reeves, Santaquin City Manager  
Date: April 28, 2020  
Subject: Advisory Role of the Planning Commission (Appointed Officials in General)

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Planning Commissioners,

During the April 14<sup>th</sup> Planning Commission (PC) Meeting, Commissioner Brad Gunnell referred to a portion of Santaquin City Code which is inconsistent with other portions of the code, inconsistent with Utah State Code, and is inconsistent with the historic approval practices of Santaquin City regarding the “Rezone of Property”. I want to express my personal appreciation for the work of Commissioner Gunnell for the thorough review of our code, which has shed light on this issue.

### Santaquin City Code states:

#### Chapter 1

#### PLANNING COMMISSION

#### 2-1-2: PURPOSE:

The planning commission shall make a recommendation to the legislative body for:

- A. A general plan and amendments to the general plan;
- B. Land use ordinances, zoning map, official maps, and amendments;
- C. An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- D. An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- E. Application process that:

1. May include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
2. Shall protect the right of each:
  - a. Applicant and third party to require formal consideration of any application by a land use authority;
  - b. Applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
  - c. Participant to be heard in each public hearing on a contested application. (Ord. 01-02-2007, 1-24-2007, eff. 1-25-2007)

**Utah Code states:**

10-9a-503. Land use ordinance or zoning map amendments - Historic district or area.

- (1) Only a legislative body may amend:
  - (a) the number, shape, boundaries, area, or general uses of any zoning district;
  - (b) any regulation of or within the zoning district; or
  - (c) any other provision of a land use regulation.
- (2) A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.
- (3) A legislative body shall comply with the procedure specified in Section 10-9a-502 in preparing and adopting an amendment to a land use regulation.

**Utah Code further states:**

10-9a-502. Preparation and adoption of land use regulation.

- (1) A planning commission shall:
  - (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);
  - (b) hold a public hearing on a proposed land use regulation;
  - (c) if applicable, consider each written objection filed in accordance with Subsection 10-9a-205(4) prior to the public hearing; and

- (d) (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and
  - (ii) forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).
- (2) (a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.
- (b) After providing notice as required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):
- (i) as proposed by the planning commission; or
  - (ii) after making any revision the legislative body considers appropriate.
- (c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.

#### Santaquin City “Practice”:

It has always been the “practice” of Santaquin City to comply fully with the aforementioned. Planning Commissioners, like many members of the City Staff, are “Appointed Officials”. Planning Commissioners are appointed for the specific purpose of evaluating land-use decisions and providing recommendations to the legislative body.

#### Potentially Conflicting Code:

During the April 14<sup>th</sup> PC Meeting, Commissioner Gunnell astutely pointed out that Santaquin City Code, Section 10-7-6 Rezoning, states in Paragraph C “In order to grant an approval for the rezoning of property, the planning commission and city council must find that:...” and goes on to outline the findings to be considered.

The conflict is due to the use of the words “and” and “must”, which could be interpreted that a rezone could not be approved without an “approval” of the PC. In other words, the city council’s authority would be subject to the authority of the PC. Of course, this is inconsistent with the aforementioned.

### Resolution:

To resolve the conflict of code, Santaquin City Staff initiated the modification to the code that is before you this evening for your recommended consideration and for the input from the public through a public hearing.

C. Requirements For Approval: ~~In order~~Prior to granting an approval for the rezoning of property, the planning commission and city council ~~must find that~~should consider the following criteria:

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

### Council's Involvement:

It is important to note that because this initially came from the discovery of a planning commission member and was initiated by city staff, the Santaquin City Council has never had the opportunity to weigh in on this issue. This issue has in fact never been on a City Council agenda.

### Appointed vs. Elected:

Like appointed members of the city staff or appointed members of other city boards (e.g. *Museum Board, Library Board, Recreation Board, etc.*), the opinions and insights of Planning Commissioners are highly valued and respected by the legislative body. However, appointed officials act in an “advisory” capacity but ultimately, under Utah State Law, decision-making authority remains with the people’s elected representatives. Furthermore, elected leader authority, provides an important “check and balance” due to the fact that the people have a voice in their selection, whereas appointed officials, myself included, are not subject to voter approval.

Thank you for taking the time to read this very long memo.

Warm Regards,  
Benjamin A. Reeves  
Santaquin City Manager

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Angie Baldwin

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

James Baldwin

We are opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Travis and Crystal Young

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Rebekah Hawkins

Hello, I'm opposed to the proposed amendment to Santaquin City Code 10-7-6.

Thanks,  
Patrick Drollinger

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.  
Please consider the citizens of Santaquin who will be affected and not just businesses and developers.

amber howarth

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

**Thanks,**

**Tina Beck**

"I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning, Nicole Preston - Please remember not everyone wants lots of big tall townhomes everywhere. We need to focus on bringing more permanent families to our community.

**Nikki Preston**  
**801-376-3792**

Hi -

*"I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning."*

*Thank yo so much, Gina Drollinger  
1095 E 270 S"*

Santaquin City Planning Commission

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Pamela Colson  
Santaquin City Resident

I am OPPOSED to the proposed amendment to Santaquin City Code 10-7-6.

Lisa Eisenstat  
82 N Angelous Dr  
Santaquin

Greetings,

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Thanks,  
Richard Elliott  
[278 South 1060 East](#)  
[Santaquin, UT 84655](#)

Greetings,

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Thanks,  
Mindy Elliott  
[278 South 1060 East](#)  
[Santaquin, UT 84655](#)

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning. Some have claimed that this change is needed to ensure City Code is not in conflict with State Law. I have spoken directly with an attorney at the Office of the Property Rights Ombudsman at that State and she was very clear in her assessment of this change: It is not needed to be compliant to State Code, the current wording of our City Code is 100% in agreement with State Code.

Thank you,

Jeffrey Siddoway  
[\(801\)735-4579](tel:(801)735-4579)

"I LeRoy Kinder am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning."

I oppose amendments to code 10-7-6 concerning rezoning.  
Pat Ames

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning re zoning.

Jeremy Hurst  
499 Slate Drive

I am opposed to the proposed amendment to Santaquin City Code 10-7-6  
Suzanne van Beek

I am apposed to the proposed amendment to Santaquin city code 10-7-6 concerning rezoning.  
Cathy Bradley, [971 E Lambert](#), [Santaquin](#), [Ut 84655](#).

I am opposed to the proposed ammendment to Santaquin City code 10-7-6 concerning rezoning.  
Bruce Bradley  
[971 E. Lambert Ave](#)  
[Santaquin, Utah](#)  
801-404-8175.

J FRANCISCO UGARTE

I am opposed to the proposed amendment to Santaquin City code 10-7-6.

Sent from my iPhone

I am opposed to the proposed amendment to the Santaquin City Code 10-7-6.  
Dina Reid

I am OPPOSED to the proposed amendment to Santaquin City Code 10-7-6.

Michael Eisenstat  
82 N Angelous Dr.  
Santaquin

Comment to be read for hearing 4-28-2020:

I am deeply disturbed by and opposed to the proposed amendment to Santaquin City Code 10-7-6. The superficially minor change in wording drafted will allow for rampant disregard for the well-being of citizens when possible rezoning cases arise. The proposed change in wording has been framed as merely a clarification, but it violates the responsibilities of the Planning Commission and City Council to represent and advocate for city residents. If there are reasons that make a change to code necessary, please ensure that it upholds the rights of citizens and duties of city officials.

Jody Reid

I am writing because I think the amendment to code being talked about (10-7-6) is a very bad idea. People should follow the city plan when doing new projects. It is crazy to not have order to how the city grows.

David Reid

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning. I think the change would be harmful to the future of the city. The current wording protects people who have adjacent properties, and works within the city's general plan, which should be a guiding document. If the general plan isn't right, it should be updated and followed.

Heather Reid

I am opposed to the proposed amendment to Santaquin City Code 10-7-6.

Janeen Dean

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.  
-Sarah Dowland

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.  
Kendra Orton

I am opposed to the proposed amendment to Santaquin city code 10-7-6 concerning rezoning.

Best,

DeVin Orton

I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Gail Mandrell  
1205 E 150 S  
Santaquin, UT

Santaquin City Council,  
I am opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Melonie Smith  
286 S 1060 E  
Santaquin, UT

I am strongly opposed to the proposed amendment to Santaquin City Code 10-7-6 concerning rezoning.

Dixie Dalton

C. Requirements For ~~Review~~Approval: ~~In order~~Prior to making a recommendation to the city council~~grant an approval for regarding~~ the rezoning of property, the planning commission, with the support of city staff, shall and city council must find that~~consider the following criteria:-~~

1. ~~The~~How closely rezoning conforms to the intent of the Santaquin City general plan and annexation policy plan;
2. ~~The~~Whether rezoning will ~~not~~ adversely affect surrounding properties; and
3. ~~The~~Whether rezoning will ~~not~~ cause property, structures, or uses of the property to unnecessarily become nonconforming according to this title.

The city council should consider the recommendation of, and any findings of fact provided by, the planning commission and the criteria of this paragraph before approving a rezone of property.

Dear Santaquin City Community Development Department,

I am opposed to Mr. Jimmy DeGraffenried's proposal of a 20-unit townhome development located at approximately 200 North and 400 East for the following reasons:

- High density pockets of housing create an added policing presence
- 400 East and surrounding roads are inadequate for increased traffic especially considering there are no sidewalks, curbs or gutters
- Rental housing erodes tax base for schooling while increasing students enrolled in said schools
- Rental units promote transient housing and future pockets of poverty
- Rental units detract from Santaquin being a lovely rural community for single family homes

Perhaps some efforts can be put into occupying the empty business spaces on Main Street rather than selling existing property to new businesses and /or rental units.

Looking forward to new name for Santaquin "Orchard Days" as it appears we will no longer have any orchards or clean, open rural spaces. I am saddened that our community will no longer attract people looking to invest in property in order to raise a family.

Kind regards,

AnneMarie Eisenberg  
On behalf of the Patricia Foster Family Trust

This zone change should not be approved, and these town homes should not be built. If this zone change is allowed what's to stop anyone with a few acres from building these? If citizen "A" can build for the most profit why can't citizen "B" or "C" or "D"? When does it end? What else is there to protect us other than the zones in which we buy our property? I disagree with this zone change.

Derrick L.

This should not be allowed, you should not be allowed to change zones "willy nilly" in order to build whatever you want. These zones are what protect Santaquin and those who live here. Mr. DeGraffenried is a great man, he has a right to develop his land but should do so responsibly and according to his zone, allow him to develop single family units. The people of this town have voiced their disapproval, time and time again, of multifamily/high density units. PLEASE listen to the people!

Thank you  
Taylor Larsen

Dear Planning Commission,

I am writing in opposition to the proposed 3-unit development located directly to the West of the land that my family has owned for more than 5 generations.

My family would like to preserve the neighborhood by keeping new construction to match the single family homes that are already in our area. I am the son of the current owner of the land located at 375 E. 100 S. and it is my desire that his concerns be listened to with thoughtful consideration, my father is a man of honesty and integrity. A couple to several months ago my father indicated to my siblings and I that he was asked if he would be interested in selling his property, partially or in its entirety, my father politely declined. After a while later, the same individual tried using different tactics to try and get my father interested in selling, some of which could be considered borderline harassment and unethical. I do not approve of the manner in which Mr. Money has gone about trying to acquire additional land for his development.

Now to the building concerns. I would like to stress that our family will expect that all building and zoning codes will be strictly adhered to during the construction process, the owner/builder will need to hold to building setbacks. We will also expect that all construction material and refuse be cleaned up and not allowed to blow/drift into surrounding properties. Our land will not be used for building/construction staging or lay-down areas.

This development has caused many feelings within the community and surrounding home/land owners in which this proposed 3-unit town-home is to be constructed, most if not all are in opposition to this development, and many have proposed alternates. As a future land owner and probable builder in Santaquin I would like to state that my voice be made in favor of keeping to single family units in the area of question.

Thank you for your time and consideration.

Best regards,  
Daniel Hughes

Good evening. Let me first introduce myself as I do not currently live in your beautiful town. My name is Carrie Dunn, my father Robert Hughes owns the acre property directly East of the purposed triplex. It has been in our family since my great grandparents Kate and Bert Armstrong and passed on to Joyce Hughes and now to my dad. Our family has so much love for the town and the people living there.

I've spent hours researching zoning and different codes. However Mr. Money has also done his research as well and found almost every avenue to get around possible issues.

There are things other than zoning codes that can still be a concern. He is overwhelming one small plot with three families. I'm not sure he'll find many people want to move to Santaquin in a small subdivision when there is land all around they could build their own home on. Take a look at the Town homes near the school that remain empty.

\*I did not see in his purposal whether the units will be for rent or to purchase to own. There are concerns for both options. When renting tenants are rotated all the time. With selling they may remain vacant like the town homes down by the school that continue to be.

\* I was told that part of his requirements was to build a 6' masonry fence on his land as a barrier between our lot and his. Which we would expect no less.

\* Mr. Money has been harassing my family for over a year to get some of our land. Calling my dad repeatedly, showing up at his home in Salt Lake at 9pm, and even being deceiving about what he wanted to do with the property. I'm not sure if anyone will be comfortable with a dishonest investor/developer inserting himself in this quaint town.

I'd also like to hear some reasoning behind the city council voting against multi family living in all residential areas with the exception for Mainstreet Residential. Especially when it was opposed for the other side of the street! There must be reasons that it was opposed in other residential areas. What were they? What makes the North side of the street different from the South side? I was told that the time for our voice to be heard had passed at the time it was voted to allow multifamily living. I hope this is an inaccurate statement as no one or at least anyone I know living there was notified that was being voted on.

I don't want this town I love so much to turn into any and every city. Santaquin is special, the people are special, the atmosphere is special. Take it from someone who lives in Salt Lake this is not what we want the beautiful city of Santaquin to become. It will change the dynamic of the small town, taking part of the charm it has away.

My family and I look forward to being a part of your great community in the near future.  
Thank you for your time,  
Carrie

### **Comments pertaining to 3 Unit Townhome Sub 341 E 100 S**

Dear Zoning and Planning:

When I was very young I was at the neighbor's house playing, when my mother called and said "come home quick". I thought there was an emergency so I ran home quickly, seeing my mother in the street. When I got to her she stopped me and said. "Listen, Listen to the bird". I stopped running and heard a small bird whistling in the distance. She told me the bird was whistling, "Santaquin, is a pretty little town". I was so excited to hear the bird and look around our small community and agree". Santaquin IS a pretty little town." Now some 50 years later what is happening? I understand that our community has grown and will continue to grow. Yet I am concerned about how the plan is being implemented and who is in charge. Are we allowing the developers to run this plan, building their financial adventure, and then moving on leaving us stuck with the next disaster, or is our Voted City Officials running the show and leading the developers on a path that is in Santaquin's best interest?

As I researched, I found that

Zoning is a tool that most cities use to govern "uses" (e.g. residential, commercial, or industrial), the size of buildings, and how buildings relate to their surroundings, including other buildings, open spaces, and the street.

When I drive through Daybreak in the West Valley area I am impressed with how they have tied the types of construction together and created a community that compliments its surroundings and the neighborhood. This concept for a 3 unit town home may meet the zoning ordinance but it does not meet the concept of its surroundings and open space around it. It also is so close to the property line that is overwhelms the homes and neighborhood. We as a community, are trying to CLEAN UP the core part of town and have the types of homes that compliment each other. The size of lot 341 E 100 South does not offer itself to that large of a building, shading the neighbors solar panels, and towering over them, but may invite the idea of a Twin Home/ duplex but nothing larger than that. Also having the front doors on the East side facing the Busath's home rather than the street, is not inviting nor is it visually attractive.

Years ago the planning commission authorized a large home to be placed on the lot at 200 South 226 East. The Contractor poured the footings and slid a large house in sideways with the front door facing the back door of the neighbor's home. Obviously the lot was not large enough for that home and it has declined the neighborhoods value and once again caused the core part of town to appear neglected.



226 East 200 South



Front Street view of 226 East 200 South

Lets not make this mistake again. The neighbors have called it Motel 6 ever since it was established. Big Mistake

Another concern is the playground being placed in the back North East corner. The lot north of that is in terrible condition breaking the nuisance law in Santaquin:

#### 4-2-2-2: REAL PROPERTY TO BE KEPT CLEAN:

It shall be a violation for any person owning or occupying real property to allow weeds to grow so as to constitute a nuisance and/or a fire hazard under section [4-2-2-3](#) of this section [4-2-2](#), or not to remove from such property any cuttings of such weeds or any refuse, **unsightly or deleterious objects** after having been given notice from an inspector of the City or the County Health Department, as herein provided. (Ord. 05-07-2015, 5-20-2015, eff. 5-21-2015)

[https://www.sterlingcodifiers.com/codebook/index.php?book\\_id=303e](https://www.sterlingcodifiers.com/codebook/index.php?book_id=303e)

The condition of the northern property should be a concern to the city and Mr. Money possibly putting childrens lives in danger. A fence is one thing but the neglect with stagnant water, neglected animals, and health department violations need to be considered.

My concern as a neighbor, city resident, and tax payer is that I have put my trust in you as our Planning Commission representatives to consider the quality and appearance of what Santaquin should represent. We are all good tax paying citizens and expect our City Officials to be our voice and restore the Core of Santaquin to the quality city that it should be. To make it the “pretty little town “ that my mother shared with me when I was young. You may not live in the core part of town but you are my voice and should want to build the city up by building homes and stuctures that are inviting to the quality of people we want in our community. Our new development should not be piece milled or thrown together. It should have thought and consideration for those around it. Please consider the

voices of us that have shared. We are just as financially concerned as Mr. Money but we are also emotionally vested in our community and will not be walking away.

Sincerely

DaLayn Bing  
159 South 300 East  
Santaquin, Utah

My name is Robert Hughes . I'm the owner of the acre lot to the East of the proposed.

I appreciate the opportunity to express my concerns about the proposed project.

My family has been on this lot for more than 100 years. Two of our children are planning to build single family residences ,each on half of the acre lot. This is in keeping with the rest of the established neighborhood. We, along with the neighbors , must have some say on what is approved.

My feeling is that 3 units would be extreme for this size property and for this neighborhood.

I think its appropriate for me to mention that we don't approve of Mr. Money's tactics in trying To obtain our property. He has bothered my mother for over a year with letters and phone calls to talk her into selling to him even after she made clear her plans. When I became the owner he continued to call various times. He has bullied my nephew and his family lately. He sent his employees to our home in west valley city several times Offering more money .This may be common in his business but A simple NO should have Sufficed long ago. We don't look forward such dealings in the future. This should be considered In your decision.

**Please limit this proposal to a duplex with provisions for plenty of off-street parking.**

Hello and thank you for taking the time to read these comments.

In reviewing the supplied information for the proposed subdivision and reviewing the Concept Development Review Submission Requirements as well as the Santaquin Master Plan I do have some questions and concerns.

A question and concern is in relation to the plat size and density of units per acre. As a 1/4 lot with a proposed 3-unit Townhome subdivision proposed would this not violate 10-6-6 B?

In reviewing 10-6-6 B which shall apply to developments having two to 4 units Parking standards should meet the requirements of 10-14-4 and a maximum 35% of the area is required front setback may

be used for automotive parking and drive aisles. with the supplied plan drawing it does not appear to conform to the standard.

Open space is also a concern as it does not appear to provide the needed 700 square feet of usable recreation open space per unit.

In reviewing 11-6-13 Easements the supplied plan drawing does not appear to conform to the standard PUE for newly planned subdivisions of 15' in width along all side property lines. If that standard is to be met the the standard 11-6-12 for residential driveways for a minimum width of 12' may not be able to be met as well.

In reality with multiple units occupying this space parking will be a concern. Car ownership in Utah and as a national average is 2 vehicles per household and plan drawing does not appear to supply adequate parking for the residence. This would result is the nuisance of overflow street parking and would violate 10-14-4 in the number of parking spaces required. which states that 2 parking spaces per unit. Garages will be counted as 1 parking space unless the garage dimension is a minimum of 24' x 24' with at least 20' for the opening, whether 1 door or 2 door, for vehicle entrance in which it would count as 2 parking spaces

Aside from the perception that there is simply just too much building, too much drive way and not enough parking it is just too little space for what appears to be desired by the builder.

Thank you again for your time in considering this strong opposition to the building of this 3 Unit Town Home subdivision.

Dear Planning Commission,

Thank you for taking the time to read and consider my feedback regarding the proposed 3-unit townhome subdivision located at 341 E 100 S.

My first thoughts regarding this proposal are in regard to Mr. John Money himself. A little over a year ago, Mr. John Money approached me as a resident of 375 E 100 S, asking if the landlord would sell part of the lot to him. At the time, Joyce Hughes owned the property and was not doing well with regards to her health. Mr. John Money did not show any sympathy or respect, but instead pressured me to relay the message that he wanted to buy the property. When I informed him that I didn't think she would sell and that I didn't think she was in a position to make that decision, he again, without respect or compassion, pressured me into finding out if she would be willing to sell.

Since then, I have heard stories of how Mr. John Money has harassed and pressured Mr. Robert Hughes, my current landlord, into selling the land, even showing up at his door at an indecent hour and lying about the reason for wanting the land, stating that Mr. John Money wanted it to build a nice little house for his *own* family.

With my experience and the experiences of my landlord, I am hesitant to encourage the city to allow Mr. John Money to invest and develop in this town.

My next thought regarding this proposal is in regards to the Santaquin City Council's purpose for developing and managing the land within the city. According to city code 10-1-2, the purpose and intent of the city council is to **"promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the city by guiding development"** within a comprehensive plan, including, but not limited to:

A. **"Encourage and facilitate *orderly* growth..."**

E. **"Discourage the overcrowding of land and undue concentration of population."**

G. **"Stabilize and improve property values."**

I. **"Promote a more attractive and wholesome environment. (Ord. 2-01-2001, 2-5-2002, eff. 2-5-2002)"**

I would like to now ask the city these questions:

- Is cramming three families on a small lot encouraging *orderly* growth in the city?
- Is it discouraging the overcrowding of land?
- Is it improving the current property values in the neighborhood?
- Is a possible 40-foot tall triplex unit (the maximum height allowance), facing away from the street, promoting a more attractive and wholesome environment?

If the answer to these questions is "yes," then I believe the city council is upholding its purpose in developing and managing the land.

However, I believe the answer to these questions is a resounding "no." I do not believe this is promoting orderly growth within the city or that it is discouraging the overcrowding of land. I feel very strongly that a triplex unit in a neighborhood already filled with multi-family dwellings on each street is decreasing the property values of those already living in the area. I also disagree that a triplex unit, whose entrances face away from the street, is attractive and promotes a wholesome environment.

Understanding that this proposal is in the beginning stages and there are lots of designs and details to be discovered, I would actually like to propose that Mr. John Money use this land to help improve the city instead of detracting from its value. A duplex, instead of a triplex, would be better use of this particular lot. A duplex, whose entrances could face the street, would be more sensible and have better placement within this lot. A duplex would allow for greener landscaping, less parking, and less height of the building. I have talked with many of my neighbors who agree that a duplex would be a much better option for our city and neighborhood than a triplex.

Or, another option would be for Mr. John Money to build a nice little house for his *own* family as he stated to Mr. Robert Hughes.

Again, thank you for your time and consideration of my feedback.

Sincerely,

Julie Busath, a concerned resident of 375 E 100 S, Santaquin.

To: Santaquin City Council & Planning Committee

I realize our community is growing by leaps and bounds but I would like to see it be a benefit to those of us who have established homes here for years. In our one block area we have the trailer court and 5

multiple dwellings which is overwhelming. I think it would be great to have a two unit town home on the suggested lot and not the three suggested.

I am disappointed in the Condos built on main street that overwhelm the street and area with no green area available. They are not an asset to our community and I am disappointed that they were approved without concern to build with the theme of our town.

That was a mistake on those we elected to take care of and protect our city lets not make the same mistake twice by approving the proposed subdivision on 341 East 100 South. This building will affect the value of the surrounding properties who have plans in the future to build.

Building should be an asset to a community done with pride. I see neither in this plan for a 3 unit town house in our neighborhood.

Some of my concerns on this property are listed below:

- \*Just provided with a concept not actual plans
- \*How much parking space is actually provided - residents and visitors
- \*Square footage of each dwelling
- \*How many floors and bedrooms
- \*What is the estimated cost of buying one of these dwellings

\*One other great concern is the property adjoining the north end of the proposed construction which should be condemned because of the garbage, trash and animals in the yard. As far as I am concerned this is a health hazard to future residences on the proposed building property.

Please take in to consideration the concerns of the residents in this area. We take pride in our community and hope the city and developer will also.

Holly Peterson

I am opposed to this project at 341 E 100 S There has been many throughout town and it looks awful it is to small of a lot forcing tall unsightly structures taking away from the neighborhood and lowering home values to existing homeowners. I say NO !!!!

Nolan J

I am opposed to this unit. Why do we keep building these all over town? It takes away from the neighborhood. Wendy Jensen