



**Planning Commission Member's in Attendance:** Kylie Lance, Brad Gunnell, Art Adcock, Trevor Wood, and Michelle Sperry.

**Other's in Attendance:** Community Development Director Jason Bond, Robin Stevens, Craig Hone, Van Rogers, Helen Kester, Avery Fitzgerald, Brandi Fitzgerald, and Ali Strasburg.

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

**Inspirational Thought:** Commissioner Lance shared an inspirational thought.

**Pledge of Allegiance:** Commissioner Sperry led the Pledge of Allegiance.

**Public Forum:**

Commission Chair Wood opened the Public Forum at 7:01 p.m. and closed it at 7:02 p.m.

**DISCUSSION AND POSSIBLE ACTION ITEMS**

**PUBLIC HEARING- A Proposed Amendment to the Regulations of the R-8 Zone**

*The Planning Commission will consider modifying Santaquin City Code 10-7-A, to remove multiple-unit dwellings as a permitted use in the R-8 Residential zone.*

Mr. Bond noted that recently the Planning Commission worked on a recommendation for the City Council regarding multifamily dwellings in Main Street Business District zone, which tonight's amendment would not affect. It was the Planning Commission's recommendation to label multifamily units in the Main Street Business District as not permitted, but to consider replacing them with a detached accessory dwelling unit (ADU). He clarified that this was a conceptual recommendation that hasn't been explored further. The Council decided to instead strategically plan where planned unit developments PUD's should be located. The Planning Commission has also spent time discussing the desired Amenities for PUD's in certain areas. Mr. Bond indicated that updates are needed to modify the moderate income housing plan for the City as is mandated by the State.

Mr. Bond explained that there has been feedback of the residents in the R-8 zone that they don't like multifamily housing. He reported that this public hearing is the proposal to remove multifamily housing as a permitted use in the R-8 zone (See Attachment 'A'). Mr. Bond clarified that with this proposal multifamily housing would still be permitted in the Main Street Business District zone, the Residential Commercial zone, or PUD's with a rezone. He clarified that 'multifamily' is defined in City Code as applying to anything that is three units or more.

Commission Chair Wood opened the Public Hearing at 7:08 p.m. and closed the Public Hearing at 7:08 p.m.

Commissioner Lance explained that she prefers to see high density housing in PUD's because they are maintained and regulated by an HOA. Commissioner Wood pointed out that the Planning Commission has forwarded multiple recommendations in the past to the City Council regarding removing multifamily housing as a permitted use in the R-8 zone. Mr. Bond explained that PUD's would be a separate issue, from this public hearing. Commissioner Wood clarified that the Council hasn't addressed the PUD ordinance yet and thinks that it should be included in the Planning Commission's recommendation.

Commissioner Gunnell asked if this amendment would affect mother in law apartments. Mr. Bond explained that it wouldn't because they are a different classification. Commissioner Adcock stated that he doesn't like the ambiguity in the definitions of code for multifamily housing and whether it applies to two or three unit dwellings. He thinks that this should be clarified. As defined in City Code 10-6-6, multifamily housing is characterized as three units or more. On the contrary there is a section under multifamily housing subject to 10-6-6 that refers to multifamily developments with two to four units. Mr. Bond communicated that it would be appropriate to create another category and specify whether two family dwellings are permitted, or not as part of this amendment. Both Commissioners Gunnell and Adcock indicated that they were ok with duplexes being allowed in the R-8 zone. Mr. Bond pointed out that most of the recent developments in the R-8 zone that have caused controversy are two-unit dwellings.

Commissioner Lance explained that, because of the community's reaction she would like to see duplexes also be prohibited in the R-8 zone. She also recognized the push back that removing duplexes would incur from developers. Commissioner Adcock asked if duplexes in the R-8 zone would fall under the distance requirement for multifamily housing. The restrictions for two-unit dwellings was reviewed, and it was determined according to City Code 10-6-6B that they still have a proximity requirement of 250-foot radial distance between duplexes.

Commissioner Gunnell changed his position and decided that duplexes and twin homes should not be permitted in the R-8 zone due to upkeep and maintenance issues. Commissioner Lance asked if expanding the radial distance permitted between duplexes in the R-8 zone should be discussed. Mr. Bond noted that any changes recommended tonight (pending the Council's approval) would only apply to new applications.

Commissioner Sperry agreed with Commissioner Lance regarding disallowing duplexes in the R-8 zone. She believes eliminating them altogether is a better option than increasing the radial distance allowed. Commissioner Lance pointed out that ADU's are still a great option for affordable housing in the future. Commissioner Adcock expressed his hope that ADU's aren't pushed back too far and that they are included in tonight's recommendation.

**Motion:** Commissioner Lance motioned to make a positive recommendation to the City Council to approve the proposed verbiage for an amendment to the R-8 zone: Which would specifically

not permit two family dwellings and multiple unit dwellings in the R-8 zone. As well as encourage the City Council to look into the addition of ADU's in the R-8 zone, and put PUD's on their agenda in the near future. Commissioner Sperry seconded.

Roll Call:

Commissioner Lance	Aye
Commissioner Sperry	Aye
Commissioner Gunnell	Aye
Commissioner Adcock	Nay
Commissioner Wood	Aye

The motioned passed 4 to 1.

Helen Kester missed the Public Hearing and asked for a chance to speak. She explained that she lives in the R-8 zone and asked for the proximity requirement for multifamily housing in the R-8 zone. Mr. Bond explained that the motion the Planning Commission recommended to the City Council was to exclude multifamily units and duplexes in the R-8 zone. He clarified that this is just a recommendation to the City Council and it is up to them to decide. Ms. Kester shared her belief that quality of life is important, and that multifamily housing is ruining that for her in the R-8 zone. She stated that she has neighbors who are against multifamily housing as well and asked for moratoriums on these uses.

**Mining Zone**

*The Planning Commission will review a proposed amendment that would modify Santaquin City Code Title 10 Chapter 2 to include definitions regarding mining. They will also consider the creation of a new mining zone.*

Mr. Bond explained that the Planning Commission has spent multiple meetings looking at this proposed mining zone. He reviewed the proposed changes that the Commission suggested to the proposed mining zone. (See the highlighted areas in Attachment 'B') Some of those changes include: Clarifying setbacks for structures and equipment at 100 feet from all property lines, and setbacks for operations at 500 feet from the property line. Requiring a 40-foot tracking pad at the egress point of the mining site. Indicating that there is no parking within the City right of way. Changing the approval body to the DRC rather than the Planning Commission. And setting the hours of operation from 7 a.m. to 7 p.m.

The proposed blasting requirements were reviewed. Commissioner Wood recommended that the location of where the Particle Velocity measurements are taken is specified to require that measurements must be conducted on the property. Commissioner Gunnell suggested that it is measured within 300 feet. Commissioner Gunnell noted concern with the proposed setbacks affecting SITLA specifically.

Commissioner Lance asked what would happen if a mining operation doesn't comply with the ordinance. Mr. Bond referred to 10-7-6R-25 of the proposed mining zone, which would allow the

City to revoke a permit or business license if a mining operation doesn't comply with the ordinance. He noted that this is consistent with mass grading violation penalties.

Commissioner Wood suggested that the ordinance states the compliance must be maintained, rather than only addressing it in the application section. Commissioner Gunnell suggested that it is added in the section of Violations and Penalties.

Commissioner Wood allowed a Public Comment period for those in attendance.

Avery Fitzgerald expressed his concern regarding the 100-foot setback and doesn't feel that it is large enough. Commissioner Wood explained that the proposal includes two setbacks; the 100 foot is for staging and structures, and mining operations wouldn't be allowed within 500-feet.

Robin Stevens thanked the Planning Commissioners and Staff for the time and effort put into the mining zone. She pointed out that under reclamation, there is a sentence addressing reclamation after the conditional use permit. She thinks this came from the Mass Grading ordinance and suggested that the phrase 'after the conditional use permit' is removed.

Craig Hone explained that if this moves forward he will be impacted by this mining ordinance. He also thanked the Planning Commission for their time and effort put into this proposed mining zone.

Commissioner Wood encouraged those in attendance to follow this through the process to the City Council. He noted that the Planning Commission had asked for feedback from those in the agricultural community and haven't received it. He indicated that he would like to see input from the agricultural community included before the City Council finalizes the language. Commissioner Adcock noted that even though the recommended language prohibits batch plants, there is at least one Council member who is in favor of them. He stressed the importance of following this ordinance to the City Council.

Mr. Bond explained that the motion will need to include an amendment to the definition section, as well as recommending language for the new mining zone.

**Motion:** Commissioner Gunnell motioned to forward a positive recommendation to adopt the amended and added definitions as proposed, to Title 10 Chapter 2 in the City Code. As well as adopting the proposed Article R for an M-1 Mining Zone to be implemented in the City Code. With the recommendation that the City Council seek input from the agricultural community regarding the proposed Mining Zone. Commissioner Lance seconded.

Roll Call:

Commissioner Lance	Aye
Commissioner Sperry	Aye
Commissioner Gunnell	Aye
Commissioner Adcock	Aye
Commissioner Wood	Aye

The motioned passed 5 to 0.



**PLANNING COMMISSION BUSINESS**

Approval of minutes from:

August 27, 2019

**Motion:** Commissioner Adcock motioned to approve the minutes from August 27, 2019. Commissioner Gunnell seconded. The vote was unanimous in the affirmative.

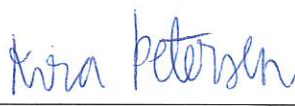
Mr. Bond reported that it is expected that a public hearing will be set for the September 24<sup>th</sup> meeting for an update to the general plan. He also explained that at the work meeting the applicants for the Ekin's annexation offered the Council and Commission members the opportunity to observe a blasting event. Council Member Montoya has indicated that she would like a tour and has also requested a tour of a batch plant. Julie Smith will provide dates for this in the future. Mr. Bond updated the Commission and explained that this is currently the middle of a protest period for the Ekins Annexation application. He indicated that a public hearing for the annexation could be held as soon as October 1<sup>st</sup>. Mr. Bond noted that he doesn't expect the Council to take action with the public hearing for the Ekins Annexation. He relayed that the applicant is working on a development agreement, etc. prior to the public hearing however, he believes more info is needed before a decision is made.

Commissioner Gunnell stated that September of last year there was a proposal to rezone west Main Street to Main Street Commercial (MSC), this included the Ercanbrack property. He explained that Mr. Ercanbrack wasn't opposed to the rezone, but wanted it to either include or exclude his whole property. Commissioner Gunnell described that when the City entered into a purchase agreement for the Ercanbrack property, they found out there was another offer for high density housing on the property. Commissioner Gunnell explained that in the event that the Recreation Center doesn't go through, he would like to see a rezone considered. Commissioner Wood asked what would happen to the Ercanbrack building if the Recreation Center doesn't pass. Mr. Bond explained that there is an option agreement, contingent upon whether the bond passes or not. The options could include the City still purchasing the building without the full \$12-million bond and holding the property, etc. He clarified that the option agreement will run through March of 2020. Mr. Bond clarified that MSC zoning would still allow multifamily housing, but would require a commercial element.

Commissioner Adcock noted that he won't be able to attend next week's meeting.

**Adjournment**

Commissioner Sperry motioned to adjourn at 8:27 p.m.

  
Trevor Wood, Commission Chair  
Kira Petersen, Deputy Recorder

# ORDINANCE NO. **DRAFT**

9-10-19

Attachment 'A'

Planning  
Commission

## AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE TO REMOVE MULTI-FAMILY DWELLINGS AS A PERMITTED USE IN THE R-8 RESIDENTIAL ZONE, 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 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 7 Article A Section 2 regarding permitted uses in the R-8 Residential Zone; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on September 10, 2019, 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 7 Article A Section 2 is amended as follows:**

(underlined text is added, stricken text is deleted)

#### **10-7A-2: PERMITTED USES:**

Land uses in the R-8 Residential Zone are permitted as follows. Alphabetic use designations in the table below have the following meanings:

P	The listed use is a permitted use within the represented area, based on City development standards and ordinances.
C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
N	The listed use is a prohibited use within the represented area.

Use	R-8
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Adult daycare	C
Assisted living facility - large	C
Assisted living facility - small in accordance with section <u>10-8-6</u> of this title	P/C
Caretaker facilities associated with a permitted or conditional use	C
Cemeteries	P
Child daycare centers	C
Crisis respite	C
Flag lots, in the core area only, subject to the provisions of <u>chapter 10</u> of this title	C
Golf courses and golf clubhouses (private and public)	P
Gravel, sand, earth extraction, and mass grading when necessary to accomplish the intent of a development project permitted within and in association with the R-8 Zone and with City Council approval and Planning Commission recommendation for approval of a plan detailing the scope and time schedule for the work to be done	C
Home occupations, in accordance with <u>chapter 12</u> of this title	P/C
Large scale developments	C
Multiple-unit dwellings inside the core area subject to section <u>10-6-6</u> of this title	<del>P</del> -N
Parks	P
Recreational vehicle (RV) parks	N
Religious center	P
Residential facilities for persons with a disability pursuant to <u>chapter 17</u> of this title	P
Residential facilities for the elderly pursuant to <u>chapter 16</u> of this title	P
Residential support facility	P
Schools	P
Sheltered workshop	C
Single-family dwellings and related accessory uses	P
Social or reception centers	C
Telecommunications sites. See subsection <u>10-6-34D</u> of this title	
Temporary uses, subject to the provisions of section <u>10-6-30</u> of this title	P
Treatment facility	N

(Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011; amd. Ord. 03-02-2014, 4-16-2014, eff. 4-17-2014; Ord. 02-01-2018, 2-7-2018, eff. 2-8-2018)

## **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. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, September 18, 2019. 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 17<sup>th</sup> day of September 2019.

\_\_\_\_\_  
Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Keith Broadhead	Voted	___
Councilmember Nick Miller	Voted	___
Councilmember Chelsea Rowley	Voted	___

ATTEST:

\_\_\_\_\_  
K. Aaron Shirley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )



I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 17<sup>th</sup> day of September, 2019, entitled

**“AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE TO REMOVE MULTI-FAMILY DWELLINGS AS A PERMITTED USE IN THE R-8 RESIDENTIAL ZONE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 17<sup>th</sup> day of September, 2019.

\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 17<sup>th</sup> day of September, 2019.

The three places are as follows:

1. Zions Bank
2. Post Office
3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by K. AARON SHIRLEY.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Residing at: Utah County

Definitions to be included in Title 10 Chapter 2 of the Santaquin City Code:

**MINING:** The process of extracting gravel, rock, sand, and other materials by way of excavation, quarrying, blasting, and crushing operations. Such soils or aggregate materials may be removed from the site and sold by the owner or its assigned agent. Mining shall only take place in an area approved to be zoned as "M-1 Mining Zone".

**BLASTING:** The controlled **detonation** of explosives underground by a qualified person to fracture, break and loosen rock for excavation and quarrying.

**HOT/BATCH PLANT:** Machinery or equipment used to create hot asphalt. The plant usually consists of a cold aggregate elevator with means for feeding, rotary dryer, either oil or gas fired, hot aggregate elevator, screening and classifying system, weight hoppers, and mixer.

## **ARTICLE R. M-1 MINING ZONE**

**10-7-6R-1: OBJECTIVES AND CHARACTERISTICS**

**10-7-6R-2: PURPOSE OF PROVISIONS**

**10-7-6R-3: PERMITTED USES**

**10-7-6R-4: LAND USE AUTHORITY AND APPEAL AUTHORITY**

**10-7-6R-5: INTERPRETATION, EXISTING OPERATION, AND RESTRICTIONS**

**10-7-6R-6: APPLICATION PROCESS**

**10-7-6R-7: FEES**

**10-7-6R-8: BONDING**

**10-7-6R-9: MARKETING OF MATERIALS**

**10-7-6R-10: AREA REQUIREMENTS**

**10-7-6R-11: SETBACKS**

**10-7-6R-12: FENCING AND SCREENING**

**10-7-6R-13: ROAD ACCESS**

**10-7-6R-14: ROAD MAINTENANCE**

**10-7-6R-15: TRANSPORTATION VEHICLE STANDARDS**

**10-7-6R-16: PARKING**

**10-7-6R-17: DUST STANDARDS**

**10-7-6R-18: NOISE STANDARDS**

**10-7-6R-19: ODOR STANDARDS**

**10-7-6R-20: TIMES OF OPERATION**

**10-7-6R-21: BLASTING**

**10-7-6R-22: LIGHTING****10-7-6R-23: DRAINAGE****10-7-6R-24: EXCAVATION AND BACKFILLING****10-7-6R-25: VIOLATIONS, PENALTIES, SUSPENSION, AND  
REVOCATION OF PERMIT****10-7-6R-1: OBJECTIVES AND CHARACTERISTICS:**

The M-1 mining zone has been established for the primary purpose of providing a location and conditions where mining can be carried out most appropriately and with minimum conflict or deleterious effects upon surrounding properties.

Other objectives in establishing the zone are to promote the economic well-being of the City and its residents. This zone is characterized as mining operations with the potential of intermittent open land served by streets, power, water and other utilities and facilities or where such facilities can be readily provided for purposes related to the mining operation.

**10-7-6R-2: PURPOSE OF PROVISIONS:**

This section is adopted for the purposes of establishing regulations for the safe, effective and viable removal of sand, gravel, rock, soil, and other materials through mining, excavation, and mass grading within this zone, by:

- A. Establishing regulations, safeguards, and controls in the incorporated areas of Santaquin City regarding noise, dust, traffic, drainage, and other factors which will minimize the environmental and aesthetic impacts on the mined, excavated, mass graded, or adjacent property.
- B. Reducing the potential for pollution caused by wind, soil erosion, and sedimentation.
- C. Establishing locations, an orderly approval process, and operating conditions under which such operations will be allowed in incorporated areas of Santaquin City and to establish conditions which ensure the mining or grading of land areas consistent with the existing and planned land use patterns.
- D. Ensuring that mining is only permitted when Santaquin City and the Division of Oil Gas and Mining (DOGM) have approved a site to be mined and have deemed it prudent to mine and/or extract the materials.
- E. Ensuring that proper reclamation of mined land is accomplished.

**10-7-6R-3: PERMITTED USES:**



Land uses in the M-1 mining zone are permitted as follows. Alphabetical use designations in the table below have the following meanings:

P	The listed use is a permitted use within the represented area, based on city development standards and ordinances.
C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
N	The listed use is a prohibited use within the represented area.

USE	M-1
Accessory buildings and parking lots	P
Commercial, heavy	P
Dwelling, caretaker	C
Mining, quarrying, rock, gravel, sand, earth extraction and mass grading	P
Crushing Operations, Stockpiling, Conveying	P
Hot Plants, Batch Plants, Processing Plants	N
Water Storage, Fuel and Oil Storage Tanks	C
Manufacturing, compounding, processing, packing, fabrication, and warehousing of goods and materials, excluding the processing of animal byproducts, livestock feed yards, oil refineries, wallboard manufacturing, and similar establishments which emit offensive fumes, smoke, noise, odor, etc.	C
Blasting	C
Heavy Equipment Operation and Storage	P
Metal Ore Mining / Metal Ore Smelting	N

#### **10-7-6R-4: LAND USE AUTHORITY AND APPEAL AUTHORITY:**

- A. Development Review Committee (DRC) shall be the land use authority. Only upon finding the applicant has complied with the terms and requirements of this title may approval be given. As part of approval of an application, the DRC may impose as requirements of the approval any reasonable restrictions or requirements related to the location, design, or operation of the proposed use as deemed necessary to ensure the public health, safety, and general welfare, to ensure that the operations will not create a nuisance, or unreasonably interfere with the enjoyment of property. Such requirements may be in addition to the express requirements of this title.
- B. A party aggrieved or affected by a decision may appeal the DRC's decision to the City Council by filing a written appeal within ten (10) days after the DRC's decision. A party aggrieved or affected by said decision of the City Council may appeal the decision to the appeal authority, subject to the provisions of the Utah State Code, section 10-9-704.

#### **10-7-6R-5: INTERPRETATION, EXISTING OPERATION, AND RESTRICTIONS:**

It is not the intent of this section 10-7-6R to annul, or in any way, repeal any existing law or

ordinance unless expressly so stated in this title. Further, it is not the intention of this section 10-7-6R to interfere with operations already existing except that this section 10-7-6R sets forth minimum standards which shall apply to such operations. To the extent that any restrictions or standards imposed by this section 10-7-6R are more stringent and restrictive than existing restrictions or standards, this title shall control.

### **10-7-6R-6: APPLICATION PROCESS:**

- A. Application Required: No person shall operate an excavation, or mining site in the city except in accordance with an approved application issued under this title.
- B. Application Procedure: The following application procedure shall govern any mining, excavation or mass grading which is proposed as of or after the effective date hereof.
  - 1. All applicants shall use forms provided by Santaquin City, accompanied by the documents enumerated on that form. Approvals shall be issued to applicants for the duration of an approved project provided that the work is progressing as per the approved plan in the submitted documents and in accordance will all requirements.
- C. Application Contents: All applications must contain, but not be limited to, the following:
  - 1. Name, address, and phone number of the owner, or owners, of land on which the proposed use will take place.
  - 2. Name, address, and phone number of the applicant making a request for the permit.
  - 3. Name, address, and phone number of the person, firm, or corporation who will be conducting the proposed use.
  - 4. Location, size, and legal description of the area from which the proposed use is to be made.
  - 5. Type of materials or resources to be mined, excavated, processed, stockpiled, or hauled away.
  - 6. Proposed method of removal and general haul route.
  - 7. General types of equipment to be used.
  - 8. The estimated time frame to complete operations and the number of phases where appropriate.
  - 9. As a part of the application, the applicant shall submit a plan of operation and will be expected to comply with such a plan. Said plan of operation shall include a topographic survey of the existing parcel drawn to a scale of one inch to one hundred feet (1":100') and prepared by a registered civil engineer or land surveyor with contour intervals not to exceed five feet (5') based on United States geological survey datum. The drawing shall also clearly show the area to be mined, excavated or mass graded, including existing features

and roads within five hundred feet (500') of all property lines, areas for stockpiling, maintenance areas, berms, fencing, screening and similar use areas.

10. As a part of the application, the applicant shall submit a site plan and will be expected to comply with such a plan. Site plans for such projects shall provide a complete set of plans, which include:
  - a. All necessary detail drawings;
  - b. All temporary and permanent improvements;
  - c. Details of all buildings and other structures to be placed on the location;
  - d. Surveyed boundary lines;
  - e. Engineered studies, reviews, and designs, as warranted;
  - f. Details of all access routes, egress routes, and on site travel routes;
  - g. Plans to address surface water and storm water issues; and
  - h. All adjacent properties with the name and address of each property owner within three hundred feet (300') of the proposed site;
11. As a part of the application, the applicant shall submit nuisance mitigation plans and will be expected to comply with such plans during the time for which a permit is issued. These plans should provide written and drawn details of the applicant's control of:
  - a. Dust;
  - b. Noise;
  - c. Odors;
  - d. Any other possible nuisances that could originate from the site, any other possible nuisance recognized by the city, and/or any pertinent nuisance contained within the city's nuisance ordinance.
12. As a part of the application, the applicant shall submit a site reclamation plan and will be expected to comply with such a plan. This plan shall include a complete set of written and drawn plans outlining the applicant's requirement for reclamation of the land after the expiration of the conditional use permit and the applicant removes any extraction facility from the land. This plan shall address:
  - a. Issues concerning topsoil and subsoils;

- b. Grading and contouring;
  - c. Compaction;
  - d. Surface water diversions;
  - e. Water impoundments;
  - f. Revegetation;
  - g. Roads;
  - h. Structures;
  - i. Any and all waste materials; and
  - j. Any other site pertinent issues.
13. The applicant shall also prepare a finished grading plan that complies with the requirements of Santaquin City Code.
14. The applicant shall also prepare a haul route plan. The City Engineer shall recommend the amount of additional bonding be provided to mitigate any potential damage to roads or property along the proposed haul route based upon the review of the proposed plan.
15. The applicant shall submit a copy of their application submitted to, and approved by, the Utah Division of Oil, Gas and Mining for the proposed site.
16. The applicant shall provide verification from the following agencies to Santaquin City that they comply with all requirements:
- a. Utah Division of Oil, Gas and Mining (DOGM),
  - b. Mine Safety and Health Awareness (MSHA),
  - c. Utah Department of Environmental Quality (UDEQ), including without limitation the Utah Department of Air Quality (UDAQ),
  - d. Utah Department of Transportation (UDOT),
  - e. Utah Labor Commission,
  - f. Utah Occupational Safety and Health (UOSH), and
  - g. Any other applicable county, state, and federal regulatory agency.

#### **10-7-6R-7: FEES:**

All applications shall be accompanied by an application and processing fee to be paid by the applicant in an amount established by resolution of the City Council.

#### **10-7-6R-8: BONDING:**



All such operations shall be required to put forth a bond for the reclamation of the project to ensure the adequate restoration of the site as previously proposed for further use or development.

Such bonding shall follow the City's guidelines and procedures and be subject to approval by the City Engineer and City Council. The City Council reserves the right to determine the terms of bond value and pertinent time frame for completion of the reclamation project.

The amount of the bond required under this section may be reduced by the amount of any other reclamation bonds covering the project required by any other regulatory agency.

#### **10-7-6R-9: MARKETING OF MATERIALS:**

The owner and/or operator may market and sell the materials. In order to conduct sales, the owner and/or operator must maintain an onsite office, or other suitable facility, and hold and clearly display within said office, a current Santaquin City business license. The point of sale, as defined by the Utah State Tax Commission, shall be Santaquin City.

#### **10-7-6R-10: AREA REQUIREMENTS:**

The minimum size of a parcel of land for any M-1 zoning designation shall be fifty (50) acres.

#### **10-7-6R-11: SETBACKS:**

All on-site structures of a permanent or temporary nature shall be set back from property lines as follows:

- A. Setbacks for Structures and Equipment: No structure, dwelling, weigh station, crushing equipment, or other related mining facility shall be located within one hundred feet (100') of all property lines.
- B. Setbacks for Operations: No blasting, crushing, excavation or other related mining activity shall be located within five hundred feet (500') of all property lines.

#### **10-7-6R-12: FENCING AND SCREENING:**

- A. Mined, excavated and graded areas shall be fenced according to current mine safety and health administration regulations.
- B. All active mining, excavation or mass grading areas shall be visually screened where reasonable. The following methods are acceptable for screening of mining, excavation or mass grading areas:
  - 1. Construction of a raised earth berm area on the site along boundary lines thereof where such lines abut a public highway or privately owned property which is improved and occupied for residential purposes. This provision with regard to lands improved and occupied for

residential purposes shall be applicable to any land upon which dwellings are built and occupied subsequent to the date hereof. The berm shall be sufficient in length and height to screen the excavation, crushing or grading area. Where the topography of the area acts as a screen, the DRC may waive the berm requirement. Berms shall have slopes not in excess of one foot (1') vertical to two feet (2') horizontal.

2. Trees along the boundaries of the property with sufficient rows and depth to permit effective screening of the mining, excavation or mass grading area.
3. To the extent that the foregoing is not practical, the proposed permittee may submit alternate proposals.

#### **10-7-6R-13: ROAD ACCESS:**

All sites permitted under the provisions of this section 10-7-6R shall have direct access to a city, county, or state road. When the operation of the permitted area results in the excavated material, overburden, and/or similar material being deposited or spilled upon a public roadway, it shall be the responsibility of the permitted operator to remove such material immediately.

#### **10-7-6R-14: ROAD MAINTENANCE:**

Access roads within the permitted site shall be maintained by the operator so as to minimize the dust arising from the use of said roads. Such maintenance shall be accomplished through the application of chloride, water, and/or similar dust retardant materials. Application of oil shall be prohibited. A paved road of no less than forty feet (40') in width from the entrance and exit, a distance of not less than three hundred feet (300') from the right of way line into the area of operation shall be provided by the owner in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Entrances and exits shall be gated and securely locked except during hours of operation.

#### **10-7-6R-15: TRANSPORTATION VEHICLE STANDARDS:**

All vehicles used to transport excavated material shall be required to be loaded in such a manner that the material may not be unintentionally discharged from the vehicle. A forty-foot (40') tracking pad shall be provided at each egress point of the mining site. Vehicles shall be cleaned of all material not in the load bed prior to entering any public street.

#### **10-7-6R-16: PARKING:**

All parking shall be provided on site. No parking shall be permitted within any City right-of-way, required setback, or landscaped area. Each facility shall provide one parking space for each on-site employee with an additional amount of parking for drivers and visitors as approved by the Development Review Committee.

#### **10-7-6R-17: DUST STANDARDS:**

Dust generated in the extraction and processing of the earth products shall be kept under control by the operator by keeping the extraction area, main roads in the pit, and loaded trucks, watered down. Any un-paved access road to the pit from the paved road system shall be maintained by the pit operator for dust control by watering down the access road surface or placing dust inhibiting material on the surface of the access road.

#### **10-7-6R-18: NOISE STANDARDS:**

A project approved under this section 10-7-6R shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to the inhabitants of neighboring properties. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent properties. Equipment on permitted sites shall not be operated at any time or under any condition so as to result in noise exceeding the following levels for specified adjacent land uses when measured at the common property line nearest the active work area:

##### **ADJACENT USE MAXIMUM SOUND LEVELS**

Residential	75 dBA
Commercial	85 dBA
Industrial and other	90 dBA

The city shall, at its discretion, monitor noise levels using weighted decibel measurements (referenced to 20 micropascals) with a type of audio output meter approved by the united bureau of standards.

#### **10-7-6R-19: ODOR STANDARDS:**

A project approved under this section 10-7-6R shall be operated in such a way to reduce odors as much as possible. Masking agents, scrubbing, and other industry standards must be considered to reduce the impact on neighboring residential and agricultural uses.

#### **10-7-6R-20: TIMES OF OPERATION:**

No project approved under this section 10-7-6R shall operate earlier than seven o'clock (7:00) A.M nor later than seven o'clock (7:00) P.M. No project approved under this section 10-7-6R shall operate on Sundays and city observed holidays. In emergency situations this time period may be modified by the mayor provided such emergency order shall not be effective for more than seventy-two (72) hours.

#### **10-7-6R-21: BLASTING:**

- A. Blasting shall be permitted as a part of any mining, earth extraction, or similar operation conducted within the city. Blasting will be conducted only between the hours of ten o'clock (10:00) A.M. and four o'clock (4:00) P.M. No blasting shall occur on Saturday, Sunday, or city observed holidays. All blasting shall comply with the Mine Safety and Health Administration (MSHA) regulations.
- B. Before any blasting occurs, proof of insurance shall be provided to Santaquin City. Said insurance policy shall be provided in the form of a certificate of Insurance for a Commercial General Liability Policy and shall have limits of coverage of not less than two million (\$2,000,000.00) dollars in the aggregate and one million (\$1,000,000.00) dollars per occurrence. Santaquin City shall be named as an additional insured on said Policy of Liability Insurance.
- C. Notification must be given to the following persons and by the following means at least 72 hours prior to the initial blasting at a blast site as well as prior to all subsequent blasting events at the blast site:
1. At least 72 hours prior to initial blasting at a blast site, the blaster in charge shall make a reasonable effort to notify all residents or owners of affected buildings. The blaster shall make all reasonable efforts to ensure timely and effective notice that a blasting operation is to begin, using such means as written notice, a phone call, email or verbally in person.
  2. A resident call list shall be established for the purpose of notifying persons living in the vicinity of the blast site at least 72 hours prior to a blasting event. A resident shall be placed on this call list only upon request to be so listed and called. The call list must be maintained and used prior to any blast.
  3. A distinctive warning signal shall be sounded prior to commencing blasting. Automotive or truck horns shall not be used as a warning signal.
  4. Whenever blasting is being conducted in the vicinity of gas, electric, or other utilities, the utility companies shall be notified no less than 72 hours prior to blasting commencing.
  5. Santaquin City shall be notified in writing at least 24 hours prior to the onset of any blasting event. If a schedule including dates and times of blasting events is known at the time of the application, making that schedule part of the application can serve as written notice. If part of the application, further notice shall be required only if there is deviation from the schedule.
- D. An accurate blasting log shall be kept by the permittee detailing the date, time, name and license number of person in charge of the blast, location of blast, total pounds and type of explosives used, and seismographic information of each and every blasting event. Said records shall be provided to Santaquin City upon request.



- E. The permittee and the operation requiring blasting shall take all reasonable actions to assure that flyrock traveling in the air or along the ground meets all of the following conditions:
- a. Remain within the controlled blasting area.
  - b. Not be cast more than one-half the distance to the nearest inhabited building within or outside of the controlled blasting site area.

#### **10-7-6R-22: LIGHTING:**

All lighting used to illuminate the proposed use(s) shall be directed downward and away from all surrounding property.

#### **10-7-6R-23: DRAINAGE:**

Property drainage shall be provided at all times to prevent the collection and stagnation of water. Surface water shall not be discharged onto adjoining property. Any water areas, retention ponds, settling ponds, or similar water areas shall be fenced in accordance with section 10-7-6R-12 of this chapter.

#### **10-7-6R-24: EXCAVATION AND BACKFILLING:**

All mining, excavation and mass grading areas shall be made to the finished elevation as included on the approved finished grading plans. Backfill, if necessary, shall consist of inert, noxious free, nonflammable, nonradioactive, nonhazardous, and noncombustible materials, to assure:

- A. That the excavation shall not collect and permit to remain therein, stagnant water;
- B. That the surface of any area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof; and
- C. To produce a surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

#### **10-7-6R-25: VIOLATIONS, PENALTIES, SUSPENSION, AND REVOCATION OF PERMIT:**

If the zoning administrator, or other authorized City officer, notifies the permittee of any violation of the permit, or of this title, and upon failure of the permittee to abate said violation within thirty (30) days after mailing of said notice, said mining or excavation site may be summarily closed, and the permit and/or business license therefore, suspended or revoked. Any permittee aggrieved by any notice pursuant to this section 10-7-6R may file a written request for a hearing before the City Council. The permittee shall set forth why operations on the site should not be summarily closed and/or the permit suspended or revoked. If a request for a hearing is received by the City Council, the City Council shall provide to the permittee notice of the time and place of the hearing, an opportunity to be heard, and shall make an impartial determination of whether a violation of this title or this section 10-7-6R has occurred and whether the health, safety, and welfare of persons

or property dictates the necessity of a suspension or revocation of said permit. Upon receipt of a request for a hearing, the City Council may summarily close the site, if not yet closed by the zoning administrator, or other authorized City officer, pending the hearing if it is determined that the health, safety, and welfare of persons or property require such action.

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