



## PLANNING COMMISSION MINUTES

Santaquin City Council Chambers  
August 13, 2015

**Commission Members Present:** Chair Elizabeth Montoya, Kylie Lance, Brian Rowley, and Trevor Wood. Commissioners Adam Beesley, Kyle Francom, Troy Peterson, and alternate Nanette Shepherd were excused.

**Others:** City Assistant Manager Dennis Marker, Lee Johnson, Janna Johnson.

Commissioner Montoya called the meeting to order at 7:08 p.m.

### INVOCATION / INSPIRATIONAL THOUGHT

Commissioner Rowley offered a word of prayer.

### PLEDGE OF ALLEGIANCE

Commissioner Lance led those present in the Pledge of Allegiance.

### AGENDA

No changes were made to the order of the agenda.

### PUBLIC FORUM

Commissioner Montoya opened the Public Forum. No comments were addressed to the Commission. Commissioner Montoya closed the Public Forum.

### DISCUSSION AND POSSIBLE ACTION ITEMS

#### Core Area Improvements

Lee Johnson addressed the Commission. Mr. Johnson said he would like to purchase a one acre section of the Santaquin property which his son owns, with the intention of building a single family home there. Under the ordinance for core area improvements, he would be required to pay about \$27,000 for curb, gutter and sidewalk improvements. He said it would be odd to have the improvements put in at only one spot. He would prefer to sign a letter agreeing to pay for his share of the improvements when the road is put in. At the present time the owner of a thin parcel of land where the road would go is asking a high price for the property.

Mr. Johnson said he could build at either the north or south end of the property. A home used to be situated on the south end, and water and sewer lines are on the property. Only the PI would need to be added. He is presently leaning toward the south end of the property because of the expenses with the road. The frontage at the south end would be approximately 100 feet.

Mr. Marker went over the four main options which could be considered for situations like this. They include letters of intent, lien waivers, waivers of protest and development agreements. Spanish Fork City currently uses a lien waiver, with a price pre-determined and an escalation provision. If the property is sold, the lien must be cleared. Sometimes the money from the lien proves not enough to cover the expense of the improvements.

# PLANNING COMMISSION MINUTES

August 13, 2015 – Page 2

## **Core Area Improvements, continued:**

The City Attorney has some issues with a 'letter of intent', as it may not be sufficiently binding. A waiver of protest does not require the funding amount to be specified. It assumes the City will create a special improvement district, which requires a vote. If the majority of the voters agree to form the district, the City bonds for the improvements. The waiver of protest could restrict future voting choices.

A development agreement is a contractual agreement which cannot be altered without the consent of both parties. It is of limited duration and recorded against property. If the improvements are not put in in the time stated in the agreement, the City can put in the improvements and lien the property. All the terms are established under the agreement. The agreement can be redone in ten or fifteen years. Mr. Johnson asked about automatic extensions for an agreement. Mr. Marker said that would not be allowed, as it would bind future councils. Mr. Johnson said the limited duration of the agreement could be a problem if the group ten years down the road was hostile.

Commissioner Lance asked about keeping track of the agreements. Mr. Marker said the City's GIS system can attach information to individual parcels. The Commission discussed how the various options would work, and the need to be fair to all residents. Commissioner Montoya said they needed to look at the goals for the entire City. She said she could see if the lien waiver option is implemented the City may not ever be able to pay for curb and gutter. Federal regulations will soon require the City to meet water quality standards for storm drain water. The only way to monitor the quality is with a storm drain system. Mr. Marker said the State would let the City know when testing standards are needed. As the population has now reached 10,000, the letter is expected in two to five years. New developments have collection systems in place, but the older areas do not.

Commissioner Wood said the Commission had discussed before how the money for a storm drain system would be collected, as the City would eventually have to build it, but no money would be collected with these options. Commissioner Montoya agreed, adding the City could find itself in a fix if it added this option. Commissioner Wood said the options should differentiate between commercial and single family developments. Commissioner Montoya said the ordinance needed to be maintained as previously passed, in order to start collecting for the fund, but individual needs and options could be considered for the smaller homeowner. Mr. Marker said the amendment could be worded so it is tied to the platting process. Commissioner Lance said the most logical thing to do would be to collect a small fee with the water bill. Mr. Marker said the Council had discussed adding a flood mitigation and storm drain fee, but politically is not feasible at this time. In the future, a public relations campaign would probably be implemented to inform people of the need for the fee. Mr. Marker said the funds to begin the storm drain plan have already been set aside.

The options for the thin parcel of land where the City plans to put a road were discussed. Mr. Marker clarified the process for eminent domain, which includes making a reasonable effort to acquire the property from the owner, tendering an appraisal to the courts, and determination by a judge of fair market value and any damages. Eminent domain cannot be used for economic reasons, but it can be used for such things as working with a transportation master plan or laying utility lines.

# PLANNING COMMISSION MINUTES

August 13, 2015 – Page 3

## **Core Area Improvements, continued:**

Commission consensus held that, based on legal counsel's determination, a development agreement, as long as the City was diligent on the time line and agreement verbiage, was in the best interest of both parties. This option should only be available to those meeting certain standards, such as building a single family home. The City must ensure some of these things are paid for by the development that is bringing new growth.

## **Definition of Multi-family Development**

Dennis Marker said that the code amendment regarding the definition of Multi-family development was to clarify that the application of standards was to multi-family "developments" rather than dwellings, which allows for more than one multi-unit building to be placed on a parcel of land. This is in keeping with the original intent of the ordinance. Commissioner Montoya said the intention the Commission had with this ordinance was to prevent clusters of multi-unit developments, as in an entire block of such units. Mr. Marker said there was not a number of buildings per parcel specified in the ordinance, but each development needed to meet standards for parking, green space, architectural design, play areas, etc. The size of the property would be the limitation for the number of units. A large area with a planned unit development would be subject to a development agreement with the City, which would specify the density allowed. This amendment simply clarifies the intent of the ordinance.

## **Minutes**

Commissioner Rowley made a motion to approve the minutes of July 16, 2015 as written. Commissioner Lance seconded the motion. The vote to approve the minutes of July 16, 2015 as written was unanimous.

## **Reports of Officials and Staff**

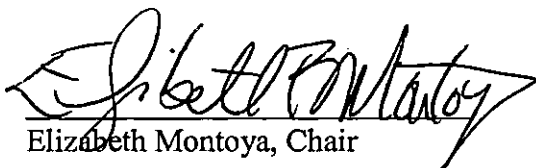
Dennis Marker said he had sent out an email regarding the two day APA training conference which will be held in Lehi in October. He asked any commissioners interested in attending the conference to let him know.

## **Planning Commission Business**

The status of the grocery store was discussed.

## **Adjournment:**

Commissioner Wood made a motion to adjourn the meeting. The meeting adjourned at 8:15 p.m.



Elizabeth Montoya, Chair

---

Linda Midgley, Deputy Recorder