



PLANNING COMMISSION

MEETING AGENDA

Tuesday June 9, 2020

All Santaquin City Public Meetings Will Be Held Online Only (Temporary order - while responding to Coronavirus public gathering restrictions):

- **YouTube Live** - All Santaquin City public meetings will be shown live on the **Santaquin City YouTube Channel**, which can be found at:
https://www.youtube.com/channel/UCTzZT_yW2H2Hd-58M2_ddSw
or by searching for Santaquin City Channel on YouTube.
- **Public Comment & Public Hearing Participation** – As with all City Council and Planning Commission Meetings, we will continue to invite the public to provide “Public Comment” (30-minute duration, maximum of 5-minutes per comment). We will also continue to hold Public Hearings, as needed and required on specific issues. We invite the public to provide comment in the following ways:
 - **By Email** – Comments will be accepted by email up to 5:00 P.M. on the date of the meeting. Comments will be read during the meeting and made part of the official record of the city. Comments should be submitted to PublicComment@Santaquin.org
 - **By Telephone** – For those who would like to have their own voice heard during the Public Comment or Public Hearing periods, please submit an email to PublicComment@Santaquin.org providing us your Telephone Number. When it is your turn to speak, a Santaquin City staff member will call you and put you on speakerphone so that you can personally share your comments within the meeting.

7:00 p.m. REGULAR SESSION (Held in the Court Room, upper level of the **Santaquin City Offices**, 275 West Main Street)

1. Welcome
2. Invocation / Inspirational Thought
3. Pledge of Allegiance
4. Order of Agenda Items
5. Public Forum
6. **DISCUSSION AND POSSIBLE ACTION ITEMS**
 - a. **PUBLIC HEARING- Orchard Vistas Concept Plan**
The Planning Commission will review a concept plan of a 108-unit multifamily subdivision located at approximately 200 N. and 400 E.
 - b. **PUBLIC HEARING- McMullin Commercial Concept Plan**
The Planning Commission will review a concept plan of a 3 lot commercial subdivision located at approximately 150 N. and State Road 198.
 - c. **City Wide Landscaping Requirement**
The Planning Commission will review a proposed amendment to Santaquin City Code 10-15 regarding landscaping requirements which would require new homes city wide to provide upfront landscaping.
 - d. **Discussion on proposed changes to the Main Street Residential zone**
The Planning Commission will discuss a proposed idea to modify the Main Street Residential zone in preparation for a public hearing.
7. **PLANNING COMMISSION BUSINESS**
Approval of minutes from
April 28, 2020
May 12, 2020
8. **ADJOURNMENT**

Upon Request, in compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided. For assistance, please call 754-3211.

CERTIFICATE OF POSTING

This agenda is hereby properly advertised this 5th day of June, 2020 through posting of copies of this agenda in three public places within the city, namely **City Hall**, **Zions Bank**, and the Santaquin branch of the **United States Post Office**

Kira Petersen, Deputy Recorder

PUBLIC MEETING ETIQUETTE

(Please remember that all public meetings are recorded)

- All comments must be recognized by the Chairperson and addressed through the microphone.
- When speaking to the body conducting the meeting, please stand at the podium, state your name and address for the record, and speak slowly and clearly into the microphone.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become public record.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. The doors must remain open during a public meeting.

Public Hearing vs. Public Meeting

If the meeting includes a public hearing, the public may participate during that time and may present opinions and/or evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a public meeting, but there is no right to speak or be heard. The public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

Legislative Decision vs. Administrative Decision

Legislative decisions create, amend or repeal laws. After a public hearing, the Planning Commission provides a recommendation to the City Council for a legislative decision. The City Council makes the final decision on legislative decisions. Both bodies have some discretion on legislative decisions. Public comments offered at a Public Hearing are relevant to the discussion when considering a legislative action.

Administrative decisions apply the law. When making an administrative decision, the land use authority applies existing laws to facts. If the application complies with the code, the land use authority must approve it regardless of personal or public sentiment.

MEMORANDUM



To: Planning Commission

From: Ryan Harris, Staff Planner

Date: June 9, 2020

RE: **Orchard Vistas Subdivision Concept Review**

Zone: MSR
Size: 5.10 Acres
Units: 108

The Orchard Vistas Subdivision is located at the southeast corner of 400 East and 200 North, just north of the grocery store and is 5.10 acres. The proposed subdivision consists of 108 units in nine different buildings. Each building will have 12 units and will be three stories tall. The development will have 77,531 square feet of landscaped area, which is 35% of the site. There will be 251 parking stalls which meets Santaquin City Code. The development agreement requires the following amenities: A clubhouse, a natural gas fire pit, two 20' x 20' pavilions, two barbeque stations by the pavilions, two pickleball courts, and a 2,000 square foot playground area that will consist of two play structures and two swing sets.

The property was rezoned to MSR on November 19, 2019. The development agreement was approved on January 7, 2020 and recorded at the County on May 29, 2020. The Development Review Committee (DRC) reviewed the Orchard Vista concept plan on May 12, 2020.

This is a subdivision concept review. This review is for the Planning Commission to give feedback to the developer. The review of the concept plan shall not constitute an approval of any kind. After the concept review, the developer will need to submit preliminary plans. Preliminary plans will be reviewed by the DRC and a recommendation will be forwarded to the Planning Commission. The Planning Commission will forward a recommendation to the City Council and the City Council will be the land use authority for preliminary plans. The subdivision has vested rights once it receives preliminary approval by the City Council.

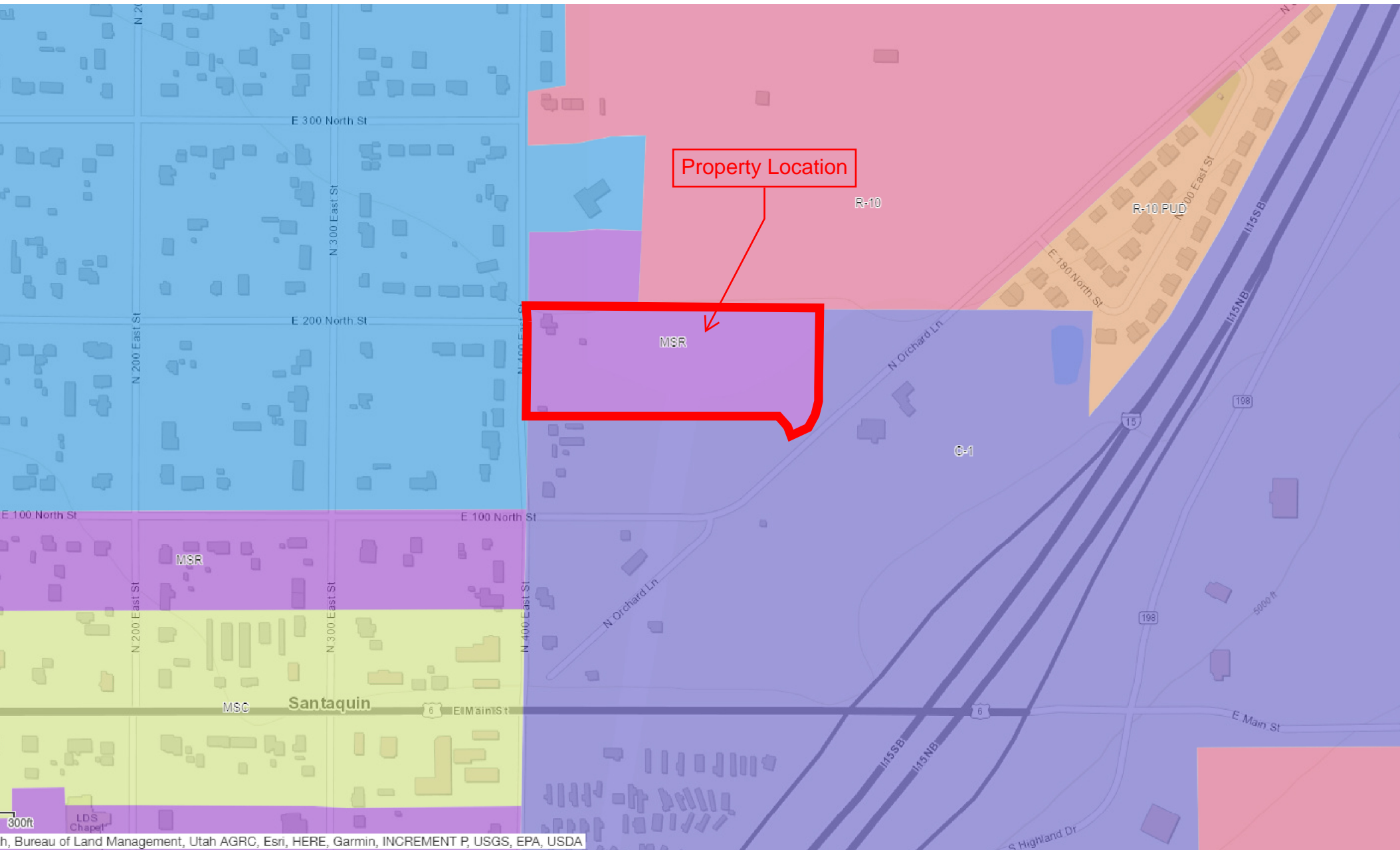
After preliminary approval, the DRC will need to approve the final plat before any lots will be recorded. The DRC may only approve a plat submittal after finding that the development standards of subdivision title, the zoning title, the laws of the State of Utah, and any other applicable ordinances, rules, and regulations have been or can be met prior to the recordation or construction beginning (Santaquin City Code 11-5-6B).

The Architectural Review Committee (ARC) will review architectural renderings when provided by developer.

Attachments:

1. Zoning and Location Map
2. Concept Plan

Attachment 1: Zoning and Location Map



MEMORANDUM



To: Planning Commission

From: Ryan Harris, Staff Planner

Date: June 9, 2020

RE: **McMullin Commercial Subdivision Concept Review**

Zone: C-1 Size: 4.8 Acres Lots: 3

The McMullin Commercial Subdivision is located at approximately 140 North and State Road 198. The proposed subdivision consists of 3 lots on approximately 4.8 acres and is located in the C-1 zone.

The applicant is proposing a road realignment on the property. They are proposing that the City vacate the right-of-way along Rainier Road in lot 1 and a small portion in lot 3 and have 150 North continue to SR-198. The City Council will be the decision body on vacating the right-of-way.

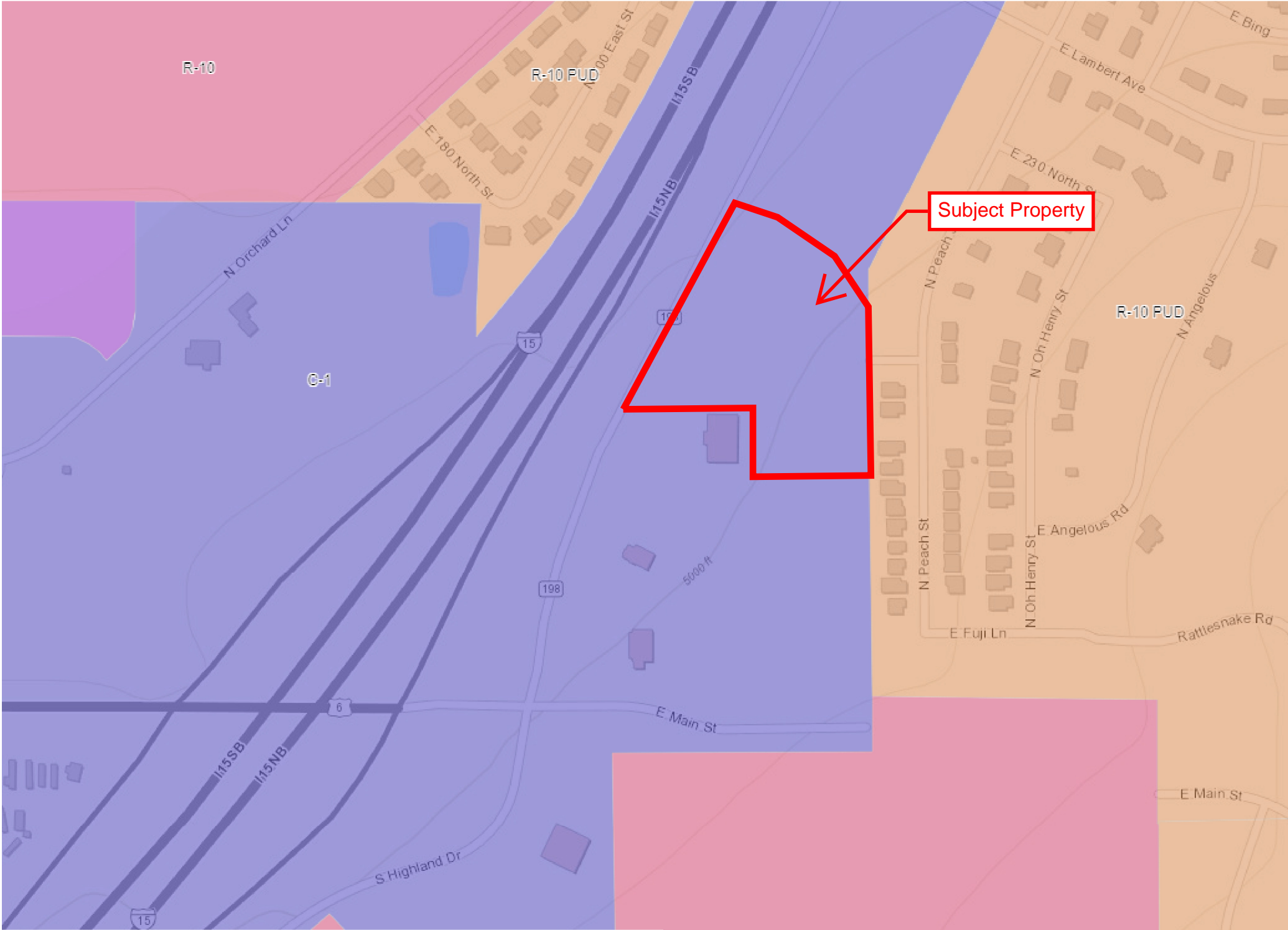
This is a subdivision concept review. This review is for the Planning Commission to give feedback to the developer. The review of the concept plan shall not constitute an approval of any kind. After the concept review, the developer will need to submit preliminary plans. Preliminary plans will be reviewed by the Development Review Committee (DRC) and a recommendation will be forwarded to the Planning Commission. The Planning Commission will forward a recommendation to the City Council and the City Council will be the land use authority for preliminary plans. The subdivision has vested rights once it receives preliminary approval by the City Council.

After preliminary approval, the DRC will need to approve the final plat before any lots will be recorded. The DRC may only approve a plat submittal after finding that the development standards of subdivision title, the zoning title, the laws of the State of Utah, and any other applicable ordinances, rules, and regulations have been or can be met prior to the recordation or construction beginning (Santaquin City Code 11-5-6B).

Attachments:

1. Zoning and Location Map
2. Concept Plan

Attachment 1: Zoning and Location Map



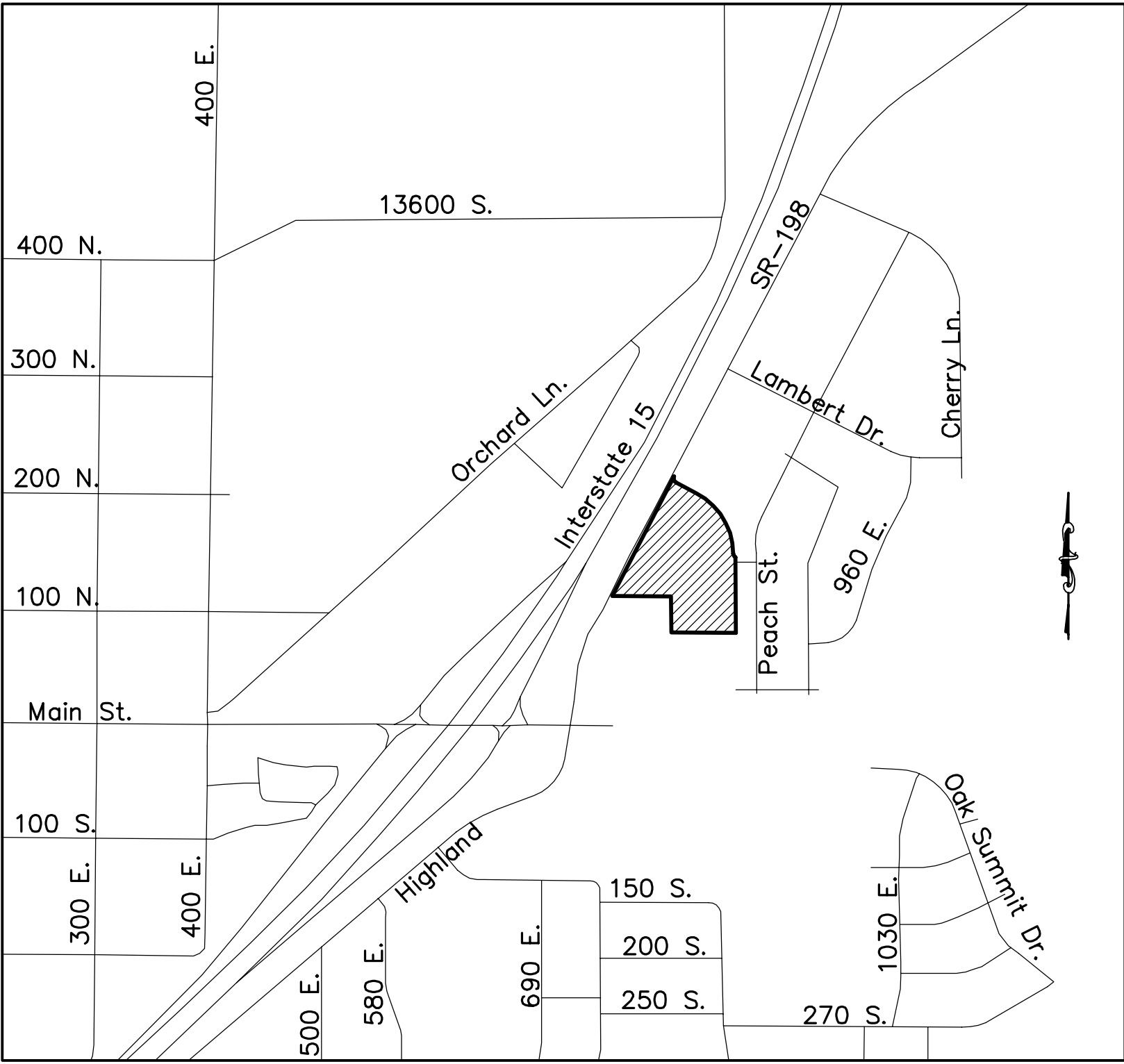
McMULLIN COMMERCIAL
A COMMERCIAL SUBDIVISION
SANTAQUIN, UTAH COUNTY, UTAH
PRELIMINARY PLAN SET
MAY 2020

-SHEET INDEX-

SHEET	SHEET NAME
1	COVER & INDEX
2	PRELIMINARY PLAT
3	UTILITY PLAN SHEET
4	EXISTING TOPOGRAPHY
5	STRIPING PLAN
6	RECORD OF SURVEY (BY OTHERS)
DT-01	DETAIL SHEET

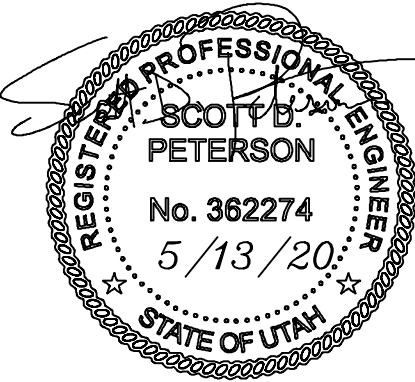
DENSITY TABLE

ZONING CLASSIFICATION=C-1
TOTAL NUMBER OF BUILDABLE LOTS=3
TOTAL ACREAGE WITHIN PROPOSED DEVELOPMENT= 4.80 ACRES
TOTAL ACREAGE IN LOTS=3.82 ACRES
TOTAL ACREAGE TO BE DEDICATED FOR STREET ROW= 0.98 ACRES

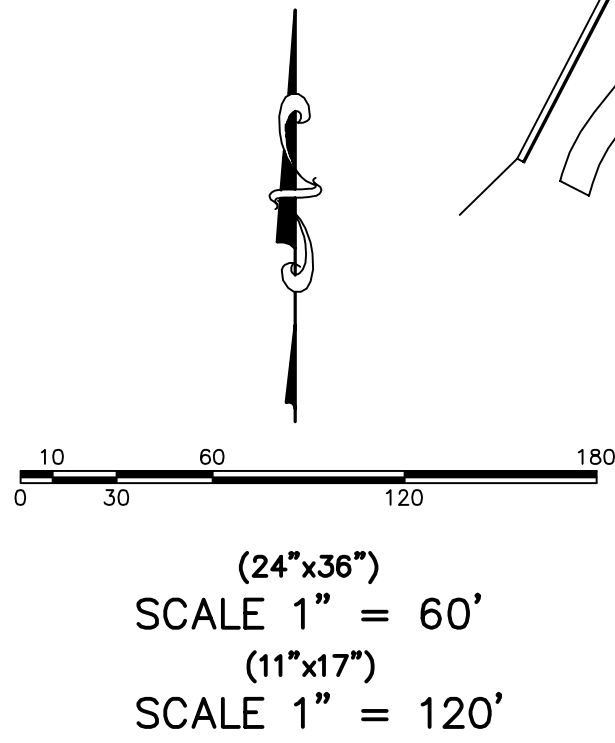
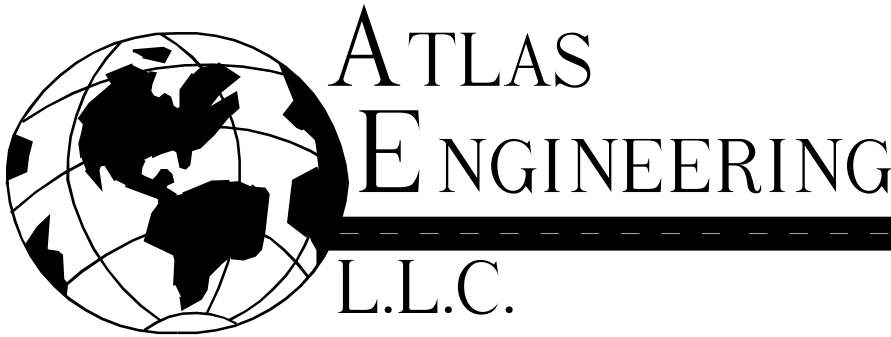


VICINITY MAP
-NTS-

DEVELOPER
ROBERT McMULLIN
801-420-6910
5625 W 12000 S
PAYSON, UT 84651



PHONE: 801-655-0566
FAX: 801-655-0109
946 EAST 800 NORTH
SUITE A
SPANISH FORK, UT 84660

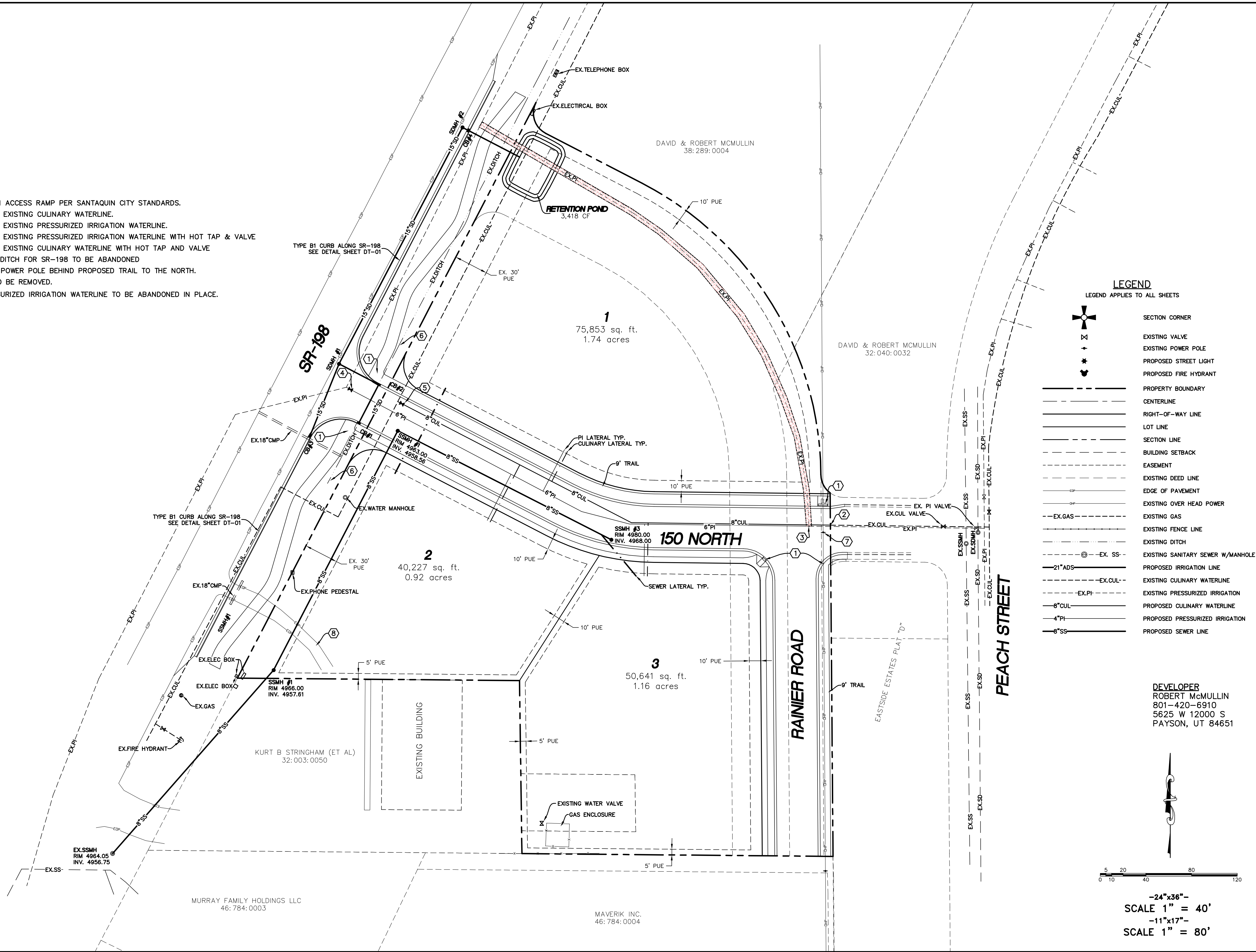


LEGEND
LEGEND APPLIES TO ALL SHEETS

	SECTION CORNER
	EXISTING VALVE
	EXISTING POWER POLE
	PROPOSED STREET LIGHT
	PROPOSED FIRE HYDRANT
	PROPERTY BOUNDARY
	CENTERLINE
	RIGHT-OF-WAY LINE
	LOT LINE
	SECTION LINE
	BUILDING SETBACK
	EASEMENT
	EXISTING DEED LINE
	EDGE OF PAVEMENT
	EXISTING OVER HEAD POWER
	EXISTING GAS
	EXISTING FENCE LINE
	EXISTING DITCH
	EXISTING SANITARY SEWER W/MANHOLE
	PROPOSED IRRIGATION LINE
	EXISTING CULINARY WATERLINE
	EXISTING PRESSURIZED IRRIGATION
	PROPOSED CULINARY WATERLINE
	PROPOSED PRESSURIZED IRRIGATION
	PROPOSED SEWER LINE

CONSTRUCTION NOTES

1. INSTALL PEDESTRIAN ACCESS RAMP PER SANTAQUIN CITY STANDARDS.
 2. LOCATE AND TIE TO EXISTING CULINARY WATERLINE.
 3. LOCATE AND TIE TO EXISTING PRESSURIZED IRRIGATION WATERLINE.
 4. LOCATE AND TIE TO EXISTING PRESSURIZED IRRIGATION WATERLINE WITH HOT TAP & VALVE
 5. LOCATE AND TIE TO EXISTING CULINARY WATERLINE WITH HOT TAP AND VALVE
 6. EXISTING DRAINAGE DITCH FOR SR-198 TO BE ABANDONED
 7. RELOCATE EXISTING POWER POLE BEHIND PROPOSED TRAIL TO THE NORTH.
 8. EXISTING ACCESS TO BE REMOVED.
- EXISTING PRESURIZED IRRIGATION WATERLINE TO BE ABANDONED IN PLACE.



LEGEND

LEGEND APPLIES TO ALL SHEETS

- SECTION CORNER
- EXISTING VALVE
- EXISTING POWER POLE
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- PROPERTY BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
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- PROPOSED CULINARY WATERLINE
- PROPOSED PRESSURIZED IRRIGATION
- PROPOSED SEWER LINE

DEVELOPER
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McMULLIN COMMERCIAL

ATLAS

ENGINEERING

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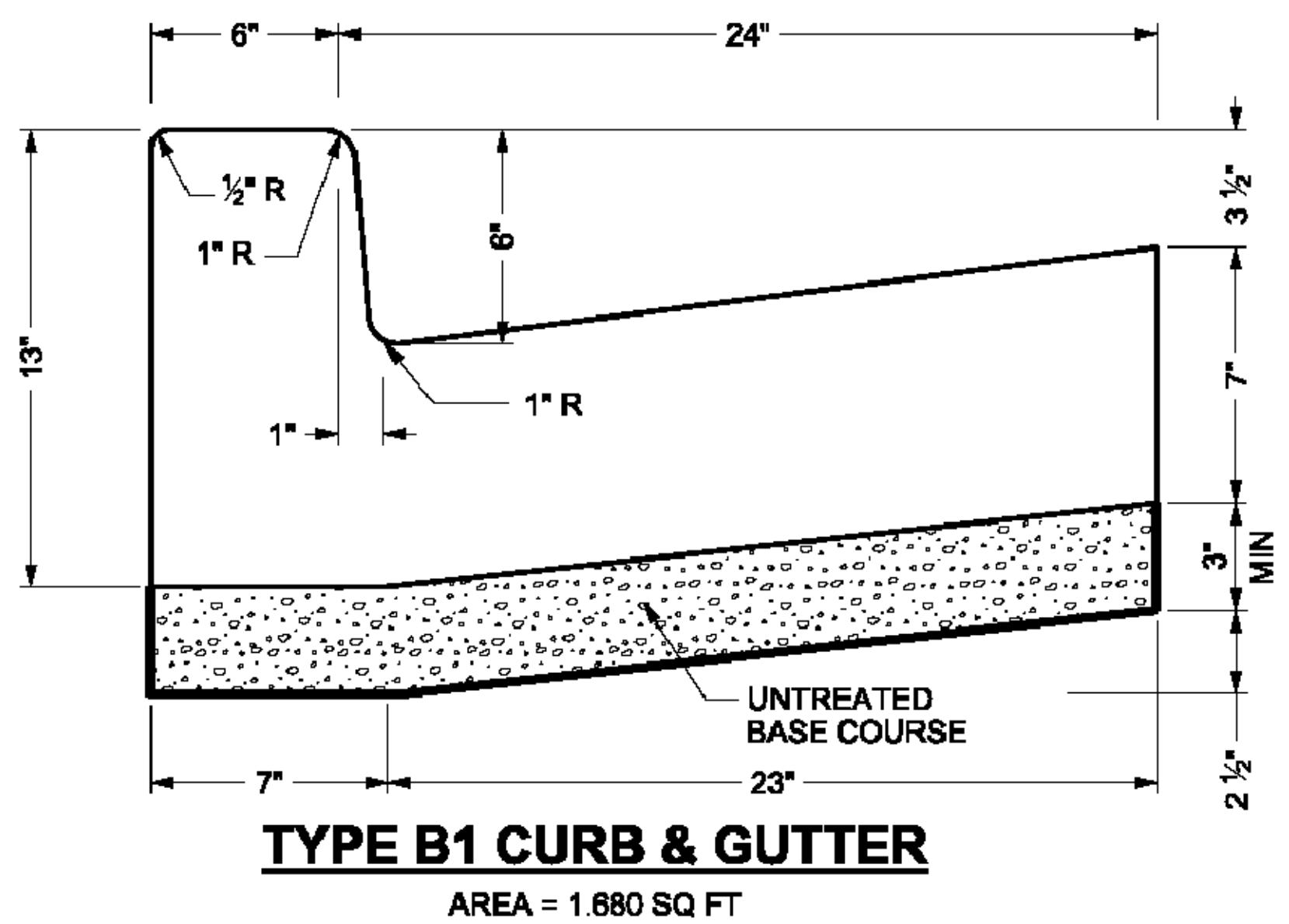
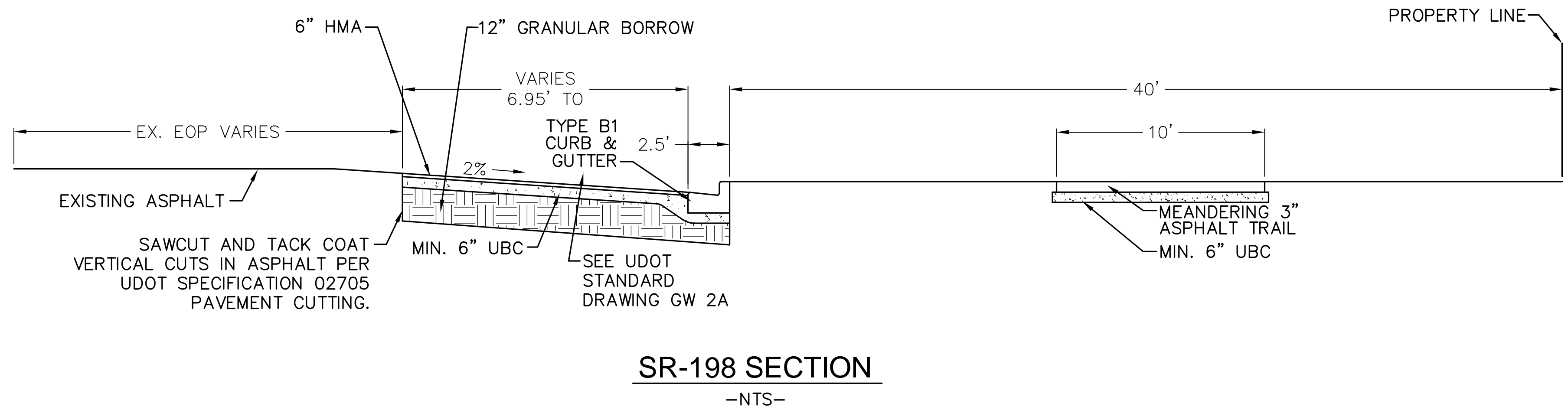
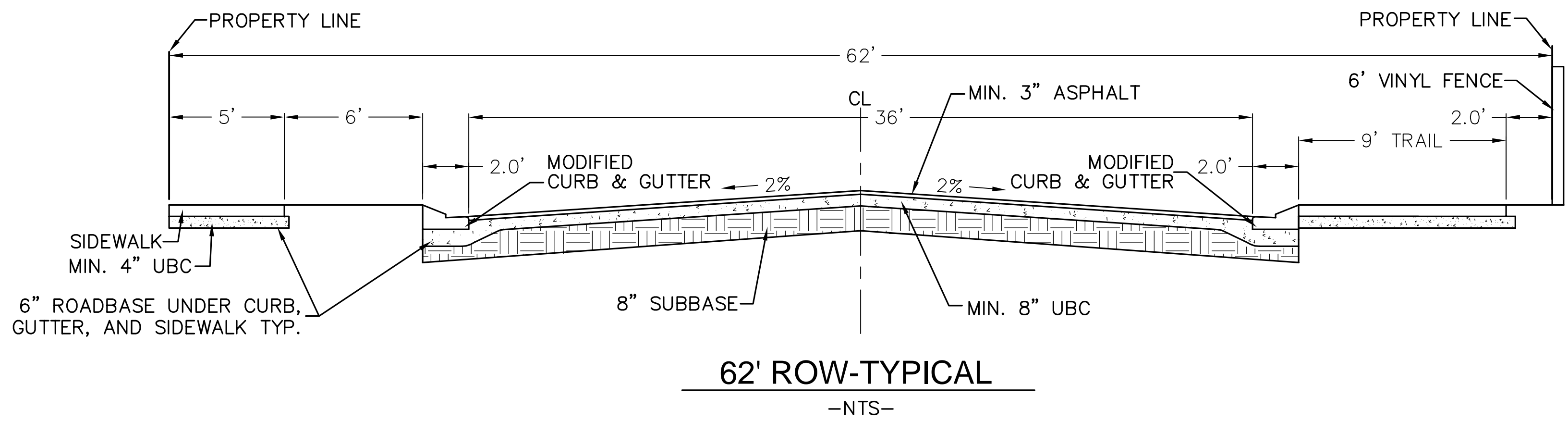
SHEET NO.

3

UTILITY PLAN

SANTAQUIN CITY, UTAH

NO.	REVISIONS	BY	DATE
12			
11			
10			
9			
8			
7			
6			
5			
4			
3			
2			
1			



SHEET NO.

DT-01

DETAIL SHEET

SANTAQUIN CITY, UTAH

McMULLIN COMMERCIAL

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ENGINEERING
L.L.C.

PHONE: 801-655-0566
FAX: 801-655-0109
946 EAST 800 NORTH
SUITE A
SPANISH FORK, UT 84660



NO.	REVISIONS	BY	DATE
12			
11			
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ORDINANCE NO. DRAFT

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

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

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

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

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

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

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

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

Section I. Amendments

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

Chapter 15 LANDSCAPING STANDARDS

10-15-1: PURPOSE:

10-15-2: SCOPE OF REQUIREMENT:

10-15-3: GENERAL LANDSCAPING STANDARDS:

10-15-4: LANDSCAPE YARDS AND SCREENING:

10-15-5: BUILDING LANDSCAPING:

10-15-6: PARKING AREA LANDSCAPING:

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

10-15-8: WAIVERS AND EXCEPTIONS:

10-15-9: NONCONFORMING STATUS:

10-15-1: PURPOSE:

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

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

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

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

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

10-15-3 DEVELOPMENT PROJECT LANDSCAPING REQUIREMENTS:

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

The provisions of this section shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private nonresidential projects, developer installed landscaping in multi-family residential projects, and developer installed landscaping in single-family projects, which require project review and approval by the city. Such review may include initial or modified site plan reviews, modified conditional use permit review, and building permits issued for commercial and multi-family building exterior or site modifications, other than typical maintenance, where the estimated cost of construction is greater than fifty

thousand dollars (\$50,000.00) in either a single application or any number of applications within a five (5) year period. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

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

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

- A. Site Landscaping: All areas not utilized in a building footprint or necessary for site access, parking, or vehicle and pedestrian circulation shall be planted with an effective combination of trees, ground cover, lawn, shrubbery, and/or approved dry landscape materials and mulches under the standards established by this section and in accordance with an approved landscape plan.
- B. Landscape Plans: A landscape plan is required for all developments under the scope of this chapter and shall be submitted to and approved by the development review committee prior to issuance of any permit or site plan approval. Each landscape plan shall address the functional aspects of landscaping such as grading, drainage, runoff, erosion prevention, wind barriers, provisions for shade, and reduction of glare. The landscape plan shall be prepared by a landscape architect registered in the state of Utah or professional landscape designer and shall contain the information required in exhibit A attached to the ordinance codified herein.
- C. Plant Selection: Plants selected for landscape areas shall be well suited to the microclimate and soil conditions at the project site as well as year round aesthetics of the property. Developments should include a good combination of evergreen trees in addition to deciduous trees in order to achieve a nonbarren landscape design during winter months when there are no leaves on the trees. Preference shall be given to those species listed in the city approved tree species list provided in the city's construction standards. Sod shall not be permitted in landscape areas less than four feet (4') in width.
- D. Installation: All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. The following shall also apply:
 - 1. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials. Plants with similar water needs shall be grouped together as much as possible.
 - 2. Landscaping shall be completed in accordance with the landscape plans submitted and approved by the development review committee.
 - 3. All landscape work must be installed prior to a certificate of occupancy of the associated building or as otherwise approved by the development review committee as seasonal conditions may dictate.
 - 4. The developer shall bond for such landscape improvements prior to occupancy to ensure that installations are completed as submitted and approved. Guarantee requirements for landscape improvements shall be the same as required by the city for all other site improvements.
- E. Maintenance: Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular and proper maintenance of all landscaping elements installed. Maintenance is required on all landscaping appropriate to the method and type, which may include, but is not limited to, mowing, removal of litter, trash, or garbage, pruning, watering, and repair of all landscape structures such as fences and walls, etc. Maintenance also includes replacing dead or dying plants with healthy stock of the same species or another as approved by the community development department, and as required by the

approved landscape plan. Failure to adequately maintain the health, condition, and number of plantings required by an approved landscape plan is a violation of this chapter.

F. Vegetation Removal: Any alterations to site landscaping beyond typical maintenance must be approved by the community development department. Any vegetation removed or needing to be replaced due to disease, health, or condition, shall be replaced within one growing season. No vegetation required by a landscape plan shall be removed for purposes of greater visibility to a site or signage.

G. Curbing: All landscape yards and areas abutting driveways, drive aisles, parking stalls and property lines shall be protected by a concrete curb, which shall be four inches wide and six inches deep (4" x 6"). No curbing is required along property lines where a shared landscaping area extends over a property line and the adjacent property has been or will be developed within six (6) months or is part of a master planned development. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

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

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

TABLE 1
REQUIRED LANDSCAPE YARDS AND AREAS

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

Notes:

1. A site is considered to abut a residential zone even if the residential zone begins at the centerline of an adjacent public street to the rear or side of the proposed development.
2. Where sites are constructed with outdoor eating and display areas along the public right of way, a maximum of 60 percent of this area may include pavers or other city approved hardscape.
3. This side yard requirement for the building can be waived when the associated building is constructed with 0 setback from a side property line and an adjoining building is or will be constructed with a similar 0 setback as part of a master planned

development or plans for the adjoining site are under review by the city.

4. Landscaping yards are not required within storage or material yards unless adjacent to a residential zone.

5. Landscape yards are to be established from the outer walls of any attached unit structures.

B. Required Landscaping Amounts Within Landscape Yards:

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

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

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

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

F. Fencing And Property Line Screening:

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

property. This provision does not apply to agricultural uses and public utility facilities. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

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

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

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

A. Except within MBD areas, exposed sections of building walls that are in high visibility areas along arterial and collector streets as well as on site, general public access areas, shall have planting beds approximately six feet (6') wide placed directly along at least fifty percent (50%) of such walls. These planting areas may overlap required landscape yards.

B. Trash enclosures and other accessory structures shall have a minimum five foot (5') wide planting area along three (3) sides and a minimum of four (4) shrubs per landscaped side. These planting areas may overlap required landscape yards.

C. Except within MBD areas, a group of four (4) shrubs and one tree shall be provided in a landscape area or grade adjacent to the front and side elevations of a building per fifty (50) linear feet or fraction thereof, of elevation where the building exceeds one hundred feet (100') in length (e.g., 110 feet of building face would require 3 of the above groupings). (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

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

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

A. Landscape Areas: Landscaping shall be provided in the amount of six percent (6%) of the interior space of parking lots with less than one hundred (100) spaces, and ten percent (10%) of the interior space of all parking lots with one hundred (100) spaces or more. For single developments on less than two (2) acres, this percentage will count toward the minimum landscape requirement provided in subsection [10-15-4A](#) of this chapter. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

B. Screening: Screening from the street and all nonresidential uses shall be of sufficient height and opacity to continuously block the lowest three feet (3') of the cross section view of the parking area from the street or adjacent use. These screening standards may be met in any number of different ways, including, but not limited to, a garden wall, earthen berm, constructed planter, dense hedge, or combination of ways. Landscape plans submitted for review shall include a graphic depiction of the parking lot screening as viewed from the street. Plant material used for the required screening shall achieve required capacity in its winter seasonal condition within three (3) years of construction of the vehicular use area.

C. Pedestrian Walking/Refuge Areas: Pedestrian walking/refuge areas shall be provided between parking aisles closest to major business entries where one hundred (100) or more parking spaces are required. Such areas shall be at least eleven feet (11') wide and have a five foot (5') wide meandering sidewalk running the length of the area. Those portions of this area not utilized as sidewalk shall be

landscaped with at least one tree and four (4) shrubs per sidewalk return. Additionally, ground cover shall be provided over the entire landscape area.

D. Planter Islands: Landscaped islands shall be provided at the end of parking aisles and appropriately spaced at intermediate locations along parking aisles.

1. Dimensions: Islands at the end of single stall width parking aisles shall be at least six feet (6') in width and eighteen feet (18') in length. Islands at the end of dual stall width parking aisles shall be at least six feet (6') in width and thirty six feet (36') in length, with at least one hundred sixty (160) square feet of ground area per shade tree or one hundred (100) square feet of ground per ornamental tree to allow for root aeration.
2. Vegetation: Islands shall include one or more canopy shade trees and four (4) or more shrubs per eighty (80) square feet of planter area. Additionally, ground cover shall be provided over the entire landscape area.
3. Curbing: All islands shall have raised concrete curbs surrounding them. Curb extents shall not be included in the required dimensions. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-~~73~~-6: SPECIES DIVERSITY AND MINIMUM STANDARDS:

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

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

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

Type	Minimum Size
Canopy shade (deciduous) tree	2.0 inch caliper balled and burlapped equivalent
Canopy shade (deciduous) tree as a street tree on a residential local street only	2.0 inch caliper container or equivalent
Evergreen tree	6.0 foot height balled and burlapped or equivalent
Ornamental tree	1.5 inch caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent

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

10-15-~~83~~-7: WAIVERS AND EXCEPTIONS:

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

10-15-~~93~~-8: NONCONFORMING STATUS:

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

Section II. Severability

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

Section III. Contrary Provisions Repealed

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

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

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

Section V. Posting and Effective Date

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

PASSED AND ADOPTED this 19th day of May 2020.

Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya
Councilmember Lynn Mecham

Voted ____
Voted ____

Councilmember Jennifer Bowman
Councilmember Nick Miller
Councilmember David Hathaway

Voted ____
Voted ____
Voted ____

ATTEST:

K. Aaron Shirley, City Recorder

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 19th day of May, 2020, entitled

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 19th day of May, 2020.

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 19th day of May, 2020.

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.

Notary Public

May 29, 2020

Mayor Kirk Hunsaker,

I, City Council Member Betsy Montoya, respectfully propose a restriction and modification to the Main Street Residential (MSR) zone regarding permitted and non-permitted multifamily development rights within said zone. I request that this item be placed on the agenda for City Council meeting on June 2, 2020 as an actionable item. I understand that there is a legal process for such action to be taken. I further understand that, with a positive vote of the City Council, this process may begin.

It is my desire to initiate this legal process by seeking City Council concurrence to respectfully request that the Planning Commission consider this proposal during an upcoming meeting, hold a public hearing on the matter, and provide the City Council their recommendation after considering the aforementioned request.

The changes I propose include the following:

1. That multi-family housing be **removed** as a permitted use in the MSR zone on any parcel 1-acre in size or smaller; and
2. That the development of flag lots be removed as a permitted use in the MSR zone; and
3. That Accessory Dwelling Units (ADUs) be **added as a permitted** use within the MSR zone, when built on the same lot as a single family home and meeting all requirements for safety, fire code and setbacks and requiring a building permit from the city.

Multifamily developments have been, and continue to be, a concern expressed by many in our community and I believe those concerns are shared by our elected and appointed officials. Many of the issues stem back to property rights established within our existing city code by previous elected and appointed officials going back a great many years. However, as a city matures, changes are needed and adjustments are warranted.

During my two-years on the council, we as elected and appointed officials, have taken the following steps to remedy and resolve these types of issues:

- Ordinance 04-02-2020 – Modifying acceptable ground cover in a planned unit development
- Ordinance 10-02-2019 – Designated design standards for masonry walls surrounding multifamily developments
- Ordinance 10-01-2019 – Approved General Plan update for moderate income housing
- Ordinance 09-03-2019 – Removed all multifamily housing development rights from the R-8 zone
- Ordinance 08-01-2019 – Requiring six-foot masonry wall around multifamily developments
- Ordinance 04-02-2019 – Requiring all review of the Architectural Review Committee (ARC) on all developments within commercial zones
- Ordinance 10-02-2018 – Rezone 18.3 Acres from Main Street Residential to Main Street Commercial along West Main Street
- Ordinance 09-01-2018 – Enhanced Infrastructure Warrantee Requirements on New Development

Just prior to my time on the council, yet while I was Chair of the Planning Commission, we as elected and appointed officials, took the following actions:

- Ordinance 10-01-2017 - Enhanced minimum parking requirement for multifamily developments
- Ordinance 09-03-2017 – Enhanced commercial development requirements along Main Street – Eliminating any multifamily development without a minimum 1st floor commercial component in the Central Business District and Main Street Commercial Zone
- Ordinance 07-01-2017 – Rezoning 7.96 Acres to Main Street Commercial and Main Street Residential Zones
- Ordinance 07-01-2016 – Enhanced Main Street development standards
- Ordinance 09-02-2015 – Enhanced multifamily development standards
- Ordinance 06-01-2015 – Enhanced requirements to install curb, gutter and sidewalk for multifamily developments within the core

It is my belief that the proposal to further restrict and modify multifamily development in the MSR, as outlined above, is in harmony with the actions taken by the City Council and Planning Commission over the past several years. I further believe that this proposal is in harmony with the intent of our current General Plan. Lastly, I believe it is a change that would be supported by the general public at large. It is for these reasons that I would like to have the City Council consider this request during our June 2nd meeting.

Sincerely and respectfully,

Council Member Betsy Montoya

Recommended Motion:

Motion to respectfully request that the Santaquin City Planning Commission consider these modifications to the MSR zone (as outlined below) during an upcoming meeting, hold a public hearing on the matter, and provide the City Council their recommendation after considering the aforementioned request.

The proposed changes to this zone include the following:

1. That multi-family housing be **removed** as a permitted use in the MSR zone on any parcel 1-acre in size or smaller; and
2. That the development of flag lots be removed as a permitted use in the MSR zone; and
3. That Accessory Dwelling Units (ADUs) be **added as a permitted** use within the MSR zone, when built on the same lot as a single family home and meeting all requirements for safety, fire code and setbacks and requiring a building permit from the city.



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.

PLANNING COMMISSION MEETING

TUESDAY April 28, 2020

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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

PLANNING COMMISSION MEETING

TUESDAY April 28, 2020

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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)

Planning Commissioners,

During the April 14th 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 14th 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

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



Planning Commission Meeting Minutes
Tuesday, May 12, 2020

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

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

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

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

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

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

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

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

DISCUSSION AND POSSIBLE ACTION ITEMS

PUBLIC HEARING- City Wide Landscaping Requirement

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

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

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

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

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

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

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

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

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

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

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

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

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

Roll Call:

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

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

Bylund Shared Parking Agreement

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

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

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

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

Roll Call:

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

Multi Family Moratorium

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

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

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

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

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

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

Roles and Responsibility Training

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

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

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

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

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

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

PLANNING COMMISSION BUSINESS

Approval of minutes from
April 28, 2020

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

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

ADJOURNMENT

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

Trevor Wood, Commission Chair

Kira Petersen, Deputy Recorder

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

Jason Fitzsimmons

Greetings,

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

Thanks,
Richard Elliott

Greetings,

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

Thanks,
Mindy Elliott

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

Thank you,
Mindy Elliott

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

Bruce Bradley

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

Dennis Lamb

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

Thank you,
Brian Miner
Dear Commissioners,

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

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

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

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

Sincerely,

Jody Reid

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

Thank you,
Roxanne B. Lamb

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

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

Jenny Fernelius

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

Thank you,
Kimberly Hutchings

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

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

Jennifer Hansen

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

Hilary Fitzsimmons

HI,

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

Thank you,

Laurelee Zimmerman

To whom it may concern:

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

Thank you for your consideration.

Melissa Nielsen

Sent from my iPhone

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

Pamela Colson

--

pjc

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

Lisa Eisenstat
82 N Angelous Dr

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

Michael Eisenstat
82 N Angelous Dr
801-420-6014

To whom it may concern,

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

Thanks,
Amy Westover

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

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

Thank you.

David Reid

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

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

Thank you,

Jeffrey Siddoway

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

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

Thank you for your time,

~ Crystal Schultz
Santaquin City resident

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

Yours,
Pete and Lyle and Amanda Baumgarten

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

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

David and Leah Watkins
Summit Ridge Residents

Hello,

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

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

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

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

Sincerely,
Kristina Woods

ORDINANCE NO. DRAFT

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

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

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

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

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

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

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

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

Section I. Amendments

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

Chapter 15 LANDSCAPING STANDARDS

10-15-1: PURPOSE:

10-15-2: SCOPE OF REQUIREMENT:

10-15-3: GENERAL LANDSCAPING STANDARDS:

10-15-4: LANDSCAPE YARDS AND SCREENING:

10-15-5: BUILDING LANDSCAPING:

10-15-6: PARKING AREA LANDSCAPING:

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

10-15-8: WAIVERS AND EXCEPTIONS:

10-15-9: NONCONFORMING STATUS:

10-15-1: PURPOSE:

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

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

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

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

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

10-15-3 DEVELOPMENT PROJECT LANDSCAPING REQUIREMENTS:

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

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

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

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

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

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

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

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

TABLE 1
REQUIRED LANDSCAPE YARDS AND AREAS

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

Notes:

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

B. Required Landscaping Amounts Within Landscape Yards:

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

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

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

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

F. Fencing And Property Line Screening:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section II. Severability

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

Section III. Contrary Provisions Repealed

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

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

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

Section V. Posting and Effective Date

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

PASSED AND ADOPTED this 19th day of May 2020.

Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya
Councilmember Lynn Mecham

Voted ____
Voted ____

Councilmember Jennifer Bowman
Councilmember Nick Miller
Councilmember David Hathaway

Voted ____
Voted ____
Voted ____

ATTEST:

K. Aaron Shirley, City Recorder

Regarding the agenda item 6.a -

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

~ Crystal Schultz

Santaquin City resident

Property Owner Agreement

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

Terms & Conditions.

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

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

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

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

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

Severability.

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

Party A

Logandale Investments LLC

A handwritten signature in black ink, appearing to be a stylized 'L' followed by a large loop and a trailing flourish.

Party B

Bylund Properties LLC

A handwritten signature in black ink, appearing to be a stylized 'B' followed by a large loop and a trailing flourish.