



Planning Commission Meeting Minutes
Tuesday, November 9, 2021

Planning Commission Members in Attendance: Trevor Wood, Art Adcock, Kylie Lance, BreAnna Nixon, Sarah Jorgensen, and Drew Hoffman.

Others in Attendance: Community Development Director Jason Bond, City Manager Ben Reeves, Glen Marvin, Sharee Marvin, Gina Drollinger, Patrick Drollinger, Katie Blake, Bruce Bradley, Cathy Bradley, Nate Hutchinson, Brian Blake, LeRoy Kinder, Jennifer Larsen, Michael W. Porter, Stephen Cherrington, Lynne Cherrington, Jody Reid, Val Haskell, Sharon Storrs Race Ostler, and Nate Hutchinson.

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

INVOCATION/INSPIRATION THOUGHT- Commissioner Adcock shared an inspirational thought.

PLEDGE OF ALLEGIANCE- Commissioner Jorgensen led the Pledge of Allegiance.

PUBLIC FORUM- Commission Chair Wood opened the Public Forum at 7:03 p.m.

Mr. LeRoy Kinder expressed that he feels that Commissioner Kylie Lance has a conflict of interest since she stated that she has worked with Flagship Homes in the past. He asked that she remove herself from any recommendations regarding the Pederson property. Commissioner Lance noted that as a Real Estate Broker she works with all the developers within the valley. Commission Chair Wood noted that there are rules and bylines of the Planning Commission regarding conflict of interest, and this doesn't qualify as a conflict of interest.

Commission Chair Wood closed the Public Forum at 7:05 p.m.

DISCUSSION & POSSIBLE ACTION

PUBLIC HEARING- Timber Valley Subdivision Concept Review

The Planning Commission will review a concept plan for a proposed 3-lot subdivision located at 465 N. 500 W.

Mr. Bond explained that this proposed subdivision is located within the R-10 Residential zone. The applicant is proposing 3 lots on 1.6 acres (See Attachment 'A'). He noted that as this is a concept plan no action will be taken tonight. Mr. Bond added that the curb, gutter, and sidewalk

is already improved along the frontage. The utility laterals would need to be added for the new lots.

PUBLIC HEARING- Commission Chair Wood opened the Public Hearing at 7:07 p.m.

Ms. Sharee Marvin stated that she lives next door to this lot. She shared an email written by her and some of her neighbors, (Glenn Marvin, and Darren and Kathy Swenson) (See Attachment 'B'). They stated that they would like to formally challenge the proposal, as they feel that this subdivision does not fit in an established neighborhood. They feel that the property was purchased by a buyer with no intent to live on, but rather to subdivide and profit from.

Ms. Marvin indicated that larger lots with animal rights are needed and should be preserved.

Mr. Kent Stephens introduced himself as the property owner and applicant for the proposal. He stated that he and his family do intend to live on the property, and they would like to have family or friends living on the additional lots. He noted that the current zoning would allow for much smaller 10,000 square foot lots. Mr. Stephens indicated that they like this property because they can keep larger lots which are almost half acre each.

Ms. Katie Blake stated that she isn't excited about living near a construction zone, or the loss of such a large unique lot. She recognized that this proposal is better than even the zoning requires. Ms. Blake asked for verification that this development won't be turned into multifamily housing.

Ms. Val Haskell stated that she has lived on 500 W. for the last 30 years. She explained that she doesn't want this subdivision to happen. She expressed that this subdivision would take away the country view they have enjoyed for years. Ms. Haskell also expressed concern regarding increased traffic on the narrow road. She also stated that a stop sign is needed in the area.

Mr. Brian Blake asked that the Planning Commission learn from past mistakes and that the residents receive assurance that the R-10 zoning will remain, and multifamily housing won't be developed in this area.

Commission Chair Wood closed the Public Hearing at 7:25 p.m.

Mr. Stephens responded to the public and stated that they won't be developing multifamily lots. He added that if he chose to develop multifamily housing on the property, he would have to submit a rezone application and public hearings would be held at that time. Mr. Stephens indicated that he and his family intend to live on the property in single family homes.

Commissioner Wood explained to the public that this is an administrative action. Meaning the City is bound to the ordinances as they are on the books today. It is the Planning Commission's job to make sure it complies with the ordinances and if so, approve it. Mr. Bond noted that sometimes property owners will operate a duplex within a zone in which they aren't allowed. If this is happening it is something that can be forwarded to code enforcement to handle. He added that accessory apartments are allowed within all zones of the city, if the home is owner occupied.

Commissioner Jorgensen asked if the animal rights would be maintained on the three lots? Mr. Bond explained that animal rights are currently figured off a point system within code. The

smaller the lot the less animal rights are granted. Commissioner Jorgensen asked what type of fence would be required between this development and the agricultural use? Mr. Bond answered that code requires a 'substantial fence' this will be clarified during the preliminary review.

Commissioner Hoffman stated that this is one of the best subdivisions he's seen in a while. He applauded the property owner for not going to the maximum density possible and keeping the lots larger.

PUBLIC HEARING- Ostler Subdivision Concept Review

The Planning Commission will review a concept plan for a proposed 5-lot subdivision located at 421 S. 100 W.

Mr. Bond explained that this is a proposed 5 lot subdivision on 1.35 acres (See Attachment 'C'). The property is in the R-8 Residential zone. He added that any proposed subdivision over 3 lots requires approval from the City Council. Mr. Bond noted that for this development Staff does not recommend a deferral agreement, because the location of the improvements is known. Mr. Bond explained that there is a provision in City code regarding infill reduction within the core area of town. The applicant is requesting the infill reduction on lot two where they don't have quite enough frontage for the lot. He explained that the Planning Commission will determine whether to approve the infill reduction request at the preliminary stage.

PUBLIC HEARING- Commission Chair Wood opened the Public Hearing at 7:43 p.m. There were no comments, so the Public Hearing was closed at 7:43 p.m.

The applicant, Mr. Race Ostler noted that they won't be requesting a deferral agreement for this application. He also clarified that he is not requesting to change the current zoning. He stated that lots 3, 4 and 5 are almost double what the R-8 zone requires for lot size. Mr. Ostler clarified that lot 2 (which they are requesting infill reduction for); still meets the lot size requirements for the R-8 zone, they are requesting this for the frontage which is a little short of the 80-foot requirement.

Commissioner Jorgensen asked if all the lots will have single family homes on them? Mr. Ostler confirmed that they will be single family homes. Commissioner Jorgensen asked if Mr. Ostler will be building and selling the homes or just the lots. Mr. Ostler stated that he plans to sell the lots without houses built. Commissioner Lance asked if this subdivision meets all the zoning requirements? Commissioner Wood indicated that everything meets code, except for the requested infill reduction for lot 2.

PUBLIC HEARING- Pederson C-1 Zone Change

The Planning Commission will review a proposed zone change of approximately 7.58 acres from the R-10 Residential zone to Interchange Commercial (C-1) zone. The property is located at approximately Main Street and 900 E.

Mr. Bond explained that part of the proposal for this subdivision is to rezone approximately 7.58 acres to the Commercial C-1 zone (See Attachment 'D'). He clarified that this is a legislative process in which the Planning Commission will make a recommendation to the City Council

who will ultimately make the decision. Mr. Bond provided his recommendation that this not be approved unless it happens concurrently with the development agreement and the subdivision preliminary plat.

PUBLIC HEARING- Commission Chair Wood opened the Public Hearing at 7:52 p.m.

Ms. Sharon Storrs explained that her house is adjacent to this proposed property. She asked if the subdivision has been updated to comply with the city ordinance in which smaller PUD lots must be at least 6000 square feet if they are to have separate driveways. She also asked what has been done to provide additional water supply in the area. Ms. Storrs asked for additional information regarding the proposed debris basin.

Mr. Patrick Drollinger stated that he doesn't believe that the property should be rezoned to Commercial until the developer has more information regarding what type of businesses would be located there. He specifically mentioned that he wouldn't like to see a hotel in this area blocking the view of the residents.

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

Mr. Bond explained that there are still details being worked out for the subdivision. He clarified that the development agreement and updated plans still need to be worked out. Mr. Bond stated that if this PUD is approved, the land the city would acquire for the debris basin; would be combined with adjacent land the city would like to acquire to complete the debris basin. Mr. Bond explained that it is very rare that the city knows what businesses would go into a commercial zone at the time of a rezone. He noted that there are permitted, conditional and not permitted uses outlined within the Commercial Zone in city code. Commissioner Wood asked if the applicant has indicated how many commercial lots they would like to develop? Mr. Bond answered that it is currently shown as one 5-acre parcel on the plat.

Mr. Nate Hutchinson with Flagship Homes stated that he is unsure what commercial use would be located on this parcel. He added that it probably won't be decided for a few years, or until UDOT realigns the Frontage Road. He also noted that they would most likely subdivide the commercial space later. Commissioner Lance asked Mr. Hutchinson to explain the type of homes they would build in this development. Mr. Hutchinson explained that the smaller lots, would probably be around \$450,000 houses. He noted the current housing shortage and raising house cost. Commissioner Lance asked if there is a market for rear loading units? Mr. Hutchinson stated that there is a market for everything, but they don't sell as well as front loading units.

Commissioner Jorgensen stated that reading through the C-1 Commercial zone code it says, 'surrounding residential neighborhoods won't be unreasonably disrupted.' She indicated that she hopes this statement is considered when the commercial businesses are proposed.

Commissioner Wood asked if there are any specific concerns regarding having this area of property rezoned as commercial? Commissioner Lance stated that she doesn't see any concern with having commercial property fronting Main Street. She added that she thinks it makes sense that this rezone happens concurrently with the development agreement. Commissioner Wood agreed. Mr. Reeves noted that any recommendation made to the City Council would remain on hold until the time that the development agreement is ready to be reviewed.

Motion: Commissioner Adcock motioned to forward a positive recommendation to the City Council that approximately 7.58 acres of the Pederson property be rezoned from the R-10 Residential to the Interchange Commercial C-1 zone, concurrent with the development agreement and preliminary plan being submitted. Commissioner Jorgensen seconded.

Roll Call:

Commissioner Wood	Aye
Commissioner Adcock	Aye
Commissioner Lance	Aye
Commissioner Nixon	Aye
Commissioner Jorgensen	Aye
Commissioner Hoffman	Aye

The motion passed unanimously in the affirmative, 6 votes to 0.

PUBLIC HEARING- Planned Unit Development (PUD) Open Space Code Amendment

The Planning Commission will consider modifying Santaquin City Code Title 10 Chapter 20 Section 170 to allow off-site open space improvements to be counted towards the minimum permanent improved open space percentages required for a PUD.

Mr. Bond explained that this is a broad amendment to the Planned Unit Development (PUD) code. He believes this would be a tool for the city to better plan and address open space within PUD's. Mr. Bond clarified that PUDs are approved or disapproved by discretion of the City Council. He read the proposed language (See Attachment 'E') He explained that the proposed language would allow for offsite open space to be counted towards the 15% open space requirement for a PUD.

Mr. Bond explained that there may be situations in which a PUD is proposed near a park. In this situation it would make sense to allow the open space to be located elsewhere. He clarified that the proposed language is not removing the requirement for open space within a PUD development. Rather, it is allowing for more creative options to be considered when approving open space within a PUD.

PUBLIC HEARING- Commission Chair Wood opened the Public Hearing at 8:31 p.m.

Ms. Jody Reid read city code which states 'PUDs should promote attractive architectural design, creative lot configuration, provide open spaces and ensure efficient delivery of services.' 'It is the intent to achieve an excellent balance between open space and buildings. Harmony between new development and the surrounding area.' Ms. Reid asked how this balance between open space and building can be satisfied with the absence of open space? She suggested that instead of decreasing the amount of open space required for PUD's it be increased. Ms. Reid indicated that this proposal is a step in the wrong direction. She believes that if this ordinance is passed it will allow the worst options allowable to happen while ignoring the stated intent of the laws. Ms. Reid stated that there is no way to ensure that this code change won't be abused. Her comments were signed by the following individuals: Jody, and

David Reid, Melonie, and Stephen Smith, Pamela Colson, Jessica Mitchell, Michelle Clark, Cindy Bishop, Brian and Marsha Messick, David Felix, Lori Openshaw, Ashley Mallik, Lynn Rogers, Gina Drollinger, Chelsea Rowley, Debbie Hudson, Tom, and Nancy Olson.

Mr. Steve Cherrington asked how this project ties into Peter Rabbit Springs? He stated that he feels opening the ability to count open space for a PUD off site allows the government to benefit residents who won't be impacted by a new development. He is concerned that this amendment could be abused in the future.

Mr. LeRoy Kinder asked if this code change is being proposed to cater to Flagship Homes and this development specifically? He asked if the park could have been built at Peter Rabbit Springs with the money that was used to preserve an old building and promote a recreation center. Mr. Kinder noted that there are no parks for his kids to enjoy that are near his home. He thinks this proposed amendment would give the City Council too much power. He stated that he thinks this proposal is ridiculous. Mr. Kinder stated that he thinks trying to pass this ordinance amendment is wrong, and not taking into consideration what is best for the residents of Santaquin.

Ms. Sharron Storrs expressed concern that if the city caters to these developers, other developers will want favors as well. She asked who would be accountable for ensuring that the promised improvements would be completed? Ms. Storrs indicated that she believes the required 15% open space should come from within the development itself.

Commission Chair Wood closed the Public Hearing at 8:47 p.m.

Commissioner Jorgensen asked if there are any other cities that have similar language within their PUD code? Mr. Bond answered that there isn't any that he is aware of. Commissioner Jorgensen stated that she sees how it could be beneficial but is concerned that it could be abused if adopted. She noted that areas with without PUD's have larger back yards. Within a PUD the back yards are smaller, and she thinks it makes sense to have the open space remain within the PUD.

Mr. Bond explained that this proposed amendment could be used as a tool to help current open space projects (such as Peter Rabbit Springs) that haven't been improved come to fruition. This proposal could be used as a discretionary tool by the City Council to avoid bonding for all projects. Mr. Reeves explained that every home built within Santaquin pays a park impact fee. Sometimes that amount goes towards a park near that home, but sometimes it doesn't. Impact fees can be allocated towards certain parks or amenities as recommended by the Community Services Board and determined by the City Council. He recognized the dedicated open space within the community that hasn't been improved that the city doesn't have the funds for. To avoid raising taxes staff tries to work with the development community to provide for some of those needs.

Commissioner Nixon asked how the city would determine 15% open space monetarily? Mr. Bond answered that it would be based on the equivalent acreage offsite. This would be determined within the development agreement.

Mr. Bond stated that he loves the Community of Santaquin. He indicated that he did approach Flagship Homes regarding obtaining the land to the North for the retention basin when they

made their initial application. He clarified that this was done out of the best interest for residents in the area. Mr. Bond explained that the city is interested in the land for a retention basin to prevent flooding in the area. He noted past floods in the area that have taken homes off their foundations.

Commissioner Jorgensen suggested that rather than allowing offsite open space to count towards a PUD, RAP tax funds be saved and put towards the purpose of improving previously unimproved open space within the community. She indicated that she thinks this code amendment should be researched further prior to moving forward.

Commissioner Wood addressed the accusation that this amendment is being put in place specifically for Flagship Homes. He explained that this idea has been discussed informally for quite a while. It was not specifically brought forward for this development. He stated that he is open to creating a tool that would provide flexibility. Commissioner Wood indicated that if this proposal were to move forward, he would like to provide assurance that those who are impacted most by the development would benefit from the improvements. Commissioner Jorgensen explained that if this proposal were to move forward, she would like to see more specific language added and an increased requirement for open space.

Mr. Bond asked for feedback for this specific amendment. Commissioner Lance explained that she wouldn't consider this proposal unless there was a proximity requirement, and she would also like to see a percentage as well. Commissioner Adcock expressed that he thinks a proximity requirement should be seriously considered. He believes that further information and research should be done prior to a recommendation being made. Commissioner Hoffman agreed that this needs to be investigated further and suggested that this item be tabled.

Motion: Commissioner Jorgensen motioned to table the Planned Unit Development (PUD) Open Space Code Amendment. Commissioner Nixon Seconded.

Roll Call:

Commissioner Hoffman	Aye
Commissioner Jorgensen	Aye
Commissioner Nixon	Aye
Commissioner Lance	Aye
Commissioner Adcock	Aye
Commissioner Wood	Aye

The motion passed unanimously in the affirmative, 6 votes to 0.

OTHER BUSINESS

Approval of Meeting Minutes from

October 26, 2021

Commissioner Adcock pointed out a mistake on the bottom of page 3 which should read '48 linear feet' instead of square feet.

Motion: Commissioner Adcock motioned to approve the minutes with the proposed correction. Commissioner Nixon seconded. The motion passed unanimously in the affirmative.

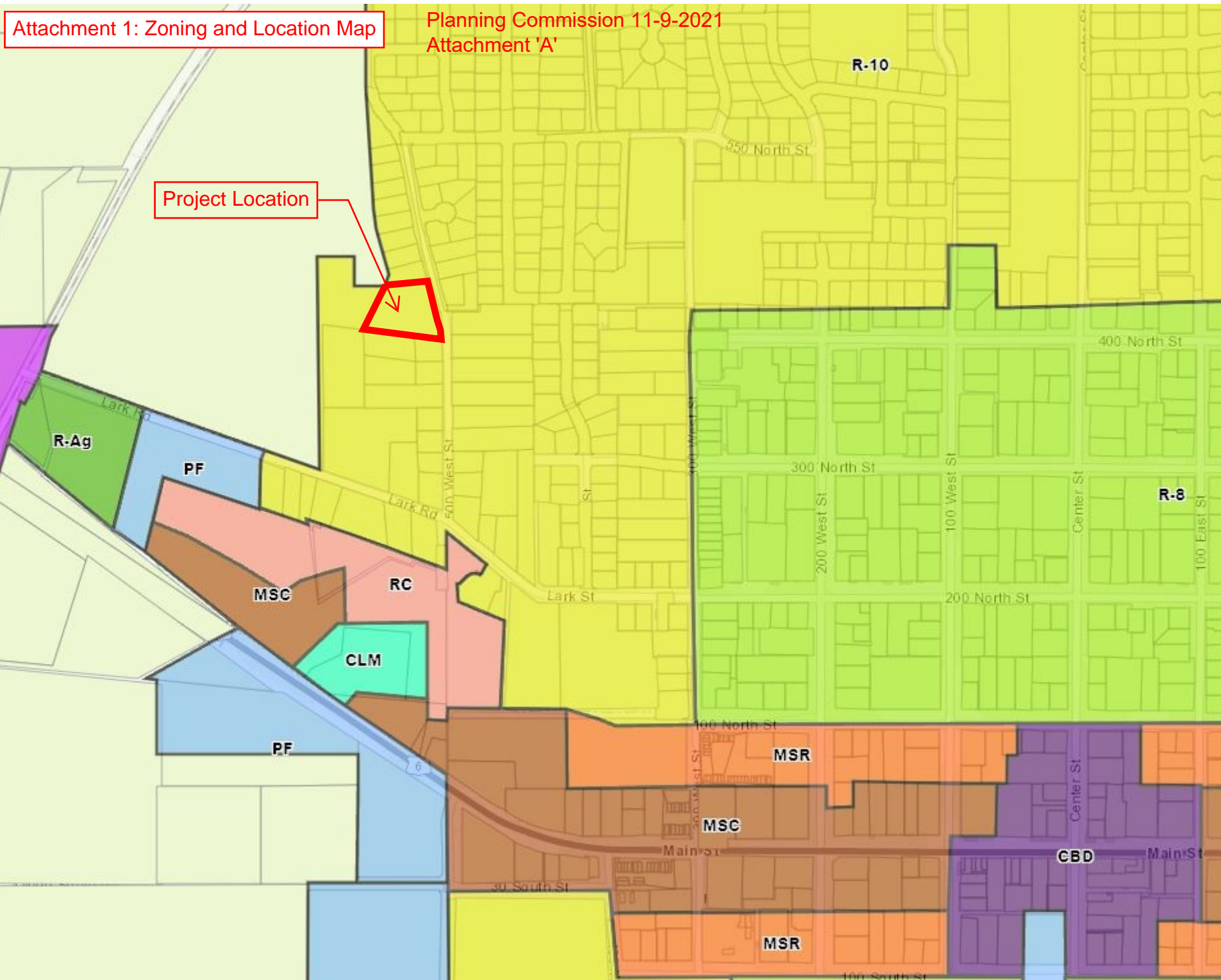
The Planning Commissioners discussed the difficulty with personal attacks and public decorum getting out of control during Public Hearings. Mr. Bond indicated to members of the public that he is happy to meet with residents to discuss their concerns as this can't be done during a Public Hearing or on Facebook.

ADJOURNMENT

Commissioner Nixon motioned to adjourn at 9:54 p.m.

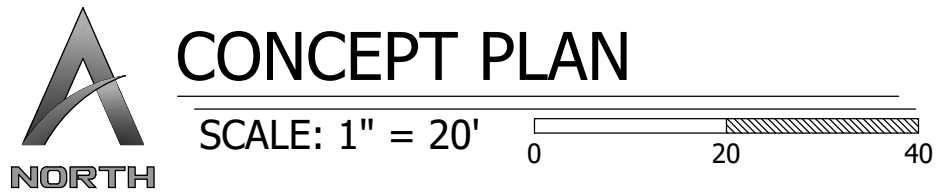
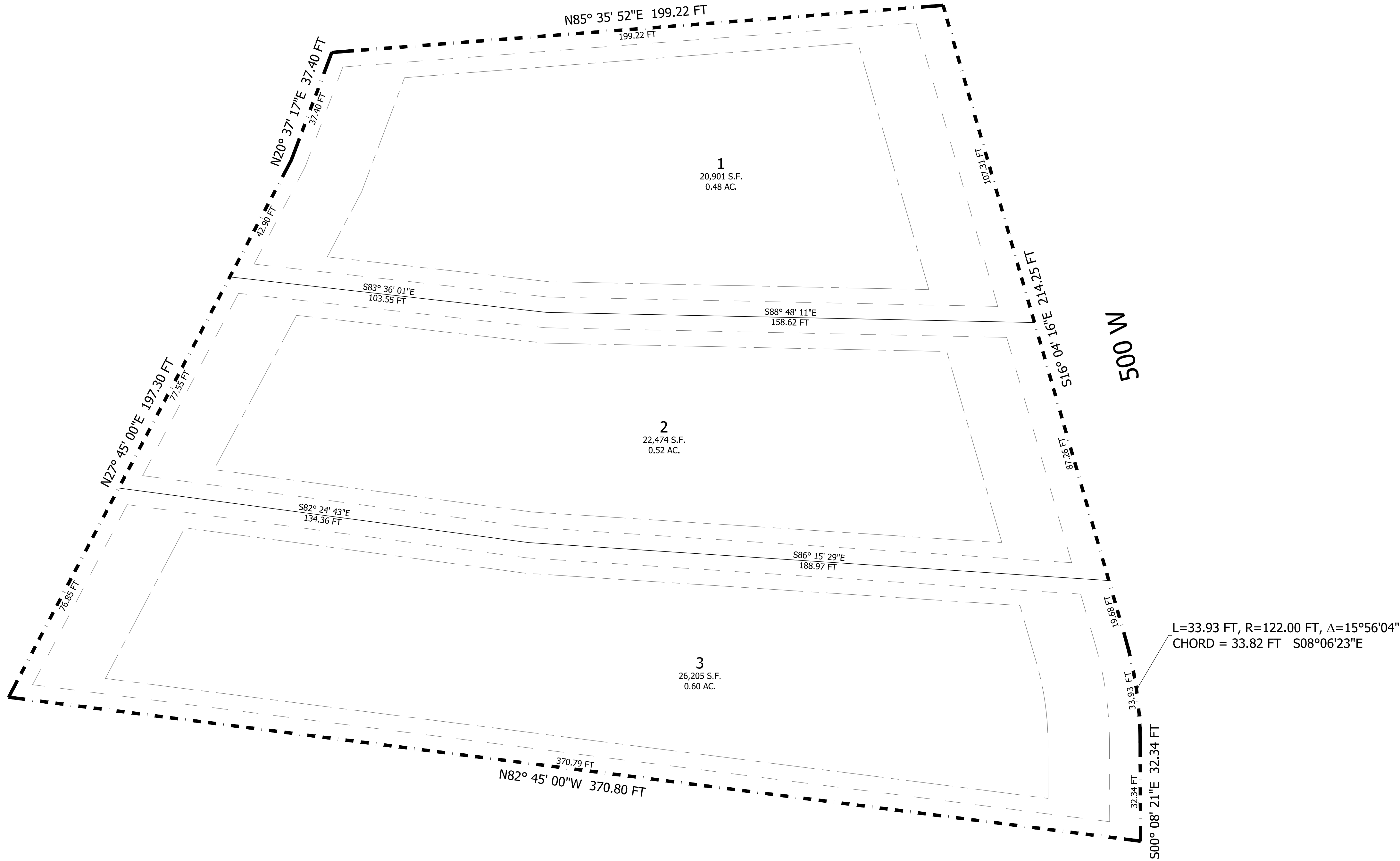
Trevor Wood, Commission Chair

Kira Petersen, Deputy Recorder



SANTAQUIN PROJECT

465 N 500 W
29:037:0041
SANTAQUIN, UTAH



REVISIONS		REMARKS
DATE	BY	



SANTAQUIN PROJECT
CONCEPT PLAN

FOR: KENT STEPHENS

DRAWING: 11

LOCATION: SANTAQUIN, UT

DATE: 10-22-2021

From: DARREN KATHY SWENSON <dyswenson@msn.com>
Sent: Monday, November 8, 2021 11:56 AM
To: Public Comment <publiccomment@santaquin.org>
Subject: Public Notice regarding 3-lot Subdivision 465 N. 500 W.

Dear Members of the Planning Commission, Mayor and City Council,

We are writing in regard to the Public Notice we received for Kent Stephens proposed 3-lot subdivision located at 465 N 500 W. As residents within 500 Feet of the property, we would formally like to challenge Mr. Stephens's proposal.

This property was recently purchased by Mr. Stephens with the sole purpose to subdivide into smaller lots. This does not fit the current criteria of 500 West, which has had no other such properties subdivided into smaller lots at this time. It would appear from the time frame of when the purchase was made, to informing residents of the purposed subdivision, that Mr. Stephens wasted no time in completing the subdivision checklist. That he purchased this property with no intent to live on it, but to subdivide it to make a profit. 500 West is an old street, one of the rare places left in Santaquin that still appears rural, with large lots, bordering an orchard. Allowing for this subdivision would open a door for other developers and investment seekers to do the same, each time a lot went on the market; turning our street into an investment opportunity.

Santaquin is slowly losing sizeable residential lots. There is a shortage and a market for them, but they are disappearing to make room for more condensed housing. 465 N 500 W is a large lot, with approximately 160 points for large animal rights, (assuming it is 1.6 acres as advertised by the realtor) something that is becoming rarer to not only the city but also the county. Additionally, the lot is already laid out and set up with corrals, outbuildings, etc. for animals. Allowing the subdivision would take away one more property that someone with large animals could purchase and enjoy. In this housing market, such a property would be sought after.

As neighbors we oppose having any property this close to us subdivided into smaller lots, especially when it was only purchased to do so. It raises the question of whether or not Mr. Stephens approached the city about the subdivision before the purchase, and was encouraged to move forward. It seems like a large investment to make on a gamble.

We have heard Mr. Bond and Mr. Reeves say many times that they like to see property owners be able to do what they like with their property, oftentimes at the inconvenience and opposition of current residents. Sometimes arguing in favor of the person presenting the proposed change on the grounds that they have owned it for a substantial amount of time. However, there is no doubt in this instance, who has owned property the longest. The residents on 500 West have all lived here a number of years, whereas Mr. Stephens has only been a property owner for a couple of months, and purchased it with the main intent to subdivide and make money, not reside on the property.

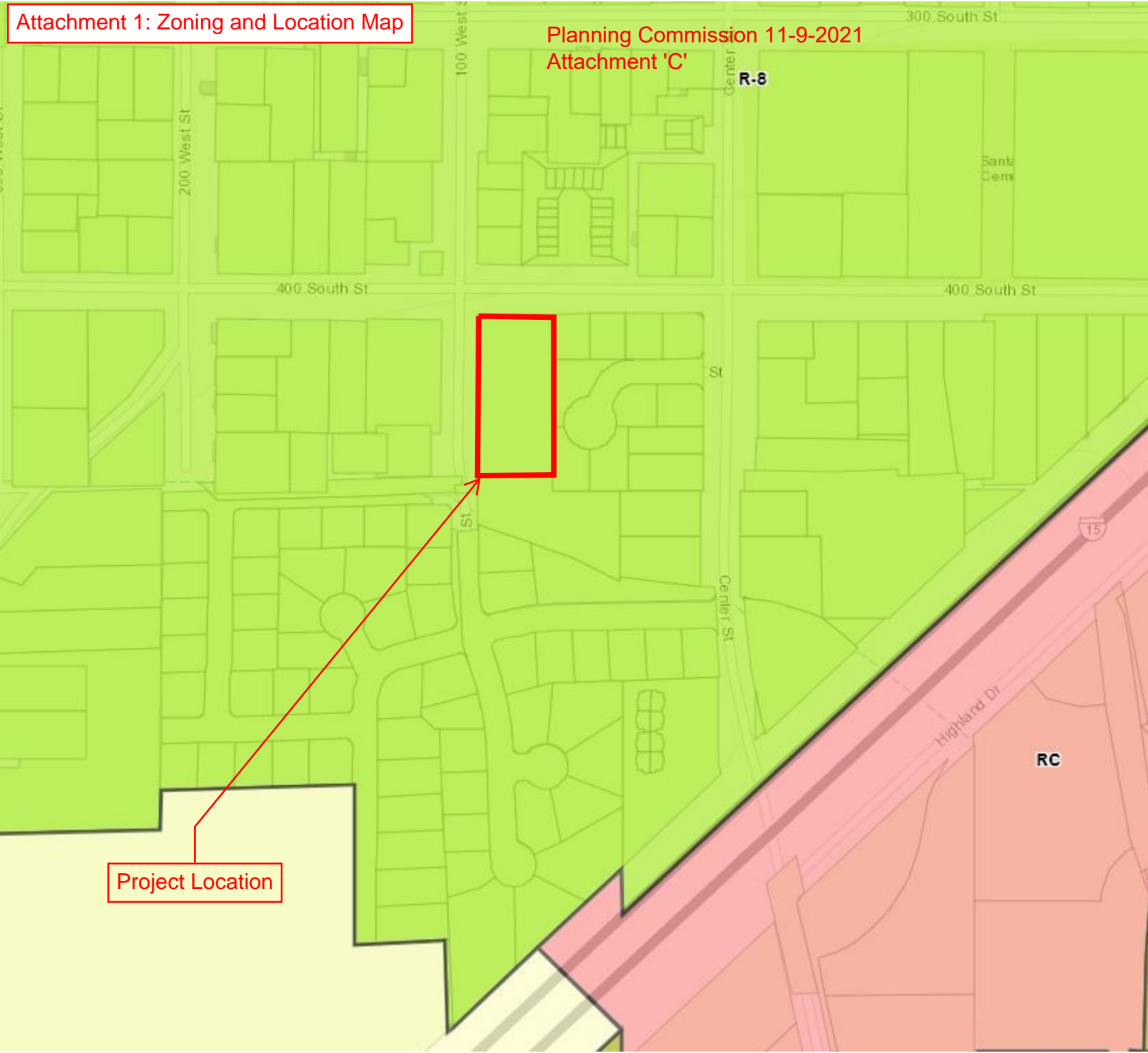
We do not wish to deal with any construction machines or noise in our area. We do not want builders working around our homes and blocking our street to negatively alter a property that is in high demand. As this would not be an improvement upon said property or 500 West. We are assuming that 'subdivision' means single-family dwellings since the notice does not specify what is to be built on the lots. In addition, we do not support any zoning changes that may be applied for in the future in

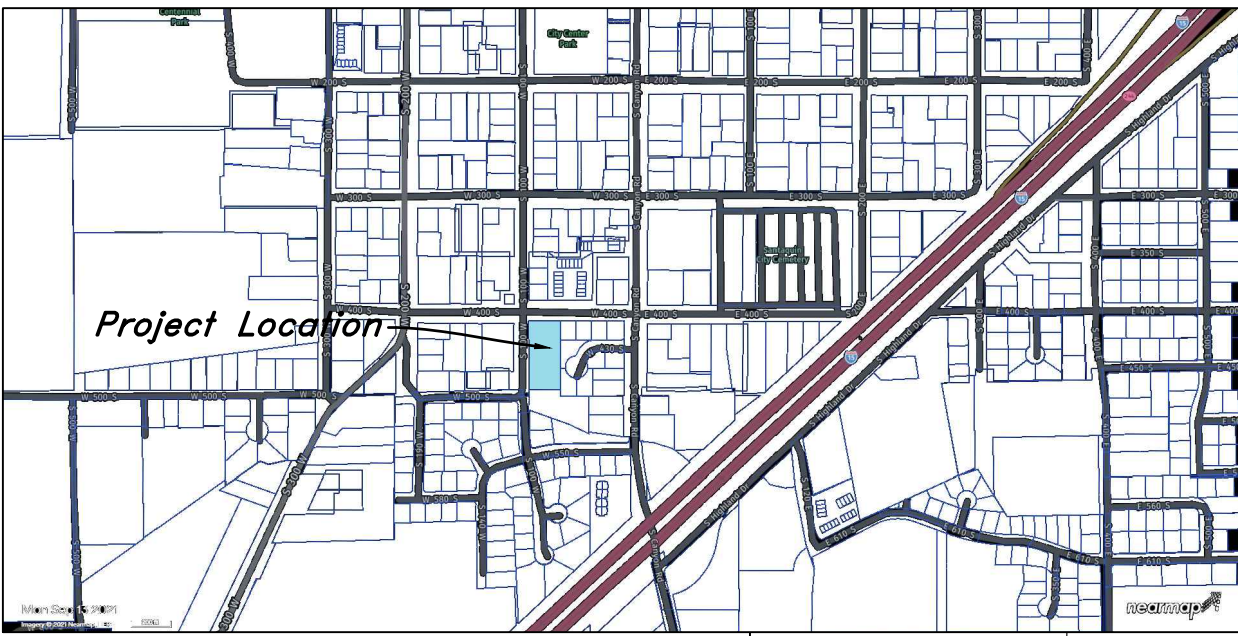
conjunction with this property; in the event that Mr. Stephens proposes to build townhomes or high-density housing on the parcel.

Thank you,

Glen and Sharee Marvin

Darren and Kathy Swenson





Ostler Subdivision

All of of Lot 4 and a part of Lot 3, Block 5 Plat "C" Santaquin
Townsite Survey of Building Lots being a part of Section 2, T10S, R1E,
SLB&M, U.S. Santaquin, Utah County, Utah
October 2021

Vicinity Map
(Not to Scale)

Intersection of 400 South and 100 West Nothing Found Nothing Set.

LEGEND

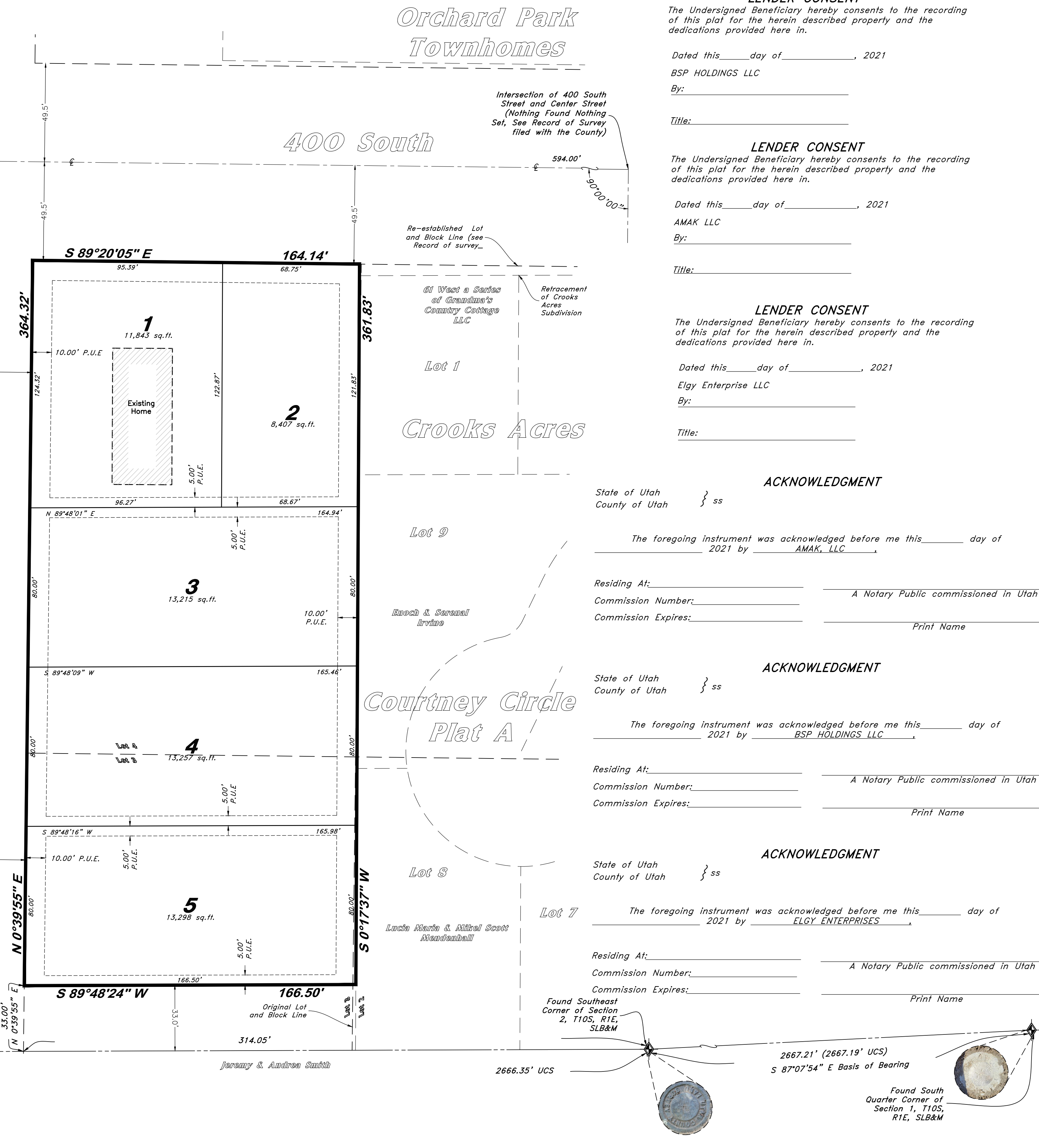
- Found Public Land Monument
- Calculated Section Position
- Record
- Utah County Surveyor
- Centerline Road
- Existing Parcel Line
- Survey Monument Line
- Easement Line
- Lot Line
- Boundary Line
- Lot and Block Line
- Set 5/8"x 24" Long Rebar & Cap w/ Lathe

Scale: 1" = 30'

Graphic Scale

NOTES

1. A 10' wide front yard and 5' wide side yard Public Utility Easement (P.U.E) and Drainage Easement as indicated by dashed lines, except as otherwise shown.



GREAT BASIN ENGINEERING

5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C (801)921-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM 21N752

LENDER CONSENT

The Undersigned Beneficiary hereby consents to the recording of this plat for the herein described property and the dedications provided here in.

Dated this _____ day of _____, 2021

BSP HOLDINGS LLC

By: _____

Title: _____

LENDER CONSENT

The Undersigned Beneficiary hereby consents to the recording of this plat for the herein described property and the dedications provided here in.

Dated this _____ day of _____, 2021

AMAK LLC

By: _____

Title: _____

LENDER CONSENT

The Undersigned Beneficiary hereby consents to the recording of this plat for the herein described property and the dedications provided here in.

Dated this _____ day of _____, 2021

Elgy Enterprise LLC

By: _____

Title: _____

ACKNOWLEDGMENT

State of Utah } ss
County of Utah

The foregoing instrument was acknowledged before me this _____ day of _____ 2021 by _____ AMAK, LLC _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____ Print Name

ACKNOWLEDGMENT

State of Utah } ss
County of Utah

The foregoing instrument was acknowledged before me this _____ day of _____ 2021 by _____ BSP HOLDINGS LLC _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____ Print Name

ACKNOWLEDGMENT

State of Utah } ss
County of Utah

The foregoing instrument was acknowledged before me this _____ day of _____ 2021 by _____ ELGY ENTERPRISES _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____ Print Name

Found Southeast Corner of Section 2, T10S, R1E, SLB&M

2666.35' UCS

2667.21' (2667.19' UCS)
S 87°07'54" E Basis of Bearing

Found South Quarter Corner of Section 1, T10S, R1E, SLB&M

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I also do hereby certify that this plat Ostler Subdivision in Santaquin City, Utah County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Utah County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monuments have been set as depicted on this drawing.

Signed this _____ day of _____, 2021.

6242920
License No. _____

Andy Hubbard

AS-SURVEYED DESCRIPTION

A parcel of land being apart of Section 2 Township 10 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey. Said parcel of land being apart of Lot 4 and Lot 3, Block 5 Plat "C", Santaquin Survey of Building Lots;

Beginning at a point 2 Rods North of the Southwest corner of Lot 3, said point being 314.05 feet South 89°48'24" West and 33.00 feet North 0°39'55" East from the Southwest Corner of said Section 2, and running thence along the West Lot lines of said Lot 4 and Lot 3 North 0°39'55" East 364.32 feet to the North Lot line of Lot 4; thence along Said North Lot line South 89°20'05" East 164.14 feet to an extension of Crooks Acres Subdivision; thence along Crooks Acres Subdivision and its extension, and Courtney Circle Subdivision South 0°17'37" West 361.83 feet to a point 33.00 feet from the Section line; thence paralleling the Section line South 89°48'24" West 166.50 feet to the point of beginning.

Containing 1.378 Acres

SURVEYOR'S NARRATIVE

This Subdivision was requested by Race Ostler for the purpose of Subdividing the the land shown in to 5 lots as shown.

Basis of bearing for this survey is South 87°07'54" East measured between the Northwest Corner of Section 12, Township 10 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey and the North Quarter Corner of said Section.

Property Corners were set as shown here on Subdivision. For more information regarding the boundary see the record of survey filed with the County.

OWNERS DEDICATION

We, the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat, and name said tract shall be Ostler Subdivision, and hereby dedicate, grant, and convey to Santaquin City, Utah County, Utah, all those parts or portions of said tract of land designated as P.U.E, for public utility and drainage purposes over and across said tract of land as shown hereon, the same to be used for the installation, maintenance and operation of public utility service lines and drainage, as may be authorized by Santaquin City.

Signed this _____ day of _____, 2021.

Race Ostler - Owner

ACKNOWLEDGMENT

State of Utah } ss
County of Weber

The foregoing instrument was acknowledged before me this _____ day of _____ 2021 by _____ Race Ostler _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____ Print Name

ACCEPTANCE BY LEGISLATIVE BODY

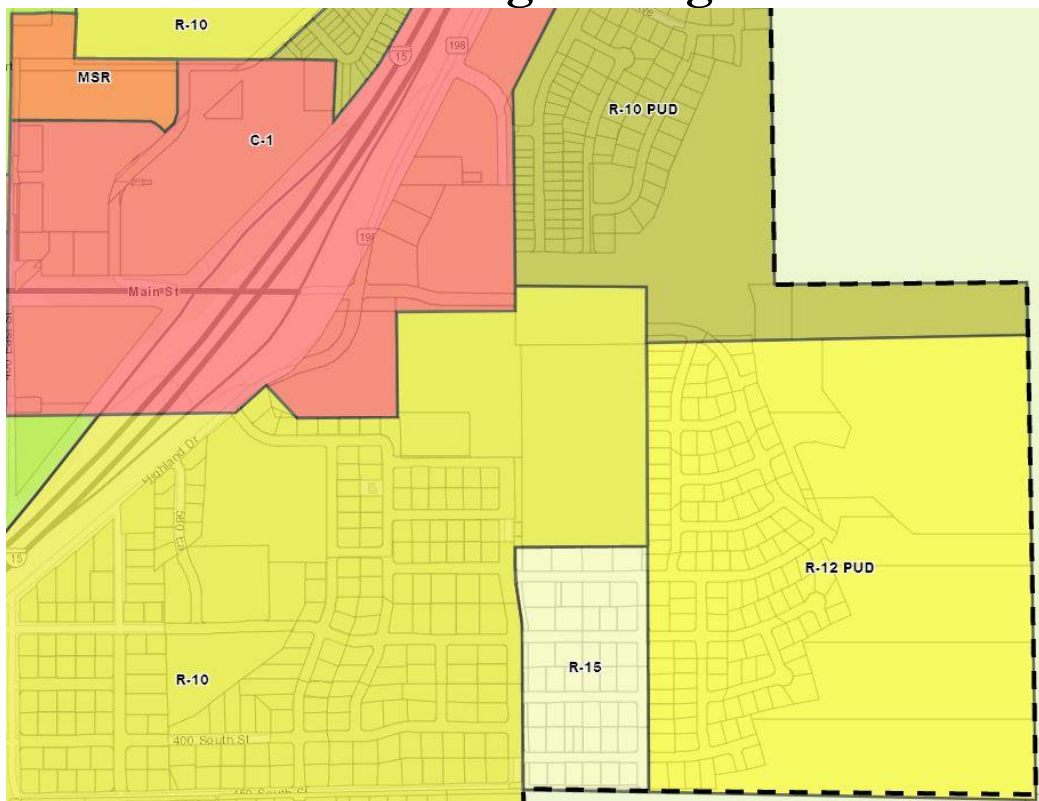
The City Council of Santaquin city Utah County, Approves this Subdivision and hereby accepts the dedication of all easements for the perpetual use of the public this _____ Day of _____, A.D. 2021.

Ostler Subdivision

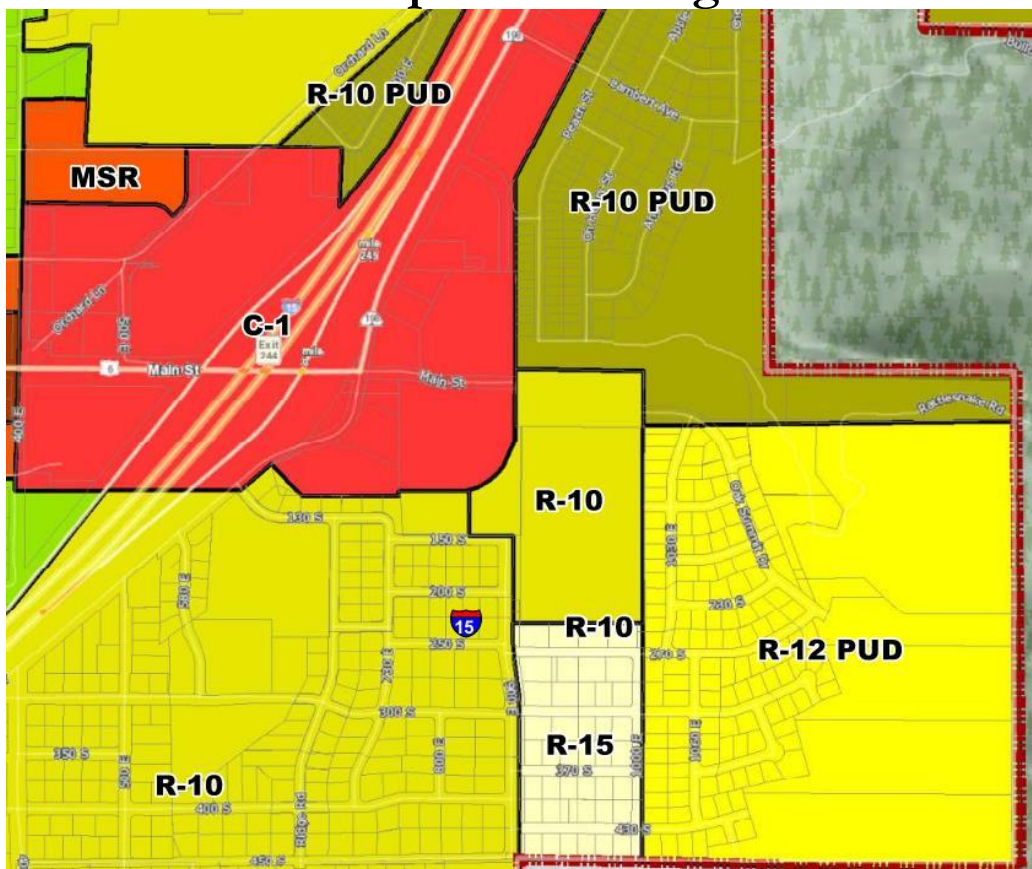
Santaquin, Utah County, Utah

SURVEYOR'S SEAL	CITY ENGINEER SEAL	CITY RECORDER SEAL	UTAH COUNTY RECORDER

Existing Zoning



Proposed Zoning



ORDINANCE NO. DRAFT

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW OFF-SITE OPEN SPACE IMPROVEMENTS TO BE COUNTED TOWARDS THE MINIMUM PERMANENT IMPROVED OPEN SPACE PERCENTAGE REQUIRED FOR A PLANNED UNIT DEVELOPMENT (PUD) , 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 20 Section 170 to allow off-site open space improvements to be counted towards the minimum permanent improved open space percentage required for a Planned Unit Development (PUD); and

WHEREAS, the Santaquin City Planning Commission held a public hearing on November 9, 2021, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; 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 20 Section 170 is amended as follows: (underlined text is added, stricken text is deleted)

D. Minimum Standards:

1. Open Spaces: Each planned unit development is required to contain at least fifteen percent (15%) of the net developable acreage of the development in permanent open space. The fifteen percent (15%) acreage must meet the following guidelines:
 - a. Such acreage must be nonencumbered except for utility easements and nonsensitive lands.

- b. The open space must be improved by the developer and contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, or privately maintained landscape areas as stipulated in the development agreement.
- c. Where a development will be constructed in phases, the ratio of improved and dedicated open space to the total platted property must always meet or exceed the required open space amounts for the entire development.
- d. The fifteen percent (15%) open space requirement may not be used to obtain increased density bonuses under the provisions of paragraph E.
- e. A maximum of fifty percent (50%) of the open space may be utilized for storm drain detention or retention.
- f. All open space areas must be accessible by emergency vehicles and personnel.
- g. Preservation, maintenance, and/or ownership of required and amenity open spaces within a PUD development shall be accomplished by:
 - 1) Dedication of the land as a public park or parkway system if agreed to and accepted in writing by the City;
 - 2) Establish and operation of a condominium project in compliance with the provisions of the Condominium Ownership Act of 1963, Utah Code 57-8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities;
 - 3) Creation of a homeowners' association by which common areas shall be owned and maintained; or
 - 4) Other arrangement devised by the applicant, which is found to be acceptable and approved by the City Council prior to preliminary plat approval. (Ord. 08-01-2008, 8-6-2008, eff. 8-7-2008)
- h. [The City Council, at their discretion, may accept off-site open space improvements and credit the associated improved acreage towards the fifteen percent \(15%\) open space requirement.](#)

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, November 17th, 2021. 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 16th day of November 2021.

Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jennifer Bowman	Voted	___
Councilmember David Hathaway	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 16th day of November 2021, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW OFF-SITE OPEN SPACE IMPROVEMENTS TO BE COUNTED TOWARDS THE MINIMUM PERMANENT IMPROVED OPEN SPACE PERCENTAGE REQUIRED FOR A PLANNED UNIT DEVELOPMENT (PUD) , 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 16th day of November, 2021.

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 16th day of November, 2021.

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