

# MEMO



To: Planning Commission

From: Ryan Harris, Senior Planner

Date: January 5, 2024

RE: Amendment Related to the Parking Area Access Requirements

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It is proposed that the Planning Commission and City Council consider amending language related to the parking area access requirements found in SCC 10.48.050.E.

At the September 5th City Council Work Session, the Mayor and Council discussed concerns about limited access for businesses along UDOT-controlled right-of-way. The council gave direction to staff that the DRC (Development Review Committee) and the Planning Commission should look at the code to determine if code changes need to be made to the access requirements for business.

The City Council asked the DRC to provide a recommendation to the Planning Commission. The Council and Mayor wanted the DRC to look at the proposed code change from a technical standpoint.

The Development Review Committee (DRC) reviewed and discussed the code amendment in several meetings. Staff also meet with UDOT officials to see what their access requirements are. A Change of intensity of land use requires a new conditional access permit to be reviewed by UDOT. Administrative Rule R930-6-8(2)(b)(ii) states, "... A level of change requiring a conditional access permit is a trip generation that exceeds 100 peak hour trips or 500 daily trips or a change in trip generation of 20% or greater relative to existing conditions...." The 500 ADT that is suggested in the DRC motion below focused on public safety and following UDOT requirements as closely as possible.

The DRC reviewed the proposal on October 24, 2023, and provided the following recommendation:

**Motion:** Assistant Manager Bond made a motion to recommend to the Planning Commission and City Council an increase of ADT to 500 on UDOT roads only, no change to ADT for single access on City-owned rights-of-way and allowing site queuing and internal circulation requirements to remain the same. Manager Beagley seconded the motion.

Police Officer Kayson Shepherd, Yes; Public Works Director Jason Callaway, Yes; Fire Chief Ryan Lind, Yes; City Manager Norm Beagley, Yes; Assistant City Manager Jason Bond, Yes; Building Official Randy Spadafora, Yes; City Engineer Jon Lundell, Yes; The motion passed unanimously.

The Planning Commission reviewed the proposal on November 14, 2023, and provided the following recommendation to the City Council, which recommended approval of the language forwarded from the DRC:

**Motion:** Commissioner Hoffman made a motion to recommend approval of the proposed code amendment, which amends the parking area access requirements. Commissioner Weight seconded the motion.

Commissioner Wood, Yes; Commissioner Lance, Yes; Commissioner Nixon, No; Commissioner Romero, Yes; Commissioner Wight, Yes; Commissioner Hoffman, Yes; The motion passed.

The City Council reviewed the proposal on December 19, 2023. After discussing the proposal, Councilor Hathaway made a motion to remove Paragraph E completely from 10.48.050 “Access to Parking Facilities”. Councilor Adcock seconded the motion.

Legal Counsel Brett Rich and staff discussed the motion and explained that the motion makes significant changes to the City Code and that the removal of Paragraph E should be referred to the Planning Commission.

**Motion:** Councilor Hathaway reiterated the motion to remove Paragraph E completely from 10.48.050 “Access to Parking Facilities”. Councilor Adcock seconded the motion.

Councilor Montoya, No; Councilor Adcock, Yes; Councilor Siddoway, No; Councilor Mecham, No; Councilor Hathaway, Yes; The motion did not pass.

**Motion:** Councilor Mecham in turn made a motion to table the proposed ordinance and refer the proposed language in 10.48.050 Access to Parking Facilities back to the Planning Commission for additional review. Councilor Siddoway seconded the motion.

Councilor Montoya, Yes; Councilor Adcock, Yes; Councilor Siddoway, Yes; Councilor Mecham, Yes; Councilor Hathaway, No; The motion passed.

The attached draft ordinance is the proposed language that was approved by the DRC and Planning Commission. The Planning Commission’s responsibility is to forward a recommendation to the City Council.

**Motion:** “Motion to recommend approval/denial of the proposed code amendment which amends Santaquin City Code 10.48.050.E.”

## ORDINANCE NO. **DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE SECOND ACCESS REQUIREMENT TO A PARKING FACILITY, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

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

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

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 10 Chapter 48 Section 050 regarding secondary access requirements to a parking facility.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on November 14, 2023, 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 48 Section 050 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10.48.050 ACCESS TO PARKING FACILITIES**

- E. ~~Any development with a single point of access (ingress and egress) shall have a maximum ADT (average daily trips) of two hundred fifty (250) trips.~~ Any development that exceeds an ADT (average daily trips) of two hundred fifty (250) trips shall provide a secondary access for ingress to and egress from the site. When a site is adjacent to a UDOT controlled right-of-way, the maximum ADT allowed before needing a secondary access for ingress to and egress from the site is five hundred (500) trips.

### **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, January 17, 2024. 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 16<sup>th</sup> day of January 2024.

\_\_\_\_\_  
Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Brian Del Rosario	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember Travis Keel	Voted	___

ATTEST:

\_\_\_\_\_  
Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, 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 16<sup>th</sup> day of January 2024, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE SECOND ACCESS REQUIREMENT TO A PARKING FACILITY, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 16<sup>th</sup> day of January 2024.

\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at [www.santaquin.org](http://www.santaquin.org), in three physical locations (Santaquin City Public Safety Building, Zions Bank, Santaquin Post Office), and on the State of Utah’s Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

\_\_\_\_\_  
AMALIE R. OTTLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_ 2024, by  
AMALIE R. OTTLEY.  
My Commission Expires:

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

Residing at Utah County