

Minutes of the Salem City Planning & Zoning Commission meeting held on March 13, 2013 in the Council Chambers.

Meeting Convened: 7:00 p.m.

Conducting: Shelley Hendrickson

PRESENT:	Brian Warren	Robert Frampton
	Shelley Hendrickson	Mark Johnson
	Rod Christensen	Reid Nelson
	Attorney Jason Sant	Bruce Ward, City Engineer
	Becky Warner, Secretary	Attorney Harold Mitchell
	Mick Balzly	Ted Balzly
	Glade C. Lewis	Cliff Hales
	Brad Hales	Ken Christensen
	June Christensen	Jessica Raadoop
	Steven Bearnson	Bjarn Bearnson
	Brent Warren	

APPROVAL OF MINUTES

MOTION BY Rod to approve the minutes of February 13, 2013 as written. Seconded by Mark; Vote Affirmative, 5-0.

CLIFF HALES – PRELIMINARY PLAT APPROVAL

Bruce explained that Cliff had gotten approval for the Meadows at Mount Loafer Subdivision several years ago but that approval has expired. He is now asking for preliminary approval for 4 more lots. The main lines are all in but they will need to run the laterals and the power to these lots as well as build the road. There are no changes from the original approved plat.

MOTION BY Bob to approve the preliminary plat for Plat C of the Meadows at Mount Loafer Subdivision. Seconded by Reid; Vote Affirmative, 5-0.

BALZLY FARMS – AGRICULTURAL PROTECTION AREA

Balzly Farms have requested that they be able to create an agricultural protection area for approximately 97 acres of property located in the northwest part of the city limits.

Shelley explained that this is not a public hearing but the Board would hear from the applicant and anyone who had filed a protest to this petition.

Jason explained to the Commission what an agriculture protection area would actually do for this property. This is to protect the area for 20 years against development and both the city and county need to approve. If a landowner chooses, they may pull out of the protection at anytime. They can also renew it after 20 years if they want. Jason said that the Commission needed to consider the following criteria when determining whether or not to recommend the protection area.

- 1) Whether or not the land is currently being used as agriculture
- 2) Whether or not the land is zoned for agriculture
- 3) Whether or not the land is viable for agriculture
- 4) The extent and nature of existing or proposed farm improvements
- 5) Anticipated trends in agricultural and technological conditions.

Jason asked that when the Commission makes a motion, they give detailed reasons for approving or denying the request so that he can do a report on their recommendation.

Harold Mitchell stated that he is the attorney that prepared the petition. The Balzlys and some of the adjacent property owners wanted to do this to protect them from a nuisance lawsuit from their neighbors. There is not an immediate threat of this happening but they want to be protected in the future. This would also help protect them from losing their property through eminent domain or through a zone change. The property is currently zoned agriculture and the property owners have put in extensive improvements with irrigation, corrals, barns etc.

Glade Lewis stated that his property is surrounded by this proposed protection area and he doesn't care what they do with their property but he doesn't want it to infringe on what he wants to do with his property. His property is right next to I-15 and he would like to put some type of business on it but he is afraid that this would affect what he wants to do.

The Balzlys were asked what the primary agricultural use was for this property. It is livestock and crops and they want to continue to use their property for that. The City's General Plan shows a mixed use in this area which would include some commercial and some residential. Also there are already plans in the works for a frontage road to run parallel to I-15 in this area.

June Christensen, who also owns property adjacent to this proposed area, stated that their family has been farming for 4 generations and they love it but now they are selling it. She is concerned about the affect this protection area would have on the future use of this property. She believes that the ability to sell their property would be adversely affected by this protection area. A developer would think twice about purchasing their property with an agricultural protection area right next to it. She also stated that this is the only freeway off ramp in Utah County that is not developed and this protection area would stop the installation of roads and infrastructure for any development.

Mr. Mitchell pointed out that this property meets the criteria in the State Code for an agricultural protection area.

Shelley said that part of the job of the Planning Commission is to evaluate the city's land use as a whole. They spent a couple of years working on the General Plan and this is not an area that was preserved for agricultural because of the freeway off ramp. She had spoken to the planners from Spanish Fork and Payson and they both are planning commercial and high density for their property located around the freeway. She recommended denying the agricultural protection area because of what we have in our General Plan and with the boulevard which is planned in this area. She doesn't see that the property owners are going to gain much by this protection area because it is agricultural now and there isn't an immediate threat to that way of life.

Reid asked if the City was obligated to approve the agriculture protection area if the property met all of the criteria. Jason said that they were not obligated to approve it.

Steve Bearnson, who also owns property next to this proposed area, stated that he and the other property owners in this area, including Balzlys, approached Salem City a few years ago to be annexed so they wouldn't be incorporated into Benjamin. He said Salem City has been good to work with them and he pretty much agrees with what the city has planned for their area in the future. He stated that he is the biggest agricultural property owner in this area and he doesn't think that the protection area will help the Balzlys.

It was stated that if any development was to be done in this area, the Balzlys would have control over what was done with their property. Any potential buyer would need to negotiate with the property owners and they could choose to sell or not to sell. Right now all of the neighbors are farmers and there isn't an immediate plans to change that. June Christensen said that development in that area would require more property than hers to make it feasible. Running the utilities to this area is going to be an enormous expense.

Shelley asked each Board member how they felt about this issue. They all felt like it would not be that big of benefit to lock up this property for 20 years.

MOTION BY Reid: The Committee finds that the Balzly's request for an agricultural protection area does meet all of the criteria set in the State Code 17-41-305 but recommends denying the approval based on the fact that the benefit of the protection doesn't meet the adverse consequences to the adjacent property owners and their desire or opportunity to develop their property. Seconded by Brian; Vote Affirmative, 5-0

(Note: Mark Johnson does not vote when there is a full quorum)

COMMERCIAL ZONES

Shelley & Bruce had put together some ideas for permitted uses in the zones and other items that needed to be discussed. Jason reminded the Board that the public hearing on the commercial zones is scheduled for next month so any changes need to be made quickly.

There was discussion on the permitted uses and on the differences between the C-1 and C-2 zones. It was decided to eliminate the C-3 zone because it was so much like the C-1. It was determined that the number of parking spaces should be determined by the usage not the square footage of the building. Spanish Fork has a chart in their ordinance that goes by the national average on commercial usage and that works well. It was decided to incorporate that same table into our commercial zones.

MOTION BY Rod to adjourn Planning & Zoning Commission Meeting. Seconded by Reid; Vote Affirmative, 5-0.

Planning & Zoning Commission was adjourned at 10:00 p.m.