

1
2 Planning & Zoning Minutes

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4 Date: Wednesday, February 10, 2021

5 Time: 7:00 pm

6 Location: City Office Building, Council Chambers located at 30 West 100 South

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8 Commissioners attending: Kelly Peterson (via Zoom), Jim Simons, David Stringfellow,
9 and Paul Taylor.

10 Staff attending: Amy Shelley, Bruce Ward, Ryan Selee, Walter Bird, Matt Marziale and
11 Dale Carter.

12 Others in attendance: George Rasband, Marty Grange, Berdell Olsen, Steven Clyde,
13 William Burk, Julie Smit, Randy Smith, Dean Ingram, Tanner Whitworth and Brant Tuttle.

14 Attending via Zoom: Allen...

15
16 6:00 pm Work Session

17
18 Bruce welcomed everyone to Planning & Zoning. Paul Taylor and Dave Stringfellow were
19 introduced as new members of the commission. Dale Carter and Matt Marziale were
20 introduced to the PZ members as staff attending to talk about the Storm water
21 standards. Jon Ward was excused and Kelly Peterson was asked to preside over the
22 meeting.

23
24 Agenda items were discussed as follows.

25
26 Bruce Ward stated that we have standards from the state that we as a city have to
27 enforce on homeowners, business owners, subdivisions and ourselves, our parks, and
28 public works places. We were recently audited and had deficiencies as every city does.
29 Dale Carter gave a summary of what the Low Impact Development Better Management
30 Practices Manual (LID BMP) is and why it is needed. He explained to Committee
31 members that this is a manual for developers and contractors to use as a guide when
32 designing developments, roads, parking lots, etc. to protect storm water and get it back
33 into the ground as fast as we can. The state requires a minimum five choices of
34 underground for developers and contractors to choose from and this guide directs them
35 as to what is acceptable for using here. Ryan Selee summarized the Storm Drain Design
36 Standards. He stated that our old standards were a paragraph long. The new Standards
37 give better guidelines to follow and meets all of the requirements. It gives more details
38 of what is required and acceptable. It offers more downstream protections. Bruce
39 stated that this is on for public hearing. If any public is hear and wants more information



1 we can answer their questions. DRC has recommended approval and he would
2 recommend that the commissioners recommend approval as well.

3
4 Next item on the agenda is a public hearing for Fieldstone Homes' zone change request.
5 Bruce gave a summary of the Zone Change Request. He stated that it is about 24 acres
6 of land owned by Dr. Peterson across from the Krishna Temple. This is the third or
7 fourth request on this property. He gave committee members a summary of what the R-
8 10 zone is and what is required. The current zoning is R-15 and he told what is required
9 for that zoning. Bruce summarized the DRC recommendation to deny the request. Kelly
10 brought up that City Council has turned this down a couple times. He asked if this was
11 the same feeling the DRC had this time. Bruce stated that this property is a long way out
12 of town. It is a long way from utilities. Developers tend to want denser zoning to be able
13 to afford getting the utilities in. He said it is not the cities responsibility to zone down to
14 make property affordable. It is our responsibility to address what we think is the best
15 use as we try to plan the city. As we grow, R-15 is a low density zoning. They could build
16 an R-15 today. The reason they don't is because of this distance of utilities. This request
17 came in as a retirement community, which the city liked but they couldn't get it to work
18 out. It came in as an R-5 which was turned down by the council. It was turned in as an R-
19 8 was turned down by council. It went to DRC last week for all the same reason staff is
20 recommending denying the request. One day it may be denser but today it would be
21 hopscotch growth. We can plan better when growth expands out from the center. We
22 can plan corridors better, utility lines, transportation. Things just work better when we
23 don't jump out. Kelly asked what zone staff discussed and would be comfortable with.
24 Bruce answered that staff felt leaving it R-15 for now, was best. That could change in the
25 future but for now R-15. Once utilities get out there then commercial nodes would be
26 appropriate. Paul asked if we wait too long to zone as an R-12 or R-10 are we then
27 looking at this area being zoned as an R-8 or R-5. He asked do we compromise today
28 before it would be too late. Bruce brought up the General Plan and explained what the
29 Historic Salem Extension designation is. He clarified that this is a guideline for the next
30 twenty years.

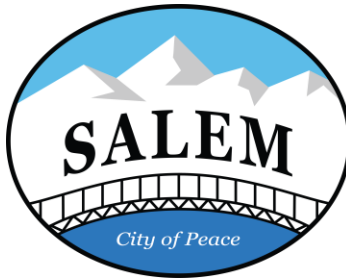
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32 Whitworth Assisted Living Commercial Site Plan Approval. Tanner Whitworth will be
33 here to present his project. This is a Retirement Center that will be located on the empty
34 lot by the pond, to the east, across from where we set up the nativity scene. It's a nice
35 little spot there. It is about an acre and a quarter. It is a 16 bed level 2 assisted living
36 facility. Bruce stated that it has been reviewed and meets all the commercial site plan
37 requirements. Kelly asked if it will meet our parking requirements. Bruce shared that it
38 meets our standards. He also stated that they will be expanding Salem Lake Drive and
39 there will be adequate space for street parking. Paul brought up the overnight parking
40 ordinance in the winter months. His concern is with staff overnight and the fact that



1 there are only eight stalls. There are overnight employees and staff. Is there enough.
2 Kelly also shares the parking concerns. Dale brought up that delivery trucks might also
3 have troubles.

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9 Summer Springs Revised Preliminary Plat and Development Agreement. Bruce told
10 committee members that Mike Hatch previously submitted about a year ago and it was
11 approved March 2020. It is a town home, single family homes community. We approved
12 it with a Development Agreement. It was sold and the new owner wants to build slightly
13 bigger units with private backyards. The original owners had more open backyards and
14 the new owners want private backyards. The original agreement had an amenities
15 package that included pickle ball courts, playgrounds, tot lots, and nice open spaces. The
16 new owners have eliminated the parks and open spaces and instead want a pavilion and
17 pool. Their plan puts a tot lot in a retention pond and that is the only playground. Their
18 modifications change the agreed upon amenities significantly. Bruce summarized DRCs
19 feelings on the project. He stated that DRC is recommending approval of the new plan,
20 on the condition that the pool be secured in the winter and adding a tot lot on the
21 North side of 1590 and on the South side of 1590. A place for families to enjoy when
22 they don't want to be in the pool. Kelly asked if this will be maintained by an HOA. Bruce
23 answered in the affirmative and then turned time over to Matt Marziale who has had
24 more in-depth conversations with the applicant regarding the amenities modifications.
25 Matt told committee members that the original agreement had a nice park and
26 amenities package. He said that there will be a fifty-six acre park to the west of this
27 project in Arrowhead Springs but it is years down the line. He said that the new
28 applicant is spending a hundred thousand more dollars on the amenities to add the pool
29 but that he doesn't feel a pool addresses the needs of the young families which will be
30 the targeted buyer. Kelly brought up that private backyards creates a problem for the
31 center unit to take care of their yards. They would need to take the mower through
32 their house.

33
34 Wright Subdivision Preliminary Plat. Bruce stated that this is an R-15 subdivision, located
35 off of Loafer Canyon Road and near 11200 south. It's approximately thirty-five acres.
36 Fifty-nine lots. Again the current zone is R-15. The lots are all 15,000 square feet with
37 hundred foot frontages at a minimum. Staff has reviewed it and it meets all of our
38 building and subdivision standards. There are some gas and rocky mountain power
39 easements. The developer and engineer have taken these into consideration and have
40 organized their lots accordingly. Kelly asked if these meet the number of lots with the



1 number of accesses. Bruce stated that this is a preliminary plat. That would be
2 addressed at final plat and in the phases. It would also be addressed when the
3 neighboring subdivisions. He stated that Arive Homes is the developer and they are
4 aware of the requirements. Paul asked about dead end utilities. Bruce answered that
5 those all get modeled and designed by staff or third parties so any concerns are
6 addressed prior to submitting preliminary plat. He encouraged them to ask questions of
7 the applicant.

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10 7:00 pm Regular Meeting

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12 Kelly welcomed everyone to Planning and Zoning.

- 13
14 1. Approve minutes from December 10, 2020. Minutes are unavailable and
15 will be available at the next meeting.

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17 Motion was made to go into Public Hearing by Paul Taylor. The motion was
18 seconded by Jim Simons. All voted in favor.

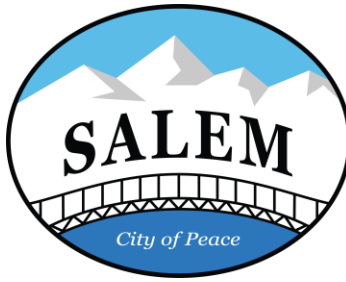
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20 Kelly announced that the committee is in Public Hearing.

- 21
22 2. Public Hearing –to consider adopting the new Storm Drain Design
23 Standards and Low Impact Development Better Management Practices
24 Manual

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26 a. Bruce stated to the public that this item was discussed
27 in work session and asked if there was anyone in the
28 audience or in the Zoom meeting that had questions or
29 comments on this agenda item. No one had
30 comments.

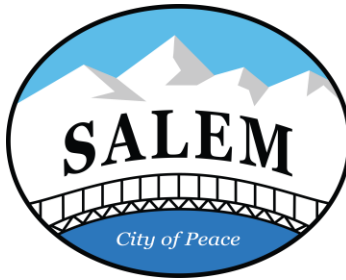
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32 Public hearing continued to the next Public Hearing item for public comment
33 before returning to with this agenda item after closing public hearing was made.

- 34
35 b. Motion to recommend adopting the New Storm Drain
36 Design Standards and Low Impact Development Better
37 Management Practices Manual was made by Paul
38 Taylor. Seconded by Dave Stringfellow. All voted in
39 favor of recommending approval.
40



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2 3. Public Hearing –Fieldstone Homes (Country Estates) Zone Change
3 Request from an R-15 to R-10 (approx. 24 acres located at 701 E 1330 North)
4 PZ2021-8

- 5 a. Randy Smith the applicant gave a summary of his
6 request for Zone Change to go to R-10. He said their
7 previous requests feedback was given to stay within
8 the General Plan of two to three units per acre. Their
9 plan will average out to be about 12,000 square foot
10 lots. He said that at DRC they heard about a
11 commercial node for the first time and they are willing
12 to entertain that. As currently is laid out is about
13 twenty four acres and the density is about 2.5 to 2.7
14 units per acre in the R-10 zone.
- 15 b. Public comments. Steven Clyde he is a neighbor to the
16 bottom of the plat plan. He said he was pleased that
17 the developer came and talked to the neighbors. He is
18 now displeased because the developer hasn't kept
19 promises of communication. He is concerned about
20 proper site distance on the hill where they are
21 planning their road into the subdivision. He is
22 concerned with the zone change density. He doesn't
23 want this dense of zone in the agriculture area. He is
24 concerned about the safety of that dense backing up
25 to agriculture. There is a transfer of liability with the
26 residential backing up to agriculture. Fencing would
27 need to be addressed. Third concern is irrigation lines
28 and right of ways to preserve water rights of the
29 agriculture users in that area. When it was annexed
30 into the city it was zoned R-15 and that is what he'd
31 like to see that preserved. He is also concerned with
32 open spaces for citizens.
- 33 c. Marty Grange. On the north end. He agrees with
34 everything Steve said and shares the same concerns.
- 35 d. Allen via zoom. He agrees with the staff
36 recommendation of it remaining R-15 and not change
37 to R-10. He said possibly in the future it would be
38 fitting but not for now. This is not the right time to do
39 that.



- e. George Rasband. He is surprised the applicant is coming back three months later. He has the same concerns as before. Liability with keeping children safe from the agriculture practices that are the back of the property. He also shares the irrigation concerns. Animals can bump the water and there would be liability with basements flooding. The original subdivision put in a road the state came in and declared it wasn't safe. Now this proposal wants to put it where there isn't a safe site line. He doesn't want to hear this again in three months. He brought up that he is still concerned with the higher density.
- f. William Burke. He says this area is getting developed whether we want it or not. He is no longer opposed to the project. He said that his father was the originally the one to put the road in. the State and county worked together on the placement of the road. He said that he has stood where the entrance will be and you can see. He doesn't feel this is a valid concern anymore. He feels it does fit into the General Plan of R-10. He does share the irrigation access water concerns. He said that the members of this irrigation company maintains the lines. They need to have access to those lines. It is a valid concern but he feels the developer would work with them. His reason for changing his position is that he is interested in having access to city utilities. He would rather see access to them now.
- g. John Hunter President of Mount Loafer Water Users Association. He shared the sizes and locations of the irrigation lines. He shared previous stated concerns with having access to those private water lines. They need assurance that the lines would be taken care of and that they would have access to the lines.

Motion was made to go out of public hearing by Jim Simons and seconded by Dave Sringfellow. All voted in favor of closing public hearing.

- h. Kelly asked if there were any comments or questions from zoning commissioners. Paul asked if there were

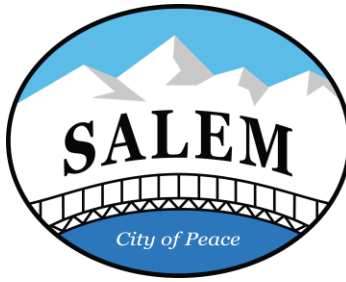


1 engineering concerns with the line of site. Bruce
2 specified that UDOT would have to take a look at that
3 those and approve. They will determine the line of
4 sight and they have processes that would determine
5 the safety of roads. He also stated that there are
6 protections of the irrigation lines. Those would need to
7 be relocated. He stated that fencing is not a
8 requirement in our ordinances and asked if Randy
9 would like to answer those concerns. He assured
10 commissioners that fencing would be addressed by
11 them and they would take into account public
12 sentiment in providing that. Bruce pointed out that our
13 current single family ordinances don't require open
14 space. They don't require parks or anything like that.
15 Single Family arrangements they pay significant impact
16 fees for things like that. Unless council or the zoning
17 commission proposes ordinance changes that won't
18 change. He also stated that the current R-10 zone
19 minimum of 10,000 sq ft with 90 foot frontages. Mr.
20 Burk also pointed out that there is a text modification
21 that allows for lot averaging. Bruce stated that is
22 correct and that will be coming next meeting.

- 23 i. Randy addressed the neighbors and stated that all of
24 their concerns would be addressed and as they
25 develop. It was brought up the delivery system of the
26 water. Point of diversion.
- 27 j. Bruce asked Walter to explain to new commissioners
28 the options available. He said the first would be to
29 recommend approval as presented. They could table
30 the discussion. The third option would be to deny the
31 request.
- 32 k. Kelly Peterson made the motion to recommend
33 denying the R-15 to R-10 Zone Change request from
34 Fieldstone Homes. Jim Simons seconded the motion.
35 All voted in favor of denying the zone change request.

36
37 4. Whitworth Assisted Living –Commercial Site Plan Approval PZ2020-67

- 38 a. Tanner Whitworth and Julie Smith are her representing
39 the owner and applicant. She gave a summary of the
40 design and engineering. Kelly asked the applicant what

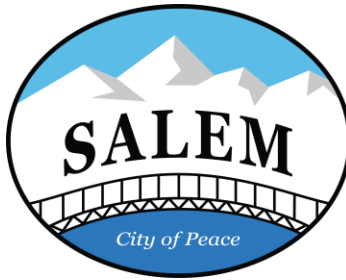


1 the maximum staff and parking and is it adequate at
2 maximum capacity. Tanner said that at maximum
3 staffing capacity is at eight. Tanner pointed out that
4 the widened street would allow for overflow parking.
5 He said that delivery trucks would park on the street
6 and wheel it up. Bruce read the parking ordinance for
7 the retirement facilities. One parking stall for each staff
8 at the maximum. They would need a minimum of ten
9 parking stalls. Paul stated he likes the concept but
10 would like to see adequate parking. The applicant said
11 they could easily add another parking stall to the
12 north-west corner on the storm drain bricks. Bruce
13 suggested that would solve the issue and meet the
14 requirements of adequate parking.

- 15 b. Motion was made to approve the Whitworth Assisted
16 Living Commercial Site Plan with the stipulation they
17 meet the requirement of having ten off street staff
18 parking spaces, was made by Paul Taylor. It was
19 seconded by Dave Stringfellow. All voted in favor.
20

21 5. Summer Spring Revised Preliminary Plat & Development Agreement
22 Approval PZ2020-106

- 23 a. Nick Mason- Bach Homes He purchased the property
24 with a development agreement already in place. He
25 said that they have designed a product that is
26 attractive to young, first time home buyers. They have
27 created apartment communities and this single family
28 product is new to them. He addressed that they have
29 covered pools and makes it so they can keep the
30 amenities open. Shutting down the whole amenity or
31 just the pool addresses DRC concerns that were
32 brought up. They are required to put in 3,600 per lot in
33 amenities. They came in about \$100,000 more than
34 what is required. After DRC he and staff came to a
35 better understanding of what staff was
36 recommending. He has found in their communities tot
37 lots aren't used that much. He said that splash pads
38 are used more. His perspective is different from staff.
39 He got from staff that they are looking for year round
40 amenities. He said that their perspective is that their



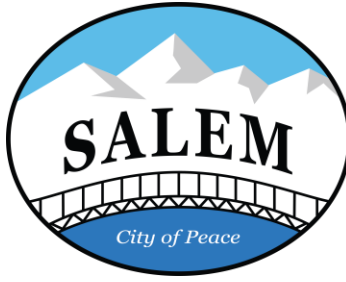
renters typically want a pool. He said they put tot lots in retention ponds all the time. He showed an arial photo of a pool in one of their communities. It would be on a smaller scale but gives commissioners an idea of what they provide. Paul asked what the private backyards would be and if they have addressed landscaping. Nick said that they provide fences with gates and they have landscape companies that maintain all the landscaping and they provide access. Limited common area is why the HOA is allowed to mow landscape areas. Private back yards has been a more popular product than open back yards.

- b. Motion to recommend approval of the Summer Spring Revised Preliminary Plat and Development agreement was made by Jim Simons. The motion was seconded by Dave Stringfellow. All voted in favor. The motion was made with-out the recommendations from DRC so the recommendation will need to be adjusted at City Council to clarify the location of the tot lots.

6. Wright Subdivision –Preliminary Plat PZ2020-88

- a. Bruce explained to the committee about the bridge and the requirement that it needs to be bonded prior to recording.
- b. Dean gave a summary of the planning and design that has gone on with the bureau to get approval of the bridge on Highline canal. He told committee that the entire Loafer Canyon Road area will be developed by him and Visionary homes and this will be one of the nicer subdivision in Salem. This will be a beautiful area with the topography and views. The road and bridge will be improved.
- c. Motion to recommend approval of the Wright Subdivision with the conditions set by DRC was made by Kelly Peterson. It was seconded by Paul Taylor. All voted in favor.

Motion was made to adjourn the meeting was made by Kelly Peterson and seconded by Jim Simons. All voted in favor.



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The public is invited to attend.

Jon Ward, Chairman
Planning & Zoning Commission