



PLANNING COMMISSION

Tuesday, September 24, 2024, at 7:00 PM
Council Chambers at City Hall Building and Online
110 S. Center Street, Santaquin, UT 84655

MEETINGS HELD IN PERSON & ONLINE

The public is invited to participate as outlined below:

- **In Person** – The meeting will be held in the Council Chambers on the Main Floor in the City Hall Building
- **YouTube Live** – Some public meetings will be shown live on the Santaquin City YouTube Channel, which can be found at <https://bit.ly/2P7ICfQ> or by searching for Santaquin City Channel on YouTube.

ADA NOTICE

If you are planning to attend this Public Meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City Office ten or more hours in advance and we will, within reason, provide what assistance may be required.

AGENDA

WELCOME

INVOCATION/INSPIRATION THOUGHT

PLEDGE OF ALLEGIANCE

ORDER OF AGENDA ITEMS

PUBLIC FORUM

DISCUSSION & POSSIBLE ACTION

1. **[Public Hearing: Public Facilities \(PF\) Zone Change](#)**

[The Planning Commission will hold a public hearing to consider rezoning approximately 87.18 acres of City-owned property from the Residential \(R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43\) Zones and the Planned Community \(PC\) Zone to Public Facilities \(PF\) Zone.](#)

2. **[Public Hearing: Plat Amendment, Lot Line Adjustment, and Parcel Line Adjustment Process Update](#)**

[The Planning Commission hold a public hearing to consider modifying Santaquin City Code sections 11.20.110 and 11.20.120, updating the plat amendment, lot line adjustment, and parcel line adjustment processes to align with State Code changes.](#)

3. **[Public Hearing: Rear Setback Exceptions](#)**

[The Planning Commission will hold a public hearing to consider modifying Santaquin City Code, adding section 10.16.135 which will adopt Rear Setback Exceptions to align with State Code changes in HB 476.](#)

OTHER BUSINESS

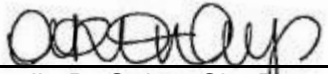
4. Meeting Minutes Approval

September 10, 2024

ADJOURNMENT

CERTIFICATE OF MAILING/POSTING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda may be found at www.santaquin.org, in three physical locations (Santaquin City Hall, 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.

BY: 

Amalie R. Ottley, City Recorder



MEMO

To: Planning Commission
From: Aspen Stevenson, Planner
Date: September 24, 2024
Re: **Rezone City-Owned Property to PF Zone**

It is proposed that the Planning Commission and City Council Consider amending the Santaquin City Zoning Map to change the zoning of City-owned property from the Residential (R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43) Zone and the Planned Community (PC) Zone to the Public Facility (PF) Zone.

The rezone proposal will consist of approximately 87.18 acres of City-owned properties comprising of the following parcel numbers: 32:018:0050, 32:018:0117, 32:017:0153, 32:018:0359, 32:040:0060, 39:326:0560, 34:455:0047, 32:015:0037, 32:016:0072, 32:018:0013, 32:018:0148, 32:018:0318, 32:040:0066 32:009:0046, 48:374:0001, 48:374:0002, 29:042:0044, and 48:374:0003. All the properties listed above are owned by Santaquin City and include open space, parks, pump stations, water tanks, etc.

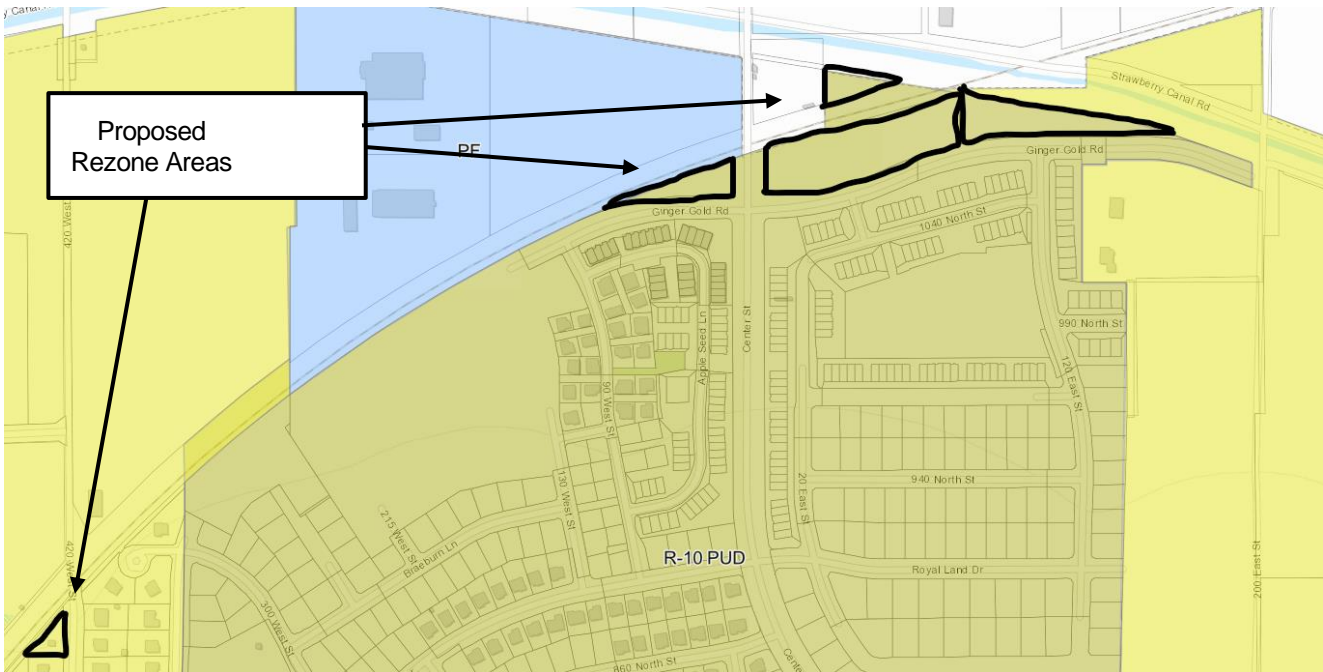
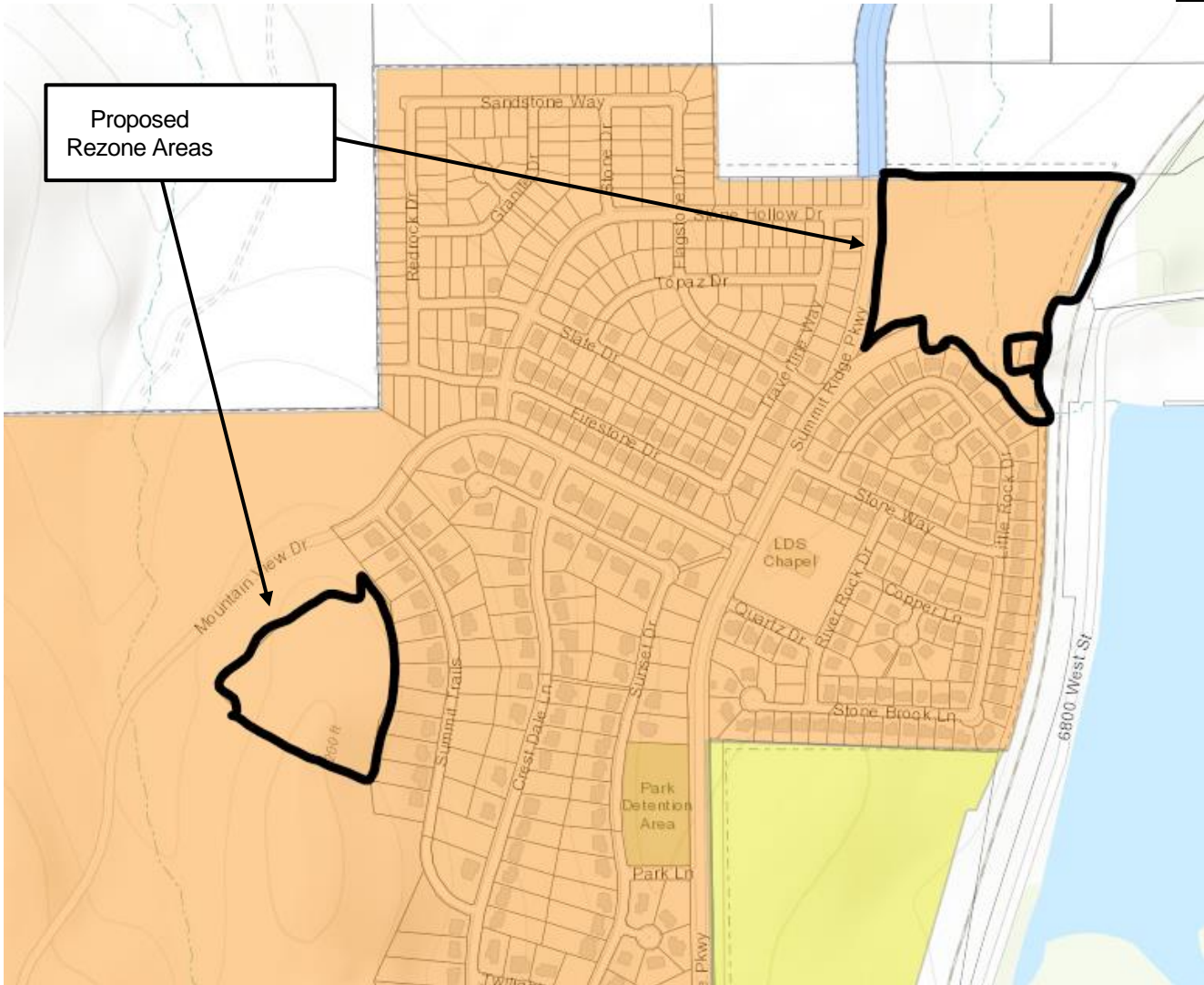
Attachment 1 shows the location of the proposed rezone. This review is for the Planning Commission to discuss the rezoning proposal and forward a recommendation to the City Council.

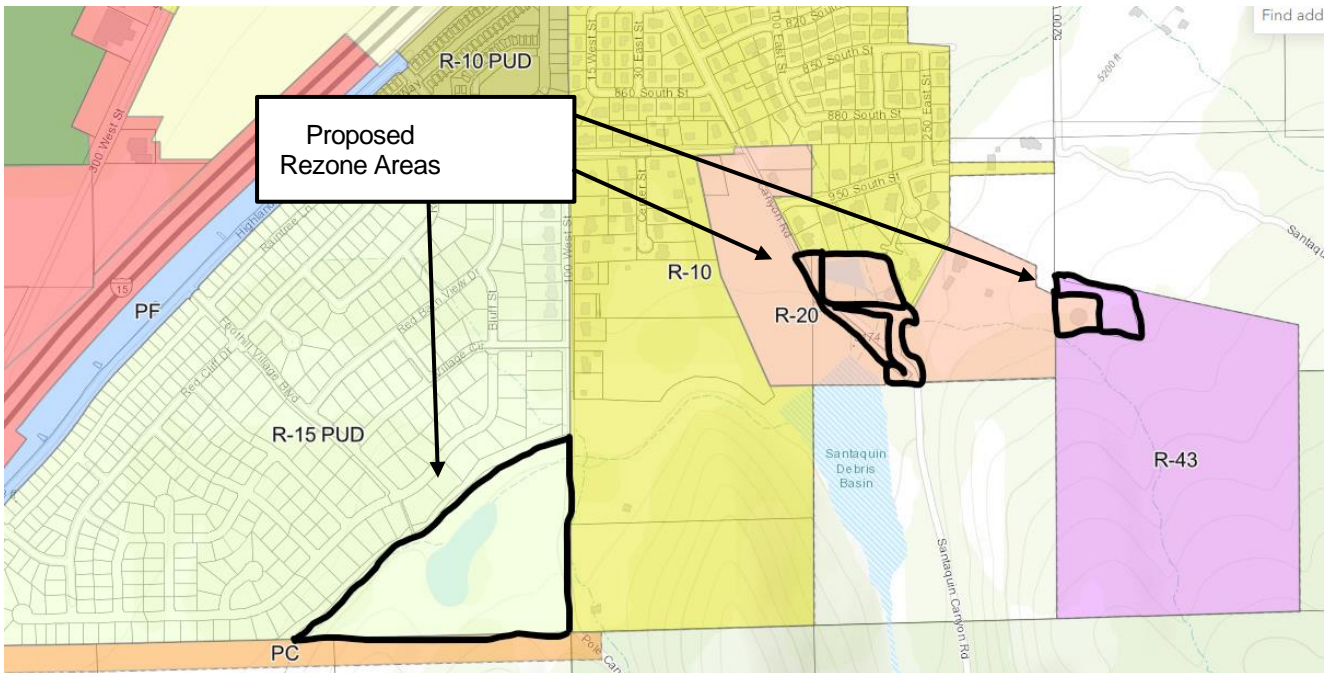
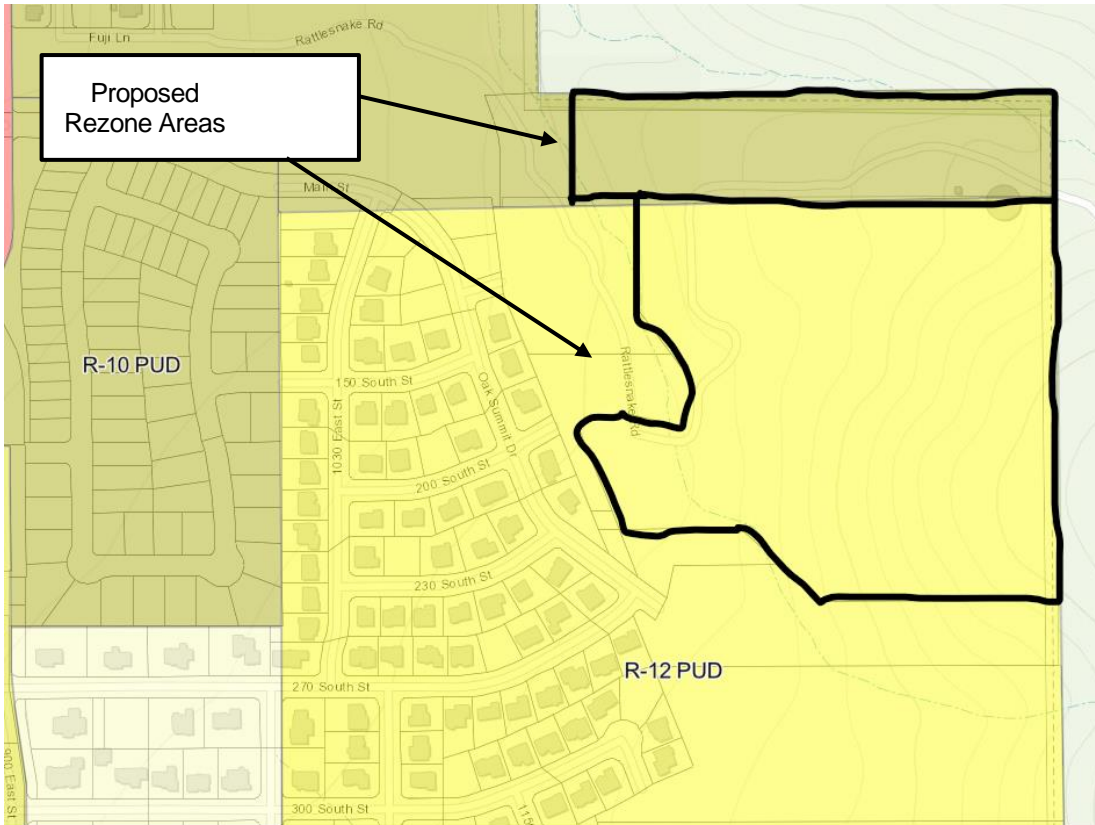
Staff Recommendation: It is recommended that the Planning Commission hold a public hearing as noticed and make a recommendation to the City Council concerning the potential rezone of the described properties.

Recommended motion: “Motion to forward a (positive/negative) recommendation to the City Council that approximately 87.18 acres of City-owned property from the Residential (R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43) Zone and the Planned Community (PC) Zone to the Public Facility (PF) Zone.

Attachments

1. Zoning and Location Map
2. Draft Ordinance





ORDINANCE NO. DRAFT

AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 87.18 ACRES FROM THE RESIDENTIAL (R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43) ZONES AND THE PLANNED COMMUNITY (PC) ZONE TO THE PUBLIC FACILITIES (PF) ZONE, PROVIDING 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, providing for the public safety, health, morals, and welfare; and

WHEREAS, the Santaquin City Planning Commission held a public hearing during their September 24, 2024 meeting, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City 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 regarding the proposed rezoning of property; and

WHEREAS, the Santaquin City Council desires to amend the Official Zoning Map of Santaquin City, more specifically the rezoning of approximately 87.18 acres from the Residential (R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43) Zones and the Planned Community (PC) Zone to the Planned Facilities (PF) Zone, which include the following parcel numbers: 32:018:0050, 32:018:0117, 32:017:0153, 32:018:0359, 32:040:0060, 39:326:0560, 34:455:0047, 32:015:0037, 32:016:0072, 32:018:0013, 32:018:0148, 32:018:0318, 32:040:0066 32:009:0046, 48:374:0001, 48:374:0002, 29:042:0044, and 48:374:0003.

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

Section I.

That the official zoning map of the City be amended such that approximately 87.18 acres be rezoned from the Residential (R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43) Zones and the Planned Community (PC) Zone to the Planned Facilities (PF) Zone as shown on the attached map labeled as Exhibit "A" and by this reference made part hereof.

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 V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, October 2, 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 1st day of October 2024.

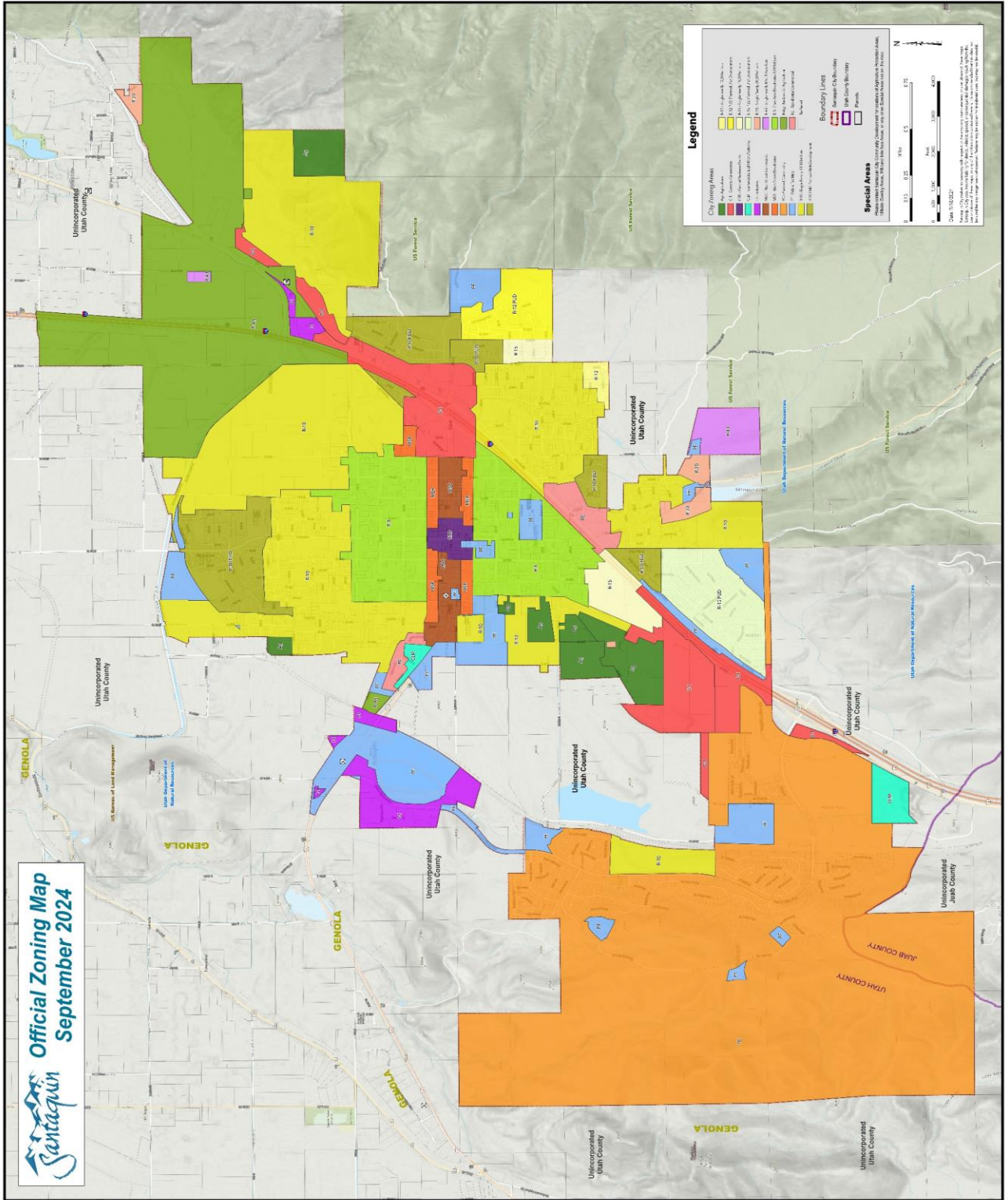
Daniel M. Olson, Mayor

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

ATTEST:

Amalie Ottley, City Recorder

Exhibit A (Santaquin City Zoning Map)



STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, Deputy 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 1st day of October 2024, entitled

“AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 87.18 ACRES FROM THE RESIDENTIAL (R-10, R-10 PUD, R-12 PUD, R-15 PUD, R-20, R-43) ZONE AND THE PLANNED COMMUNITY (PC) ZONE TO THE PUBLIC FACILITIES (PF) ZONE, PROVIDING 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 1st day of October 2024.

Amalie R. Ottley
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, 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

MEMO



To: Planning Commission

From: Ryan Harris, Senior Planner

Date: September 24, 2024

Re: **Updating the Plat Amendment and Parcel Boundary Adjustment Processes to Meet State Code Requirements**

It is proposed that the Planning Commission and City Council consider amending language related to the plat amendment and parcel boundary adjustment process to meet State Code requirements. In the past several years, the State has passed several laws updating these processes.

The proposed code amendment will change our plat amendment and boundary adjustment process. Some of the significant changes are listed below.

- The proposed code amendment clarifies what the petition requires for a plat amendment and street vacation.
- The code lists several requirements, and if the plat amendment meets one of the requirements, a public hearing is not required. This amendment removes one requirement related to subdividing a lot and adds a requirement listed in the State Code.
- A plat amendment or lot line adjustment is required to move a property line that is part of a lot (within a subdivision). A parcel boundary adjustment is required to move a property line not within a subdivision. The amendment clarifies the process for a lot line adjustment and a parcel boundary adjustment.

Additional changes have been made, but the ones above are the significant changes. The draft ordinance attached meets the State Code. The Planning Commission's responsibility is to hold a public hearing and forward a recommendation to the City Council.

Motion: “Motion to recommend approval of the proposed code amendment, which amends the plat amendment and parcel boundary adjustment process to meet state requirements.”

ATTACHMENT:

1. Draft Ordinance

ORDINANCE NO. **DRAFT**

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE REQUIREMENTS FOR PLAT AMENDMENTS AND PROPERTY BOUNDARY ADJUSTMENTS TO MEET STATE CODE REQUIREMENTS, 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 11 Chapter 20 Section 110 and 120 to update the requirements for plat amendments and property boundary adjustments to meet State Code requirements.

WHEREAS, the Santaquin City Planning Commission held a public hearing on September 24, 2024, 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 11 Chapter 20 Section 110 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.110 VACATING OR CHANGING A SUBDIVISION PLAT

A fee owner of land, as shown on the last County assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition to have some or all of the plat vacated or amended.

A. Petition Submittal Requirements: ~~Except as provided in SCC 11.20.130, a petition to vacate, alter, or amend an entire plat, portion of a plat, or a street or lot contained in a plat shall be accompanied by the following:~~ Any fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted, may file a written petition with the City to have some or all of the plat vacated or amended. Each petition to vacate or amend a plat shall include the following:

1. ~~The name and address of all owners of record of the land contained in the entire plat;~~ The name and address of each owner of record of the land contained in the entire plat or on the portion of the plat described in the petition; and

2. ~~The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and~~ The signature of each owner who consents to the petition.
 3. ~~The signature of each of these owners who consents to the petition.~~
- B. Considering And Resolving Petitions: The Planning Commission may consider and resolve any petition submitted under paragraph A in accordance with the following paragraphs:
1. The City shall provide notice of the petition by mail, email or other effective means to the owners within the plat and each affected entity that provides a service to an owner of the record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the ~~City Council~~ Planning Commission may approve the vacation or amendment of the plat.
 2. The Planning Commission shall hold a public hearing within forty-five (45) days after the day on which the petition is filed if:
 - a. Any owner within the plat notifies the ~~Municipality~~ City of the owner's objection in writing within ten (10) days of mailed notification; or
 - b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 3. The public hearing requirement does not apply, and the Planning Commission may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if the petition seeks only to:
 - a. Join two (2) or more of the petitioning fee owner's contiguous lots;
 - b. ~~Subdivide one (1) or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition.~~ Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision.
 - c. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the City; or
 - d. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (1) Owned by the petitioner; or
 - (2) Designed as a common area;
- C. Petition To Vacate, Or Alter A Street Or Alley: If a petition is submitted containing a request to vacate or alter any portion of a street or alley within a subdivision the following shall apply:
1. Petition Requirements: A petition to vacate some or all of a public street or municipal utility easement shall include:
 - a. The name and address of each owner of record of land that is:
 - (1) Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
 - (2) Accessed exclusively by or within 300 feet of the public street or municipal utility easement.
 - b. Proof of written notice to operators of utilities located within the bounds of the public street or municipal utility easement to be vacated.
 - c. The signature of each owner listed on the petition who consents to the vacation.
 - ~~1.2.~~ The Planning Commission shall review the request and make a recommendation to the City Council.

- ~~2.3.~~ The City Council shall hold a public hearing, after providing notice to property owners within three hundred feet (300') of the area being petitioned for vacation or alteration, and to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated. After the public hearing, the City Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if it finds that good cause exists for the vacation or alteration and neither the public interest nor any person will be materially injured by the vacation. If the City Council vacates or alters any portion of a street or alley, the City Recorder shall ensure that the plat, and a legal description of the public street to be vacated are recorded in the Office of the Recorder of the County in which the land is located.
- ~~3.4.~~ The action of the City Council vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating plat, as a revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.

Title 11 Chapter 20 Section 120 is amended as follows: (underlined text is added, stricken text is deleted)

11.20.120 ~~BOUNDARY LINE~~ PROPERTY BOUNDARY ADJUSTMENTS

- A. ~~The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if properly executed and acknowledged as required under the provisions of Utah Code § 10-9a-523 and Utah Code § 10-9a-524. The Community Development Department shall review the proposed boundary line adjustment to assure compliance with the following:~~
- ~~1. No additional parcel results from the boundary line adjustment;~~
 - ~~2. The boundary line adjustment does not result in remnant land that did not previously exist;~~
 - ~~3. The adjustment does not result in violation of applicable zoning requirements;~~
 - ~~4. The proposed boundary does not materially affect any approved public utility easements, or an agreement with and between any and all affected utility agencies or entities is formed to maintain or realign the easement.~~
- B. ~~A boundary line agreement shall include:~~
- ~~1. A legal description of the agreed upon boundary line;~~
 - ~~2. The signature of each grantor;~~
 - ~~3. A sufficient acknowledgement for each grantor's signature; and~~
 - ~~4. The address of each grantee for assessment purposes;~~
- C. ~~An exchange of title by either quit claim deed or by boundary line adjustment under this section shall:~~
- ~~1. Be executed by each owner included in the exchange;~~
 - ~~2. Contain an acknowledgement for each party executing the notice in accordance with the provisions of Utah Code 57-2a, Recognition of Acknowledgements Act; and~~
 - ~~3. Recite the descriptions of both the original parcels and the parcels created by the exchange of title.~~
- D. ~~A document of conveyance shall be recorded in the Office of the County Recorder.~~

E. ~~A notice of approval recorded under this paragraph does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.~~

A. Lot Line Adjustment.

1. The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the Zoning Administrator as a lot line adjustment.
2. The Zoning Administrator shall approve a lot line adjustment if the exchange of title will not result in a violation of any land use ordinance.
3. If a lot line adjustment is approved:
 - a. A notice of lot line adjustment approval shall be recorded in the office of the County Recorder which:
 - (1) Is approved by the Zoning Administrator; and
 - (2) Recites the legal descriptions of both the original properties and the properties resulting from the exchange of title.
 - b. A document of conveyance shall be recorded in the office of the County Recorder.
 - c. A notice of lot line approval does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.

B. Parcel Boundary Adjustment.

1. The owner of record of adjacent parcels that are described by a metes and bounds description may exchange title to portion of those parcels if properly executed and acknowledged as required under the provision of Utah Code § 10-9a-523 and Utah Code § 10-9a-524.

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, October 2, 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 1st day of October 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 1st day of October 2024, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE THE REQUIREMENTS FOR PLAT AMENDMENTS AND PROPERTY BOUNDARY ADJUSTMENTS TO MEET STATE CODE REQUIREMENTS, 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 1st day of October 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, at the City Hall Building at 110 S. Center Street 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

MEMO



To: Planning Commission

From: Ryan Harris, Senior Planner

Date: September 24, 2024

RE: **Code Amendment Adopting Residential Rear Yard Setback Exceptions**

It is proposed that the Planning Commission and City Council consider creating language related to residential rear yard setback exceptions to meet State Code requirements and House Bill (HB) 476, which passed earlier this year. The residential rear setback exceptions can be found in Utah State Code 10-9a-540.

Below are some of the proposed changes to the Santaquin City Code.

- An "Allowable Feature" is defined, and the definition is copied from the State Code.
- Landings and Walkout Porches are allowed to extend into the rear setback if the area of the landing or walkout porch that is within the rear setback is no more than 32 square feet and is used for ingress to and egress from the rear of the residential dwelling.
- Window wells are allowed within the rear setback.

The attached draft ordinance has the proposed language and meets the State Code and HB 476 requirements. The Planning Commission's responsibility is to hold a public hearing and forward a recommendation to the City Council.

Motion: "Motion to recommend (approval/denial) of the proposed code amendment, which adopts residential rear yard exceptions."

ORDINANCE NO. **DRAFT**

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ADOPT RESIDENTIAL REAR SETBACK EXCEPTIONS TO MEET STATE CODE REQUIREMENTS, 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, and welfare; and

WHEREAS, the City Council desires to adopt Santaquin City Code Title 10 Chapter 16 Section 135 to adopt residential rear setbacks exceptions to meet State Code requirements.

WHEREAS, the Santaquin City Planning Commission held a public hearing on September 24, 2024, 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 16 Section 135 is adopted as follows: (underlined text is added)

10.16.135 Residential Rear Yard Setback Exceptions

A. As used in this section, an Allowable Feature includes:

1. Landing: an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.
2. Walkout porch: an uncovered platform on the ground connected to the rear of a residential dwelling.
3. Window well: a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.

B. Allowable Features are allowed within the rear setback if:

1. The area of the landing or walkout porch that is within the rear setback is no more than 32 square feet in size; and
2. The landing or walkout porch is used for ingress to and egress from the rear of the residential dwelling; or
3. The Allowable Feature is a window well.

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, October 2, 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 1st day of October 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 1st day of October 2024, entitled

“AN ORDINANCE ADOPTING SANTAQUIN CITY CODE TO ALIGN RESIDENTIAL REAR SETBACKS WITH STATE CODE, 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 1st day of October 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, at the City Hall Building at 110 S. Center Street 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



Planning Commission Members in Attendance: Commissioners Trevor Wood, Drew Hoffman, BreAnna Nixon, Mike Weight, Ladawn Moak, Michael Romero, and Jessica Tolman.

Others in Attendance: Senior Planner Ryan Harris, Planner Aspen Stevenson, Assistant City Manager Jason Bond, City Council Member Jeff Siddoway, City Council Member Travis Keel, Recorder Amalie Ottley, Jon Jensen, Clint Ashmead, Brian Mensinger, Bob Patty, Jarrett White, and other various members of the public.

Commission Chair Wood called the meeting to order at 7:02 p.m.

INVOCATION/INSPIRATIONAL THOUGHT

Commissioner Nixon offered an inspirational thought.

PLEDGE OF ALLEGIANCE

Commissioner Romero led the Pledge of Allegiance.

PUBLIC FORUM

Commission Chair Wood opened the Public Forum at 7:04 p.m.

No members of the public wished to address the Planning Commission in the Public Forum.

Commission Chair Wood closed the Public Forum at 7:04 p.m.

DISCUSSION & POSSIBLE ACTION ITEMS:

Commission Chair Trevor Wood asked that the third item on the agenda be heard first as they were on the last meeting's agenda that was cancelled for a lack of quorum.

(Item #3) Subdivision Infill Reduction Request

Senior Planner Harris introduced a Subdivision Infill Reduction Request for a property located at 390 N. 200 E. The proposed subdivision is in the R-8 Zone, with two lots on 0.31 acres. applicant's proposal of 6,411 square feet in size and additional frontage along 400 N. meets the minimum requirements for an infill reduction request on both the corner and interior lots.

The applicant, Jarrett White, attended the meeting. He thanked the Planning Commission for their consideration of his proposal. He stated that the infill reduction helps make the two lots and corresponding homes more affordable in the core area of town.

Commissioner Romero inquired about what purpose an infill reduction serves. Senior Planner Harris indicated that infill reductions take larger lots and split them into smaller lots utilizing existing city infrastructure for additional homes. Commissioner Nixon expressed her approval of the request as it's straightforward and provides two large lots for potential home builders. Commissioner Weight inquired if the 8-foot setback meets City Code. Senior Planner Harris indicated that the proposed setbacks do meet code requirements. Commission Chair Wood inquired about a discrepancy in the property lines on the proposed plans. Senior Planner Harris indicated that the applicant would have to have the discrepancy in the property line fixed during the preliminary phase of the application.

Commissioner Romero made a motion to approve the 390 N. 200 E. Subdivision Infill Reduction Request of two lot sizes at 6,411 square feet. Commissioner Nixon seconded the motion.

Commissioner Hoffman	Yes
Commissioner Moak	Yes
Commissioner Nixon	Yes
Commissioner Romero	Yes
Commissioner Tolman	Yes
Commissioner Weight	Yes
Commissioner Wood	Yes

The motion passed.

(Item #1) Public Hearing: Commercial Light Manufacturing (CLM) Zone Code Amendment

Senior Planner Harris introduced the proposed code amendment that would create new definitions for “Data Center”, “Onsite Power Generation”, and “Stand-Alone Solar Power Generation”. These land use definitions would then be inserted into the Commercial Light Manufacturing (CLM) Zone. Jon Jensen attended the meeting to help address any questions that the Planning Commission may have. He indicated that he has a prospective tenant that is interested in building a data center on the south end of Santaquin City and would therefore encourage the code amendment to receive a positive recommendation. He stated that Santaquin City has a lot to offer a data center, such as connectivity to larger municipalities, a large trunkline of fiber optic cable for internet, a local sense of pride and community, and needed infrastructure.

Board Chair Wood opened the public hearing at 7:19 p.m.

No members of the public wished to address the Planning Commission.

Board Chair Wood closed the public hearing at 7:19 p.m.

Commissioner Weight inquired about water usage on the site. Mr. Jensen indicated that the data center will operate on a closed-loop system and the usage of water will be minimal. Commissioner Weight also inquired about data-path redundancies. Mr. Jensen stated the tests for the data center meet the minimum levels of data required. Commissioner Tolman inquired how the City will benefit from having the data center. Mr. Jensen reported that the data center will bring jobs to the area and will be a green facility focusing on using solar power. He added that substantial revenue could be generated depending on the tenant that comes to the data center. Commissioner Romero inquired where the proposed site is located. Mr. Jensen stated that the site is just south of the Summit Ridge I-15 exit.

Commissioner Hoffman confirmed with Planner Harris that the area in question is part of the CLM zone. Commissioner Weight inquired about safety considerations. Mr. Jensen stated that generally speaking, physical security is installed at most data centers. Planner Harris clarified what the three additional uses and definitions are, and stated that “Data Center” and “Onsite Power Generation” will be allowed in the code, but “Stand-Alone Solar Power Generation” will not. Commission Chair Wood asked Mr. Jensen why the new uses are proposed to be added to the code. Mr. Jensen stated that the data center will have a solar array on the roof of the building to provide ample power to the site. Commissioner Nixon clarified that the power will be provided to the site with solar so that the facility won’t be pulling from the grid. Mr. Jensen stated that it generally takes 5 years for a data center to become fully supported by

its own power. Assistant City Manager Bond stated that the reason for not allowing a “Stand-Along Solar Power Generation” in the City would be to avoid a solar farm in the City until such a time that the Planning Commission and the City Council are ready to consider it.

Commission Chair Wood discussed that the code amendment is a set of general requirements for the CLM Zone and not just for the proposed data center and asked that consideration be given to water and power usage. Commissioner Weight inquired where the heat at the site will go. Mr. Jensen indicated that the site would absorb the heat via a closed system and will possibly partner with individuals, like farmers, who could use the heat for their own purposes. Commission Chair Wood expressed concerns about the code passing and then another data center or other type of business impacting water and power usage in the City. Commissioner Hoffman asked if the development would bring water to the site as any other developer would. Assistant City Manager Bond confirmed that through the preliminary site plan process, the City would confirm that any water or power usage would be considered.

Commissioner Hoffman made a motion to recommend approval of the ordinance amending Santaquin City Code to create new definitions for “Data Center”, “Onsite Power Generation”, and “Stand-Alone Solar Power Generation” and to insert these land use types in the CLM Commercial Light Manufacturing Zone. Commissioner Moak seconded the motion.

Commissioner Hoffman	Yes
Commissioner Moak	Yes
Commissioner Nixon	Yes
Commissioner Romero	Yes
Commissioner Tolman	Yes
Commissioner Weight	Yes
Commissioner Wood	Yes

The motion passed.

2. Public Hearing: Update of Subdivision Code Requirements

Senior Planner Harris introduced the proposed update to the subdivision review process requirements put in place by House Bill 476. The major proposed changes to the code are as follows:

- The State requires all subdivision improvement plans at either preliminary or final plans. Subdivision improvement plans are defined as follows: “The civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.”
- The State Code requires a review of the subdivision improvement plans to be completed in 20 business days. The proposed code amendment changes the review time for preliminary plans from 15 to 20 business days and the review time for final plans from 20 to 15 business days.

Minor changes to definitions and language in the code were also updated in the proposed ordinance.

Commission Chair Wood opened the public hearing at 7:50 p.m.

No members of the public wished to address the Planning Commission in the public hearing.

Commission Chair Wood closed the public hearing at 7: 50 p.m.

Commissioner Hoffman confirmed with Senior Planner Harris that the changes are congruent with State Code updates and in order to be compliant with State Code the City must make changes in almost every legislative session. Commissioner Weight discussed with Senior Planner Harris and Assistant Manager Bond the City's ability to meet the new requirement for review of preliminary and final plans.

Commissioner Tolman made a motion to recommend approval of the ordinance amending Santaquin City Code to update the Subdivision Review Process to meet State Code requirements. Commissioner Nixon seconded the motion.

Commissioner Hoffman	Yes
Commissioner Moak	Yes
Commissioner Nixon	Yes
Commissioner Romero	Yes
Commissioner Tolman	Yes
Commissioner Weight	Yes
Commissioner Wood	Yes

The motion passed.

OTHER BUSINESS

4. Meeting Minutes Approval

Commissioner Weight made a motion to approve the meeting minutes from August 13, 2024. Commissioner Moak seconded the motion.

Commissioner Hoffman	Yes
Commissioner Moak	Yes
Commissioner Nixon	Yes
Commissioner Romero	Yes
Commissioner Tolman	Yes
Commissioner Weight	Yes
Commissioner Wood	Yes

The motion passed.

Commissioner Weight made a motion to approve the meeting minutes August 27, 2024. Commissioner Nixon seconded the motion.

Commissioner Hoffman	Yes
Commissioner Moak	Yes
Commissioner Nixon	Yes
Commissioner Romero	Yes
Commissioner Tolman	Yes
Commissioner Weight	Yes
Commissioner Wood	Yes

The motion passed.

Commission Chair Wood encouraged members of the commission to make it to Planning Commission meetings in order to serve residents and applicants better. Senior Planner Harris went over items on the upcoming meeting.

ADJOURNMENT

Commissioner Weight made a motion to adjourn the meeting.

The meeting was adjourned at 8:01 p.m.

City Recorder – Amalie R. Ottley

Planning Commission Chair – Trevor Wood

DRAFT