TOWN OF PAYSON
PLANNING AND ZONING COMMISSION
MINUTES OF THE PUBLIC MEETING
October 9, 2006

CALL TO ORDER - 4:00 p.m.

ROLL CALL
PRESENT: Jere Jarrell, James Scheidt, Barbara Underwood, Mark Waldrop, Kevin Sokol, and Hal Baas.
ABSENT: Russell Goddard
STAFF PRESENT: Jerry Owen, Community Development Director, Ray Erlandsen, Zoning Administrator, Ray LaHaye, Chief Building Official, Tim Wright, Deputy Town Attorney, and Chris Floyd, Secretary.

2. Clarification of motion to recommend approval of the Chilson Ranch Site Plan

Item D.2 was taken out of order.

Chairman Jarrell noted that there was conflict in the minutes from the last meeting regarding the motion on the Chilson Ranch project. He stated that the motion included plan #4 and the 16 staff recommendations. Chairman Jarrell commented that plan #4 didn't have through streets and that one of the staff's recommendation was for through streets, therefore, a conflict. He asked the maker of the motion if he would clarify his intent. Mark Waldrop stated that his intent was to approve plan #4 with the staff recommendations less #7. Chairman Jarrell, at the request of Tim Wright, asked for a new second on the motion which was made by James Scheidt.

Hal Baas commented that he felt they were voting on plan #4 with the implementation of the Town Engineer's request for a through street. He stated that he would not have a problem with the minutes except for the note.

James Scheidt commented that he still liked plan #4 but also liked the through street. He felt that it could be construed that 2 different items were voted on because of plan #4 with no through street but yet the staff recommendation was for 50' public roadway. Mr. Scheidt stated that he may have to rescind his vote and readdress as a clarification of the motion. He felt what needed to be done was to make a motion to rescind the vote and redo it.

Barbara Underwood questioned where the gates were on plan #4 and she commented that she didn't understand where the through street was that had been discussed.

Tim Wright, Deputy Town Attorney, stated that typically you don't vote for conditions that are explicitly on the map. He also stated that LaRon's #7 was for a through street. Mr. Wright stated that staff needs to know what the Commission's intent was so it can be passed on to Council.

There was more discussion on how to handle the minutes and the motion.

Mark Waldrop withdrew his motion and James Scheidt withdrew his second.

At this time the minutes of the September 25 meeting were brought forward.

Chairman Jarrell asked if he could vote on this since he was not at the last meeting. Tim Wright replied that what the Commission just approved in the minutes is plan #4 with a through street as required by condition #7. If that needs to be clarfied by the Commission then a new motion can be made otherwise the motion approved in the minutes will stand. Or if a new motion was made and the vote was 3-3 then the original motion would remain. Chairman Jarrell commented that we know that wasn't Commissioner Waldrop's intent with his recommendation but that Hal Baas and James Scheidt agree with the original motion. Barbara Underwood asked for clarification on plan #4 with the cul-de-sac and 2 gates. Jerry Owen, Community Development Director, clarified the properties with the streets and gates. He also noted that the original motion should have been clarified when it was made.

Hal Baas stated he became aware of the conflict after the last meeting. He commented that he as since talked with LaRon Garrett and Mr. Garrett felt that there were some alternatives and still keep the features of plan 4 including the possibility of a through street starting at the lower street that goes into the non-gated area. Mr. Baas commented that he would like to see a recommendation with all the excellent features and still comply with the recommendation of the Town Engineer.

James Scheidt stated that LaRon Garrett had made a good point in regards to the reason for a through street. He commented that maybe the through street could be in another area besides the middle of the development. The Commission is making a recommendation to Council. Mr. Scheidt stated that he felt the through street still needs to be there either as proposed in plan #2 or placed in another location. Mr. Scheidt also commented that this was a great development and was in a good location. He stated that his vote would not change from last time.

Motion: Recommend approval of the Chilson Ranch project plan #4 with the 15 stipulations, less #7 with the through street, since plan #4 does not show the through street. Moved by Mark Waldrop, seconded by Kevin Sokol.

Vote: Motion carried 4 - 2
Yes: Jere Jarrell, Barbara Underwood, Mark Waldrop, and Kevin Sokol.
No: James Scheidt, and Hal Baas.

A. APPROVAL OF MINUTES

1. Public Meeting 09-25-06 Pages 1-5

   James Scheidt moved that the minutes of September 25, 2006, be accepted, with the **removal** of the note listed in the motion on Chilson Ranch. The note read: Condition #7 required that a public street with a 50' wide right of way be established through the site. The approved site plan (#4) clearly indicated no public through

streets. It was the intent of the Commission to approve plan #4 with all of staff recommendations except #7.

This was approved by the Commission.

B. PUBLIC COMMENTS - Comments concerning items not on the agenda. Note: Those wishing to address the Planning and Zoning Commission during this time need not request permission in advance. Action taken as a result of public questions and comments shall be limited to directing staff to study the matter or rescheduling the matter and decision at a later date. There shall be no discussion regarding any issues presented.

There were no public comments.

C. SCHEDULED HEARING(S)

1. **S-129-06** Preliminary Plat Request
   Filed by: Southridge Homes
   Location: 400 North Tyler Parkway
   Purpose: To determine how a request for the Preliminary Plat of Boulder Ridge Subdivision shall be recommended to Town Council.

   This item was tabled until the October 23, 2006, meeting.

2. **P-325-06** Unified Development Code Amendment
   Filed by: Community Development Department
   Location: All of Payson
   Purpose: To clarify provisions affecting planned area development (PAD), subdivisions, hillside development and minor land divisions.

   This item was tabled until the October 23, 2006, meeting.

   There was discussion regarding how the review of the subdivision code should proceed.

D. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. 250 building permit allocation plan

   Chairman Jarrell asked if a motion was needed today on this item to which the reply was no.

   Jerry Owen, Community Development Director, reviewed the proposed Council schedule for approval of this plan and when the actual plan would need to be ready for implementation.

   Tim Wright, Deputy Town Attorney, stated that if the ordinance was approved, as drafted, then it would take effect December 1. Then at the November 16 Council meeting the 250 building permit allocation plan would need to be presented for approval.

James Scheidt commented that statements were made by Council at their last meeting that concessions were going to be made so why are we discussing at this time if changes are going to be made.

Tim Wright, Deputy Town Attorney, that's the decision the Commission has to make today. The last formal action by the Council was the 17 point proposal and that's what the ordinance was drafted in accordance with and that's what Community Development is working towards.

Ray LaHaye, Chief Building Official, the changes are in affect in the single family home construction, on page 2, it goes from the lottery system to first come first serve based on when a plan comes out of plan review. At that time a number is given to the project which stays with that project until such time a permit is available. Mr. LaHaye commented that the other element to this is the multi-family, which includes 47 units every six months, and if this plan goes into effect by the end of this year some how that would have to be pro-rated and that hasn't been developed yet.

It was suggested that the multi-family component of this plan be removed entirely. Mr. LaHaye stated that if multi-family was removed then he would suggest going to a 240 plan which would still have to come before the Commission for a recommendation.

There was considerable discussion on the implementation of the program, the exclusion of multi-family and other exemptions that might be proposed.

Ray LaHaye, Chief Building Official, reviewed the graph that he presented to the Commission.

Robert Henley, from the audience, what assurances does the builder have if there are changes in the UDC or building codes before his project was permitted. Mr. Henley also asked how do you address the issue of fairness. He also suggested taking the historical numbers back 1 or 2 years and see how this plan would have affected certain projects. Also the possible exemptions need to be better defined. Mr. LaHaye responded to Mr. Henley's concerns.

Tom Wadington, from the audience, commended the Commission for suggesting that multi-family be excluded. Mr. Wadington also commented that he was negotiating on a 66 unit Section 8 housing project and asked if there was some type of benefit that could be given to that project.

There was more discussion regarding the plan, the possibility of excluding multi-family from the plan, and what the number might be if multi-family is eliminated from the proposed plan.

Motion: Recommend the acceptance of Ray LaHaye's recommenation for handling an allocation of single family home construction permits based on what he has written here with no reference to or recommendation of number of units and no inclusion of multi-family projects. After discussion on the motion a roll call vote

was taken.
Moved by Hal Baas, seconded by James Scheidt.

Vote: Motion failed 2 - 4
Yes: James Scheidt, and Hal Baas.
No: Jere Jarrell, Barbara Underwood, Mark Waldrop, and Kevin Sokol.

E. REQUESTS TO STAFF FOR THE PLACEMENT OF ITEMS ON FUTURE PLANNING & ZONING COMMISSION AGENDAS

F. INFORMATION TO COMMISSION (Not for Discussion)

1. October 23, 2006, P & Z Meeting Tentative Agenda:

   a. P-329-06 1200-1700 E. Cedar Lane Zone Change - R1-175 to R1-44

   b. CUP-155-06 310 W. Main Street Auto Service use in C-2 District

   c. Carry over items

ADJOURNMENT - 5:55 p.m.

Jere Jarrell

Jere Jarrell, Chairman

10-23-2006

Approved

Chris Floyd

Chris Floyd, Secretary