

**Pleasant Grove City Council Minutes**  
**March 4, 2008**  
**7:00 p.m.**

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Bruce Call

Cindy Boyd

Mark K. Atwood

Lee G. Jensen

Excused:

Jeffrey D. Wilson

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Deon Giles, Leisure Services Director

Lynn Walker, Public Works Director

Marc Sanderson, Fire Chief

Ken Young, Comm. Dev. Director

Degen Lewis, City Engineer

Richard Bradford, Economic Development Director

Karen Bezzant, City Treasurer

Libby Flegal, Neighborhood Chair

The City Council and staff met at the City Council Chambers (south entrance), 86 East 100 South, Pleasant Grove, Utah.

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Mayor Daniels called the meeting to order at 7 p.m. and welcomed everyone to the meeting.

**1. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Boy Scout Scott Hales.

**2. OPENING REMARKS**

The Opening Remarks were given by Deputy Recorder Burgin.

**3. ROLL CALL**

Mayor Daniels called out each Council Member's name. These were; Mark Atwood, Bruce Call, Lee Jensen and Cindy Boyd. Mayor Daniels said Council Member Wilson was excused.

**4. APPROVAL OF MEETING'S AGENDA**

Mayor Daniels asked if there were any proposed changes to the agenda. There were none. Mayor Daniels then asked for a motion.

**ACTION:** Council Member Call moved to approve the meeting's agenda. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Boyd, Atwood and Jensen voting, "Aye."

**5. CONSENT AGENDA** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

**MINUTE REVIEW AND APPROVAL:**

1. To consider re-appointment of following Neighborhood Chairs:
  - a. Re-appointment of Dean Davis to serve as Neighborhood Chair for Monkey Town Neighborhood.
  - b. Re-appointment of Dan Preece to serve as Neighborhood Chair for String Town Neighborhood.
2. To consider appointment of new Neighborhood Chair and Secretary for the Battle Creek Neighborhood:
  - a. Appointment of David Howard to serve as Battle Creek Neighborhood Chair.
  - b. Appointment of Dena Howard to serve as Battle Creek Neighborhood Secretary.
3. To consider approval of Change Order No. 1 and final payment to PEC Inc., for the Pleasant Grove 2007 Sewer Rehabilitation Project.
4. To consider approval of paid vouchers (Feb. 25, 2008 )

Mayor Daniels read the Consent Agenda. He asked if there were any comments from the Council. There were none. He then asked for a motion.

**ACTION:** Council Member Boyd moved to approve the consent items. Council Member Call seconded and the motion passed unanimously with Council Member Call, Boyd, Atwood and Jensen voting, "Aye."

**6. OPEN SESSION**

Mayor Daniels asked if there was anyone who wanted to come forward in an open session format. He asked if they would state their name and address and noted that they needed to limit their comments to two minutes or less. No one came forward.

**7. NEIGHBORHOOD ADVISORY BOARD REPORT**

Chair Libby Flegal reported that there was going to be a meeting with the Old Fort Neighborhood to elect a representative to serve on the downtown advisory board.

**8. LIBRARY BOARD REPORT**

Ms. Ramona Gale from the Library Board handed out envelopes with recipe cards in them to the Council. She said that the board was going to compile and then sell recipe books as a fund raiser. She said the board would really like to have some recipes from Council Members for the book. She also invited anyone else in attendance to contribute to the book's recipes.

Ms. Gale next announced that the library currently has 25 tutors that are working with 27 students. She explained these are students that have delayed reading skills. The tutors work with

them twice a week. Also, she noted that these are not ESL (English as a second language) students.

## **9. BUSINESS**

### **A. CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-9B-7 “YARD REQUIREMENTS,” AND 10-9B-9 “BUILDING HEIGHT,” OF THE R1/SINGLE-FAMILY RESIDENTIAL ZONES, OF THE PLEASANT GROVE CITY MUNICIPAL CODE. THE PURPOSE OF THIS AMENDMENT IS TO CLARIFY THE REAR YARD SETBACK REQUIREMENT, AND TO ESTABLISH NEW GUIDELINES FOR APPROVING ACCESSORY STRUCTURES BASED ON THE PROPOSED HEIGHT. (CITY WIDE IMPACT) \*\*CONTINUED FROM THE FEB. 19, 2008 CITY COUNCIL MEETING.**

Director Young explained that this public hearing for a text amendment to section 10-9B-7 and 10-9B-9 had been continued from the February 19, 2008 City Council Meeting. He explained that this item had to go back to the Planning Commission for additional changes.

Currently, accessory buildings in the R-1 zones, which exceed a certain height and size limit, are required to go before the Planning Commission for approval. The Planning Commission has requested that the Code be amended to allow City staff, not the Commission, to make these approvals. Because Planning Commission will no longer be reviewing the majority of these structures, Staff wants to ensure that the Planning Commission is comfortable with the requirements. The changes to the text will place stricter limitations on height, size and design than the existing code.

This item was briefly discussed at the November 13, 2007 City Council work session; but the item was pulled and sent back to the Planning Commission so they could review the language that City Attorney Petersen wanted changed with regards to the public noticing section. The Planning Commission reviewed these changes and recommended approval at their meeting on November 29, 2007.

In addition to the changes recommended by Attorney Petersen, the Planning Commission also made some changes to the rear yard setback requirements. When the City Council reviewed this item at a work session on December 4, 2007, they noted that the proposed change was not part of the original request; so they sent the item back to the Planning Commission so that item could be correctly advertised. On February 13, 2008, the item went back before the Planning Commission and a positive recommendation was forwarded to the Council.

The proposed amendments will apply to all R-1 zones. Additionally, the proposed changes are consistent with the goals, policies and objectives of the General Plan and will not negatively impact the health, safety and welfare of the residents of Pleasant Grove.

The proposed ordinance amendment will read as follows:

#### **10-9B-7: YARD REQUIREMENTS:**

**E. Rear Yard: Each lot or parcel shall have a rear yard of no less than twenty five feet (25').**

1. Lots located in the "hillside area", as defined by title 11, chapter 8 of this code, may have front yard setbacks of twenty feet (20') and twenty five foot (25') rear yards or a front yard of twenty five feet (25') and a rear yard of twenty feet (20').

2. In new subdivisions, the owner/developer may vary the setbacks allowing a twenty foot (20') front yard and thirty foot (30') rear yard or thirty foot (30') front yard and a twenty foot (20') rear yard. The intent of allowing flexible setbacks is to stagger buildings to create character and interest, and encourage better design. Such standards must be determined at the time of subdivision approval and must be reflected in covenants and restrictions to be recorded at the county recorder's office with the recording of the final subdivision plat.

F. Accessory Buildings; Minimum yard requirements for accessory buildings are as follows:

1. Rear Yard/Interior Side Yard Accessory Building: Accessory buildings may be located in a rear yard/interior side yard no closer than six feet (6') from the dwelling and no closer than three feet (3') from the rear yard or interior side yard property line, except as required in subsection F2 of this section.

2. Height Considerations: Minimum setback from each property line, for accessory buildings exceeding fifteen feet (15') in height, shall be increased by one foot (1') for each foot of building height in excess of fifteen feet (15'). Please refer to the table below:

a.

<u>Height</u>	<u>Setback</u>
<u>15'</u>	<u>3'</u>
<u>16'</u>	<u>4'</u>
<u>17'</u>	<u>5'</u>
<u>18'</u>	<u>6'</u>
<u>19'</u>	<u>7'</u>
<u>20'</u>	<u>8'</u>
<u>21'</u>	<u>9'</u>
<u>22'</u>	<u>10'</u>
<u>Staff can approve up to 25' or the height of the main dwelling, whichever is more restrictive</u>	<u>&gt;10'</u>

b. Public Notice: A public notice, mailed to all adjoining property owners, shall be

required for any accessory structure taller than eighteen feet (18'). Any affected property owner may file a protest petitioning the height. Protests shall be sent, in writing, to the Community Development Department within 10-business days from date the mailer was sent. If a protest is received regarding height, then the structure shall require Conditional Use Permit approval at a public hearing before the Planning Commission. If there are no petitions received by the Community Development

Department within 10-business days from the date the mailer was sent, then the permit shall be released.

3. Size Considerations: An accessory building shall not cover more than ten percent (10%) of the minimum lot area of the zone in which it is located and shall be smaller (incidental) to the main dwelling (the footprint of the home less the garage).

4. Design Guidelines: Any accessory building larger than 500 square feet shall match the main building with architecturally similar materials, colors, and details.

5. Corner Lots: An accessory building shall not be located closer than twenty five feet (25') from the street side property line in the rear yard of a residential corner lot.

6. Utility Easements: If the building encroaches upon any easements, letters shall be submitted in conjunction with a building permit, from all affected easement holders stating that:

a. The easement has been abandoned and vacated by the affected entity; or

b. The easement holder is authorizing the placement of the permanent structure subject to the superior interest of the easement holder and may be required to be relocated at the property owner's expense to accommodate such interest.

7. Any request for an accessory building that deviates from the requirements of this section shall require Conditional Use Permit approval, at a public hearing, before the Planning Commission.

#### **10-9B-9: BUILDING HEIGHT:**

No lot or parcel of land in an R-1 zone shall have a main building or structure used for dwelling or public assembly which exceeds a maximum height of thirty five feet (35'); ~~except that in no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~ Chimneys, flagpoles, church towers and similar structures not used for human occupancy are excluded in determining height. Notwithstanding the provisions above, main buildings which exceed the maximum height of thirty five feet (35') may be approved by the issuance of a conditional use permit upon findings of no significant loss of light, air and views of surrounding properties, or where by reason of topography, one side of the dwelling may exceed thirty five feet (35').

Accessory structures, in the R-1 Zones, shall not exceed the height of the dwelling or shall have a maximum height of 25 feet, whichever is more restrictive. The height is to be based on the measurement of the average finished grade to the peak of the roof. The maximum height can only be allowed if the proper yard requirements have been met, found in Section 10-9B-7.

Director Young said the proposed changes were underlined. He said staff was comfortable with these changes.

Mayor Daniels opened the discussion to a public hearing. No one came forward. He then brought the discussion to the Council. There was no discussion. The Mayor then asked for a motion.

**ACTION:** Council Member Jensen moved to approve Ordinance No. 2008-5, amending Section 10-9B-7 “Yard Requirements,” and 10-9B-9 “Building Height,” of the R1/Single-Family Residential Zones, of the Pleasant Grove City Municipal Code. The purpose of this amendment is to clarify the rear yard setback requirement, and to establish new guidelines for approving accessory structures based on the proposed height, and based on the following findings; 1. The proposed changes meet the goals, policies and objectives of the General Plan; 2. The proposed text amendment is in the interest of the public. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Member Call, Boyd, Atwood and Jensen voting, “Aye.”

**B. PUBLIC HEARING TO CONSIDER LONE PEAK DEVELOPMENT’S REQUEST TO VACATE LOTS 1 AND 2 OF THE MILL CREEK NORTH SUBDIVISION, PLAT “A,” AND TO CREATE A 7-LOT SUBDIVISION KNOWN AS CANYON CREEK ESTATES, PLAT “A,” LOCATED AT APPROXIMATELY 400 WEST 3300 NORTH, IN THE RR (RURAL RESIDENTIAL, 21,780 SQ. FT. LOT AREA) ZONE. MANILA NEIGHBORHOOD**

Director Young indicated to the Council that this was a review of a final plat proposal to be called Canyon Creek Estates Subdivision Plat A. This includes the vacation of lots 1 and 2 of the existing Mill Creek North Subdivision Plat A. The applicant is Lone Peak Development Partners. The location is approximately 540 West 3300 North in the RR/Rural Residential zone. It is comprised of approximately 7.40 acres.

The request is to grant a final approval to vacate lots 1 and 2 of the Mill Creek North Subdivision Plat A in favor of Plat A of the Canyon Creek Estates Subdivision proposal.

The subject property is located just north of the private community called “Creekside at Aspen Grove” subdivision. The proposal makes up what is currently known as Millcreek North Subdivision Plat A, which is to be vacated in favor of the new proposal.

Director Young said that the applicant wishes to break up the new proposal into two phases. This would allow one of the developing partners, Mr. Dave Flinders, to retain the northern portion (Parcel “B”) until he is ready to subdivide. For now, he would like that portion to remain as horse property.

Another important element is now also part of this proposal with the potential of having a significant impact on the City. This new element involves the City’s new pressure irrigation line, which needs to be installed under the canal, and is designed to run along the south of this proposal to the new pressure irrigation pond being constructed now on undeveloped property just south of 3300 North and directly west of the Creekside at Aspen Grove subdivision (PD).

The design of the subdivision simply follows the same concept as the existing Millcreek North subdivision, which is determined by the layout of the Murdock Canal, which acts as a natural barrier; however, there are a few minor changes. The small panhandle piece of lot #4, located on

the east side of the canal, is to become Parcel "A" and remain as a non-buildable piece of land. The Flinders home is to remain on lot #4, but all other structures are to be removed. The surrounding undeveloped properties have been given lengthy consideration through several vicinity plans.

The applicant is providing roadway dedications to the City at 3300 North, 540 West and 3350 North circle. Additionally, to the HOA of the Creekside at Aspen Grove subdivision, for the small amount of roadway that stubs to the east from 3300 North. 3300 North bends up to become 540 West, which will remain stubbed for the future development of the adjacent property, to be owned by Mr. Flinders. The new plat reflects that Parcel "B" will contain the necessary easements for current and future utilities and for a future city standard road to connect to the Schow property, including an emergency access easement, if required.

540 West is considered a continuation of 3300 North, because of the private/gated community. The two combined create a very long stub street. Any stub street longer than 700 feet requires a positive recommendation from the Planning Commission, and then an approval from City Council upon meeting certain conditions. The Plat proposal has provided a hammerhead turnaround design on lot #7. The proposal appears to meet the conditions listed.

According to ordinance, a second alternate access is only warranted when the single means of ingress/egress exceeds a maximum average daily trip (ADT) level of 250. Please refer to section 11-3-5/item C. Staff has checked with the ITE (Institute of Transportation Engineers) to determine what eight households (7-lots and 1-parcel) would create, and if it would get anywhere near the 250 trip level. Based on the ITE formula for this number of households, there would be approximately 100 trips per day, significantly under the maximum 250 required to warrant a second access.

The subject property is zoned R-R/Rural Residential, which complies with the City's land use designation. The proposed development will not fully comply with all zoning requirements, until Council grants approval for the extended stub street, and once the applicant shows the existing home, on lot #4, meets the minimum required 30' rear setback. Staff & the Planning Commission recommends approving the proposal, without a second alternate emergency access, because the road will only be servicing seven new households, and one existing.

A vicinity plan has been provided on the plat showing an extension of the proposed road, to the west, into Mr. Schow's property. At the request of Mr. Schow, the future development of his property shows a cul-de-sac. The remainder of the roadway going north to Valley View Drive will be required to be completed at the time Mr. Schow is ready to develop, unless Mr. Schow changes the vicinity plan, and proposes a through street to the west, instead of a cul-de-sac. Staff has allowed Mr. Schow plenty of opportunity to reach a binding agreement with the applicant on the future alignment of the road to the north, prior to the hearing. It has changed several times with each time causing the applicant to delay moving forward. At this point, in the process of the Canyon Creek proposal, there is no reason to delay the proposal because the applicant has followed all the instructions given to them by Staff and the Planning Commission. If Mr. Schow has concerns or wishes to change his mind with the most recent Vicinity Plan, then he may have further opportunity with the developer of Parcel "B."

Also mentioned is a new element to the proposal that is the cause of some urgency for the City. For some time now, the City has been planning to install a new pressure irrigation line within the proposed 20 ft. wide easement along the south boundary of the proposal. The time to construct this line across the canal without having an elevated cost to do so is growing short. Once there is water in the canal, the line becomes much more costly to construct. This new line is to feed into the new City pressure irrigation pond, which is already under construction, and is directly west, and just south of 3300 North.

Engineering has given a positive recommendation to approve the final plat, and supports the current vicinity plan. If the Council chooses to require an alternate emergency access to the north, then the applicant must submit a letter to the City from a structural engineer regarding the ability or lack thereof, of this northern bridge being capable of supporting emergency vehicles (approximately 100,000 lbs.). Engineer Degen has analyzed the ADT for this area, and does not feel a second access is needed.

Engineer Degen has emphasized the importance of avoiding any further delays in the approval of this subdivision, due to the potential cost increases with the construction of the pressure irrigation line. The Engineer is requesting, as a condition, that Mr. Flinders allow an additional 20 ft. west of the canal, and an additional 40 ft. east of the canal, as temporary construction easements to be void after work is completed on the pressure irrigation line.

The subject property falls within the Very Low Density Zoning District, and is consistent with the land use designation for this property.

Mayor Daniels asked where the emergency access would be located. Director Young said that it would be for emergency purposes through the Creekside crash gate. He said there was an existing agreement. Mr. Dave Flinders noted that there was a verbal, not a written agreement.

Mayor Daniels said he was concerned that the bridge to the north had been determined for use by light weight farm access, not for sustaining regular traffic. He said he wondered if there needed to be permission from the Metro water users. Administrator Mills said that the license agreements would need to be obtained. Also, he said the applicant needed to be made aware when the canal was getting ready for closure so a pipe could be installed. Mayor Daniels said Administrator Mills was correct—that in planning for the future, those permits, etc, should be obtained now.

Council Member Atwood asked how the length of the street would be approved as it was longer than is allowed by code. Director Young said that the street will currently be a temporary turn-around or dead-end street. This allows for a future access. Council Member Atwood then asked if the subdivision starts to go over the number of trips a day, if the road will be required to go through. Director Young said yes, it would.

Council Member Call said the reason for the City Code allowing a temporary turn around was so that development could start in an area, and as further development came about, roads would go through.

Administrator Mills commented that there is a concern that beyond the gate on 3300 North, that the people in that area could get out, if needed. Additionally, he said that Creekside is a private

PUD. Mayor Daniels said that a written agreement was just promised by Creekside and the Flinders.

Mayor Daniels then opened it to a public hearing.

Mr. Donald Simons at 3817 Valley View Drive came forward and said he was the second lot next the bridge crossing (to the north of the development). He said he would appreciate it if the City would do everything to not make this northern area an exit. He asked that the alternate exit to the west be utilized instead; or connect back to 3300 North. He said he doesn't believe the bridge is suitable for heavy traffic.

Mayor Daniels then closed the public hearing.

Council Member Call said that the decision to be made was just what was before the Council right now, not what might be in the future. Mr. Simmons said he understood.

Mayor Daniels then asked for a motion.

**ACTION:** Council Member Boyd moved to approve Public Hearing to consider Lone Peak Development's request to vacate lots 1 and 2 of the Mill Creek North Subdivision, Plat "A," and to create a 7-lot subdivision known as Canyon Creek Estates, Plat "A," located at approximately 400 West 3300 North, in the RR (Rural Residential, 21,780 sq. ft. lot area) zone. Additionally, a written agreement must be completed with Creekside HOA for emergency access, and the adjustment of property lot lines between lots 4 and 5 must be completed. Also, including the following conditions; 1. Should the City Council require the second alternate access to the north, the applicant is to provide a letter to the City, from a structural Engineer, stating whether or not the existing canal bridge is capable of supporting the weight of emergency vehicles, and what modifications to the bridge shall be required to support such weight; 2. That the existing home, on lot #4, is to meet the minimum required rear setback of 30 ft; 3. That an additional 20 ft. west of the canal and an additional 40 ft. east of the canal and along the south boundary, be illustrated on the plat as temporary construction easements, to be void after construction of the pressure irrigation line is completed through the subdivision; 4. All final planning, fire and engineering requirements are met prior to recording. Also, with the following findings; 1. The proposal complies with the City's General Land Use Map; 2. The subdivision proposal complies with the requirements of the R-R zone; 3. Several Vicinity Plans have addressed the possible future development of the adjacent properties, to the north & west, including ample discussions with Mr. Schow regarding the alignment of the future roadway into his property and extending to the north; 4. Number of trips per day on extended stub road is less than the maximum 250 ft to warrant a second access. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Call, Atwood, Jensen and Boyd voting, "Aye."

## 9. STAFF BUSINESS

- Director Bradford reported that the Daily Herald had recently published the People's Choice awards for Utah County. He said that four Pleasant Grove businesses were included. These were Told Plumbing, Macey's grocery store, Zion's bank and Daylight Donuts.

## 10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen said that the break-in at the pro shop at Fox Hollow Golf Course was estimated at a loss of \$50,000. He said that it was still unclear as to whether the insurance would cover the loss. He also noted that the inventory was owned by golf pro Rick Roberts. He wondered if perhaps the three cities could reimburse him some of his loss. Mayor Daniels said the Golf Board was a legal entity that could pull funds to perhaps reimburse Mr. Roberts at least part of his loss.

Council Member Jensen then said that there would be a Utah Lake visioning meeting on April 24, 2008 at 9:30 a.m. He said the mayors and councils from all of the cities involved were invited to the meeting. The Mayor said that a morning meeting on a weekday would be difficult for most of the Council to attend due to their regular work schedules.

## 11. SIGNING OF PLATS

There were no plats to be signed.

## 12. REVIEW CALENDAR

- Mayor Daniels noted that he and some of the staff would be visiting Washington D.C. from March 5-8, 2008 to meet with Utah's Congressional representatives concerning large grants that are needed both for the police and the fire departments. He reminded the Council that Council Member Jensen would be serving as the Mayor Pro Tem while he was gone.

The Mayor then reminded the Council that the budget meetings would begin on April 17, 2008, with the first meeting comprised of the City's Directors. On May 27, 2008, the Council will have a preliminary review of the budget. On June 3, 2008, the budget is to receive final approval. He suggested that if Council Members have specific questions on department budgets, that they ask the Directors. The Mayor said that there would be some unusual budget needs for several of the departments this year.

The Council will be in St. George on April 10 and 11, 2008 for the Utah League of Cities and Towns meeting

## 13. APPROVE PURCHASE ORDERS

**ACTION:** Council Member Call moved to approve the purchase orders. Council Member Boyd seconded and the motion passed unanimously with voice votes from Council Members Call, Boyd, Atwood and Jensen voting, "Aye."

**14. ADJOURN:** At 7:50 p.m. Council Member Call moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Call, Atwood, Jensen and Boyd voting, "Aye."

This certifies that the City Council  
Minutes of March 4, 2008 are

a true, full and correct copy as approved  
by the City Council on March 18, 2008.

Signed \_\_\_\_\_  
Mary Burgin, Deputy Recorder