

**Pleasant Grove City
City Council Meeting Minutes
Work Session
November 16, 2021
4:30 p.m.**

Mayor: Guy L. Fugal

Council Members: Dianna Andersen
Brent Bullock
Eric Jensen
Cyd LeMone
Todd Williams

Staff Present: Scott Darrington, City Administrator
Marty Beaumont, Public Works Director
Drew Engemann, Fire Chief
Daniel Cardenas, Community Development Director
Kathy Kresser, City Recorder
Denise Roy, Finance Director
Tyler Wilkins, Recreation Director
Sheri Britsch, Library and Arts Director
Mike Roberts, Police Chief
Tina Petersen, City Attorney
Deon Giles, Parks Director
Kyler Ludwig, HR Director

Planning Commission: Bobbie Jo Blake, Chair
Tim Clyde
Lindsey Hargett
Todd Fugal
Peter Steele
Jeffrey Butler

The City Council and staff met in the Community Room, 108 South 100 East, Pleasant Grove, Utah.

4:30 P.M. WORK SESSION

Mayor Guy Fugal called the meeting to order and welcomed those present. He thanked Council Member Eric Jensen for filling in for him last month while he was unavailable.

1) Community Service Award Presentation.

Concerning the Community Service Award Presentation, City Administrator, Scott Darrington, reminded those present of the difficulties experienced by the Boil Order a few months earlier and specifically referenced difficulties citizens had in obtaining safe drinking water. He noted that the local community stepped up during that time.

Council Member, Dianna Andersen, recalled meeting the staff of ENEVIVE at prior gatherings and their ribbon cutting and learning about the company and what they do. She stated that such emergencies, like the Boil Order, are nothing new to this company. When the City instituted a Boil Order, she contacted them, and ENEVIVE opened the door indicating they had free drinking water for the taking. This was a blessing for the community. She introduced ENEVIVE CEO Trent Spafford and his wife co-founder Teresa Spafford, and Office staff Aspen Barrett, Ricardo, and Tyler. Council Member Andersen was grateful for their contribution and presented them with a Community Service Award and plaque.

Mr. Spafford reported that ENEVIVE is a water research firm that studies the effects of tap water and its negative impact on health. It had always been his dream to open a water research center, where people can come and learn. The company gives away free purified water but does not have a lot of foot traffic. ENEVIVE is a supporter of "Charity Water", a non-profit organization created in the mid-1990s, that donates water projects across the globe to people without running water. ENEVIVE donates \$20 to Charity Water, in the client's name, for each client who comes into the office or is seen at home (or business) to learn about the services and products offered to protect water sources. Research analysts Ricardo and Tyler, identify substances in water in homes and businesses, as requested. Ms. Barrett has been with the company for two years. The Client Services Director helps with product installation and maintenance.

They do not treat City water, which is done by various cities. In response to a question, Mr. Spafford stated that it would not be economically feasible for the City to use their system, and the City does a great job with its water. He was grateful for the City's water treatment plants. He noted that there is no requirement to regulate many things that are found in water. He indicated that 91 contaminants are regulated but there are over 85,000 known contaminants in the environment.

2) Joint Planning Commission and City Council Discussion on the City General Plan.

The Mayor welcomed the Planning Commission to the meeting. Administrator Darrington reported that a couple of months ago, a re-zone application in a particular area of the community caused anxiousness regarding what is allowed by the General Plan for that zone. This particular part of the City was identified by boundaries that include the north and south ends from 1800 North to 1100 North. The west is to the American Fork boundary, and the east is to the Eastern Boundary. Most of the focus was at 1300 West and 600 West. Several issues became apparent after they completed the rezone, including the need for the General Plan to be updated. Administrator Darrington reported that updating the General Plan was in process as they are working with several firms on the project. That work may be presented to Council in December, with the process beginning in January.

The Council directed staff to consider amending the General Plan in that specific area to eliminate R1-10 and R1-12 zones. Community Development Director, Daniel Cardenas, took a proposal regarding that request, in the form of a proposed amendment to the General Plan, to the Planning Commission. The Planning Commission members researched the proposal and voted against the proposed amendment. They additionally wanted to share with the Council the thought process employed regarding this amendment.

Administrator Darrington felt it would be best to have a joint discussion with the City Council and the Planning Commission with the understanding that in that specific area of the City the number of vacant properties still available to be rezoned are minimal. He noted that there are two or three properties that could be subject to rezoning. He stated that a joint dialogue should be helpful.

Planning Commission Chair, Bobbie Jo Blake, thanked Administrator Darrington for the opportunity to meet. She stated that although the Planning Commission's role differs from the City Council in some respects, the Planning Commission's intent is to do what is best in light of the needs of the planning aspects of the City. The Planning Commission makes recommendations based on their understanding of what will best serve the City and sends that to the City Council. She was aware that the Council does not always follow the Commission's recommendation. She commented that it is not viewed as a confrontational process.

The intent of the discussion was to provide the City Council with their findings and the basis for not recommending the General Plan proposed amendment. The first finding was because the City is about to begin an update of the General Plan. It was felt that this particular amendment would be better considered as a part of the overall General Plan update process. Inclusion at that point would provide a more holistic perspective as it would be considered in light of what is going on City-wide as well as any impact on other parts being amended in the plan. It, further, would be based on public City-wide input. This finding came in response to different rezoning efforts in a very specific part of town (south part of the North Field neighborhood). As planners, they are taught to not make decisions based on a limited or a particular set of facts and circumstances. They are to take into consideration how the suggested change would affect the city-wide planning, rather than addressing a specific need in isolation. Moreover, because the General Plan is an overarching document affecting the whole City, the Commission must remain sensitive to its content. Chair Blake further indicated that sometimes the assumptions made in considering various zoning issues, if examined in context, turn out to be inaccurate.

The second finding of the Planning Commission was that the specific amendment suggested raised concerns. They were given two options. The first was to remove R1-10 and R1-12 from the Low-Density Housing designation or put the R1-15 zone into the Very Low-Density Housing designation and changes the boundaries of the Very Low-Density designation to include that line of 600 West and West Boulevard and 1800 North and 1100 North. She noted that the designation for the first option only includes three zones identified as R1-15, R1-12, and R1-10. To remove two of the three zones seemed highly unusual as every other zone allows multiple options. The second option appeared akin to gerrymandering or changing boundaries.

Administrator Darrington indicated that the Very Low-Density designation includes agricultural and R1-20 only, pointing to the map on display. R1-15 would not be a part of anything north of

1800 North. This option was not one contemplated by the City Council. It was staff's recommendation to put R1-15 into the Very Low-Density designation which affected only a small area by changing boundaries. Staff recommended the R1-15 change to the Planning Commission. The Planning Commission did not agree with the recommendation. Rather than forwarding the Planning Commission's recommendation of denial to the City Council for action, it was thought that a joint meeting would better serve the goals of the City. It was recognized that the Planning Commission is a recommending body, and that staff makes recommendations, however, the ultimate legislative decisions rest with the City Council. It was thought that it would be beneficial for the Council to be fully aware of the basis for recommendations given.

Council Member Williams reported that what was presented previously was a specific subdivision application. He stated that the General Plan was incorrect in a few places, which has created confusion for residents. The discussion held at that meeting made the Council look uncaring, unfeeling, and able to make only one decision. The Council's direction to staff was to fix the General Plan to give the City Council an opportunity to make a decision. The Council never discussed new proposed boundaries or the elimination of R1-10 zones. He was not sure where the miscommunication came from but stressed that the direction to staff was to fix the problem. Chair Blake agreed that the General Plan corrections need to be made and stated that the Planning Commission agrees with the Council in that regard.

Administrator Darrington commented that perhaps he misunderstood, but after that meeting, his understanding was that City Council wanted staff to look at that particular area to see if potential changes could be made before they got the General Plan sorted as there was to be an upcoming update to the Plan, which would require public input.

Council Member Williams stated that the thought was that there is an R-R zone up north and the applicant wants R1-8. The Council wanted a direction to allow them to listen to the residents and be able to make a decisive decision on where R1-12 fits. The Council wanted flexibility or a say. It was Council Member Williams' opinion that he wasted his time that night. They unfortunately communicated to the residents that their opinion doesn't matter. He felt it was unfair to put them in such a position.

Chair Blake stated that there is a discrepancy in what is designated in the Key and specific Code language. The Key needs to be fixed. Administrator Darrington's understanding was that staff was asked to create options for the City Council to consider which is what Director Cardenas presented to the Commission. The Planning Commission considered the matter and determined their findings. The Planning Commission was present tonight to share their findings.

Council Member Williams commented that it sounded like Chair Blake wanted to go in a different direction. Council Member Andersen agreed that a conversation should occur about the area. She wanted everyone to be on the same page. She stated that the General Plan needs to match. Chair Blake stated that because the City is embarking on a General Plan revision that will cover this issue, the Planning Commission thought it would be helpful for the City Council to hear their input.

Administrator Darrington stated that if the direction of the Council was to leave everything as it is currently but change the Key to match the Code, staff could accomplish that. His understanding

was that the Council wanted the zone changes to be made before the General Plan process takes place. If that was not accurate, they are likely addressing a non-issue. Chair Blake stated that if the Council's intent was not to make a zone change as suggested, they could discuss what goes into zoning changes another time. It was determined that the Council wanted to hear what the Planning Commission's thoughts and findings were. Chair Blake, recognizing that the City Council had not been aware of what was presented to the Planning Commission, again repeated the two options they were given and said they thought it was best to consider such a change within the context of an entire General Plan review and determine what is best for the City rather than respond to a few people in a small area.

Chair Blake indicated that Commissioner Steele had some interesting statistics he wanted to share about the basic assumptions that are sometimes made but are not accurate. Administrator Darrington indicated that such data would be important to hear as there was another development coming forward in this area, which will be challenged by the public. Commissioner Steele's data would be helpful in determining that issue.

Commissioner Steele reported that it is often assumed that increased residential density adversely affects neighboring property values, increases traffic congestion, demands on City services, and the number of children in the schools. In relation to property values, he looked at the sales activity of 16 properties most recently sold in the area of 1100 North to 1800 North and 600 West to the American Fork boundary. He displayed a chart that showed the price per square foot of the homes sold in the R1-12 zone to see if the distance to nearby high-density areas adversely impacted the sale price. No such correlation was found. The most expensive homes were in the R1-10 zones. The price of the home also did not show a correlation to being near a different density development to correlate to the square footage. It was noted that larger lot sizes usually result in larger and more costly houses.

Commissioner Steele did not believe that complaints about increased traffic or increased need for service were justified, as the difference in the number of homes when going from R1-15 to R1-12 is minimal. Such a minimal impact would not adversely impact traffic or the need for City services.

Commissioner Steele further reported that although the closeness of a zone with higher density does not correlate, the cost of the home built on the lot does correlate with the different zones. Zoning that only allows larger lots with more expensive homes precludes the opportunity to provide more affordable housing, as the homes on smaller lots would no longer be available. Such a finding is important when considering the City as a whole. The average family in Pleasant Grove cannot afford larger homes. Council Member Andersen noted that the average two-bedroom, 2 ½ bath home costs about \$500,000. Robust public opinion is needed from throughout the City to revise the General Plan to meet the needs of all.

Commissioner Clyde had a strong opinion as he is a homebuilder by profession. When zoning issues, subdivisions, and plats come before the Commission he looks at them from that perspective. When considering zoning changes where smaller lot sizes are sought, the developer is usually looking at lot width, as the lots often do not fit the zoning width allowed. Averaging is also used to allow for development. He did not think that people notice the difference between lots in an

R1-10 zone versus an R1-12, and it may be determined by the shape. The City needs to be respectful of those who are seeking to develop. The next generation is looking for smaller lots that are more affordable and require less yard work. From the City's perspective, smaller lots are more advantageous due to property tax revenue. He also stated that there is a need to consider the scarcity of developable land in Pleasant Grove.

Commissioner Butler reported that in Pleasant Grove accessory dwelling units are allowed on lots of a certain size. Larger lots with a large mortgage provide an opportunity for the homeowner to add an accessory dwelling, which income could help pay mortgage costs. Adding an accessory dwelling could create more traffic as more people are living on the property. There was some concern that renters might also not maintain the property since they have no long-term vested interest. Last, if affordable housing is made less available by limiting development on smaller lot sizes, it could have a discriminatory effect on those who are less economically advantaged, which could include a greater proportion of diverse populations. It was noted that opportunities are limited.

Commissioner Fugal stated that an objective approach to updating the General Plan is needed. A more holistic approach would better serve the City.

Council Member Andersen thanked the Planning Commission Members. She reported that the Planning Commission looks at issues in a manner that protects the City. The City Council represents the citizens of Pleasant Grove. The confusion of that night was that they had no choice in their response to the citizens. She was looking for options to provide to the developers.

City Attorney, Tina Petersen, stated that the inconsistency between the Key and what was written in the General Plan regarding the placement of lot sizes in density areas was not the confusion. Council Member Williams indicated it was confusing to the residents. Attorney Petersen stated that the General Plan sets the zoning requirements. The findings to be made by City Council and Planning Commission, by state law, and as a legislative body approving a zoning request, must be consistent with the General Plan and its policies. What staff heard from the residents was that they did not want R1-10 or R1-12 in a particular area. Such action would necessitate a change in the General Plan Map. The Council does have the power to change the definition of Low-Density, Medium-Density, or Very Low-Density designations. Looking at the General Plans from other cities, she noted that some do not define density areas by including zoning areas such as R1-10 or R1-12 in low density land use designations like Pleasant Grove does. Discussion was needed to clarify the definition of density areas. Currently, if the density as described is in the menu for a land use area and as a legislative body if the application is going to be denied, there needs to be a specific basis for the denial. Because if it is in the General Plan as an option, the Council is presumed to have already found that the density is appropriate for the area.

Council Member Williams stated that they were looking for help to do that. They had been told that if they voted against the issue, they would be sued.

Council Member LeMone stated that what happened at that meeting was a moot point. Going forward, the General Plan is being updated, which will make it better for the residents. It also is good for the City Council and the Planning Commission to be aware and in agreement.

Council Member Bullock stressed that they need to rely on the Planning Commission. He did not want to be in a position where there are two choices regarding a particular piece of property. When that occurs, the response will be political rather than reasonable. He did not want to be in that position. He considered the Planning Commission Members to be the experts on such issues.

Administrator Darrington stated that they are meeting today due to misunderstandings regarding the direction given by the City Council. He hoped to avoid confusion going forward. His intent tonight was to be prepared for issues that will arise during the revision process. His understanding of the current direction was to fix the Key and wait for the General Plan revision.

Director Cardenas stated that the Key has already been corrected. A lively discussion ensued regarding various methods of approaching zoning issues while the General Plan is being updated. There was also general discussion regarding the land that is available for development. Administrator Darrington summarized that the Key now matches what is in the General Plan. The Council has flexibility and will work with the City Attorney on how to approach certain matters during the General Plan revision process.

Mayor Fugal thanked the Planning Commission for their work addressing complex issues.

3) Adjournment.

MOTION: Council Member Jensen moved to ADJOURN the Work Session at 5:39 p.m. Council Member Bullock seconded the motion. The motion carried unanimously with Council Members Andersen, Bullock, Jensen, LeMone, and Williams voting “Aye”.

The City Council minutes of November 16, 2021, were approved by the City Council on December 7, 2021.



Kathy T. Kresser, MMC
City Recorder

(Exhibits are in the City Council Minutes binders in the Recorder's office.)

