RESOLUTION NO. 03-01

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
SHERMAN E. HUFF *Councilmember*	X	
EVERETT KELEPOLO *Councilmember*	EXCUSED	
GLENN A. JAMES *Councilmember*	X	
ROY L. JOHNS *Councilmember*	X	
PAUL M. CHRISTENSEN *Councilmember*	X	

I MOVE this resolution be adopted: Councilmember Johns
I SECOND the foregoing motion: Councilmember James

RESOLUTION 03-01

A RESOLUTION MODIFYING THE BUILDING RESTRICTIONS

WHEREAS, Spanish Fork City imposed residential building restrictions by Resolution dated May 3, 2000; and

WHEREAS, the building restrictions were based on the fact that a number of the City utilities were at their capacity; and

WHEREAS, most of the capacity issues have been resolved through various up grades performed over the last three years; and

WHEREAS, the southeast bench south of State Road 6 still lacks storm water capacities; and

WHEREAS, the upgrades performed to the sewer plant will allow only limited additional capacities, which will allow for only an additional 435 units beyond what has already received preliminary approval; and

WHEREAS, the Spanish Fork City Municipal Code Section 16.20.010 prohibits development in excess of the capabilities of the utilities infrastructure;

NOW THEREFORE, it is hereby resolved by the Spanish Fork City Council as follows:

1. The building restrictions set forth in that Resolution dated the 3rd day of May, 2000 are hereby modified as set forth herein.
2. Spanish Fork City will begin accepting residential preliminary plats, within the growth boundary of the City, until the total number of residential units accepted total 435. At that point, the building restrictions will automatically be reimposed until sewer capacities are increased.
3. Notwithstanding paragraph 2, no residential preliminary plats will be accepted on the southeast bench south of Canyon Road and between 900 East and 2600 East until the storm drain line from the existing facilities to the Spanish Fork River is designed and either installed or bonded for.
4. Notwithstanding paragraphs 2 and 3, no residential preliminary plats will be accepted on the southeast bench between State Road 6 and Canyon Road and between 1100 East and 2900 East unless a storm water detention basin is constructed in conjunction with the plat, until the capacity of the basin is reached, which determination will be at the sole discretion of the Spanish Fork engineering department. Thereafter, the same restrictions which apply south of Canyon Road

will also be applicable in this area.

5. The restrictions previously imposed on Whispering Willow and Sommerset Village Subdivisions are hereby lifted, which are in addition to the 435 units described in paragraph 2 hereof.

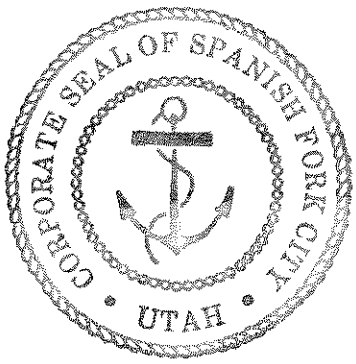
DATED this 4th day of February, 2003.

Dale R. Barney

DALE R. BARNEY, Mayor

ATTEST:

Kent R. Clark

KENT R. CLARK, City Recorder

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