

**ORDINANCE NO. 07-10**

**ROLL CALL**

<b>VOTING</b>	<b>YES</b>	<b>NO</b>
<b>G. WAYNE ANDERSEN</b> <i>Mayor</i> <i>(votes only in case of tie)</i>	Absent	
<b>ROD DART</b> <i>Council member</i>	X	
<b>RICHARD M. DAVIS</b> <i>Council member</i>	X	
<b>STEVE LEIFSON</b> <i>Council member</i>	X	
<b>JENS P. NIELSON</b> <i>Council member</i>	Absent	
<b>KEIR A. SCUBES</b> <i>Council member</i>	X	

I MOVE this ordinance be adopted: Councilman Rod Dart  
I SECOND the foregoing motion Councilman Richard Davis

**ORDINANCE No. 07-10**

**AN ORDINANCE AMENDING THE PERMITTED USES IN THE PUBLIC FACILITIES ZONE TO ALLOW WIND POWER TEST FACILITIES**

WHEREAS, Spanish Fork City owns property, heretofore zoned industrial, which it has leased to its power supplier, Utah Municipal Power Agency, for the purpose of conducting tests and gathering data on wind power; and

WHEREAS, the use of gathering wind power data has gone on for many years; and

WHEREAS, with the recent change in the zoning of the property from industrial to public facilities, an amendment needs to take place within the public facilities zone to allow, as a permitted use, the gathering and collection of data concerning wind power; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday the 6th day of January, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 19th day of January 2010, where additional public comment was received; and

WHEREAS, in order to protect the health, welfare, and well being of the residents of the community by gathering information and data which will benefit the City and its residents, a wind power test facility should be allowed in the public facilities zone;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code Section 15.3.16.160 Public Facilities is hereby amended by amending and/or creating subsections as follows:

**15.3.16.160. Public Facilities (P-F).**

A. Permitted Uses:

31. Wind Power Test Facilities.

D. Development Standards

1. The Maximum height of any building or structure shall be limited to 65 feet, with the exception of wind power test facilities, which may have a combined tower and blade height not to exceed 180 feet (subject to FAA rules and requirements). Heights for wind power test facilities for specific locations will be determined on a case by case basis at the time of site plan approval to protect adjacent properties.

2. Set backs shall be as follows for all main buildings:

A.~D. [unchanged].

E. Set backs for wind power test facilities will be determined on a case by case basis at the time of site plan approval, to protect adjacent properties

3. Anchoring for wind power test facilities towers will be reviewed and approved at the time of site plan approval.

II.

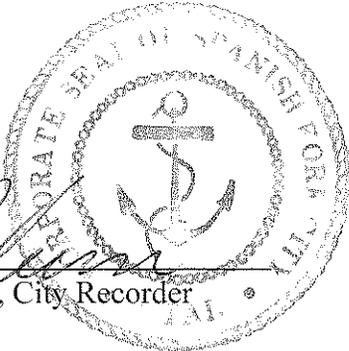
In order to protect the ongoing testing and gathering of data which has been taking place

for many years, in order to protect the health, welfare, and safety of the residents of the City, this Ordinance shall take effect immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 16<sup>th</sup> day of March, 2010.

ATTEST:

  
Kimberly Robinson, City Recorder



  
G. WAYNE ANDERSEN, Mayor