

Adopted Minutes
Spanish Fork City Council Meeting
September 4, 1996

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff for a preliminary review of the agenda.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, Rex Woodhouse, and Clyde A. Swenson.

Planning Commission Members Present: Chair Doug Barber.

Staff Members Present: David A. Oyler, City Manager; Mary-Clare Maslyn, Assistant City Manager; Greg Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Richard Hales, Public Safety Detective, Gina Peterson, Deputy Recorder; and Heather Frost, Public Safety Department Secretary.

Citizens Present: Wallace Osborn, Allen Evans, Lynn Flinders, Katie Flinders, Linda Thomas, Leon Thomas, James Connolly, Dale R. Barney, Allen Bradford, Joel Bradford, Anita Bradford, Margie Butler, Marvin Butler, SuAnn Butler, Leah Butler, Don Butler, Sharon M. Butler, Grace Ann Thomas, Alan B. Thomas, Boyd L. Thomas, Karen Thomas, Jim Pendray, Rita Hales, John J. Madsen Jr., Beck Madsen, Stephen Miles, Richard Burness, Carl B. Clegg, Andrew Rose, Cindie Rose, Jim Duncan, Dale E. Miller, Beth Keller Miller, Scot Wilson, Brandi Gonzales, Gabe Gonzales, Jessica Pay, Curtis Turnbull, Jock Andrews, Sherman E. Bearnson, Beverly B. Bearnson, Ray A. Swenson, Fred Vincent, Mike Gardner, Carol Swenson, Mary Harris, Joe Harris, Beth K. Gee, Garth Swenson, Anne Brierley, Joseph Brierley, Howard N. Creer, Joyce Creer, Gary J. Stone, Katie S. Stone, R. Craig Larson, Doug Cheever, Cris Child, Elsie Thomas, Jess Thomas, Jay Thomas, Jack J. Swenson, Roxanna Johnson, *Spanish Fork Press*; Lyndon Walpole, James Demita, Andy Sheline, Chloe G. Laurila, Carol Berrett, Jan Rovang, David Kuhn, Wayne Pinder, Tracey Thomas, June Christensen, Bea Jex, Lew Jex, Brad Jex, Terri Jex, Alan Young, Jay Birch, Stephen Olsen, Gary Stone, and Isabelle Hawley.

Minutes

Councilmember Barber made a **motion** to approve the minutes of the August 21, 1996, meeting of the Spanish Fork City council. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Public Hearing - New Spanish Fork General Plan, Zoning Ordinance, Zoning Map, and Capital Facilities Plan

A **motion** was made by Councilmember Swenson to open the public hearing at 7:15 pm. Councilmember Shaw **seconded**, and the motion **passed** unanimously.

Introduction and Purpose

Mayor Huff welcomed the citizens and thanked them for their interest and concern in the new general plan and zoning ordinance. She reviewed the agenda for the evening's meeting. Mayor Huff explained time would be turned over to citizens for comment, but that comments should be kept to three minutes. She then turned the time over to Attorney Baker

Discussion of Legal Issues

The citizens were welcomed and appreciated for their interest and concern. Attorney Baker reviewed Utah State law as it pertains to the creation of a general plan and zoning ordinance. He then reviewed the legal notification process required by State law. It was noted the council will not adopt the new general plan and zoning ordinance until approximately the middle of October. Attorney Baker then turned the time over to Mr. Comstock.

Project Overview

City Planner Greg Comstock explained Spanish Fork City hired him to develop a general plan, zoning ordinance, and capital facilities plan with the planning commission. It was explained the general plan establishes policy and the direction for the way the community will develop. He informed the public the last adopted general plan of Spanish Fork City was in 1982. Mr. Comstock said since May of 1995, he, the staff, the planning commission, and the city council had been working on an updated version of the general plan. He said a community survey was done in July, 1995 to get public input, and many meetings have been held to get input from the public in updating the general plan.

Mr. Comstock then reviewed new items in the general plan and zoning ordinance, such as land use categories, zoning provisions which encourage mixing densities, and a growth management boundary. Mr. Comstock said the planning commission and staff plan to update the general plan annually.

Mr. Comstock explained the capital facilities plan is also a necessary part of the general plan for upgrading/replacement or installation of new utilities such as water and sewer lines.

Mr. Comstock then outlined some of the proposed amendments to the general plan. He pointed out the existing zoning map and the proposed zoning map. He also referred to other maps showing water lines, sewer lines, and storm drainage retention basins.

Mr. Comstock discussed the Leland and East Bench issue in the rezoning from one acre to five acres. Mr. Comstock explained the city subdivision ordinance states new lots, smaller than five acres, cannot be created unless connected to the sewer. The East Bench and Leland zoning is being modified to be consistent with the subdivision ordinance until sewer is available in the area. Mr. Comstock addressed this would not affect existing legal lots.

Mr. Comstock detailed the master development plan, a new feature to the general plan. He stated this feature would make it easier for new developments to mix projects such as single family dwellings and townhouses.

Mr. Comstock went over the concept of flag lots stating development of a flag lot would encourage the use of back parts of lots in downtown areas.

Mr. Comstock then turned the time over to Mayor Huff for remarks from citizens.

Mr. Doug Cheever, 860 East 1050 South, asked if the flag lot concept would be limited to specific areas of the city. Mr. Comstock explained the ordinance is set up to apply to old blocks in town. He stated the flag lot concept is not needed in newer developments as land is used more efficiently.

Mr. Brad Jex, 950 North 200 East, expressed his concern with the proposed change of the zoning on South Main. He stated he is waiting for sewer and would then like to build a house on his property. If residential uses are not allowed in a that zone, Mr. Jex would not be allowed to build a home on the South Main area. He requested that the zone designation remain C2.

Mr. Comstock clarified the South Main zone designation is currently C2, but the proposed C2 zone will no longer allow for residential use.

Mr. Wallace Osborn, 1400 South 2300 East, recommended the Leland and East Bench areas stay in a one acre zone designation. He felt it would be easier to keep the zone as it is than it would be to change to five acre zoning and later petition to go back to one acre zoning. He also requested who directed the city to develop a new general plan and zoning ordinance. Attorney Baker answered it was a State mandate.

Ms. Bea Jex, 1005 South Main, concurred with the opinions expressed by Mr. Brad Jex.

Ms. Anita Bradford, 1000 South Main, expressed her concern with the proposed C2 zone change at South Main. She questioned her legal rights of the property and if she could still pass the property on to her children. Ms. Bradford stated there are real issues for long term South Main residents with the changes proposed.

Ms. Jex remarked if C2 is not zoned for residential use and her house burnt down, she could not rebuild. Councilmember Shaw asked the reasoning why they could not rebuild. Attorney Baker explained a residence in a no-residential zone is non-conforming. He stated it is a city ordinance if at least fifty percent of a non-conforming home were to burn, it would not be allowed to be rebuilt.

Ms. Bradford asked if she will have to get rid of her animals if the definition of a C2 zone is changed. Attorney Baker cited since the house would be non-conforming, current animals could be maintained but not expanded upon. Mr. Comstock stated animals will not be affected with this ordinance, therefore the animals could be kept.

The council will discuss the issue of allowing residential uses in the C2 zone designation in the South Main area.

Ms. June Christensen, 1939 East 6800 South, expressed her concern with proposed mobile home development on the old landfill near Expressway Lane. She feels a mobile home park would look out of place in the middle of commercial areas nearby. Ms. Christensen would like to see the old landfill become a park or something that would keep the format of a commercial area.

Mr. Jim Pendray, Park City, informed the council he is currently doing a manufactured housing development in Springville and would like to do one in the north part of Spanish Fork. Mr. Pendray expressed his concern with the need for affordable housing. He discussed various incomes and affordability issues of a manufactured home vs. a stick built home stating manufactured homes are very affordable.

Ms. Tracey Thomas, 572 West 6800 South, distributed a petition opposing the proposed zoning of the East Bench. She stated the road along 1400 East is not wide enough and would be a liability when children walk to school. Ms. Thomas also felt property value would decrease in the East Bench area. Mr. Comstock explained the city's intentions in this area were to 1) Make the area consistent with the city's subdivision ordinance, and 2) Allow properties to stay in larger holdings until ready for development in accordance with the General Plan.

A citizen asked if there was a moratorium on building anything in the Strawberry affected area. Attorney Baker explained the city is proceeding cautiously until the Strawberry issue is resolved.

Mr. Alan Young, attorney for the Keller family trust, explained the Keller property has no economic viability because of its prior use as a landfill. He stated the only use for the property would be a manufactured housing community. Because of problems with methane gas, Mr. Young said industrial use of the land would not be feasible. He expressed the Keller's only issue is to sell their land, and if the property is not zoned for manufactured housing, the Keller's would consider it a property taking.

Mr. Allan Thomas expressed concern in changing the East Bench area from one acre zoning to five acre zoning.

Mr. Wayne Pinder, Provo, representing the Keller family trust, gave a historical background on the property. He expressed his interest in providing affordable housing and explained the proposed manufactured housing community would be high quality.

Mr. Richard Burness, American Fork, expressed his interest in promoting affordable housing and was in agreement with previous comments made on the subject.

Mr. Stephen Olsen came representing his grandmother, Leona Bradford, 890 South Main. He expressed concern for possible impact fees that might be assessed explaining his grandmother has a very meager income. Mr. Olsen also inquired if there would be a minimum lot size in the area. Mr. Comstock reported he did not foresee any additional fees and there would be no minimum lot size.

Mr. Jay Birch, 990 North 400 East, said his concern is with flag lots. He wondered if landowners would be notified when a flag lot was going to be put on their block. Mr. Comstock stated the landowner splitting his lot would not be required to give notice or get participation from other property owners. Mr. Birch felt the city should talk with the property owners before a flag lot is to be developed. He expressed opposition to putting low income housing or apartments in flag lots.

Mr. Carl Clegg, Orem, is involved with the proposed manufactured home park on the old landfill.

Mr. Clegg reiterated that nothing can be put on the old landfill property except manufactured homes. He explained that studies from an engineering firm conclude a manufactured housing community would be ideal for the property.

Mr. Howard Creer, 91 East 200 North, expressed his opposition with the proposed zone change in the Leland area. He also felt the city was gerrymandering by changing the zoning of certain downtown areas. Mr. Creer felt if an area was zoned commercial it needed to be left commercial.

Mr. Don Butler expressed his opinion that the zoning on South Main remain the same.

Mr. Joel Bradford, 1000 South Main, stated he felt changing the C2 zone definition on South Main will be a death sentence to residents. He requested the zoning to remain as it is.

Ms. Rita Hales, 337 South 900 East, came representing the Larsen family who owns part of the old landfill property. Ms. Hales expressed she would like to see the property sold to Mr. Pendray for use as a manufactured housing community. She felt this would provide affordable housing in the community.

Mr. Allen Evans, 1891 South 1700 East, problem is with proposed zone changes for the East Bench. He felt concern should be placed on the homes and homeowners and the zoning should remain at one acre.

Ms. Chloe G. Laurila, 850 South Main, asked the reasoning for the proposed zoning of C2 on South Main. Mr. Comstock restated the area is currently zoned C2, the difference is there will no longer be residential use. Discussion occurred regarding the change in the C2 zone. Mr. Comstock asked the citizens if they would like the area zoned rural residential. Consensus from the citizens was yes.

Mr. Andy Shelline, owner of McDonalds, expressed his support for manufactured housing and affordable housing. He felt developing the old landfill property into a manufactured home park would generate more tax revenue for the city than an industrial development would.

Mr. Andrew Rose, Orem, represented the developer of the proposed manufactured housing development. Mr. Rose repeated previous views on the need for affordable housing. Pictures of a manufactured housing development in Springville were shown to the council.

Ms. Carol Berrett, 1225 South Main, inquired about how the city annexes property. Attorney Baker stated annexation is initiated by a petition of property owners.

Mr. Allen Bradford, 1000 South Main, concurred with the opinions opposing the elimination of residential use on South Main.

Mr. Jay Rovang, Salt Lake City, supported views expressed on the need for affordable housing.

Mr. Cris Child, 981 East 900 South, discussed the possibility of owner occupied basement rental units. Mr. Comstock reported this is a complex issue that hasn't been addressed yet, but will be discussed in the coming months.

Mr. Dale R. Barney, 924 West 7300 South, expressed his opposition to the proposed zone change on the East Bench.

Mr. James Demita, 1100 South Main, stated citizens should be more involved by attending council and planning commission meetings. He commended Mr. Comstock and the council for the work they have put forth and expressed support for the new general plan stating it has been well thought out.

Mr. Fred Vincent, 2247 Fairway Drive, disagreed with the proposed East Bench zone change. He felt changing the property to five acre zoning would downgrade his property.

Mr. Curtis Turnbull, Orem, expressed his concern with changing the zoning in the East Bench. Mr. Turnbull felt the city should open the area up for development making the new school in an area cushioned with development.

Mr. David Kuhn, 210 South 100 West, stated he feels the cost of a manufactured home and a stick built home would be the same due to the cost required to lease the land. He inquired about the possibility of leasing to own the property. Mr. Pendray discussed affordability and options of manufactured homes. He explained to Mr. Kuhn that the property could not be owned, but a ten year lease could be worked out. Mr. Kuhn asked the council to look at the possibility of leasing to own, or buying leased property at a discounted rate.

Mr. Gary Stone, 162 North 800 East, feels flag lots are a good way to use the land. He addressed the need for affordable housing and supported the idea of manufactured housing. Mr. Stone feels a type of affordable housing could be built in a flag lot.

A citizen pointed out the people serviced by Strawberry Electric Service District do not receive any notice of public hearings in utility bills. She felt there should be another way to notify citizens of public meetings.

Mr. Jay Thomas stated the city should install sewer and necessary utilities for property annexed into the city. He felt if this was not possible, the property should be left to the County to handle.

Ms. SheRon Houghton, expressed the need to widen the road at 1400 East near the new school. She stated many children will be walking on the road. Councilmember Woodhouse explained the city does not have control of where the State will put schools. He suggested citizens go to the school board and relay their concern. Councilmember Woodhouse stated there are ways the problem can be addressed including creation of a special service district.

Ms. Thomas, suggested the public hearing notices be more specific listing which areas will be discussed at the hearing. She felt this would draw citizens concerned with specific areas.

Mr. Creer discussed the need for safe roads in school zone areas.

A citizen inquired when the new general plan and zoning ordinance will be adopted. Mr. Oyler informed the tentative adoption date will be October 16, 1996. He welcomed citizens to future council meetings and cautioned them not to wait until the 16th to express additional concerns. Mr. Oyler stressed the council meetings are for public input.

Mr. Swenson stated his feeling the downtown area zoned downtown commercial is being enhanced while the areas zoned residential office are being downgraded. Mr. Comstock stated it was the planning commission's intent to create a transitional area compatible with the residential areas on either side

Mayor Huff, along with the city council thanked citizens present for their input.

Adjournment

Councilmember Shaw made a **motion** to close the public hearing and adjourn the meeting at 10:05 pm. The **second** was made by Councilmember Swenson and the motion **passed** with a unanimous vote.