



CITY COUNCIL MEETING

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:30 p.m. on April 18, 2006**.

ADDENDUM

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

- a. Pledge

2. NEW BUSINESS:

- a. [North Airport EDA Ordinance](#)

3. PUBLIC HEARINGS: 6:30p.m.

- a. [Forbush Annexation](#)
- b. [Stone Rezone](#)
- c. [Whispering Willows Amended Preliminary Plat](#)
- d. [Gateway Commerce Amended Preliminary Plat](#)
- e. [Michael Nelson General Plan Amendment](#) (tabled from March 7 & April 4)
- f. [Michael Nelson Rezone](#) (tabled from March 7 & April 4)

4. PUBLIC COMMENTS:

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

5. CONSENT ITEMS:

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. [Minutes of Spanish Fork City Council Meeting – March 7, 2006](#)
- b. [Resolution 06-06 – Proclaiming Arbor Day, April 28, 2006](#)

6. NEW BUSINESS:

- a. [Police/Court Building – Dee Rosenbaum](#)
- b. [Police Aircard Service Contract – Dee Rosenbaum](#)

7. OLD BUSINESS:

- a. [RGM LC Golf Course Consulting Contract](#)
- b. [Mayor & City Council Assignments](#)

8. OTHER BUSINESS:

- a. [Work Session](#)
 - i. [Fire & Ambulance – Dee Rosenbaum & Seth Perrins](#)
- b. [Executive Session If Needed – To be Announced in the Motion](#)

ADJOURN:

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

ORDINANCE 04-06

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
MATTHEW D. BARBER <i>Councilmember</i>		
STEVE LEIFSON <i>Councilmember</i>		
SETH V. SORENSEN <i>Councilmember</i>		
CHRIS C. WADSWORTH <i>Councilmember</i>		

I MOVE this ordinance be adopted: _____

I SECOND the foregoing motion: _____

ORDINANCE 04-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPANISH FORK, STATE OF UTAH, ADOPTING THE NORTH AIRPORT ECONOMIC DEVELOPMENT PROJECT AREA PLAN DATED MARCH 10, 2006.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORK, STATE OF UTAH AS FOLLOWS:

This Ordinance pertaining to the "North Airport Economic Development Project Area Plan" is hereby enacted to read as follows:

NORTH AIRPORT ECONOMIC DEVELOPMENT PROJECT AREA PLAN

Sections:

1. Adoption of Project Area Plan.
2. Project Boundaries.
3. Purposes of Project Area Plan.
4. Project Area Plan Incorporated by Reference.
5. Findings.
6. Acquisition of Property.

7. Tax Increment Financing.
8. Effective Date.

Section 1. Adoption of Project Area Plan. The Redevelopment Agency of Spanish Fork (the "Agency") has adopted the Project Area Plan entitled, "North Airport Economic Development Project Area Plan," dated March 10, 2006 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official economic development Project Area Plan of the North Airport Economic Development Project Area (the "Project Area"). The City, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17B-4-408 of the Utah Redevelopment Agencies Act.

Section 2. Project Boundaries. The legal description of the boundaries of the North Airport Economic Development Project Area covered by the Project Area Plan is as follows, to-wit:

BEGINNING AT A POINT WHICH IS LOCATED EAST 390.89 FEET FROM WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES:

S00°09'21"E	362.32'
WEST	20.51'
S47°32'12"E	3102.88'
NORTH	1126.10'
N06°23'25"W	42.57'
N00°24'24"W	1327.14'
S89°10'08"W	1323.25'
S00°25'25"E	19.19'
WEST	932.37'
TO THE POINT OF BEGINNING.	

Section 3. Purposes of Project Area Plan. The purposes and intent of the City Council of Spanish Fork with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

1. Encourage and assist economic development in order for a public or private employer to create additional jobs within the state.
2. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.
3. Implement the tax increment financing provisions of the Utah Redevelopment Agencies Act and any successor law or act (the "Act") which are incorporated herein by reference and made a part of this Plan.
4. Encourage economic use of and new construction upon the real property located within the Project Area.

5. Promote and market the Project Area for economic development that would be complimentary to existing businesses and industries or would enhance the economic base of the City through diversification.
6. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of social and economic activity for the City.
7. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities, infrastructure improvements and community facilities.
8. Achievement of an environment reflecting an appropriate level of concern for architectural, landscape and urban design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.
9. Provide for improvements to public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, and other public improvements, give the area a new look and to attract business activity.
10. Provide improved public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments and the implementation of City institutional controls and regulations to ensure management of any contaminated materials.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with supporting documents, is incorporated herein by reference and made a part of this Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the City Recorder and the Redevelopment Agency for public inspection.

Section 5. Findings. The Redevelopment Agency has determined and found as follows:

- A. There is a need to effectuate a public purpose, and implementation of the Project Area Plan would accomplish the public purposes set forth in the Act.
- B. There is a public benefit under the benefit analysis referred to in Exhibit "C" to the Project Area Plan.
- C. It is economically sound and feasible to adopt and carry out the Project Area Plan.
- D. The Project Area Plan conforms to Spanish Fork's general plan.

E. The Project Area Plan would develop the Project Area in conformity with the Act, and carrying out the Project Area Plan will promote the public peace, health, safety and welfare of Spanish Fork.

Section 6. Acquisition of Property. The Agency may acquire property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent. The Agency is authorized to acquire any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent.

Section 7. Tax Increment Financing.

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Ordinance hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, and to the extent greater authorization for receipt of tax increment by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by existing or amended provisions of law. This Ordinance also incorporates the specific provisions of tax increment financing permitted by Sections 17B-4-1001 and 1004 of the Act, which provide, in part, as follows:

1001(1) An agency may receive and use tax increment, as provided in this part.

(2) (a) The applicable length of time or number of years for which an agency is to be paid tax increment under this part shall be measured from the first tax year regarding which the agency accepts tax increment from the project area.

(b) Tax increment may not be paid to an agency for a tax year prior to the tax year following the effective date of the Plan.

(3) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this chapter. . . .

1004(2) An agency board may provide in the project area budget for the agency to be paid:

(a) if 20% of the Project Area Budget is allocated for housing as provided for in Subsection 17B-4-504:

(i) 100% of annual tax increment for 15 years; or

(ii) 75% of annual tax increment for 24 years.

(b) if 20% of the project area budget is not allocated for housing under Section 17B-4-504:

- (i) 100% of annual tax increment for 12 years;
- (ii) 75% of annual tax increment for 20 years; or
- (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100% for any period of time.

B. Subject to modifications of the Act by amendments or by any successor act or law, the Project Area Plan incorporates the provisions of Section 17B-4-1006(2)(a) of the Act, which states:

(a) The amount of the base taxable value to be used in determining tax increment shall be:

(i) increased or decreased by the amount of an increase or decrease that results from:

(A) a statute enacted by the Utah State Legislature or by the people through an initiative;

(B) a judicial decision;

(C) an order from the Utah State Tax Commission to a County to adjust or factor its assessment rate under Subsection 59-2-704(2);

(D) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103; or

(E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and

(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.

(b) Notwithstanding an increase or decrease under Subsection (a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (a).

C. As shown in the Project Area Budget, the Agency has elected to receive 100% of the tax increment monies from the Project Area for a period not to exceed fifteen (15) years.

D. Pursuant to the provisions of Sections 17B-4-504 and 17B-4-1010 of the Act, the Agency has allocated 20% of the total tax increment received by the Agency to be used for certain housing purposes as set forth in the Act, up to the total amount of \$1,546,667.

Section 8. Effective Date. This Ordinance shall take effect upon its first publication or posting.

PASSED and **APPROVED** by the City Council of the City of Spanish Fork, State of Utah, this 18th day of April 2006.

CITY OF SPANISH FORK

Joe L Thomas, Mayor

ATTEST:

Kent R. Clark, City Recorder

**SPANISH FORK CITY
PLANNING COMMISSION
STAFF REPORT**



To:	Planning Commission	General Plan:	Residential 3.5-4.5 U/A & Light Industrial
From:	Marlo Smith, Engineering Secretary	Property Size:	90.848 acres
Date:	April 5, 2006	Zoning:	County R-A
Subject:	Forbush Annexation	Requested Zone:	R-1-9
Location:	1400 North Highway 51		

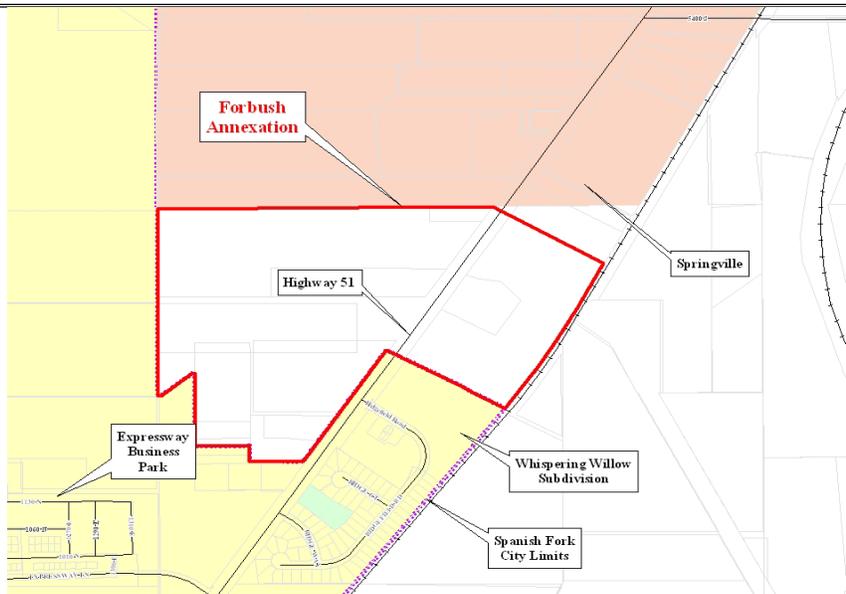
Public Hearing: N/A

Background

The applicant(s), Cody Roberts, is requesting to annex approximately 91 acres into Spanish Fork City from Utah County.

Analysis

The City Boundary is to the south and west of the property. The properties to the north were annexed into Springville City. Most of property is within Spanish Fork City's policy declaration boundary except for the northeast corner of the annexation.



Springville City also shows this property within its Annexation Policy Plan. The annexation request is within the City's growth boundary except the northeast corner. The General Plan currently shows the annexation area as Residential 3.5 to 4.5 u/a or as light industrial. The property owner is requesting for the property to be zoned R-1-9. They would also be eliminating the Anderson salvage yard.

Development Review Committee

The Development Review Committee reviewed this request at their March 22, 2006 meeting and recommended approval subject to the conditions stated below.

Minutes from the March 29, 2006 Development Review Committee Meeting

Mr. Baker made a **motion** to recommend to the Planning Commission approval of the Forbush Annexation located at 1400 North Highway 51 subject to the following conditions:

CONDITIONS:

1. An Environmental assessment done over the area covered by the salvage yard.
2. Modify the boundary to exclude the northeast corner to follow the City property lines,

3. Terminate Springville's power and work with Spanish Fork utilities,
4. Zone it R-R for now.

Mr. Nielson **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this request at their April 5, 2006 meeting and recommended approval. (see the tentative minutes below)

Minutes from the April 5, 2006 Planning Commission Meeting

Ms. Johnson explained the proposal and that the annexation would include Spanish fork and Springville. The intent is to follow the property lines and meet the annexation boundary. The DRC recommended that they approve this and bring it in as an R-R zoning for now.

Chairman Bradford asked if there was any problem with the city providing utilities to this property. Mr. Neilson explained that there are currently utilities in Highway 51 and they will be able to connect to them as needed.

Chairman Bradford asked if there were any problems with the sewer going through the wetlands area. Mr. Neilson replied that they have already talked with the Core of Engineers and there will not be a problem going through the wetland area as long as they restore it.

Commissioner Lewis voiced his support for this annexation, but wants added to the motion that the developer get the property boundaries taken care of right away. Mr. Neilson stated that the property owners to the North are separate and not interested in annexation. Commissioner Lewis noted that if they wanted to annex he would be supportive of it.

Commissioner Robins made a **motion** to approve the Forbush Annexation located at 1400 North Highway 51 with the following condition(s):

CONDITIONS:

1. An Environmental assessment done over the area covered by the salvage yard,
2. Modify the boundary to exclude the northeast corner to follow the City property lines,
3. Terminate Springville's power and work with Spanish Fork Utilities,
4. Zone it R-R for now.

Commissioner Lewis **seconded** and the motion **passed** by a roll call vote all in favor.

RECOMMENDATION

Approve

Make a motion to **APPROVE** the **Forbush Annexation located at 1400 North Highway 51 with the following condition(s):**

Condition(s):

1. An Environmental assessment done over the area covered by the salvage yard.
2. Modify the boundary to exclude the northeast corner to follow the City property lines,
3. Terminate Springville's power and work with Spanish Fork utilities,
4. Zone it R-R for now.

Deny

Make the motion **DENY** the **Forbush Annexation located at 1400 North Highway 51** for the following reason(s):

Table

Make the motion to **TABLE** the **Forbush Annexation located at 1400 North Highway 51** for the follow reason(s):

**SPANISH FORK CITY
PLANNING COMMISSION
STAFF REPORT**



To: City Council
From: Marlo Smith, Engineering Secretary
Date: April 18, 2006
Subject: Gary Stone Rezone
Location: 1290 South 2300 East

Zoning: R-R to R-1-8
Property Size: 10.07 acres
Lots: N/A

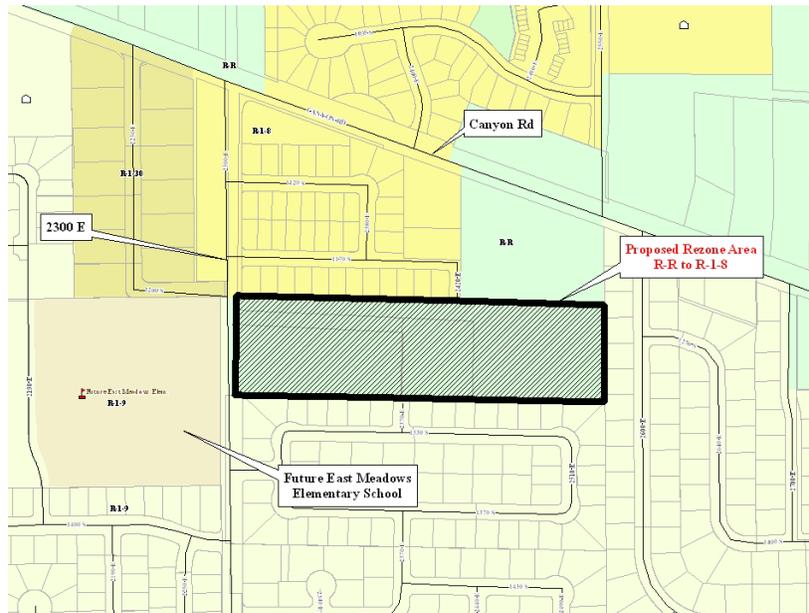
Public Hearing: Everyone within 300 feet of the property was noticed of the public hearing as well as being posted on the property and the city website 10 days prior to the meeting.

Background

The applicant(s), Gary Stone, is requesting to rezone approximately 10.07 acres from the R-R to the R-1-8 zoning designation. If approved the applicant is planning to develop a single family home subdivision. This property is shown on the General Plan as Residential 2.5 to 3.5 u/a and the zoning requested follows the General Plan.

Analysis

The property is 10.07 acres in size and currently is vacant property. To the north of the property is a single family homes subdivision zoned R-1-8. To the south and east is a single family home subdivision zoned R-1-9. To the west is the East Meadows Elementary School.



Development Review

Committee

The Development Review Committee reviewed this request at their March 22, 2006 meeting and recommended approval.

Minutes from the March 22, 2006 Development Review Committee Meeting

Mr. Baker made a **motion** to recommend to the Planning Commission approval of the Gary Stone Rezone located at 1290 South 2300 East from R-R to R-1-8. Mr. Foster **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this request at their April 5, 2006 meeting and recommended approval. (see the tentative minutes below)

Minutes from the April 5, 2006 Planning Commission Meeting

Mr. Neilson explained the proposed project and stated that the zoning did meet the General Plan and it matched the area to the north. He then explained the difference in the R-1-9 zoning on the property to the south and the R-1-8 zoning on the property to the north.

Mr. Neilson received a phone call from Gayle Gee a resident who owns property on 2300 East, opposing the zone change, because they don't want additional traffic and building development near them.

Ms. Dewey explained their reasoning for requesting the zone change. She also explained that the lots are bigger than the area next to them so the build out will not be as dense. They are confident that the neighborhood will be impressed with the development.

Mr. Stone explained they have worked close with the city engineer and planner to meet the setback requirements according to the city codes.

Ms. Van De Graaff wanted to know how changing it to an R-1-8 zone would affect the traffic. Richard Neilson replied that the traffic will have to be routed out through the existing roads.

Mr. Palmer asked if traffic will enter onto 1170 S. into the Salisbury development.

Mr. Neilson replied that traffic will meet each subdivision.

Ms. Dewey stated that they are forced to use the roads adjoining the property that already exist.

Discussion was made regarding whether or not the properties will be fenced. Ms. Dewey explained it would be up to the property owners if they want to fence their property or not.

Mr. Palmer does the city have any plan in the future to put a light at the traffic entrance onto the highway. Mr. Neilson stated construction has already started for the light.

Mr. Finley, representing Carol Hall his daughter who owns the adjacent orchard property, expressed his concern because of the irrigation ditch that will go through the property and could carry the spray from the orchard trees. He wants to know what steps the developer will take to ensure that kids won't get into the toxic water going down the canal.

Discussion was made regarding the canal and where it would be piped or buried along the property.

Chairman Bradford stated this is discussion for preliminary plat and they should keep all the concerns at this time to the re-zone.

Mr. Snell, lives in Absalon Court Subdivision, stated he is relieved to see that there is not a high density of proposed build out, but is still concerned with the proposed density.

Commissioner Robins stated it will have less density than the R-1-8 and be similar to Mr. Snell's current subdivision.

Ms. Pierson of Rock Cove subdivision stated she is opposed to having more than three homes per acre, because she feels that having more than three homes per acre would increase the traffic and there are lots of children in the area.

Ms. Tanner of Rock Cove Development, added to Ms. Pierson's comments, she does not mind residential development going in as long as it is not high density. She asked that the Commission take into consideration if another developer buys it later in the future it won't become town homes or a higher density development.

Ms. Dewey stated they only have a 10 acre piece and there is no way to get more than 35 lots in that subdivision because they have to have room for the roads.

Ms. Tanner stated that her subdivision has more build-out than that.

Ms. Dewey stated that they can't create any more because the roads already exist and have to be hooked onto where they are currently located.

Commissioner Robins stated the comments made are all valid and that the Planning Commission would like to hear them when the plan is up for preliminary review.

Commissioner Lewis stated he supports the zone change but wants to wait and see next month what the preliminary shows.

Commissioner Huff stated he agrees with the zone change, but when they get to the preliminary plat he has a few questions that will need to be answered.

Commissioner Lewis made a **motion** to give the City Council a positive recommendation for the Gary Stone Rezone

of 10.07 acres at 1290 South 2300 East from an R-R to R-1-8 with the following findings and condition(s):

FINDINGS:

1. That the zone change is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan.
2. That consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Commissioner Huff **seconded** and the motion **passed** by a roll call vote all in favor.

RECOMMENDATION

Approve

Make a motion to **APPROVE** the **Gary Stone Rezone of 10.07 acres at 1290 South 2300 East from R-R to R-1-8 with the following findings and condition(s):**

FINDINGS

- That the zone change is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan; and

The General Plan shows this property as Residential 2.5-3.5 u/a and the R-1-8 is within that density range zoning complies.

- That consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Condition(s):

1. None

Deny

Make the motion to **DENY** the **Gary Stone Rezone of 10.07 acres at 1290 South 2300 East from R-R to R-1-8** for the following reason(s):

Table

Make the motion to **TABLE** the **Gary Stone Rezone of 10.07 acres at 1290 South 2300 East from R-R to R-1-8** for the following reason(s):

**SPANISH FORK CITY
PLANNING COMMISSION
STAFF REPORT**



To:	City Council	Zoning:	R-3
From:	Marlo Smith, Engineering Secretary	Property Size:	29 acres
Date:	April 18, 2006	# Lots/Units:	236
Subject:	Whispering Willows Amended Preliminary Plat	ID#	PRE 06-07
Location:	Ridgefield Road and Highway 51		

Public Hearing: Everyone within 300 feet of the property was noticed of the public hearing as well as being posted on the property and the city website 10 days prior to the meeting.

Background

The applicant(s), Salisbury Development, is requesting to Amend the Whispering Willows Preliminary Plat in order to remove the 12-plexes that were to be constructed south of Ridgefield Road and replace them with townhomes.

Analysis

The Whispering Willow Preliminary Plat was approved by the City Council on August 21, 2001. The approval was for 246 units of which 66 were to be single family homes and for 180 multi-family units. The original project showed the 180 multi-family units as 12-plexes.

The Whispering Willow Preliminary Plat was amended and approved by the City Council on December 6, 2005. The amendment was to build 72 of the 180 multi-family units in six 12-plex buildings and another 100 units as townhomes on the north side of the road.

The applicant has purchased the property and is requesting to build 52 townhomes of the 72 from the previous amended on the south side of the road and eliminate all 12-plex buildings. Overall the original density allowed for 246 units and with the amendments there are 218 units.

Amenities: The applicant will still construct the playgrounds as shown on the plans.

Development Review Committee

The Development Review Committee reviewed this request at their March 29, 2006 meeting and recommended approval subject to the conditions stated below.

Minutes from the March 29, 2006 Development Review Committee Meeting

Mr. Baker made a **motion** to recommend to the Planning Commission approval of the Whispering Willow Amended Preliminary Plat located at Ridgefield Road and Highway 51 subject to the following findings and conditions:

FINDINGS:

1. The styles of the townhomes include two car garages.
2. The open spaces and tot lot qualify for the allowable density.

CONDITIONS:

1. Meets all of the Construction and Development Standards,
2. Work with the city utilities on the design,
3. The playground and open spaces shown on the plat remain and be declared private areas,
4. The plat declare the roads to be a public utility easements,
5. The interior sewer be private.

Mr. Foster **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this request at their April 5, 2006 meeting and recommended approval. (see the tentative minutes below)

Minutes from the April 5, 2006 Planning Commission Meeting

Mr. Neilson explained the proposed development.

Mr. Bowers of Salisbury Homes stated they like the Town Home addition of 100 lots to the north and feel that this project will better suit the needs of Spanish Fork. The open space and amenities will stay the same.

Chairman Bradford asked that the distance between the units be lengthened.

Mr. Bowers explained that the distance will vary from 11' to 18' between the buildings. Chairman Bradford stated that he would like to see 15 feet between all the units.

Mr. Bowers stated they will do what they can to add the extra footage between the buildings.

Commissioner Lewis commented that if the City does impose this sizing they will not be consistent with Springville who only requires 10 feet.

Commissioner Robins stated that the city would be imposing something in the new part of development that was not required in the old section. He asked if they plan to continue the same look and feel with different covering products and elevations on the buildings. Mr. Bowers stated that they would have a variety of coverings and heights on the buildings.

Ms. Johnson stated that the Development Review Committee recommended this project as long as they meet the Construction and Development standards.

Commissioner Lewis stated he feels it will be a nice change.

Commissioner Robins said that any less traffic on Highway 51 will be a good thing. Chairman Bradford said he was in favor of the less density proposed.

Commissioner Lewis made a **motion** to approve the Whispering Willows Amended Preliminary Plat located at Ridgefield Road and Highway 51 with the following findings and condition(s):

FINDINGS:

1. The style of the townhomes include two car garages.
2. The open space and tot lot qualify for the allowable density.

CONDITIONS:

1. It meets all of the construction and Development Standards,
2. Work with the City Utilities on the design,
3. The playground and open spaces as shown on the plat remain and be declared private areas,
4. The plat declare the roads to be public utility easements,
5. The interior sewer be private.

Commissioner Robins **seconded** and the motion **passed** by a roll call vote all in favor.

RECOMMENDATION

Approve

Make a motion to **APPROVE** the **Whispering Willows Amended Preliminary Plat located at Ridgefield Road and Highway 51 with the following findings and condition(s)**:

FINDINGS

- **The style of the townhomes include two car garages**
- **The open space and tot lot qualify for the allowable density.**

Condition(s):

1. Meet all of the Construction and Development Standards,
2. Work with the city utilities on the design,
3. The playground and open spaces as shown on the plat remain and be declared private areas,
4. The plat declare the roads to be public utility easements,
5. The interior sewer be private.

Deny

Make the motion **DENY** the **Whispering Willows Amended Preliminary Plat located at Ridgefield Road and Highway 51** for the following reason(s):

Table

Make the motion to **TABLE** the **Whispering Willows Amended Preliminary Plat located at Ridgefield Road and Highway 51** for the follow reason(s):

**SPANISH FORK CITY
PLANNING COMMISSION
STAFF REPORT**



To: City Council
From: Marlo Smith, Engineering Secretary
Date: April 18, 2006
Subject: Gateway Commerce Amended Preliminary Plat
Location: 3450 North Main

Zoning: I-1
Property Size: 52.79 acres
Lots/Units:
ID# PRE 99-22

Public Hearing: The property was posted 10 days prior to the meeting as well as posted on the city website.

Background

The applicant(s), Boulder Ranch, is requesting to Amend the Gateway Commerce Preliminary Plat in order to allow for a larger parcel.

Analysis

The Gateway Commerce Preliminary Plat was approved by the City Council on May 16, 2000. The approval was for 26 commercial and industrial building lots.

The applicant is now requesting to change 10 lots into 3 larger lots to allow for industrial or commercial development. This request will also give reapproval of the Gateway Commerce Preliminary Plat due the fact that the subdivision approval has expired.

Development Review Committee

The Development Review Committee reviewed this request at their March 22, 2006 meeting and recommended approval subject to the conditions stated below.

Minutes from the March 22, 2006 Development Review Committee Meeting

Mr. Baker made a **motion** to recommend to the Planning Commission approval of the Gateway Commerce Amended Preliminary Plat located at 3450 North Main Street subject to the following conditions:

CONDITIONS:

1. Meets all of the Construction and Development Standards,

Mr. Nielson **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this request at their April 5, 2006 meeting and recommended approval. (see the tentative minutes below)

Minutes from the April 5, 2006 Planning Commission Meeting

Mr. Neilson explained the project proposal.

Commissioner Robins asked if the property is within the cities expansion area.

Chairman Bradford stated that this was previously approved and the reason it was on the agenda was that the time

limit had lapsed and it will need to be reviewed as if it were not approved yet.

Commissioner Huff made a **motion** to approve the Gateway Commerce Preliminary Plat located at 3450 North Main Street with the following condition(s):

CONDITIONS:

1. It meets all of the Construction and development Standards.

Commissioner Lewis **seconded** and the motion **passed** by a roll call vote all in favor.

RECOMMENDATION

Approve

Make a motion to **APPROVE** the **Gateway Commerce Amended Preliminary Plat located at 3450 North Main Street with the following condition(s)**:

Condition(s):

1. Meet all of the Construction and Development Standards,

Deny

Make the motion **DENY** the **Gateway Commerce Amended Preliminary Plat located at 3450 North Main Street** for the following reason(s):

Table

Make the motion to **TABLE** the **Gateway Commerce Amended Preliminary Plat located at 3450 North Main Street** for the follow reason(s):

**SPANISH FORK CITY
CITY COUNCIL
STAFF REPORT**



To: City Council
From: Emil Pierson, City Planner
Date: March 7, 2006
Subject: General Plan Amendment – Public Hearing
Location: 115 East 300 North
Noticed: General Plan: All properties within 300 feet of the property

Zoning: R-3
Property Size: .22 acres
Lots: N/A

Background

Michael Nelson, is requesting to Amend the General Plan for the property at 115 East 300 North. Currently the property is General Planned for Residential 5-12 unit per acre and the applicant is requesting to Amend the General Plan at this location to Residential 5-12 u/a and Residential Office.

If the General Plan Amendment is approved the applicant would also like to rezone the property from the R-3 zoning designation to Residential Office. The applicant is planning on remodeling the single family home to build an office.



Analysis

To the north and east is single family homes which are General Planned as Residential 5-12 u/a. To the south is 300 North and a home that has a beauty salon in it. To the west is property General Planned as Residential 5-12 u/a and Residential Office. The property is .22 acre or 9,498 square feet in size.

General Plan, page 40 G. Commercial Goals and Policies, Goal Two.

Policy d. Allow limited retail, service commercial, office, and other similar uses in those portions of Main Street, which are currently residential, subject to strict design review standards to maintain a residential character consistent with the area. Allow the same uses along the east side of 100 West and along the west side of 100 East between 100 North and 300 North.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking and the sight triangle
4. Is the use an office or a medical use which requires additional parking

DRC Minutes from January 25, 2006

Mr. Baker made a **motion** to recommend to the Planning Commission denial of the Michael Nelson General Plan Amendment, Zoning Text Amendment and Rezone located at 115 East 300 North. Mr. Nielson **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission reviewed this request on February 1, 2006. They discussed the General Plan amendments that need to take place to make this work and also they reviews that took place over the last 8 months. After much discussion they recommended denial of the General Plan Amendment.

PC minutes from Feb. 1, 2006

Mr. Pierson presented the following information to the Planning Commission regarding a request by Mr. Michael Nelson regarding an amendment to the General Plan at 115 East 300 North to rezone from Residential 5-12 to Residential 5 -12 u/a and Residential Office.

Michael Nelson, is requesting to Amend the General Plan for the property at 115 East 300 North. Currently the property is General Planned for Residential 5-12 unit per acre and the applicant is requesting to Amend the General Plan at this location to Residential 5-12 u/a and Residential Office.

If the General Plan Amendment is approved the applicant would also like to rezone the property from the R-3 zoning designation to Residential Office. The applicant is planning on remodeling the single family home to build an office.

Analysis

To the north and east is single family homes which are General Planned as Residential 5-12 u/a. To the south is 300 North and a home that has a beauty salon in it. To the west is property General Planned as Residential 5-12 u/a and Residential Office. The property is .22 acre or 9,498 square feet in size.

General Plan, page 40 G. Commercial Goals and Policies, Goal Two.

Policy d. Allow limited retail, service commercial, office, and other similar uses in those portions of Main Street, which are currently residential, subject to strict design review standards to maintain a residential character consistent with the area. Allow the same uses along the east side of 100 West and along the west side of 100 East between 100 North and 300 North.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and

- front of the building.
3. Concerns with the parking and the sight triangle
4. Is the use an office or a medical use which requires additional parking

Mr. Richard Bean said he attended the Development Review Committee meeting on Wednesday to get input. He does not want the general plan map amended to encumber just one lot. He said this rezone is not wanted there and that it has been a residential neighborhood years. Rather just keep it looking at the zone it is good planning residential is zoned for buffering if adjusted back to R3 nothing to stop whole area being developed. He wants to maintain the area as a residential neighborhood. Mr. Bean presented petition from his neighbors to the Planning Commission regarding opposition to the rezone.

Mr. Bean also said the only way he can see the area able to be re zoned is to tear down homes. In his opinion is not worth the rezone on the general plan. Commercial is already set up for West side of 100 East and the East side of 100 West and should keep that way as far as the general plan is concerned.

Ms. Diane Anderson who lives at 170 East 300 North said there are a lot of families and a lot of traffic in this area already. She pointed out that parking 300 North and 100 East is already difficult. She does not want to see it the property rezoned because it would affect a lot of families in that area and to preserve current architecture in the neighborhood. She also stated once you start changing there, where do you stop.

Mr. Pierson presented to the commission the information that he received two phone calls from citizens regarding the rezone. Ms. Laverne Hunt would like to recommend approval. Also, one phone call from Mercedes to recommend approval.

There was discussion regarding parking and changing the General Amendment for one property.

Commissioner Miya made a **motion to deny** for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of other R - O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking on the sight triangle.
4. Office use is medical which would require additional parking.

Commissioner Scott **seconded the motion** Roll call was taken and the voting was **unanimous**.

Recommendations

Approve

Make a motion to **APPROVE** the Michael Nelson General Plan Map Amendment at 115 East 300 North from Residential 5-12 u/a to Residential 5-12 u/a & Residential Office.

Table

Make a motion to **TABLE** the Michael Nelson General Plan Map Amendments at 115 East 300 North for the following reasons:

Deny

Make a motion to **DENY** the Michael Nelson General Plan Map Amendments at 115 East 300 North for the following reasons:

GP Map

1 Inch equals 188 Feet



Legend

- Not Paved
- Paved
- + Railroad
- + Rivers
- + Buildings
- Property Lines
- County_SF_Parcels
- Spanish Fork Boundary
- 1 U/40 Acres
- 1 U/5+ Acres
- 1 U/5+ Acres / 0.5-1.5 U/A
- 1 U/5+ Acres / 1.5-2.5 U/A
- 1 U/5+ Acres / 2.5-3.5 U/A
- 1 U/5+ Acres / 3.5-4.5 U/A
- 1 U/5+ Acres / 4.5-5.5 U/A
- 1 U/5+ Acres / 5.5-8 U/A
- 1 U/5+ Acres / Business Park
- 1 U/5+ Acres / General Commercial
- 1 U/5+ Acres / Light Industrial
- 1 U/5-12 Acres / Residential Office
- 1.5-2.5 U/A
- 2.5-3.5 U/A
- 3.5-4.5 U/A
- 3.5-4.5 U/A / Professional Office
- 3.5-4.5 U/A / General Commercial
- 4.5-5.5 U/A
- 4.5-5.5 U/A / General Commercial
- 5.5-8 U/A
- 5.5-8 U/A / Professional Office
- 5.5-8 U/A / Residential Office
- 5.5-8 U/A / General Commercial
- 8-12 U/A
- 8-12 U/A / General Commercial
- 9-12 U/A / General Commercial
- Downtown
- Professional Office / Residential Office
- Shopping Center
- General Commercial
- General Commercial / Business Park
- Light Industrial
- Light Industrial / 3.5-4.5 U/A
- Light Industrial / Commercial
- Light Industrial / Business Park
- Light Industrial / Public Facilities
- Medium Industrial
- Heavy Industrial
- Public Facilities
- Public Facilities / General Commercial
- Recreation

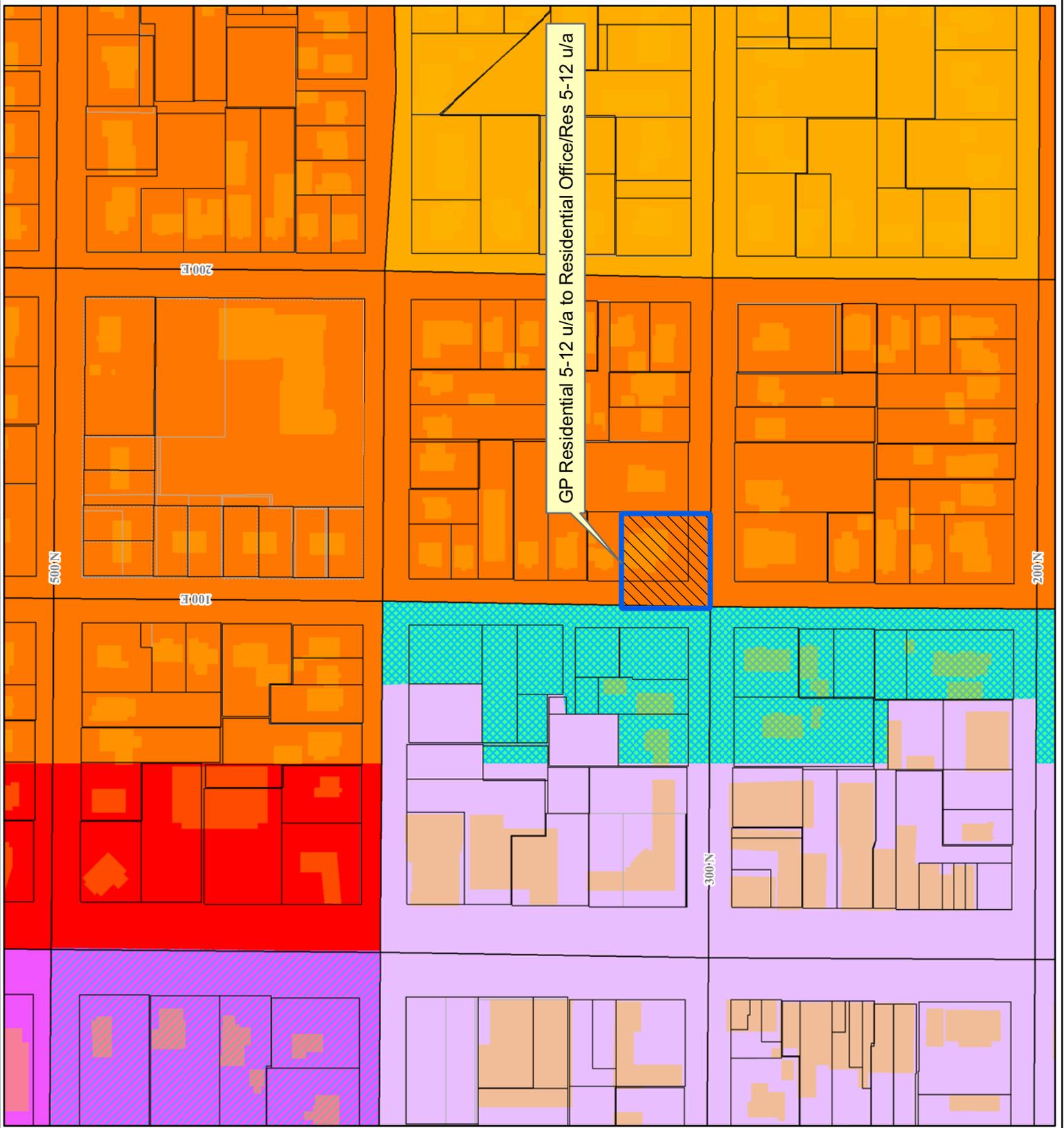
9/29/2004



Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.



GP Residential 5-12 u/a to Residential Office/Res 5-12 u/a

5000N

1000E

2000E

3000N

2000N

**SPANISH FORK CITY
CITY COUNCIL
STAFF REPORT**



To: City Council
From: Emil Pierson, City Planner
Date: March 1, 2006
Subject: Michael Nelson Rezone
Location: 115 East 300 North

Zoning: R-3 to R-0
Property Size: .22 acres
Lots: N/A

Public Hearing: Everyone within 300 feet of the property was noticed of the public hearing as well as being posted on the property 10 days prior to the meeting.

Background

The applicant(s), Michael Nelson, is requesting to rezone approximately .22 acres or 9,498 square feet from the R-3 to the R-O (Residential Office zoning designation). If approved the applicant is planning to construct a podiatrist office in the existing single family home. This property is shown on the General Plan as Residential 5 to 12 u/a and the General Plan would need to be

changed prior to the zoning request so it conforms with the General Plan.



Analysis

The property is .22 acres in size and currently has a single family home on the property. To the north and east of the property is two single family homes. To the south is 300 North and a single family home on the corner which also has a beauty salon. To the west is property owned by the City zoned for Residential Office.

The purpose of the Residential Office zoning designation is defined in 15.3.16.040.

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and site plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and residential land uses, or is

located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

Issues on the Rezone: These are items that need to be changed in the Land Use Code to remodel the home into an office.

A. Permitted Uses....

The following uses will only be allowed on properties between 100 West and 100 East: **(Concern): when reviewing the General Plan is states only on the west side of 100 East and on the east side of 100 West.**

3. Personal services businesses

H. Parking

No parking will be allowed in front of the principal structure for non-residential uses.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment and then the Rezone. The DRC recommended denial for:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking and the sight triangle
4. Is the use an office or a medical use which requires additional parking

Minutes from January 25, 2006

Mr. Baker made a **motion** to recommend to the Planning Commission denial of the Michael Nelson General Plan Amendment, Zoning Text Amendment and Rezone located at 115 East 300 North. Mr. Nielson **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this item at their February 1, 2006 meeting and recommended denial. See the minutes below.

Tentative PC minutes from February 1, 2006

The applicant(s), Michael Nelson, is requesting to rezone approximately .22 acres or 9,498 square feet from the R-3 to the R-O (Residential Office zoning designation. If approved the applicant is planning to construct a podiatrist office in the existing single family home. This property is shown on the General Plan as Residential 5 to 12 u/a and the General Plan would need to be changed prior to the zoning request so it conforms with the General Plan.

Analysis

The property is .22 acres in size and currently has a single family home on the property. To the north and east of the property is two single family homes. To the south is 300 North and a single family home on the corner which also has a beauty salon. To the west is property owned by the City zoned for Residential Office.

The purpose of the Residential Office zoning designation is defined in 15.3.16.040.

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and site plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and

residential land uses, or is located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

Issues on the Rezone: These are items that need to be changed in the Land Use Code to remodel the home into an office.

Permitted Uses....

The following uses will only be allowed on properties between 100 West and 100 East: **(Concern): when reviewing the General Plan is states only on the west side of 100 East and on the east side of 100 West.**

3. Personal services businesses

H. Parking

No parking will be allowed in front of the principal structure for non-residential uses.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment and then the Rezone. The DRC recommended denial for:

- I. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
- II. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
- III. Concerns with the parking and the sight triangle
- IV. Is the use an office or a medical use

Mr. David Nelson questioned Emil regarding the general plan and the number of parking spaces needed for the square footage.

Mr. Pierson explained that it depends on what it would be used for regarding office space. Medical or personal offices.

Mr. Nelson interpreted this needing 29 parking spots and pointed out there is no way for enough parking spots. He said that it is zoned residential and would like to see it kept residential.

Mr. Richard Bean pointed out that on the zoning that even if you only needed 8 spaces there is not enough space. He has to have a 10 foot landscape setback and then at least another 10 feet for a parking stall. Not enough square footage. As far as the neighborhood goes. The look of that then makes it a commercial building, not residential. The issue of whether it is a medical or dental office should not be an issue. It would be a medical office. With the looks of the neighborhood. Mr. Bean described the neighbors and the neighborhood. Homes are beautiful and fully landscaped and would like to see neighborhood stay the same. He would like to see someone in the home to keep the home up. It is a beautiful home and ideal circumstance on a corner lot have a family come in and keep up neighborhood. It does not make sense to change the zoning.

Nadine Johnson who operates a beauty salon across the street from proposed property discussed her problems in the past with parking at the proposed rezone.

There was discussion of regarding the previous use of the property. Commissioner Robbins stated that the parking would be an issue and there is no reason to approve in this area.

*Commissioner Robbins motion to deny for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.

2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking and the sight triangle
4. consistent zoning of residential office does not have the space for parking and would be inconsistent and would be a negative impact upon area.

Commissioner Huff seconded the motion. Roll call was taken and voting was unanimous.

RECOMMENDATION

Approve

Make a motion to **APPROVE** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O **with the following findings and condition(s)**:

Deny

Make the motion to **DENY** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O follow reason(s):

Table

Make the motion to **TABLE** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O for the follow reason(s):

Property Map

1 Inch equals 188 Feet



Legend

- Roads**
- Not Paved
 - Paved
 - Railroad
 - Rivers
 - Buildings
 - Property Lines
 - County_SF_Parcel
 - Spanish Fork Boundary

- A-E
- BP
- C-1
- C-2
- C-D
- C-O
- I-1
- I-2
- I-3
- R-1-12
- R-1-30
- R-1-6
- R-1-8
- R-1-9
- R-1-6
- R-3
- R-O
- R-R
- S-C
- UV-C

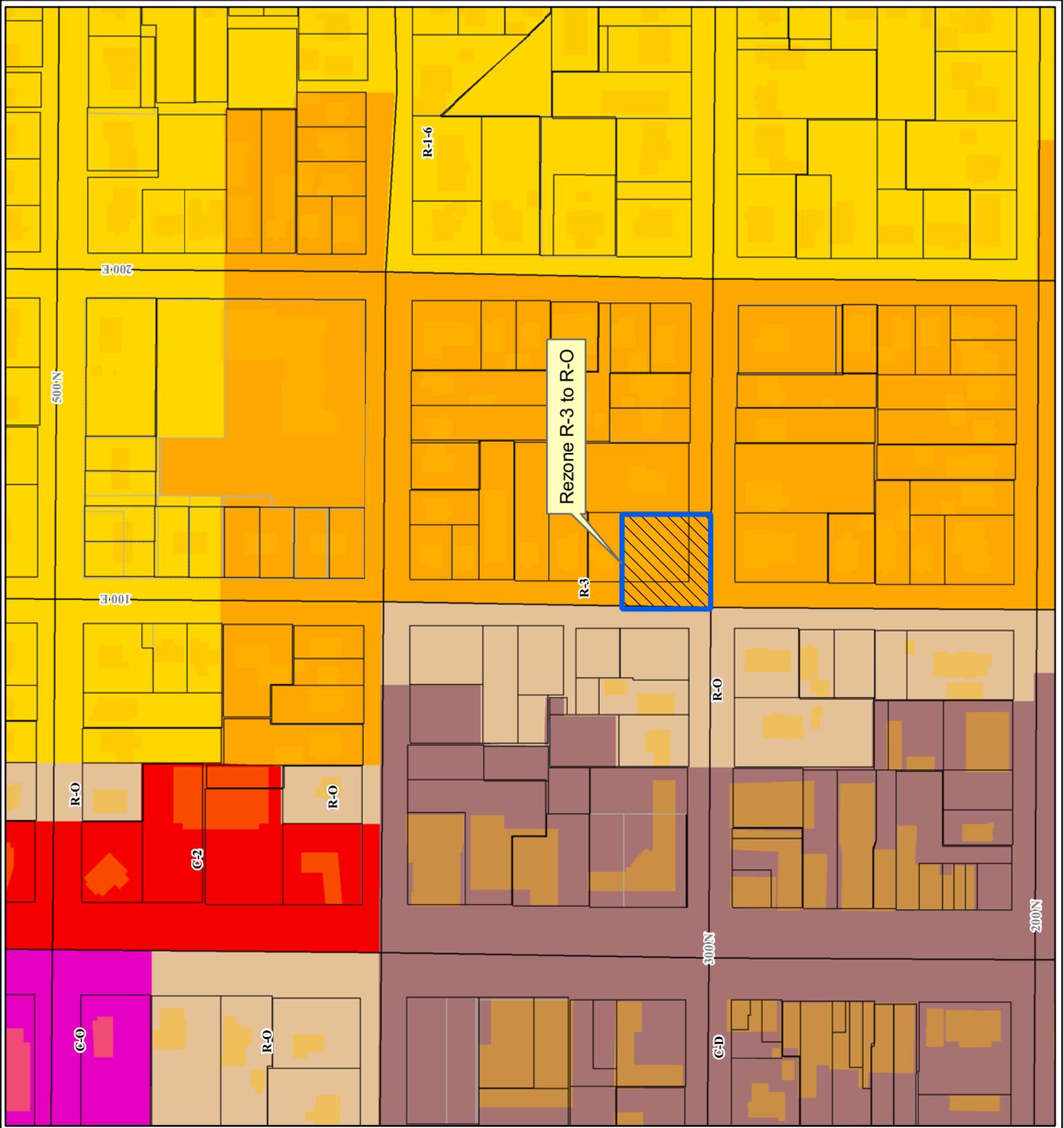
9/29/2004



Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.



**Tentative Minutes
Spanish Fork City Council Meeting
March 7, 2006**

1 The meeting was called to order at 6:00 p.m. by Mayor Joe L Thomas.

2 Elected Officials Present: Mayor Joe L Thomas, and Councilmembers Matthew D. Barber,
3 Steven M. Leifson, Seth V. Sorensen and Chris C. Wadsworth.

4 Councilmember G. Wayne Andersen attended the meeting via phone conference.

5 Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Kent R.
6 Clark, Finance Director; Chris Thompson, Design Engineer; Seth J. Perrins, Assistant City
7 Manager; Dale Robinson, Parks and Recreation Director; Roy Christensen, Golf Pro; Dee
8 Rosenbaum, Public Safety Director; and Marlo Smith, Engineering Secretary.

9 Citizens: Clay Grant, Michael Nelson, John Parker, Carl M. Wolff, Virginia Wolff, Jolene
10 Parker, Aaron Fisher, James Rees, Karl Warnick, Ray Chapman, Mary Chapman, Judy Dimick,
11 Gae Volkert, Carillisa Bean, Richard Bean, NaDene Johnson, Dennis Johnson, Chris Chapple,
12 Nicole Chapple, Scott Plummer, Robert J. Pittelli, Diane Woolford, Lorraine Dedrickson,
13 Melanie Farnsworth, Shauna Warnick, Maribel Rees, Pat Parkinson, Mark Dallin, Dave Olsen,
14 Ali Durham, Keeley Wright, Jared Young, Jeremy Twitchell, Ashley Green, Jon Franklin, David
15 Pollei, Victor Jones, Braden Bennett, Mike Bennett, Christine Watson Mikell, Kyle Hansen,
16 Alex Mendoza, Luke Walker, Collin Mcinelly, Dallin Congdon, Ryan Falkner, Rob Harris and
17 Burke Swenson.

18 **CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:**

19 **Pledge**

20 The pledge of allegiance was led by Councilmember Seth V. Sorensen.

21 **PUBLIC COMMENTS:**

22 **Jolene Parker**

23 Ms. Parker said her parents, her daughter and she live by the golf course. She said she has
24 recently moved to the area and therefore did not receive the mailing to inform of the wind farm.
25 She feels a lot of people were not informed. Ms. Parker said the wind farm owner will lose
26 \$300,000.00. But, if the wind farm is constructed, the citizens will lose hundreds of millions
27 with the properties being devalued. Ms. Parker said she has dizzy episodes that are often
28 elevated with motion. Therefore, she would not be able to walk in her own neighborhood.

29 Mayor Thomas said he will take into account the comments also heard from last week.

30 Ms. Parker said she moved to this neighborhood knowing about the trains, Highway 6, the high
31 power wires, but the huge monstrous windmills weren't known about. She said if she knew

32 about the windmills she would not have chosen to live there.

33 **Judy Dimmick**

34 Ms. Dimmick said she would like to reiterate what Ms. Parker has said. She is familiar with the
35 windfarms in California, which are always noisy. The windfarms destroy values of homes.
36 They chose to purchase a home by the golf course because of the peace and serenity. Ms.
37 Dimmick also said the windmills will continue to grow and not be limited to five windmills in this
38 area.

39 **Gae Volkert**

40 Ms. Volkert said she was never notified of the wind farms. She said she never received the
41 mailing.

42 **Mayor Thomas**

43 Mayor Thomas said the city is clean from graffiti, and said the police department has done an
44 outstanding job keeping the graffiti cleaned up. He said the police department works with Utah
45 County to have juveniles clean up the graffiti. The city pays for the cleaning materials only.
46 Mayor Thomas asked that every citizen who sees graffiti send an email to graffiti@sfcn.org or
47 graffiti@spanishfork.org or call the police department promptly with the address and contact
48 information. Lynn Olsen has volunteered to serve as coordinator to take care of the private
49 property release forms so that the graffiti can be cleaned up soon. Mayor Thomas asked that if
50 anyone sees graffiti to report it promptly because it is usually gang related.

51 **CONSENT ITEMS:**

- 52 a. **Minutes of Spanish Fork City Council Meeting - January 17, 2006**
53 b. **City of Fun Carnival Contract for Fiesta Days**
54 c. **Deployed Military Utility Assistance**

55 Councilmember Wadsworth reviewed the recommended change to the minutes.

56 Councilmember Sorensen made a **motion** to accept the consent items with the changes as noted.
57 Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

58 **OLD BUSINESS:**

59 **Wasatch Wind Follow Up**

60 Mayor Thomas discussed that Wasatch Wind is considering other sites for the wind farms. He
61 said the City, the citizens group, and Wasatch Wind have held meetings and have also met with
62 the landowners of the considered sites. Mayor Thomas said he feels the meetings have been
63 positive but is not sure what the outcome may be. He said Mr. Livingston and Ms. Mikell have
64 been very open minded and positive as well as the citizens group.

65 **Karl Warnick**

66 Mr. Warnick thanked Mayor Thomas for his leadership with the wind farm situation. He said he
67 also appreciates Mr. Livingston and Ms. Mikell as well as the City staff. He said he urges all

68 citizens who are seeking legal action to contact the citizens group, the mayor or Wasatch Wind
69 before moving forward. Mr. Wanick said at this time there is nothing on paper to assure the
70 wind turbines will not be constructed on the down canyon site, but other options are being
71 looked at.

72 **James Rees**

73 Mr. Rees presented a slide show containing the following information:

- 74 • Options for wind farm locations up the canyon and down canyon
- 75 • Different options for proposed location up canyon behind Fingerhut
- 76 • Zoning concerns
- 77 • Size of windmills
- 78 • Different view of how windmills will look at the up canyon site.

79 Christine Watson Mikell

80 Ms. Mikell discussed the slide show that was presented. She said she wants to alleviate the
81 concerns about the down canyon site known as Site 2. She said she is 90% confident that Site 1
82 which is up canyon can be workable. She said she met with the crane operator on Site 1 today
83 and the site is not as bad as thought. The gravel pit location goes down 150 feet compared to the
84 50 feet that was first thought which will help to alleviate sound, height concerns, etc.

85 Councilmember Sorensen said he has visited the wind farm in Evanston. He said the windmills
86 do not make a thumping sound and feels the windmills in the canyon will not be heard over the
87 wind coming out of the canyon.

88 Ms. Mikell urged anyone with concerns over the sound to go to Camp Williams to investigate
89 the two windmills that are located there. She said they are older models and the windmills
90 proposed will be newer and quieter models.

91 Discussion took place that there will possibly only be nine windmills due to economic reasons as
92 compared to the 12 approved.

93 Mr. Rees said he is concerned about who will decommission the windmills once they are no
94 longer operable.

95 Discussion took place that Wasatch Wind will be responsible for decommissioning the windmills
96 and not the tax payers.

97 Mayor Thomas praised the citizens group and Wasatch Wind for their positive and solution
98 oriented attitudes.

99 **PUBLIC HEARINGS:**

100 **General Plan Amendment - Michael Nelson**

101 **Zoning Map Amendment (Rezone) - Michael Nelson**

102 Councilmember Barber made a **motion** to move into the public hearing portion of City Council
103 meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

104 Mr. Baker said the Michael Nelson General Plan Amendment and Rezone will be addressed
105 together. He said Dr. Michael Nelson is requesting a General Plan Amendment at 115 East 300
106 North. The General Plan currently identifies 100 East as the dividing point between R-O and R-
107 3. Dr. Nelson already owns the home on the corner as would like to turn it into a podiatry office.
108 Mr. Baker said the DRC and PC have reviewed these requests and recommend denial for the
109 reasons listed in the council packets.

110 **Michael Nelson**

111 Dr. Nelson said he has hired a professional planner, who is currently out of town, to help him
112 with this process. He said he is asking the council to continue these items until a further date.

113 Councilmember Sorensen made a **motion** to table the Michael Nelson General Plan Amendment
114 and the Michael Nelson Zoning Map Amendment (Rezone) of .22 acres located at 115 East 300
115 North until the April 4, 2006 City Council Meeting. Councilmember Leifson **seconded** and the
116 motion **passed** with a unanimous vote.

117 **Clay Grant Zoning Map Amendment (Rezone)**

118 Mr. Baker said this is a request from Mr. Grant who desires to rezone the property at 605 North
119 300 West from R-1-8 to R-1-6. Mr. Grant will be tearing down the existing home and build a
120 duplex. The property immediately to the North is a welding shop and in other surrounding areas
121 are non-conforming duplexes. Mr. Baker said the Planning Commission has recommended
122 approval.

123 **Clay Grant**

124 Mr. Grant said he is going to build a duplex that has the style of a twin home. In the past 300
125 West is considered the old part of town with a mix of different zoning. Around this property is
126 the Brockbank School, duplexes, Jarvis Welding, Mays Masonry, a taxidermy shop and an
127 animal clinic. Mr. Grant said he has talked with the neighbors who also received the rezone
128 letters. He said the neighbors have said the duplex would be an asset to the lot, that the current
129 home is in rough condition.

130 Mayor Thomas opened the hearing for public comment.

131 **Kent Clark**

132 Mr. Clark said he did receive the notice and is in support of the change. He said it will add value
133 to the neighborhood.

134 Councilmember Wadsworth asked about the driveway locations.

135 Mr. Grant said the driveways will be located on the north and south sides of the property.

136 Councilmember Barber asked if the driveways could be located in the middle.

137 Mr. Grant said if the driveways are located on the ends it will allow for more parking.

138 Councilmember Leifson made a **motion** to approve the Clay Grant Zoning Map Amendment
139 (Rezone) .26 acres located at 605 North 300 West from R-1-8 to R-1-6 zoning district.
140 Councilmember Barber **seconded** and the motion **passed** with a unanimous vote.

141 **Mark Dallin Zoning Map Amendment (Rezone)**

142 Mr. Baker said this request is from Mark Dallin to rezone the property located at 1200 East
143 Canyon Road from R-1-9 to R-1-6. If approved, Mr. Dallin would construct three single family
144 homes on the property. The frontage on this property is limited and three homes would not meet
145 the frontage requirement in an R-1-9 zone. The Planning Commission recommended approval
146 with the following conditions:

- 147 1. Entering into a development agreement that would require side yard setbacks to have a
148 minimum of 10 feet,
- 149 2. Density cannot be greater than the requirement of the General Plan,
- 150 3. Only single family homes can be built on this property,
- 151 4. The developer enter into a development agreement for a common circular driveway on
152 the front of the property.

153 **Mark Dallin**

154 Mr. Dallin said all neighbors have been notified and are in favor of the rezone. He said currently
155 it is a chicken coop and the neighbors would like to see it cleaned up.

156 Discussion took place regarding the size of the proposed lots.

157 Councilmember Barber said he is in favor of the rezone.

158 Councilmember Andersen said he has looked at the property and feels it would benefit the whole
159 neighborhood.

160 **Lorraine Dedrickson**

161 Ms. Dedrickson said she lives on the corner lot by the stop light and is in favor of the rezone to
162 help clean up the property.

163 Councilmember Sorensen made a **motion** to approve Mark Dallin Rezone of .93 acres located at
164 1200 East Canyon Road from R-1-9 to R-1-6 with the following conditions:

- 165 1. Entering into a development agreement that would require side yard setbacks to have a
166 minimum of 10 feet,
- 167 2. Density cannot be greater than the requirement of the General Plan,
- 168 3. Only single family homes can be built on this property,
- 169 4. The developer enter into a development agreement for a common circular driveway on
170 the front of the property.

171 Councilmember Barber **seconded** and the motion **passed** with a unanimous vote.

172 Councilmember Sorensen made a **motion** to move out of the public hearing portion of the
173 meeting and reconvene the regular session of City Council meeting. Councilmember Leifson
174 **seconded**, and the motion **passed** with a unanimous vote.

175 **OTHER BUSINESS:**

176 **Executive Session**

177 Councilmember Sorensen made a **motion** to move into Executive Session to discuss personnel
178 issues, land purchase and land sales. Councilmember Leifson **seconded** and the motion **passed**
179 with a unanimous vote.

180 The executive session started at 7:00 p.m.

181 The regular session of City Council meeting was reconvened at 8:43 p.m.

182 **ADJOURN TO REDEVELOPMENT AGENCY:**

183 Councilmember Barber made a **motion** to move into the Redevelopment Agency (RDA)
184 meeting. Councilmember Sorensen **seconded** and the motion **passed** with a unanimous vote.

185 **Reconvene City Council Meeting**

186 Councilmember Sorensen made a **motion** to move out of the Redevelopment Agency meeting
187 and reconvene the City Council meeting. Councilmember Barber **seconded** and the motion
188 **passed** with a unanimous vote.

189 **OTHER BUSINESS:**

190 **Work Session**

191 Mr. Oyler said a work session has been requested by the council to discuss the golf course.

192 Councilmember Barber introduced Rob Harris of RGM Golf. He said the mayor and council
193 should have received a letter from RGM Golf.

194 Mr. Robinson discussed the golf course's plan of action and said they are looking at many ways
195 to improve. An operations manual was created by Mr. Christensen. He said they are working on
196 marketing, upgrading facilities.

197 Mr. Christensen said during the winter months the golf course staff has been working on
198 customer service and ways to better serve the public. He said they will continue to hold training
199 sessions on customer service.

200 Mr. Christensen said they are working on new marketing ideas including new tv ads, new
201 signage on Highway 6, and new signage around the golf course to thank people as they are
202 leaving. Email distribution lists are being drafted to help notify of tournaments or pro shop
203 sales.

204 Mr. Christensen said they are working on customer service including new uniforms that look

205 very professional. All staff will wear shirts to be identified.

206 Mr. Robinson said there has been training on telephone etiquette and official greetings.
207 Maintenance staff has also been trained in customer service.

208 Mr. Christensen said the snack bar staff has been trained to come forward and help make people
209 feel comfortable.

210 Mr. Christensen discussed the improvements to the facilities surrounding the golf course. A new
211 railing was installed around the pro shop. The area around the club house has been cleaned up.
212 The restrooms have been renovated. Rain gutters have been replaced.

213 Mr. Christensen said the tee signs have been upgraded.

214 Mr. Robinson said a new net has been installed around the driving range.

215 Mr. Christensen said the bridge area has been landscaped and the planter area around the parking
216 lot.

217 Mr. Christensen said they are promoting summer programs for juniors and ladies. He said other
218 programs have been looking at implementing such as on Monday night's parents and children
219 can play for half price.

220 Discussion took place regarding the fiscal position of the golf course.

221 Discussion took place regarding the club house clean up.

222 Discussion took place regarding the year round member passes.

223 Discussion took place regarding places the golf course can improve on.

224 Councilmember Barber asked Mr. Harris his views of the golf course.

225 Mr. Harris said he works with RGM Golf to help with marketing and golf operations. Mr. Harris
226 discussed the different golf courses he is involved with.

227 Mayor Thomas asked Mr. Harris about how he feels consulting the city golf course.

228 Mr. Harris said he sees a lot of value working as a consultant for the City. Mr. Harris discussed
229 some ideas for marketing and bettering the golf course. Mr. Harris said he didn't want to give
230 away all of his ideas unless he is working as a consultant for the City.

231 Councilmember Wadsworth asked Mr. Robinson how he feels about hiring a consulting firm.

232 Mr. Robinson said he is in favor of fresh new ideas, but costs can't be cut anywhere else to help
233 with the bottom line.

234 Mr. Christensen said he has no issues with brining someone in who can help with marketing as
235 long as the golf course can get the value out of what the consulting costs.

236 Discussion took place regarding changes to the season pass holders.

237 Mr. Christensen said the annual season pass holders will be upset if changes are made and will
238 leave and will not continue to hold their season pass. He asked if that loss can be made up.

239 **Work Session Schedule**

240 Mr. Oyler asked for direction to prioritize future work sessions.

241 Discussion took place regarding 4-10's, commissions and boards, utility rates, and budget
242 sessions.

243 Mayor Thomas said the 4-10's and the appointments to the commissions and boards should be
244 addressed at the next work session.

245 **Adjournment**

246 Councilmember Wadsworth made a **motion** to adjourn. Councilmember Barber **seconded**, and the
247 motion **passed** with a unanimous vote. The meeting adjourned at 10:15 p.m.

248
249

Marlo Smith, Engineering Secretary

250 Approved:

RESOLUTION NO. 06-06

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
MATTHEW D. BARBER <i>Councilmember</i>		
STEVEN M. LEIFSON <i>Councilmember</i>		
SETH V. SORENSEN <i>Councilmember</i>		
CHRIS C. WADSWORTH <i>Councilmember</i>		

I MOVE this resolution be adopted: _____

I SECOND the foregoing motion: _____

RESOLUTION 06-06

A RESOLUTION PROCLAIMING ARBOR DAY

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, 2006 is the 134th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut

heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewal resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of our business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and,

WHEREAS, Spanish Fork City has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices

NOW, THEREFORE, I, Joe L Thomas, Mayor of the City of Spanish Fork, do hereby proclaim Friday, April 28, 2006 as Arbor Day in the City of Spanish Fork, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

This resolution adopted this 18th day of April, 2006, by the City Council of Spanish Fork City, Utah.

JOE L THOMAS, Mayor

ATTEST:

KENT R. CLARK, City Recorder

REDEVELOPMENT AGENCY OF SPANISH FORK
MEETING AND PUBLIC HEARING AGENDA
Tuesday, April 18, 2006 - 6:00 p.m.
City Council Chambers, Spanish Fork City Hall
40 South Main Street
Spanish Fork, Utah

1. Welcome - Chairperson
2. Public Hearing of the Redevelopment Agency of Spanish Fork Concerning the "North Airport Economic Development Project Area Plan" Dated March 10, 2006 and the Project Area Budget
 - A. Purposes of Public Hearing and Presentation of the Summary Statement - Randall Feil
 - B. Review of Project Area Budget for the North Airport Economic Development Project Area - Jonnalyne Walker
 - C. Report of the Taxing Entity Committee - Joe L Thomas and Seth Sorenson
 - D. Agency Board Question Period Regarding the "North Airport Economic Development Project Area Budget"
 - E. Review of Draft North Airport Economic Development Project Area Plan - David Oyler and Randall Feil
 - F. Agency Board Question Period Regarding Draft Plan
 - G. Receipt of Written or Oral Objections to the Project Area Plan; Public Comment on draft Project Area Plan and Project Area Budget; and Public Comment on Whether Project Area Plan and Project Area Budget Should Be Revised, Adopted or Rejected:
 - (1) Presentations by Property Owners Within Proposed Project Area, If Any
 - (2) Presentations by Taxing Entities, If Any
 - (3) Presentations by Other Parties Having an Interest
 - H. Agency Board Question Period and Response by Agency Staff
3. Motion to Close Public Hearing
4. Summary of and Findings of Agency - Randall Feil

5. Consideration and Adoption of Findings
6. Consideration and Adoption of [Resolution Adopting the North Airport Economic Development Project Area Plan](#) Dated March 10, 2006
7. Consideration and Adoption of [Resolution Adopting the North Airport Economic Development Project Area Budget](#)
8. Other Agency Business
9. Motion to Adjourn Redevelopment Agency Meeting

RDA RESOLUTION 06-07

ROLL CALL

VOTING	YES	NO
JOE L THOMAS <i>Chairperson</i>		
G. WAYNE ANDERSEN <i>Director</i>		
MATTHEW D. BARBER <i>Director</i>		
STEVE LEIFSON <i>Director</i>		
SETH V. SORENSEN <i>Director</i>		
CHRIS C. WADSWORTH <i>Director</i>		

I MOVE this resolution be adopted: _____

I SECOND the foregoing motion: _____

RDA RESOLUTION 06-07

RESOLUTION OF THE REDEVELOPMENT AGENCY OF SPANISH FORK ADOPTING THE PROJECT AREA PLAN ENTITLED, "NORTH AIRPORT ECONOMIC DEVELOPMENT PROJECT AREA PLAN," DATED MARCH 10, 2006

WHEREAS, the Redevelopment Agency of Spanish Fork (the "Agency") was created to transact the business and exercise the powers provided for in the former Utah Neighborhood Development Act, the Redevelopment Agencies Act and any successor law or act (the "Act"); and

WHEREAS, Spanish Fork has a planning commission and has adopted a general plan pursuant to applicable law; and

WHEREAS, the Agency by Resolution has authorized the preparation of a draft project area plan as provided in Section 17B-4- 401, Utah Code Annotated 1953, as amended; and

WHEREAS, pursuant to Section 17B-4-402, the Agency has (a) prepared a draft of the North Airport Economic Development Project Area Plan (the "Project Area Plan" or "Plan"), (b) requested input on the draft Project Area Plan from the Planning Commission, and (c) made the draft Project Area Plan available to the public at the Agency's offices during normal business hours; and

WHEREAS, the Agency has provided notice of the Plan hearing as provided in Section 17B-4-702 and 17B-4-704; and

WHEREAS, the Agency has held a public hearing on the draft Project Area Plan and at that Plan hearing (a) allowed public comment on the draft Project Area Plan and whether the draft Project Area Plan should be revised, approved or rejected, and (b) received all written and heard all oral objections to the draft Project Area Plan; and

WHEREAS, before holding the Plan hearing, the Agency provided for the State Board of Education and each taxing entity that levies a tax on property within the North Airport Economic Development Project Area an opportunity to consult with the Agency regarding the draft Project Area Plan; and

WHEREAS, after holding the Plan hearing, at the same meeting or at a subsequent meeting, the Agency considered the oral and written objections to the draft Project Area Plan, and whether to revise, approve or reject the draft Project Area Plan; and

WHEREAS, less than one year has passed since the date of the Plan hearing.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Spanish Fork:

Section 1. Adoption of Project Area Plan. It has become necessary and desirable to adopt the Project Area Plan entitled, "North Airport Economic Development Project Area Plan," dated March 10, 2006. The Project Area Plan is hereby designated as the official Project Area Plan for the North Airport Economic Development Project Area. The Agency hereby officially adopts the Project Area Plan by Resolution and shall submit the Project Area Plan, together with a copy of this Resolution, to the City Council of Spanish Fork requesting that the Project Area Plan be adopted by ordinance of the legislative body of the City of Spanish Fork in accordance with the provisions of the Act.

Section 2. Legal Description of the Project Area Boundaries. The legal description of the boundaries of the North Airport Economic Development Project Area (the "Project Area") covered by the Project Area Plan is as follows, to-wit:

BEGINNING AT A POINT WHICH IS LOCATED EAST 390.89 FEET FROM WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES:

S00°09'21"E	362.32'
WEST	20.51'
S47°32'12"E	3102.88'
NORTH	1126.10'
N06°23'25"W	42.57'
N00°24'24"W	1327.14'
S89°10'08"W	1323.25'
S00°25'25"E	19.19'
WEST	932.37'
TO THE POINT OF BEGINNING.	

Section 3. Agency's Purposes and Intent. The Agency's purposes and intent with respect to the Project Area are to accomplish the following:

1. Encourage and assist economic development in order for a public or private employer to create additional jobs within the state.
2. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.
3. Implement the tax increment financing provisions of the Utah Redevelopment Agencies Act and any successor law or act (the "Act") which are incorporated herein by reference and made a part of this Plan.
4. Encourage economic use of and new construction upon the real property located within the Project Area.
5. Promote and market the Project Area for economic development that would be complimentary to existing businesses and industries or would enhance the economic base of the City through diversification.
6. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of social and economic activity for the City.
7. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities, infrastructure improvements and community facilities.
8. Achievement of an environment reflecting an appropriate level of concern for architectural, landscape and urban design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.
9. Provide for improvements to public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, and other public improvements, give the area a new look and to attract business activity.
10. Provide improved public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments and the implementation of City institutional controls and regulations to ensure management of any contaminated materials.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with supporting documents, is incorporated herein by reference, and made a part of this Resolution. Copies of the Project Area Plan shall be filed and maintained in the office of the Agency and the City Recorder for public inspection.

Section 5. Agency Board Findings. The Agency Board hereby determines and finds as follows:

A. There is a need to effectuate a public purpose, and implementation of the Project Area Plan would accomplish the public purposes set forth in the Act.

B. There is a public benefit under the benefit analysis referred to in Exhibit "C" to the Project Area Plan.

C. It is economically sound and feasible to adopt and carry out the Project Area Plan.

D. The Project Area Plan conforms to Spanish Fork's general plan.

E. The Project Area Plan would develop the Project Area in conformity with the Act, and carrying out the Project Area Plan will promote the public peace, health, safety and welfare of Spanish Fork.

Section 6. Acquisition of Property. The Agency may acquire property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent. The Agency is authorized to acquire any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent.

Section 7. Tax Increment Financing.

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Resolution hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, and to the extent greater authorization for receipt of tax increment by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Resolution that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by existing or amended provisions of law. This Resolution also incorporates the specific provisions of tax increment financing permitted by Sections 17B-4-1001 and 1004 of the Act, which provide, in part, as follows:

1001(1) An agency may receive and use tax increment, as provided in this part.

(2) (a) The applicable length of time or number of years for which an agency is to be paid tax increment under this part shall be measured

from the first tax year regarding which the agency accepts tax increment from the project area.

(b) Tax increment may not be paid to an agency for a tax year prior to the tax year following the effective date of the Plan.

(3) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this chapter. . . .

1004(2) An agency board may provide in the project area budget for the agency to be paid:

(a) if 20% of the Project Area Budget is allocated for housing as provided for in Subsection 17B-4-504:

(i) 100% of annual tax increment for 15 years; or

(ii) 75% of annual tax increment for 24 years.

(b) if 20% of the project area budget is not allocated for housing under Section 17B-4-504:

(i) 100% of annual tax increment for 12 years;

(ii) 75% of annual tax increment for 20 years; or

(iii) if approved by the taxing entity committee, any percentage of tax increment up to 100% for any period of time.

B. Subject to modifications of the Act by amendments or by any successor act or law, the Project Area Plan incorporates the provisions of Section 17B-4-1006(2)(a) of the Act, which states:

(a) The amount of the base taxable value to be used in determining tax increment shall be:

(i) increased or decreased by the amount of an increase or decrease that results from:

(A) a statute enacted by the Utah State Legislature or by the people through an initiative;

(B) a judicial decision;

(C) an order from the Utah State Tax Commission to a County to adjust or factor its assessment rate under Subsection 59-2-704(2);

(D) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103; or

(E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and

(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.

(b) Notwithstanding an increase or decrease under Subsection (a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (a).

C. As shown in the Project Area Budget, the Agency has elected to receive 100% of the tax increment monies from the Project Area for a period not to exceed fifteen (15) years.

D. Pursuant to the provisions of Sections 17B-4-504 and 17B-4-1010 of the Act, the Agency has allocated 20% of the total tax increment received by the Agency to be used for certain housing purposes as set forth in the Act, up to the total amount of \$1,546,667.

Section 8. This Resolution shall take effect immediately upon adoption, and pursuant to the provisions of the Act, the Project Area Plan shall become effective upon adoption by Ordinance of the legislative body of the City of Spanish Fork.

IN WITNESS WHEREOF, the Redevelopment Agency Spanish Fork has approved, passed and adopted this Resolution this 18th day of April 2006.

Chairperson

ATTEST:

David Oyler, Executive Director

RDA RESOLUTION 06-08

ROLL CALL

VOTING	YES	NO
JOE L THOMAS <i>Chairperson</i>		
G. WAYNE ANDERSEN <i>Director</i>		
MATTHEW D. BARBER <i>Director</i>		
STEVE LEIFSON <i>Director</i>		
SETH V. SORENSEN <i>Director</i>		
CHRIS C. WADSWORTH <i>Director</i>		

I MOVE this resolution be adopted: _____

I SECOND the foregoing motion: _____

RDA RESOLUTION 06-08

**RESOLUTION OF THE REDEVELOPMENT AGENCY OF SPANISH FORK
ADOPTING THE NORTH AIRPORT ECONOMIC DEVELOPMENT PROJECT AREA
BUDGET AS APPROVED BY THE TAXING ENTITY COMMITTEE ON MARCH 30,
2006**

WHEREAS, the Redevelopment Agency of Spanish Fork (the "Agency") was created to transact the business and exercise the powers provided for in the former Utah Neighborhood Development Act, the Redevelopment Agencies Act and any successor law or act (the "Act"); and

WHEREAS, pursuant to Section 17B-4-501(2) of the Act, the Agency has (a) prepared a draft of the Project Area Budget for the North Airport Economic Development Project Area, (b) made a copy of the draft Project Area Budget available to the public at the Agency's offices during normal business hours, and (c) provided notice of the Budget hearing as required by Part 7 of the Act; and

WHEREAS, on April 7, 2006, the Agency published in the Daily Herald, a newspaper of general circulation, a display advertisement which met the requirements of Sections 17B-4-501(2)(d) and 17B-4-502 of the Act; and

WHEREAS, pursuant to the provisions of the Act, a public hearing was held on April 18, 2006 to allow public comment on the draft Project Area Budget and whether the draft Project Area Budget should be revised, adopted or rejected; and

WHEREAS, the Agency has considered comments made and information presented at the public hearing relating to the draft Project Area Budget; and

WHEREAS, pursuant to the provisions of Sections 17B-4-504 and 17B-4-1010 of the Act, the Agency has allocated 20% of the total tax increment received by the Agency from the North Airport Economic Development Project Area to be used for housing as set forth in the Act, up to the total amount of \$1,546,667; and

WHEREAS, the Agency has selected the option of collecting 100% of the annual tax increment from the North Airport Economic Development Project Area for fifteen (15) years; and

WHEREAS, the governing body of the Agency desires to approve and adopt the Project Area Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SPANISH FORK:

Section 1. North Airport Economic Development Project Area Budget. As the project area budget, the Agency hereby approves and adopts, as a multi-year cumulative budget for the North Airport Economic Development Project Area (the "Project Area"), the Project Area Budget entitled "North Airport Economic Development Project Area, Redevelopment Agency of Spanish Fork, 15 Year - Multi-Year Budget - Cumulative" as approved by resolution of the Taxing Entity Committee on March 30, 2006, and as shown on the attached Exhibit "A." The boundaries of the Project Area are more fully described and shown in the Project Area Plan.

The Project Area Budget is a multi-year cumulative budget. This means that the annual amounts of projected tax increment revenue to the Agency as shown in each year of materials supporting the Project Area Budget are not limitations but are for informational purposes only, and that the Agency is authorized to receive 100% of the annual tax increment for fifteen years, up to a maximum cumulative total of tax increment received by the Agency of \$7,733,334. Under the approved Project Area Budget the Redevelopment Agency is given the option to begin (to trigger) the taking of tax increment beginning with any year from 2007 to as late as 2010. The Agency specifically approves the following maximum dollar amounts and percentages for the multi-year cumulative Project Area Budget, applying the line item descriptions and maximum dollar amounts shown in the columns of the attached Project Area Budget, entitled "Cumulative **2007-2021**" and "Allocated % of Total Tax Increment" and percentages derived therefrom (or the percentages indicated in the Budget), of the attached Project Area Budget as follows:

The maximum total of all tax increment payable pursuant to the Budget to the Agency over the fifteen (15) year Project Area Budget is 100% of the total tax increment but not to exceed \$7,733,334. From the total of all tax increment actually received by the Agency pursuant to this Project Area Budget, 20% thereof, using appropriate net present value calculations, if applicable, shall be allocated to housing purposes as required by the Act, and up to \$386,667 but not

to exceed 5% of the total tax increment received by the Agency over the entire fifteen (15) year period may be used by the Agency for administration purposes.

Section 2. Housing Element. Pursuant to the provisions of Sections 17B-4-504 and 17B-4-1010 of the Act, the Agency has allocated 20% of the total tax increment received by the Agency to be used for housing as set forth in the Act, up to the total amount of \$1,546,667.

Section 3. Tax Increment Financing.

A. The Agency may collect tax increment from all or a part of the Project Area. The tax increment shall be paid to the Agency to finance or refinance, in whole or in part, the improvements in the project area and infrastructure and access and utilities within and outside the Project Area that benefit the Project Area, and other eligible expenditures, according to the amounts established by the Taxing Entity Committee as shown in the approved Project Area Budget attached as Exhibit "A" and in this Resolution.

B. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Resolution hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, and to the extent greater authorization for receipt of tax increment by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Resolution that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by existing or amended provisions of law. This Resolution also incorporates the specific provisions of tax increment financing permitted by Sections 17B-4-1001 and 1004 of the Act, which provide, in part, as follows:

- 1001(1) An agency may receive and use tax increment, as provided in this part.
- (2) (a) The applicable length of time or number of years for which an agency is to be paid tax increment under this part shall be measured from the first tax year regarding which the agency accepts tax increment from the project area.
- (b) Tax increment may not be paid to an agency for a tax year prior to the tax year following the effective date of the Plan.
- (3) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this chapter. .
- ..

1004(2) An agency board may provide in the project area budget for the agency to be paid:

- (a) if 20% of the Project Area Budget is allocated for housing as provided for in Subsection 17B-4-504:
 - (i) 100% of annual tax increment for 15 years;
 - (ii) 75% of annual tax increment for 24 years; or
 - (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100% for any period of time.
- (b) if 20% of the project area budget is not allocated for housing under Section 17B-4-504:

- (i) 100% of annual tax increment for 12 years;
- (ii) 75% of annual tax increment for 20 years; or
- (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100% for any period of time.

C. Subject to modifications of the Act by amendments or by any successor act or law, the Project Area Plan incorporates the provisions of Section 17B-4-1006(2)(a) of the Act , which states:

- (a) The amount of the base taxable value to be used in determining tax increment shall be:
 - (i) increased or decreased by the amount of an increase or decrease that results from:
 - (A) a statute enacted by the Utah State Legislature or by the people through an initiative;
 - (B) a judicial decision;
 - (C) an order from the Utah State Tax Commission to a county to adjust or factor its assessment rate under Subsection 59-2-704(2);
 - (D) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103; or
 - (E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and
 - (ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:
 - (A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);
 - (B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and
 - (C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.
- (b) Notwithstanding an increase or decrease under Subsection (a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (a).

D. The Project Area Plan specifically incorporates the provisions of Section 17B-4-1005(2)(a) of the Act as follows:

- (2) (a) The Project Area Plan shall provide that an agency may not be paid any portion of a taxing entity's taxes resulting from an increase in the taxing entity's rate that occurs after the taxing entity committee approves the Project Area Budget unless, at the time the taxing entity committee approves the Project Area Budget, the taxing entity committee approves payment of those increased taxes to the agency.

The Taxing Entity Committee did not approve, pursuant to Section 17B-4-1005(2) of the Act, the inclusion of any taxes from increases in the tax rates after the time the Project Area Budget is approved. The portion of the taxes, if any, due to an increase in the tax rate shall not be

distributed by the county to the Agency in the same manner as other property taxes are paid to the Agency.

E. As shown in the Project Area Budget, the Agency has elected to receive 100% of the tax increment monies from the Project Area for a period not to exceed fifteen (15) years.

IN WITNESS WHEREOF, the Redevelopment Agency of Spanish Fork has approved, passed and adopted this Resolution this 18th day of April 2006.

ATTEST:

_____, Chairperson

David Oyler, Executive Director