



## **AMENDED CITY COUNCIL AGENDA**

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 **6:00 p.m. on September 18, 2007.**

### AGENDA ITEMS:

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

- a. Pledge
- b. Employee of the Quarter

#### **2. 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.

#### **3. PUBLIC HEARINGS: 6:00 p.m.**

- a. [Somerset Village Phase 4 Master Planned Development Preliminary Plat Request](#)
- b. [Sierra View Estates Master planned Development Preliminary Plat Approval](#)
- c. [Jim Nielsen General Plan Zoning Text Amendment](#)
- d. [Old Depot Preliminary Plat Approval](#)
- e. [Proposed Change to Title 15](#)

#### **4. 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 – August 7, 2007; September 4, 2007](#)
- b. [Interlocal Agreement with Utah County to Conduct Spanish Fork City's 2007 General Municipal Elections on November 6, 2007](#)
- c. [Repeal of Release of Prisoner Ordinance](#)

#### **5. NEW BUSINESS:**

- a. Water Rights Review – Richard Heap
- b. 2007 Primary Election Canvass
- c. [Wisteria Lane Preliminary Plat Approval](#)
- d. Financial Advisor Bid

#### **6. OTHER BUSINESS:**

- a. 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.

**SPANISH FORK CITY  
Staff Report to the City Council**



**Agenda Date:** September 18, 2007

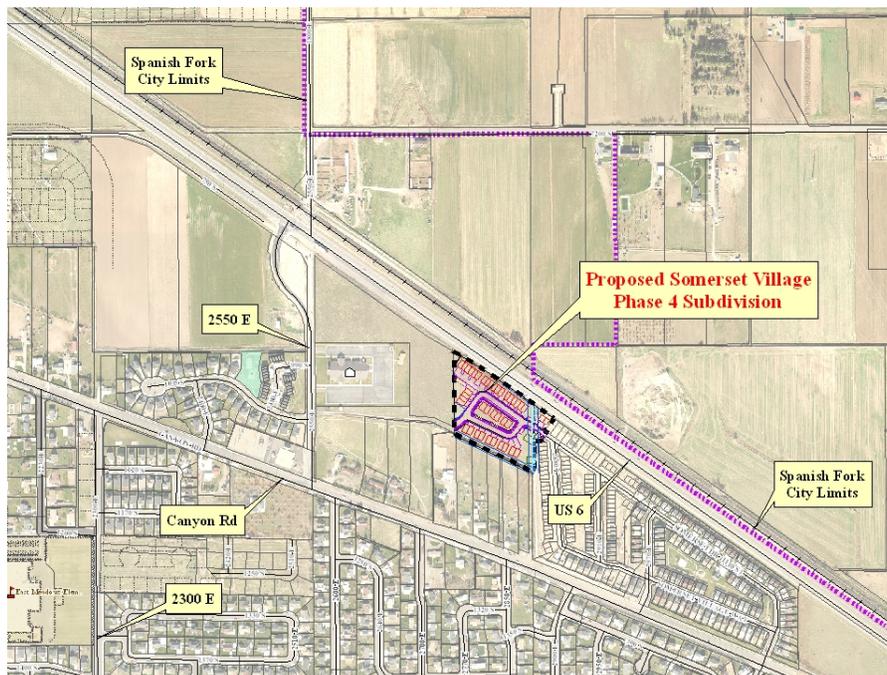
**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** the Development Review Committee

**Subject:** Somerset Village Phase 4 Master Planned Development Preliminary Plat Approval Request

**Background Discussion:**

The applicant, Dos Amigos LLC, is requesting Preliminary Plat approval for a 5.416-acre parcel located at approximately 2800 East Canyon Road. The property is zoned R-1-6. The General Plan designates the property as Residential 5.5 to 8 units per acre. The proposed plat qualifies as a Master Planned Development.



The proposed Preliminary Plat contains 42 building lots for a density of 7.75 units per acre. Access to the site would be obtained from the existing phases of the Somerset Village development, 2550 East and potentially from Canyon Road via the proposed Wisteria Lane development. The proposed development includes a combination of twin homes and town homes.

As mentioned above, the proposed development meets the base requirements and qualifies as a Master Planned Development. The applicant submitted a Master Planned Development submittal book which will be made available in your meeting. That book identifies the following amenities that the applicant is proposing to include:

1. a masonry wall around the perimeter of the development (possibly excepting the west boundary line)
2. entrance monuments
3. a playground
4. a sports court
5. architectural upgrades

The requested number of units represent total bonus density of 12 units. Given that this development meets the basic requirements to qualify as a Master Planned Development, .25 units per acre are automatically awarded as bonus density. Therefore, 10 units is the actual bonus density the applicant is requesting.

By way of discretion, the City can require that certain changes be made to a proposed Master Planned Development. These changes may include modifications to the subdivision design, modifications to amenities or changes in the number of dwelling units in the development.

## **The Development Review Committee**

The Development Review Committee reviewed this proposal in several different meetings and viewed numerous different proposals. The proposal that is now before the Council is presented with a recommendation for approval from the DRC.

Several factors were considered in reviewing the proposal. These factors include the configuration of the property, the fact that this would be the continuation of the neighboring development and the level quality that the development is expected to achieve. It should be noted that the proposed development approaches the maximum number of units that the City could approve. Even so, the comprehensive nature of the applicant's proposed upgrades and the other factors listed above led the DRC to recommend that the development be approved as proposed. Draft minutes from the DRC's August 29 meeting read as follows:

### **Somerset Phase 4**

Applicant: Dos Amigos, LLC

Zoning: R-1-6

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Allen addressed the Committee and explained the changes that he has made.

Discussion was held regarding the narration that has now been added to the Somerset Phase 4 Master Planned Development packet.

Mr. Anderson **moved** to **approve** the Preliminary Plat for Somerset Village Phase 4 with a total of 42 lots, 12 lots in bonus density, based on the following findings:

### **Findings**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Somerset Village Phase 4 Master Planned Development submittal packet:

1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the west boundary line.
  2. The construction of the proposed entrance features and gates.
  3. The construction of the proposed playground.
  4. The construction of the proposed sports court.
  5. The architectural upgrades of the proposed structures.
  6. The access that residents of this phase will have to the amenities in the existing development.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
  3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

Mr. Baker **seconded** and the motion **passed** all in favor.

## **Planning Commission**

The Planning Commission reviewed this request in their September 5 meeting and recommended that it be approved. Draft minutes from their meeting read as follows:

### **Somerset Village Phase 4 Master Planned Development**

Applicant: Dos Amigos, LLC

Zoning: R-1-6

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Anderson gave background and explained the proposal.

Discussion was held regarding private streets, gates, Wisteria Lane, and density.

Mr. Anderson explained what density would be allowed with regard to duplexes, single residential, or triplexes. He continued to explain the Development Review Committee's view on the Somerset Development.

Commissioner Marshall asked if there was an open space bonus.

Mr. Anderson said that we do not require developers to provide open space. He said that this project qualifies for 30 units and that the applicant has asked for 42 units. The actual density that they need to justify is 10 units in this project and noted the findings of the Development Review Committee.

Commissioner Robins asked about parking and what the standard was and what it is present.

Mr. Anderson verified that it was one more parking space per four units for guest parking.

Commissioner Marshall asked about minimum lot size of twin homes being 9,700 square feet.

Mr. Anderson explained that the standard does not apply to these.

Discussion was held regarding open space.

Commissioner Huff does not feel comfortable approving this proposal when the road on wisteria lane has not been approved.

Les Allen

Mr. Allen addressed the Commission. He said that we are going along uncharted territory here. He feels that the Master Planned Development is vague because it gives the Planning Commission the ability to decide. He feels that Somerset Phase 4 is in continuation with what has been previously constructed.

Commissioner Robins feels the packet is very nice and thanked Dos Amigos for preparing it.

Mr. Allen explained the parking and what is covered and uncovered.

Allen Hall

Mr. Hall asked where access to his property will come from.

Discussion was held regarding access to Mr. Hall's property.

Commissioner Lewis would not support a development that did not give Mr. Hall access to develop his property. He supports this development.

Commissioner Christianson asked for a check list of what is required for base density.

Mr. Anderson said there was a landscape and architectural requirement and read the standard out of the Master Planned Development ordinance.

Commissioner Robins feels that providing the road, fence, architecture, playground, sports court, pavilion, walking path, full landscape, HOA, guest parking, exterior is worth 12 units of bonus density.

Commissioner Lewis agreed. Commissioner Marshall agreed.

Commissioner Christianson feels that a checklist ought to be provided; backing the density.

Commissioner Marshall asked if there was anything in addition to what has already been present that could be provided amenity wise.

Discussion was held regarding other Master Planned Developments in the City and what the amenities were.

Mr. Les Allen feels that the only other thing that they could come up with is a clubhouse and a pool but that the current owners did not want a pool.

Commissioner Lewis **moved to approve** the proposed Preliminary Plat for Somerset Village Phase 4 with 42 lots based on the following findings and subject to the condition:

### **Findings**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Somerset Village Phase 4 Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the west boundary line.
  2. The construction of the proposed entrance features and gates.
  3. The construction of the proposed playground.
  4. The construction of the proposed sports court.
  5. The architectural upgrades of the proposed structures.
  6. The access that residents of this phase will have to the amenities in the existing development.

2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

### **Condition**

1. Approval condition upon another access through the development.

Commissioner Miya **seconded** and the motion **passed** by a unanimous roll call vote.

### **Budgetary Impact:**

For purposes of this report, staff simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

### **Recommendation:**

Staff recommends that the City Council approve the proposed Preliminary Plat for Somerset Village Phase 4 with 42 lots based on the following findings:

#### **Findings:**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Somerset Village Phase 4 Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the west boundary line.
  2. The construction of the proposed entrance features and gates.
  3. The construction of the proposed playground.
  4. The construction of the proposed sports court.
  5. The architectural upgrades of the proposed structures.
  6. The access that residents of this phase will have to the amenities in the existing development.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

attachments: proposed Preliminary Plat for Somerset Village Phase 4



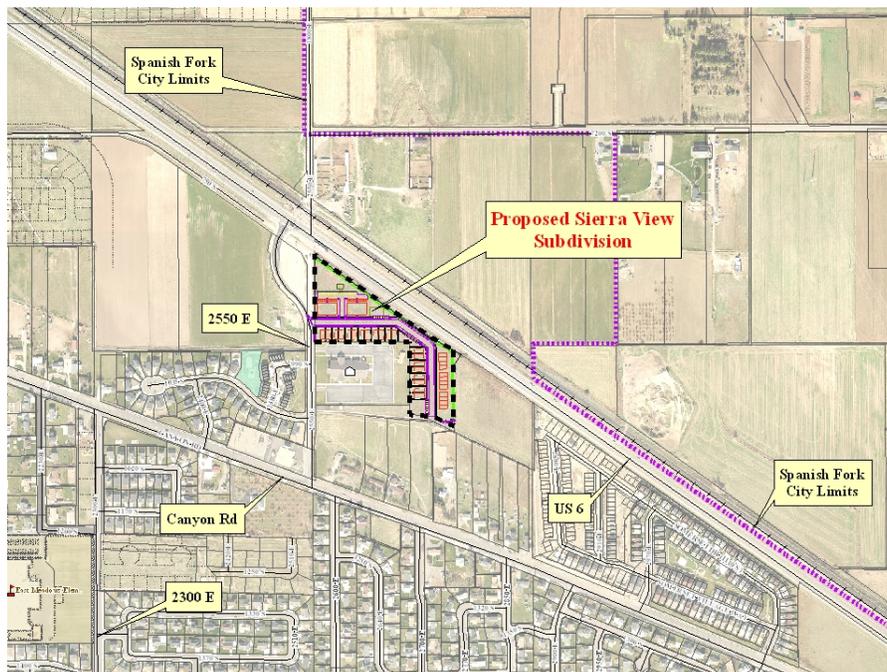
**SPANISH FORK CITY**  
**Staff Report to the City Council**



<b>Agenda Date:</b>	<b>September 18, 2007</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>the Development Review Committee</b>
<b>Subject:</b>	<b>Sierra View Estates Master Planned Development Preliminary Plat Approval Request</b>

**Background Discussion:**

The applicant, Jacobson Land Development, is requesting Preliminary Plat approval for a 7.421-acre parcel located at approximately 2600 East Highway 6. The property is zoned R-1-6. The General Plan designates the property as Residential 5.5 to 8 units per acre. The proposed plat qualifies as a Master Planned Development.



The proposed Preliminary Plat contains 57 building lots for a density of 7.68 units per acre. Access to the site would be obtained from 2550 East and potentially from Canyon Road via the proposed Wisteria Lane development. The proposed development includes a combination of twin homes, town homes and 12-unit stacked flat buildings.

As mentioned above, the proposed development meets the base requirements and qualifies as a Master Planned Development. The applicant submitted a Master Planned Development submittal book which accompanies this report. That book identifies the following amenities that the applicant is proposing to include:

1. a masonry wall around the perimeter of the development (possibly excepting the east boundary line)
2. entrance monuments
3. a pavilion
4. a playground
5. a sports court
6. architectural upgrades

The requested number of units represent total bonus density of 16 units. Given that this development meets the basic requirements to qualify as a Master Planned Development, .25 units per acre are automatically awarded as bonus density. Therefore, 14 units is the actual bonus density the applicant is requesting.

By way of discretion, the City can require that certain changes be made to a proposed Master Planned Development. These changes may include modifications to the subdivision design, modifications to amenities or changes in the number of dwelling units in the development.

### **The Development Review Committee**

The Development Review Committee reviewed this proposal in several different meetings and viewed numerous different proposals. The proposal that is now before the Commission is presented with a recommendation for approval from the DRC.

Several factors were considered in reviewing the proposal. These factors include the configuration of the property, the surrounding land uses and the level quality that the development is expected to achieve. It should be noted that the proposed development approaches the maximum number of units that the City could approve. Even so, the comprehensive nature of the applicant's proposed upgrades and the other factors listed above led the DRC to recommend that the development be approved as proposed. Draft minutes from the DRC's August 29 meeting read as follows:

#### **Sierra View**

Applicant: Nate Jacobson

Zoning: R-1-6

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Les Allen and Mr. Brimhall addressed the Committee. Together they explained what they believe has been agreed upon to resolve the issues with Dennis Stone. They explained the verbal agreement.

Discussion was held regarding the verbal agreement and the Stone parcel.

Discussion was held regarding the width of the road on Wisteria Lane and in Sierra View.

Mr. Nate Jacobson addressed the Committee. He explained the changes that he had made.

Mr. Heap feels that the planter strip needs to be removed in order to allow for 40 feet of asphalt instead of 34 feet of asphalt.

Discussion continued with regard to the width of the road that will run from Wisteria lane through Sierra View and how to shift things around to gain the width required.

Discussion was held regarding the material that Mr. Jacobsen submitted: fencing, sports court, full landscape, and a park.

Mr. Anderson **moved** to **approve** the Preliminary Plat for Sierra View with 57 lots in all, 16 total lots in bonus density, located at approximately 2800 East Canyon Road subject to the following findings and conditions:

### **Findings**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Sierra View Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the east boundary line.
  2. The construction of the proposed entrance features.
  3. The construction of the proposed pavilion.
  4. The construction of the proposed playground.
  5. The construction of the proposed sports court.
  6. The architectural upgrades of the proposed structures.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

### **Conditions**

1. That the public street in the proposed development be designed to meet the City's standards for a Minor Collector Street with a 68 foot right-of-way
2. That the applicant provide final designs of all structures including the garages for the 12-plexes with final plat submittal.

Mr. Baker **seconded** and the motion **passed** all in favor.

### **Planning Commission**

The Planning Commission reviewed this request in their September 5, 2007 meeting and recommended that it be approved. Draft minutes from their meeting read as follows:

#### **Sierra View Master Planned Development**

Applicant: Jacobson Land Development

Zoning: R-1-6

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Anderson gave background and explained the proposal. It is 57 dwelling units all together and bonus density requested is 14 dwelling units. Based on the packet wall, entrance monument, pavilion, playground,

sports court, and architectural upgrades that were presented in the packet the Development Review Committee recommended it be approved. He then suggested minor modifications.

Commissioner Marshall asked Mr. Thompson about the traffic on 2550 East to Highway 6. He was concerned with the slope.

Mr. Thompson explained the road and that it would be okay.

Nate Jacobson

Mr. Jacobson explained that a few minor modifications have been made.

Commissioner Lewis asked where the retention basin would be.

Mr. Jacobson explained where in the development it would be.

Commissioner Christianson asked where the water would dispense to.

Mr. Thompson said that the storm drain had not fully been drawn. That it would happen in the Final Plat.

Commissioner Lewis asked when the amenities would be constructed.

Mr. Jacobson said that the amenities would be finished before the units were sold.

Commissioner Robins asked where the parking for guests would be.

Mr. Anderson and Mr. Jacobson explained the parking.

Discussion was held regarding parking and providing more parking for the twelve-plex units.

Mr. Jacobson feels that his twelve-plexes will be very upscale with marble counter tops, and jetted tubs.

Commissioner Robins thanked Mr. Jacobson for his packet. He feels that it is very nice.

Commissioner Christianson asked about rentals versus ownership and if the City regulates that.

Mr. Anderson said that the City does not regulate that.

Mr. Jacobson said that Dos Amigos has been great to work with and feels that the developments compliment each other.

Commissioner Lewis supports this. He feels that the density is a little bit less than Somerset. He would only support it if 12 more parking spaces are available for the twelve plexes.

Commissioner Marshall asked if the City planned on having such a large street in a Master Planned Development.

Mr. Anderson explained what he felt the City's stand was.

Commissioner Marshall has an issue with open space and feels that if the road were to be reduced to 30 feet there would be a 10 percent increase in open space.

Mr. Thompson explained that there are a lot of vehicles that will use the road through Wisteria lane and explained the City's road standards.

Commissioner Robins asked for clarification on t-driveways on collector roads.

Mr. Thompson explained that Minor Collector Streets can have driveways but major collector roads cannot.

Commissioner Robins explained the amenities that justify the bonus density: the road, sports court, pavilion, playground, entrance features, and architecture.

Commissioner Christianson **moved** to approve the proposed Preliminary Plat for Sierra View Estates with 57 lots based on the following findings and subject to the following conditions:

### **Findings**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Sierra View Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the east boundary line.
  2. The construction of the proposed entrance features.
  3. The construction of the proposed pavilion.
  4. The construction of the proposed playground.
  5. The construction of the proposed sports court.
  6. The architectural upgrades of the proposed structures.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

### **Conditions**

1. That the public street in the development be designed to meet the City's standards for a Minor Collector Street with a 68 foot right-of-way.
2. That the applicant provide final designs of all structures including the garages for the 12-plexes with final plat submittal.
3. Add 12 more guest parking spaces.
4. Crosswalk across parking lot.
5. Sidewalk to the parking lot.
6. Garage architecture on 12-plexes provided in the packet.
7. Approval dependant on another access being provided.

Commissioner Lewis **seconded** and the motion **passed** by a unanimous roll call vote.

Commissioner Huff **moved** to **close** public hearings. Commissioner Marshall **seconded** and the motion passed all in favor at 9:49 p.m.

### **Budgetary Impact:**

For purposes of this report, staff simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

**Recommendation:**

Staff recommends that the City Council approve the proposed Preliminary Plat for Sierra View Estates with 57 lots based on the following findings and subject to the following conditions:

**Findings:**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Sierra View Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the east boundary line.
  2. The construction of the proposed entrance features.
  3. The construction of the proposed pavilion.
  4. The construction of the proposed playground.
  5. The construction of the proposed sports court.
  6. The architectural upgrades of the proposed structures.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

**Conditions:**

1. That the public street in the proposed development be designed to meet the City’s standards for a Minor Collector Street with a 68 foot right-of-way
2. That the applicant provide final designs of all structures including the garages for the 12-plexes with final plat submittal.

attachments: proposed Preliminary Plat for Sierra View Estates



**SPANISH FORK CITY  
Staff Report to City Council**



<b>Agenda Date:</b>	<b>September 18, 2007</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>the Development Review Committee</b>
<b>Subject:</b>	<b>Jim Nielsen General Plan, Zoning Map and Zoning Text Amendments</b>

**Background Discussion:**

The applicant, Mr. Jim Nielsen, is proposing to change the General Plan and Zoning for the subject property from General Commercial (General Plan) and R-1-8 (Zoning) to Light Industrial (General Plan) and Industrial 1 (Zoning). In this respect, Mr. Nielsen's proposal is identical to the request placed before the City Council in June.

In addition to the requested map amendments, Mr. Nielsen is now also requesting to have the Zoning Text Amended. The specific text amendment Mr. Nielsen has proposed would change the minimum size for a district of Industrial 1 zoning from 10 acres to 3. In this case, the proposed Zoning Text Amendment must be approved before the City Council can change the zoning of Mr. Nielsen's property to Industrial 1. Staff understands that Mr. Nielsen's ultimate goal is still to construct storage units on the subject property.



**Background**

At present, the subject property is surrounded by a precast masonry wall which was installed preparatory to developing the property commercially. Also, as is mentioned above, the General Plan designates the property General Commercial.

Access to the property can be gained via 100 South, 150 South or the commercial development to the northwest of the subject property. Accessing the property from either 100 or 150 South would convey traffic through an existing residential neighborhood. The potential means of access through the commercial development is limited such that, in staff's view, it is not adequate to support commercial uses on the subject property.

With that said, staff believes the property should be developed according to the current zoning of the property which is R-1-8. Having the property develop in a manner that's consistent with the surrounding residential uses would resolve staff's concerns with traffic patterns or any other aspects of the property's development.

Staff also believes it would be appropriate at some time to change the General Plan to Residential 3.5 to 4.5 units per acre so as to bring conformity to the existing zone and General Plan designation.

### **The Development Review Committee**

The Development Review Committee reviewed this proposal in their August 22, 2007 meeting and recommended that it be denied. Draft minutes from that meeting read as follows:

#### **Jim Nielson General Plan and Zoning Map Amendment**

Applicant: Jim Nielson

General Plan: General Commercial existing, Light Industrial requested

Zoning: R-1-8 existing, Industrial 1 requested

Location: 1450 East 100 South

Mr. Anderson explained the current General Plan and Zoning of the proposal and that this request was the subject of a previous request. He gave background and explained the proposal.

Mr. Baker feels that there needs to be adequate separation between residential and industrial parcels and is not comfortable making this change due to there not being a better separation between residential neighborhoods and industrial properties. He does not feel that storage units next to residential is a good use.

Mr. Heap feels that three acres is too small for an industrial zone. He feels that a project does not need to be 10 acres but that an industrial zone ought to be bigger than three acres.

Mr. Baker explained that he has had some discussion with Jim Nielson about this and still does not agree with him that storage units should be next to residential. He does not feel this is a good mix.

Mr. Oyler, in addressing Jim Nielson, explained that his understanding from the City Council meeting from his prior request was that he would analyze the property for residential use.

Mr. Jim Nielson does not feel that residential is financial feasible.

Mr. Oyler explained to Mr. Nielson that he would not have to remove the masonry wall that is presently on the property and gave examples where masonry walls exist in other subdivisions in the City.

Discussion was held regarding the masonry wall and what the City's standards for a six foot wall are.

Mr. Jim Nielson feels that storage units would be a perfect fit in this area and that storage units would be better than residential. He feels that several property owners in the area will be upset if the property is developed residentially.

Mr. Anderson feels that we have hundreds of acres throughout the City that are zoned for storage unit development and that placing storage units at this location would be very poor land use planning.

Mr. Heaps recommended R-1-8 as the most appropriate use.

Mr. Baker **moved** to recommend **denial** of the Jim Nielson General Plan, Zoning Map and Zoning Text Amendments to change General Commercial to Light Industrial and R-1-8 to Industrial 1. Mr. Oyler **seconded** and the motion **passed** all in favor.

Discussion was made regarding Mr. Nielson analyzing the area with regard to residential.

Mr. Heap recommended to Mr. Jim Nielson that he and his engineer meet with Dave Anderson to discuss residential development options.

### **Planning Commission:**

The Planning Commission reviewed this request in their September 5 meeting and recommended that it be denied. Draft minutes from their meeting read as follows:

#### **Jim Nielson General Plan, Zoning Map and Zoning Text Amendment**

Applicant: Jim Nielson

Zoning: R-1-8 existing, Industrial-1 requested

General Plan: General Commercial existing, Light Industrial requested

Location: 1450 East 100 South

Mr. Anderson gave background and history on the proposal and explained what was proposed now and the recommendation of the Development Review Committee.

Commissioner Marshall asked if developing the property residentially had been discussed with Mr. Nielson.

Mr. Anderson explained that it had through the City Council meeting. He then explained what he feels is the most functional use of the property; which, he feels is residential and how many lots would fit on the property. He then explained that Mr. Nielson would be entitled to develop the property residentially if he so chose to.

Commissioner Robins read a letter that Mr. Nielson wrote.

Mr. Jim Nielson addressed the Commission and represented a drawing of his proposal. He does not feel that it is feasible to develop this property residential. He does not want to cause the neighbors any problems. He feels that there will be less traffic with a storage unit facility. He apologized if he has caused anyone any problems.

Commissioner Miya asked for clarification regarding the construction of the masonry wall that he has put in. She asked if UDOT wanted to extend the wall but that he told them no that he did not want to block the view of his commercial property.

Mr. Nielson remembers telling the state guys that he wanted a different wall.

Commissioner Miya asked Mr. Nielson if it was his choice to do the wall or was he mandated.

Mr. Nielson said that he does not feel that it was necessarily his choice.

Commissioner Lewis asked Mr. Nielson for clarification on the ingress and egress into the storage unit facility.

Mr. Nielson said that he promised the neighbor's years ago that he would keep the road blocked on 100 South. He feels that the people who have lived on a dead end street want to keep it a dead end. He feels that this location is not a good fit for residential. That it is a good fit for storage units.

Allen Carter

Mr. Carter explained that has personally talked to people within 300 feet of the property. He asked them to check the boxes of a survey he prepared that they are not opposed to. He explained that not one person checked that they wanted light industrial. He spoke to Mr. Baird at the Utah Department of Transportation and that the agreement was Mr. Nielson put in a sound wall or they would. He said that Mr. Nielson promised improvements seven years ago that have still not been taken care of.

Ken Larsen

Mr. Larsen feels that anyone that lives near this property will be affected property value wise and that storage units will affect the values negatively.

Commissioner Robins asked Mr. Larsen if he felt there was any difference in his mind if whatever was put in commercial would be a negative impact.

Mr. Larsen feels that in his opinion it is what is put in.

Commissioner Robins asked Mr. Larsen if he felt that a strip mall would be more of a nuisance than storage units.

Mr. Larsen explained that the concrete wall is a nice buffer between the current commercial uses. He feels that storage units will affect the property values in a negative way.

John Bailey

Mr. Bailey said that the wall was in when he moved in. Three acres seems small for an industrial space to him. He works for a manufacturing plant and feels that three acres is too tight of a space. He asked if a stipulation could indeed be put into writing for storage units only to be built.

Ms. Johnson explained that Mr. Baker feels that something could be written that would bind owners to a specific use of the property but that such an arrangement could easily prove to be very difficult to enforce.

Mr. Bailey understands that the wall was built because Jim Nielson wanted the zone and the wall. That it was his decision.

Tamson Davis

Ms. Davis wanted to clarify that she would not mind having a through street on 100 South and that she is against industrial going in at this location.

Nancy Lund

Ms. Lund said that she lives on 150 South. She is concerned about the height of the wall really being secure. She has teenagers that are constantly climbing on the wall. They like to hang out on the wall. She does not feel that the wall would keep the storage units secure and safe because the teenagers can climb it.

Teresa Johnson

Ms. Johnson is concerned about the safety of the wall. She does not feel that the wall will keep the property safe.

Jared Danis

Mr. Danis said that he was not contacted by Jim Nielson. He asked how many times someone can apply for the same proposal. How many times can the law be repeated.

Mr. Anderson said that there is no limit on how many times people can apply.

Warren Johnson

Mr. Johnson asked if the proposal was indeed being changed Citywide.

Commissioner Robins concurred that it was.

Amy Dickerson

Ms. Dickerson said that they were fully aware that something would go in commercially. She is not against what Mr. Nielson has proposed.

Lyle Evans

Mr. Evans would like the document that was presented to the Commission by Allen Carter to be regarded.

Commissioner Robins **moved** to **close** public hearing. Commissioner Lewis **seconded** and the motion passed all in favor.

Commissioner Robins **withdrew** his motion. Mr. Lewis **concurred**.

Commissioner Huff **moved** to close public hearing discussion on this item. Mr. Lewis **seconded** and the motion passed all in favor.

Commissioner Miya does not feel that shrinking from 10 acres to 3 acres is good land use and does not want to set a precedence in the future for this.

Commissioner Lewis agreed with Commissioner Miya.

Commissioner Robins feels that storage units would be less of an impact than a commercial use. However, he agrees that the industrial zone should not be shrunk.

Commissioner Lewis feels that if Mr. Nielson came back with a proposal for residential that he would support that. He would like to see a fence all the way along the highway, and landscape. He feels that if storage units were put in that this would happen.

Commissioner Huff does not feel that industrial zones should be reduced. He feels that storage units would be okay. He feels strongly that Mr. Nielson is trying to please his neighbors in trying to put in something that would not impact the neighbors.

Commissioner Marshall agrees that the industrial zone should not be reduced. He feels that storage units would not affect the neighbors very much.

Commissioner Miya **moved** to recommend **denial** of the proposed General Plan, Zoning Map and Zoning Text Amendments at approximately 1450 East 100 South, changing the General Plan Map from General Commercial to Light Industrial and changing the zoning from R-1-8 to Industrial 1 based on the following findings:

## **Findings**

1. That the presence of dwellings adjacent to the subject property makes it unsuitable for Industrial 1 zoning and industrial uses.
2. That three acres is not a sufficient size to have a functional industrial area.
3. That the proposed changes are not necessary as large tracts of land in other areas of the City are designated Light Industrial and zoned Industrial 1.

Commissioner Christianson **seconded** and the motion **failed** by a roll call vote. Commissioner Lewis voted nay, Commissioner Robins voted nay, Commissioner Huff voted nay, Commissioner Marshall voted nay.

Commissioner Marshall **moved to deny** the Zoning Text Amendments at approximately 1450 East 100 South subject to the following finding:

**Finding**

1. That three acres is not suitable.

Commissioner Huff **seconded** and the motion **passed** by a roll call vote. Commissioner Lewis vote nay. He would like to see the area cleaned up and by developing this property he feels it would get cleaned up.

**Budgetary Impact:**

It is unlikely that the proposed changes would have any significant impact on the City's financial situation.

**Alternatives:**

The City maintains considerable discretion with respect to approving or denying General Plan Amendments. The Commission may opt to recommend approval or denial of the proposed request or recommend that the City Council consider some alternate action.

**Recommendation:**

Staff recommends that the City Council deny the proposed General Plan, Zoning Map and Zoning Text Amendments at approximately 1450 East 100 South, based on the following findings:

**Findings:**

1. That the presence of dwellings adjacent to the subject property makes it unsuitable for Industrial 1 zoning and industrial uses.
2. That three areas is not a sufficient size to have a functional industrial area.
3. That the proposed changes are not necessary as large tracts of land in other areas of the City are designated Light Industrial and zoned Industrial 1.

attachments: property photos



From the northwest corner of the subject property looking southeast.



From the northwest corner of the subject property looking southeast.



At the end of 100 South looking at the subject property.



At the eastern boundary of the property.



The southern boundary of the subject property.

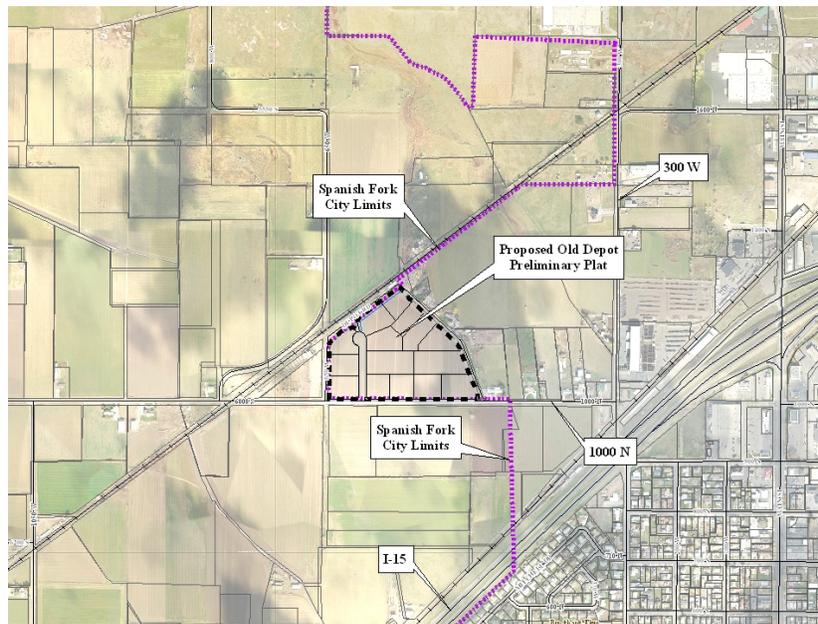
**SPANISH FORK CITY  
Staff Report to the City Council**



<b>Agenda Date:</b>	<b>September 18, 2007</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>the Development Review Committee</b>
<b>Subject:</b>	<b>Old Depot Preliminary Plat Approval Request</b>

**Background Discussion:**

The applicant, Sage General Contracting, is requesting Preliminary Plat approval for a 22.5-acre site located at approximately 1000 North 800 West. The zoning of the property is Industrial 1. The General Plan designates the property as Light Industrial. As this is an industrial subdivision, a public hearing is required. The proper notice has been provided and a public hearing is scheduled as part of the City Council's review of the plat.



**Details**

The proposed Preliminary Plat would allow for the development of 15 industrial lots. The proposed Plat conforms to the City's standards for industrial subdivisions.

## Development Review Committee

The Development Review Committee reviewed this request in their August 8, 2007 meeting and recommended that it be approved. Minutes from the August 8, 2007 meeting read as follows:

### Old Depot

Applicant: Sage Contractors  
Location: 630 West 1000 North  
Zoning: Light Industrial

Mr. Anderson gave background of the project and reviewed the cul-de-sac issue and easement issue that were discussed in a previous meeting.

Discussion was held regarding cul-de-sac (400 feet), options of elongating or shortening the cul-de-sac, water and sewer, time table to make Commission and Council meetings, power upgrade issues with 300 West and 1000 North.

Mr. Anderson made a **motion** recommending to the City Council **approval** of the Preliminary Plat for Old Depot located at 630 West 1000 North subject to the following conditions:

### Findings

1. That they meet the City's standards for industrial subdivisions in an I-1 zone.

Mr. Baker **seconded** and the motion **passed** all in favor.

### Conditions:

1. That the applicant meet the subdivision construction standards.
2. That the cul-de-sac meets the maximum length regulation.
3. That the Power Department issues are addressed.
4. That the applicant submit three copies of their Preliminary Plat for the City's files.
5. That redline corrections be made.

## Planning Commission

### Old Depot Preliminary Plat

Applicant: Sage Contractors  
Zoning: Industrial 1 requested  
General Plan: Light Industrial 1  
Location: approximately 1000 North 800 West

Mr. Anderson explained the proposal, gave history of when the property was annexed into the City, and said as a municipality there is not a lot that regulates this type of a development. The City does require industrial subdivisions to have a public hearing.

Commissioner Christianson asked if the road improvements were half plus ten.

Mr. Thompson concurred.

Commissioner Christianson asked if the City would be obligated for the other half of the road. He has dealt with this situation in other cities. He is curious as to how it will look.

Mr. Anderson said that we do not make that distinction.

Mr. Thompson explained the standard.

Commissioner Christianson feels that the City will carry the burden of the other half of the road that is left undeveloped.

Mr. Anderson explained the General Plan in the area.

Commissioner Christianson asked about the sewer and water utilities and if the residents in the area were going to be able to hook on.

Mr. Thompson said that they would be able to hook up but would have to pay the fees.

Discussion was held regarding the current location of the sewer and water utilities and the standards for a half road.

Commissioner Marshall asked what the standards were for the size of a temporary turn around.

Mr. Thompson explained what the standards are and that a semi-truck would be able to turn around in one according to our standards.

Commissioner Huff asked about egress and ingress of the lots on 10<sup>th</sup> North.

Commissioner Christianson asked to see the current zoning in the area.

Mr. Thompson put it on the overhead projection.

Commissioner Huff is concerned about traffic coming through town.

Rick Caldwell

Mr. Caldwell addressed the Commission and clarified the sewer issues with the adjacent property owners.

Ray Aiken

Mr. Aiken addressed the Commission. He explained that he has a century old easement on his property and an irrigation easement. He has had problems with snow removal. He explained his mother is older and that they need to get a good neighbor. He does not want his irrigation ditch to be bothered with. He feels that there is an on going drug problem in the area.

Mr. Thompson said that they can look at other options related to snow removal that would reduce any hardship for him.

Commissioner Huff has a reservation with traffic. He feels that it will be a headache along 10<sup>th</sup> North.

Discussion was held regarding traffic, semi trucks, and adjacent property owners.

Mr. Anderson said that a question was raised by Ms. Hansen. She asked if there would be any concern on the City's part to change the property along the south side of 10<sup>th</sup> North to residential. He explained that based on the current general plan; which is an Industrial zone, that the City would not change the zoning to residential.

Discussion was held regarding truck traffic.

Todd Dickerson

Mr. Dickerson explained that he has a business in this part of town and that the traffic is terrible. He feels that if there is a lot of semi-truck traffic that they will use the road by nature sunshine. He feels that the traffic is always congested. He feels that the overpass should be addressed before any more development occurs in this area.

Commissioner Christianson **moved** to **approve** the proposed Preliminary Plat for the Old Depot Subdivision based on the following finding and subject to the following conditions:

**Finding**

1. That the plat meets the City’s standards for industrial subdivisions in and I-1 zone.

**Conditions**

1. That the applicant meets the subdivision construction standards.
2. That the cul-de-sac meets the maximum length regulation.
3. That the Power Department issues are addressed.
4. That the applicant submits three copies of their Preliminary Plat for the City’s files.

Commissioner Robins asked if the snow removal issue could be dealt with in the motion.

Discussion was held regarding snow removal.

Commissioner Miya **seconded** and the motion **passed** by a unanimous roll call vote.

Commissioner Robins made a **motion** to have the City council look at that street and the snow removal.

Commissioner Marshall **seconded** and the motion **passed** all in favor.

**Budgetary Impact:**

The development of this property with industrial uses will in all likelihood result in an increase in revenue for the City. Property taxes will increase with the development of the lots and sales tax may be generated by some or all of the businesses that might eventually be located in this development. Generally speaking, industrial developments generate more revenue than expenses for municipalities. In this case, it is certainly anticipated that this development will generate more revenue than expense for the City.

**Alternatives:**

The proposed Preliminary Plat is consistent with the City’s standards for developments in the Industrial 1 zone. Given the development’s conformity with the City’s standards the Development Review Committee recommended that it be approved.

**Recommendation:**

Staff recommends that the City Council approve the proposed Preliminary Plat for the Old Depot subdivision based on the following finding and subject to the following conditions:

**Finding:**

1. That the plat meets the City’s standards for industrial subdivisions in an I-1 zone.

**Conditions:**

1. That the applicant meet the subdivision construction standards.
2. That the cul-de-sac meets the maximum length regulation.
3. That the Power Department issues are addressed.
4. That the applicant submits three copies of their Preliminary Plat for the City's files.

attachments: proposed Preliminary Plat

# OLD DEPOT INDUSTRIAL PARK

SPANISH FORK, UTAH

SCALE CONTRACTING, INC.  
 140 S. MAIN ST., SUITE 100  
 RELAY CITY, UTAH 84202  
 OFFICE (801) 796-3671



ZONE = I-  
 TOTAL SUBDIVISION AREA - 22.50 ACRES  
 LOT AREA - 1.43 ACRES  
 LOT AREA - 21.24 ACRES  
 APT. LOT AREA - 1.43 ACRES  
 DENSITY = 6.98 UNITS/ACRE

### INDEX TO SHEETS:

- CS-01 COVER SHEET & GENERAL CONSTRUCTION NOTES
- PL-01 PRELIMINARY PLAT - PLAT "A"
- UP-01 UTILITY PLAN - 2FTS DE WATER
- EX-01 EXISTING SITE PLAN AND PROFILE SHEETS
- PP-01 TO PP-05 PLAN AND PROFILE SHEETS
- DT-01 TO DT-02 DETAILS

<p><b>Northern Engineering Inc.</b>          ENGINEERING-LAND PLANNING          CONTRACTOR-MAINTENANCE</p>		1503 S. 1000 N. OGDEN, UTAH 84007 (801) 803-8982		COVER SHEET & NOTES SPANISH FORK, UTAH	JOB NO. 22-07-001 SHEET NO. CS-01
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# SPANISH FORK CITY

## MEMORANDUM

**TO:** Spanish Fork City Mayor and City Council

**FROM:** Dave Anderson, Planning Director

**DATE:** September 18, 2007

**RE:** Proposed Change to Title 15

### Background

Mr. Barrett D. Whitaker recently made application with the City to amend the rear setback for homes on corner lots. The specific change Mr. Whitaker has requested would be made to the chart on page 20 of Title 15. At present, the setback requirement is 25 feet; Mr. Whitaker has requested that it be changed to 20 feet.

In reviewing this request, the Development Review Committee was unable to find any detrimental impact that would likely result in granting the request. At the same time, the DRC did recommend that the ordinance be modified in a manner that differs slightly from what Mr. Whitaker proposed. In short, the DRC recommended that the rear yard setback be reduced in each of the residential districts for corner lots by 5 feet. The proposed change is noted on the chart below by the text shown in red.

TABLE 1 - Residential Development Standards

District	Base Density	Minimum Lot Area	Minimum Width <sup>2</sup>	Minimum Depth	Minimum Setback <sup>1</sup>				Max. Building Height	
					Front <sup>11</sup>	Rear	Side	Corner	Principal Bldg <sup>1</sup>	Accessory Bldg <sup>1</sup>
A-E	n/a	40 acres	400'	400'	50'	50' <sup>13</sup>	50'	50'	35'	35'
R-R	n/a	5 acres	200'	200'	50'	50' <sup>13</sup>	25'	50'	35'	35'
R-1-80	.4 units per acre	80,000 s.f.	180'	200'	40'	80' <sup>13</sup>	20'	30'	30'	20'
R-1-60	.54 units per acre	60,000 s.f.	160'	200'	40'	60' <sup>13</sup>	20'	30'	30'	20'

R-1-40	.81 units per acre	40,000 s.f.	140'	200'	30'	40' <sup>13</sup>	20'	30'	30'	20'
R-1-30	1.07 units per acre	30,000 s.f.	130'	150'	40'	40' <sup>13</sup>	15'	25'	30'	20'
R-1-20	1.61 units per acre	20,000 s.f.	125'	150'	30'	30' <sup>13</sup>	15'	25'	30'	15'
R-1-15	2.15 units per acre	15,000 s.f.	100'	125'	30'	30' <sup>13</sup>	15'	25'	25'	15'
R-1-12	2.69 units per acre	12,000 s.f.	100'	100'	25'	25' <sup>13</sup>	10'	15-25' <sup>8</sup>	30'	15'
R-1-9	3.58 units per acre	9,000 s.f. <sup>2</sup>	85'	90'	20-25' <sup>6</sup>	25' <sup>13</sup>	10'	15-25' <sup>8</sup>	30'	15'
R-1-8	4.03 units per acre	8,000 s.f. <sup>2,4</sup>	75' <sup>2</sup>	90'	20-25' <sup>6</sup>	25' <sup>13</sup>	10'	15-25' <sup>8</sup>	30'	15'
R-1-6	5.37 units per acre	6,000 s.f. <sup>2,5</sup>	50'	90'	20-25' <sup>6</sup>	25' <sup>13</sup>	5-10' <sup>7</sup>	15-25' <sup>8</sup>	30'	15'
R-3	5.37 units per acre	6,000 s.f. <sup>2,5</sup>	50'	90'	20-25' <sup>6</sup>	25' <sup>13</sup>	5-10' <sup>7</sup>	15-25' <sup>8</sup>	30'	15'
R-O	n/a	6,000 s.f. <sup>2,3</sup>	50'	90'	20-25' <sup>6</sup>	25' <sup>13</sup>	5-10' <sup>7</sup>	15-25' <sup>8</sup>	30'	15'

1-refer to 15.3.24.090(A) for accessory buildings  
2-refer to 15.3.24.090(F) for flag lots.  
3-10,000 s.f. for duplex lots in the R-O zone.  
4-10,000 s.f. for twinhome or duplex lots.  
5-9,700 s.f. for twinhome or duplex lots; 14,000 s.f. for 3-plex lots; 18,000 s.f. for 4-plex lots.  
6-20 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.  
7-5 feet for single family dwellings; 10 feet for twinhomes, duplexes, accessory apartments, or non-residential uses; 15 feet for 3-plexes and 4-plexes  
8-15 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.  
9-80 feet per unit.  
10-flagpoles are limited to the height of principal buildings in residential zones.  
11-maximum setback is 250 feet, with an all-weather driveway, capable of supporting a fire truck, and with adequate turn around space for a fire truck at the end of the drive. Greater distances may be allowed if a fire hydrant is installed within 250 feet of the principal building.  
12-9,700 s.f. for twin home or duplex lots  
13-on corner lots, the setback is reduced by 5 feet

## Development Review Committee

The Development Review Committee recommended that the above described changes be made to Title 15. As is the case with most ordinance amendments, the City has complete discretion in approving or denying proposals.

Draft minutes from the Development Review Committee's August 29, 2007 meeting read as follows:

### Corner Lot Rear Setback Modification

Applicant: Barrett D. Whitaker

Location: Citywide

Mr. Anderson explained the ordinance setback requirements for corner lots, and that the request is to modify the rear setback for corner lots down to 20 feet.

Mr. Whitaker explained the purpose of his proposal and that he plans to construct an addition onto the back of his home.

Mr. Anderson explained if the request is approved that it will apply citywide and that any changes need to ensure that there are not any adverse impacts that could result from a change. He feels that this change would not be that big of an impact.

Discussion was held regarding different scenarios, and what the setback should be reduced too.

Mr. Baker feels that it would be better to start out more conservative to see if it creates any problems and then reduce it a little more next time.

Mr. Anderson explained where the change would need to take place in the ordinance.

Discussion was held regarding how to change the verbiage in the ordinance.

Mr. Baker **moved** to recommend to the Planning Commission **approval** of the Zoning Map Ordinance Amendment for Barrett D. Whitaker in all of the residential zones for corner lots that we reduce the rear yard setback by five feet.

Mr. Oyler **seconded** and the motion **passed** all in favor.

## **Planning Commission**

The Planning Commission reviewed this request in their September 5, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

### **Proposed Corner Lot Rear Setback Zoning Text Amendment**

Applicant: Bruce Whittaker

Location: Citywide

Mr. Anderson explained the request and the City's current setback requirements. He gave his reasoning for not changing the setback for interior lots at this time.

Commissioner Huff asked where in the ordinance the changes were represented.

Mr. Anderson said that it was applied to the chart by footnotes and explained how the footnotes related to the chart in the ordinance.

Commissioner Christianson asked how the frontage of a home, on a corner lot, was determined.

Mr. Anderson said that people are allowed to choose which way the house will front on a corner lot.

Mrs. Whitaker explained that they face east and their neighbors face west. The neighbors are allowed a ten foot setback and they would like to be allowed the same.

Commissioner Robins asked Mr. Anderson if there was a way for this proposal to be approved without changing the setback Citywide.

Mr. Anderson said it could not and explained the proposed standards.

Commissioner Robins feels that the Whitakers have a good point but he does not like the idea of

changing the setback Citywide.

Commissioner Christianson feels like it is similar to the flag lot issue that was presented in a previous meeting, and does not feel that a setback should be changed for one person. He agrees with the Development Review Committee that this change does not negatively affect the neighbors.

Commissioner Lewis is okay with the change but is hesitant to make a change.

Commissioner Marshall asked for clarification on why this change is for corner lots and not interior lots.

Mr. Anderson said that the Development Review Committee reacted to the proposal brought before them, which was for corner lots and that the Committee changes ordinances as little as they have too.

Commissioner Miya **moved to approve** the proposed Zoning Text Amendment; reducing the rear setback on corner lots by 5 feet in all residential zones, based on the following findings:

### **Findings**

1. That the proposed Text Amendment would not result in a detrimental situation.
2. That the proposed Text Amendment would allow property owners to make more efficient use of their property.

Commissioner Lewis **seconded** and the motion **passed** by a role call vote. Commissioner Robins voted nay. He feels that it is detrimental to the City to reduce setbacks.

### **Recommendation**

Staff recommends that the City Council approve the proposed Zoning Text Amendment, reducing the rear setback on corner lots by 5 feet in all residential zones, based on the following findings:

### **Findings:**

1. That the proposed Text Amendment would not result in a detrimental situation.
2. That the proposed Text Amendment would allow property owners to make more efficient use of their property.

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**August 7, 2007**

Elected Officials Present: Mayor Joe L Thomas; Councilmember's G. Wayne Andersen, Matthew D. Barber, Steven M. Leifson, Seth V. Sorensen, and Chris C. Wadsworth.

Staff Members Present: David A. Oyler, City Manager; Seth J. Perrins, Assistant City Manager; S. Junior Baker, City Attorney; Richard J. Heap, Engineering/Public Works Director; Dale Robinson, Parks and Recreation Director; Kent Clark, Finance Director; Dave Anderson, City Planner and Marlo Smith, Engineering Secretary.

Citizens Present: Heather Campbell, Pat Parkinson, George Adams, Blanche Adams, Richard Hopkins, Ammon Hopkins, Elouise Bell, Earline Holley, Glenn A. James, Steve Dudley, Blake Hunter, Paul Voorhees, Rosemary Jarman, Jens Nielson, Darin Farnworth and Alex Stone.

**CALL TO ORDER, PLEGE, OPENING CEREMONY, RECOGNITIONS:**

**Call to Order**

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

**Pledge of Allegiance**

The pledge of allegiance was led by Councilmember Leifson.

**PUBLIC COMMENTS:**

**David Grotegut**

Mr. Grotegut discussed the two different preliminary plats involving his property that were submitted for approval from the City Council in January. He is concerned there was not adequate information for the council to make a decision. He wasn't aware the first option was approved and he is more in favor of option two. In order to amend the plat it would cost him \$949.00 to have the plat reviewed. The plans have been reviewed by staff and presented to the city council therefore, he feels a review doesn't need to be completed and the fee should not be charged.

Mayor Thomas asked if the alternate option had been reviewed.

Mr. Baker said by law to amend the plat it is required to go through the entire review process.

Mayor Thomas asked how much work was involved with the procedure and if the fees could be waived in any way.

47 Mr. Anderson said the development review committee reviewed many options with Brent  
48 Bowers of Salisbury and Dave Simpson, who are the applicants. Mr. Grotegut is not one  
49 of the applicants. Mr. Bowers and Mr. Simpson agreed on one plan. The development  
50 review committee, as well as the applicants, were most comfortable with the option one.  
51 The design of option two had concerns. The planning commission and city council  
52 approved option one easily.

53

54 Discussion took place regarding the fee to amend the plat.

55

56 Mayor Thomas asked Mr. Anderson if the fee had been reduced to the lowest fee  
57 possible.

58

59 Mr. Anderson concurred.

60

61 Mr. Grotegut said option two was never presented to planning commission and feels they  
62 were without information and the wrong plan was approved.

63

64 Discussion took place regarding the differences between the two options.

65

66 Mr. Grotegut said he feels it would be immoral to be charged the fee to amend the plat  
67 where it has already been reviewed.

68

69 Discussion took place regarding if the applicants would submit the request to amend the  
70 plat.

71

72 Mr. Grotegut asked the council to review the recording of the January 16, 2007 city  
73 council meeting because he doesn't feel as if the minutes of the meeting discuss the two  
74 options talked about.

75

76 Discussion took place regarding the law requiring an amended plat.

77

### 78 **Melanie Fillmore**

79 Ms. Fillmore said she is the director over the youth arts festival. She would like to send  
80 out a thank you and report to the council on the program. The program is self sustaining  
81 and they have been able to recoup all costs. With additional advertising it has increased  
82 the program from year to year. She is excited for the growth and progress of the  
83 program. The registration process has been joined with the Parks and Recreation  
84 Department which has helped boost the program.

85

86 Ms. Fillmore discussed the adult education program. She said the registration for the  
87 adult program is tomorrow. Additional information is available on the City's website.

88

### 89 **Rick Hopkins**

90 Mr. Hopkins attended the North Park meeting that Councilmember Wadsworth was also  
91 in attendance. He said there is an overwhelming response in opposition for the plan the  
92 city has for renovating the park to commercial development. The public at the North

93 Park meeting were told the public comment part of the council meeting was at 6:30 p.m.  
94 He feels as if there will be a large number of representatives here to discuss their concern.  
95 He asked the mayor to open the meeting for public comment at 6:30 p.m.

96  
97 Mr. Hopkins said his concern is the status of the development and the relocation of the  
98 park. Why should the park be renovated at all?  
99

100 Mayor Thomas said the contracts have been signed and the developer is moving forward.  
101 Mayor Thomas said ideas for the park are welcome but no additional public comments in  
102 opposition of the relocation of the park. Some ideas for the park include a type of  
103 discovery park on one acre of the ground. Families are excited about this idea making it  
104 a learning area for children. All ideas are being considered to make it a wonderful park.  
105 Mayor Thomas said this project was passed unanimously with full council support and  
106 they are excited and believe this to be in the best interest for the City as a whole and  
107 nearby residents will be pleased with the results.

108  
109 Mayor Thomas discussed the 50 acres of property the City has acquired near the mouth  
110 of the canyon for uses such as parks, fire satellite station, power substations, etc. This  
111 will be online within the next decade.

112  
113 Mr. Hopkins said he is a coach for youth sports and is wondering what the city will do in  
114 the immediate future.

115  
116 Mayor Thomas said the expansion of the ball park will be completed in time.

117  
118 Councilmember Wadsworth said the city is working with the school board to leverage  
119 existing ball fields.

120  
121 Mr. Hopkins asked when the ground breaking would take place.

122  
123 Mr. Oyler discussed the city will be salvaging what they can from North Park such as  
124 bleachers, playground equipment, etc. Access to the park will be closed off in mid-  
125 September.

126  
127 **COUNCIL COMMENTS:**

128  
129 **Councilmember Andersen**

130 Councilmember Andersen thanked everyone for their involvement with the July 24<sup>th</sup>  
131 celebration. It was very successful. This community has something to be proud of.

132  
133 The finance committee does not meet until September. After the meeting he will have an  
134 update.

135  
136 **Mayor Thomas**

137 Mayor Thomas reported that Fiesta Days was a great success. There are so many names  
138 he can't thank them all publicly, but thanks to the volunteers, committees, and special

139 event coordinators. He is delighted with the overwhelming positive feed back including  
140 the improvement to the parade and fish rodeo. He is looking for interesting ideas for next  
141 year. Hats off to all who participated, to the sponsors and everyone involved  
142

143 The North Park project moves forward wonderfully and everything is on track with no  
144 delays. He would like to announce the commercial developments that are coming but it  
145 is not the city's to make the announcements. He feels everyone will be pleased when the  
146 announcements are made.  
147

148 The empty Food 4 Less building is under contract. He is not able to discuss in detail at  
149 this time but is happy with the intentions. Economic Development in the City is very  
150 good at this time.  
151

152 **Councilmember Barber**

153 Councilmember Barber said in regards to Fiesta Days he would like to concur with the  
154 mayor's comments. There is something for every body to help with. It is a great event  
155 and special thanks to the volunteers. He would like to thank the city employees and  
156 recognize how much work they do coming to work early and staying late during the  
157 celebration.  
158

159 Councilmember Barber asked Mr. Heap about the recycling presentation.  
160

161 Mr. Heap said he will gather more information and have the presentation at the next  
162 council meeting.  
163

164 Councilmember Barber said at the risk of reopening an issue that cannot be resolved  
165 tonight he would like to discuss with Mr. Grotegut that due to technology he is able to  
166 have the minutes and the agenda from the January 16, 2007 council meeting. He doesn't  
167 see any discussion in the minutes or an option two plan in the agenda.  
168

169 Mr. Grotegut asked the council to review the video that the minutes do not clarify the two  
170 options.  
171

172 Councilmember Barber said the Development Review Committee and Planning  
173 Commission meeting minutes do not mention alternative options either.  
174

175 Mr. Grotegut discussed the difference between the two options.  
176

177 Councilmember Barber asked Mr. Anderson how involved Mr. Grotegut was in the  
178 planning of the options approved by the Development Review Committee and Planning  
179 Commission.  
180

181 Mr. Anderson said he is not aware how involved Mr. Grotegut was in the planning  
182 process. The Development Review Committee worked with Mr. Simpson and Mr.  
183 Bowers. They were aware that a recommendation for approval was required to move  
184 forward or the project would be continued. Mr. Bowers discussed the options with Mr.

185 Grotegut and proceeded with only one option. Mr. Groetgut has discussed his concerns  
186 on this issue with many staff members for months, which has placed considerable  
187 demands on our time.

188

189 Mr. Grotegut said he does not agree that an amount should be charged to review the  
190 amended plat. He also feels Mr. Anderson is misrepresenting items stated.

191

192 Mr. Anderson said he disagrees and he has researched events and relied on his  
193 recollection as well as referred to others recollection.

194

195 Mr. Oyler said he has not seen anything contradicted by minutes or documents. There is  
196 only one original drawing that was presented and approved.

197

198 Mayor Thomas said he is open to review this item once the applicant applies for an  
199 amended plat.

200

### 201 **Councilmember Leifson**

202 Councilmember Leifson said he is in agreement with the Mayor and councilmember's  
203 comments in regards to Fiesta Days. The volunteer turnout is great. Utah is a leader in  
204 the nation for the number of volunteer efforts.

205

206 There is nothing pertinent to report on the Airport Board.

207

208 The Recreation Board meets next Monday. The survey review information should be to  
209 the city council soon.

210

211 Mayor Thomas reminded everyone of the upcoming primary elections on September 11,  
212 2007. There are 11 candidates with 3 open seats. Information is on the website as well  
213 as links to candidates webpages. He urges everyone to get out and vote.

214

215 Mr. Clark said election judges are needed. Call (801) 798-5000 extension 13 or leave a  
216 message at the reception desk. Mr. Clark said at the next council meeting one item will  
217 be the approval of the election judges.

218

### 219 **CONSENT ITEMS:**

220

221 **First Amendment to Utah Option and Lease Agreement**

222 **URS Electronic Trading Partner Agreement**

223 **Ivory Homes Connectors Agreement**

224

225 Councilmember Sorensen made a **motion** to approve the consent items. Councilmember  
226 Andersen **seconded**, and the motion **passed** with a unanimous vote.

227

### 228 **NEW BUSINESS:**

229

230 **Canal Companies Contract**

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Mr. Baker reviewed the template for the contract with the canal companies. East Bench, Westfield and Southfield Irrigation Companies have approved this contract. This is a great accomplishment to help keep the water in South County for residents, growth and agriculture use.

Mr. Baker said the next step is to obtain an agreement with Strawberry Water. This has been a 20+ year frustrating process that is very close to be completed.

Mr. Sorensen made a **motion** to adopt the Canal Companies Contract template. Councilmember Wadsworth **seconded**, and the motion **passed** with a majority vote. Councilmember Barber was **opposed** to the motion.

Councilmember Barber said he had not reviewed the entire contract.

#### **Appointment of Financial Advisor**

This item was not discussed at this time.

#### **Out of City Water Connection Request – Jay Clayson**

Mr. Heap said the city has received a request from Jay Clayson to connect to the city water at 5236 South 300 West. The well at the property has gone dry. The property is adjacent to the city water main. The policy adopted by council is in order to connect to the culinary water you must be a resident unless there is an emergency. The council has the authority to allow a county resident the permission to connect to city water in an emergency situation. We feel that since the well has gone dry it constitutes an emergency and recommend the council to authorize the water connection for Mr. Clayson.

Mr. Heap said the water is already stubbed into the property which will prohibit the need to excavate in the street. Mr. Clayson will pay impact fees and a higher out of city resident rate.

Councilmember Barber made a motion to **approve** the Out of City Water Connection Request for Jay Clayson. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

#### **2007 Asphalt Overlays Bid Award Schedule #1**

#### **2007 Asphalt Overlays Bid Award Schedule #2**

Mr. Heap reviewed the asphalt overlays bid and recommends the council award schedule #1 to Geneva Rock and schedule #2 to Staker & Parsons.

Councilmember Barber asked what areas would be done this year.

276 Mr. Heap said there is a list available that will be posted on the website. He said with  
277 what money is in the budget and how the bids come in determine how much of the list  
278 gets completed year to year. Another determining factor is the condition of the water and  
279 sewer lines. If the utility lines need replacing within the next few years the road will not  
280 be overlaid until the utility lines are replaced.

281

282 Councilmember Sorensen made a **motion** to award the 2007 Asphalt Overlays Bid  
283 Schedule #1 to Geneva Rock in the amount of \$704,327.30 and to award the 2007  
284 Asphalt Overlays Bid Schedule #2 to Staker & Parsons in the amount of \$1,838.64.  
285 Councilmember Leison **seconded**, and the motion **passed** with a unanimous vote.

286

### 287 **Accept or Reject proposed Kelly Annexation for further study**

288

289 Mr. Anderson said the city received a petition to annex a 3-acre parcel and adjacent land  
290 making it approximately 5-acres located at 900 West 1000 North. The Development  
291 Review Committee reviewed the proposed annexation and has recommended that the  
292 council accept the petition for further study. Accepting the petition will not bind the  
293 council to ultimately approve the annexation but would initiate the formal process of  
294 reviewing the proposal.

295

296 Discussion took place regarding the zoning for the property.

297

298 Councilmember Leifson made the **motion** to accept the proposed Kelly Annexation for  
299 further study. Councilmember Andersen **seconded**, and the motion **passed** with a  
300 unanimous vote.

301

### 302 **OLD BUSINESS:**

303

### 304 **Proposed Changes to Title 15**

305

306 Mr. Anderson said the council continued this item at the last council meeting and sent the  
307 item back to the Planning Commission to clarify their motion.

308

309 Mr. Anderson reviewed the proposed changes to Title 15 pertaining to flag lot  
310 requirements.

311

312 Mr. Anderson said the Planning Commissioners involved in making the recommendation  
313 provided comments at the August 1, 2007 planning commission meeting. An excerpt of  
314 the minutes from that meeting are included in the council packet.

315

316 Mayor Thomas said he likes the proposed changes that give option to land owners.

317

318 Councilmember Sorensen said he doesn't feel there is much justification to the decision  
319 made from the Planning Commission.

320

321 Councilmember Barber made a **motion** to approve the proposed changes to Title 15 as  
322 outlined. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous  
323 vote.

324

325 **PUBLIC COMMENTS:**

326

327 **Kevin Payne**

328 Mr. Payne discussed the North Park meeting from last week. He feels it was semi-  
329 successful due to the Mayor not attending because of other obligations. It was  
330 disappointing that Councilmember Wadsworth was not informed to answer questions at  
331 that time. A lot of people that attended the meeting had the same concerns. There are  
332 some new issues regarding the park such as feedback for tennis courts and other options.  
333 But, there are other legitimate concerns that are not old issues. He would like to see  
334 another information meeting held with the Mayor and Councilmember's that would allow  
335 for some answers to questions.

336

337 Mayor Thomas apologized for his absence at the meeting. His flight was changed and it  
338 was out of his control.

339

340 Mayor Thomas reviewed the restriction of three councilmember's attending a meeting  
341 which would then constitute a quorum and therefore it would be considered a council  
342 meeting. He would be willing to attend a meeting as well as any two councilmember's.  
343 He said they are open to any ideas for the new park.

344

345 Mr. Payne thanked Councilmember Wadsworth for attending the information meeting.

346

347 **Joyce Webb**

348 Ms. Webb asked if the council has the names for the Senior Citizens Board.

349

350 Councilmember Andersen said the names would be presented at the next council  
351 meeting.

352

353 **OTHER BUSINESS:**

354

355 There was none.

356

357 **ADJOURN:**

358

359 **Adjourn to Executive Session**

360

361 Councilmember Sorensen made a **motion** to adjourn to executive session to discuss land  
362 use issues. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous  
363 vote. The meeting adjourned at 7:05 p.m.

364

365

366

Adopted:

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Marlo Smith, Engineering Secretary

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**September 4, 2007**

Elected Officials Present: Mayor Joe L Thomas, Council members G. Wayne Andersen, Seth V. Sorensen, Steven M. Leifson; Excused Matthew D. Barber and Chris C. Wadsworth

Staff Present: Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Oyler, City Manager; Dave Anderson, City Planner; Richard Heap, Public Works Director; Kent Clark, Finance Director; Kelly Peterson, Electric Superintendent; Kimberly Robinson, Deputy Recorder

Citizens Present: Jake Wood, Harry Johnson, Kimberli Johnson, Kacee Zufelt, Tyler Whitehead, Brian Penrod, Veronica Hancock, Ren Anderson, Dusty Johnson, Ryan Thurston, Melissa Race, Trevor Carter, Colby Bellows, Alexa Beck, Matt Gardner, Richard Wilson, Spencer Barber, Melody Barber

**CALL TO ORDER, PLEDGE:**

Mayor Thomas called the meeting to order and led in the pledge of allegiance at 6:00 p.m.

**PUBLIC COMMENTS:**

There was no public comment given at this time.

**COUNCIL COMMENTS:**

Councilman Leifson encouraged everyone to get out and vote in the primary election on September 11<sup>th</sup>.

Mayor Thomas agrees everyone should get out and vote for the candidates.

Councilman Andersen asked that people get involved with the election process, to study the candidates and see where they stand. He also expressed condolences to the Barber family, Doug Barber, Councilman Barber's father, passed away today. He has always been an inspiration because he made the most out of what he has been given to work with. Councilman Andersen feels he should be recognized and appreciation given for his life.

Councilman Sorensen expressed his condolences as well, and stated the Council is here for the Barber Family. On a lighter note he too encourages all to come out and vote in the primary election.

Mayor Thomas excused Councilman Wadsworth, he is traveling.

**PUBLIC HEARING:**

Councilman Sorensen made a **Motion** to move to the public hearing at 6:06 p.m. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

**Hatch Annexation and Growth Boundary**

51 Mr. Anderson explained the annexation area. He noted the Council approved the General Plan  
52 change for the Old Mill Estates, this parcel was included to allow the development to have  
53 access directly onto Arrowhead Trail. The Planning Commission and DRC recommend approval.  
54

55 This item was opened for public comment.  
56

57 Berry Whitaker

58 Mr. Whitaker teaches at ALA and feels there is a lot of development in the area and only one  
59 way in and out. He would like to know when they will get more accesses into that area because  
60 there is currently so much congestion. He feels it will only get worse with all the development  
61 going on in the area.  
62

63 Mr. Heap stated the roads will join the area through Academy Park. The Old Mill Estates is not a  
64 development that has been approved yet, they are requesting an access to the area which will  
65 need to be annexed into the city for use.  
66

67 Councilman Leifson added access is an issue, the Council feels for the problems in that area, but  
68 they hope this access will help.  
69

70 Mr. Heap said they are working to get the light installed. It will probably be another year out  
71 until it is installed but it is moving forward through the process.  
72

73 Councilman Sorensen **Motioned** to approve the proposed Hatch Annexation and accompanying  
74 Growth Boundary Amendment assigning R-1-15 zoning to the annexation and that it be subject to the  
75 following conditions:  
76

77 **Conditions:**

- 78 1. That the SESD power buyout be completed before recordation.
- 79 2. That a boundary agreement be executed with the neighboring property owner before the plat is  
80 recorded.  
81

82 Councilman Leifson **Seconded** and the motion **Passed** all in favor.  
83

84 Councilman Sorensen made a **Motion** to close the public hearing. Councilman Andersen  
85 **Seconded** and the motion **Passed** all in favor at 6:13 p.m.  
86

87 **CONSENT ITEMS:**  
88

89 **Minutes of Spanish Fork City Council Meeting – August 21, 2007**

90 **Spanish Fork Grazing Company Real Estate Contract**  
91

92 Councilman Sorensen made a **Motion** to accept the consent items. Councilman Leifson  
93 **Seconded** and the motion **Passed** all in favor.  
94

95 **NEW BUSINESS:**  
96

97 **Sage Contracting Agreement**  
98

99 Mr. Baker explained this provides water to citizens that are currently on wells and having  
100 problems with such. The development cannot start until their bonding and approval are in place,

101 the contractor and the city has agreed they will let them build the water line before the approval.  
102 The financing company will only finance if the city states they will pay the bill if the project  
103 does not get approval. Under state law if the development meets our standards we cannot deny it,  
104 but this does allow the contractors to get started. Because of the dire need of those in need they  
105 recommend this go forward for approval.

106  
107 Councilman Andersen made a **Motion** to approve the contract with Sage Contracting to go ahead  
108 and put the waterline in. Councilman Sorensen **Seconded** and the motion **Passed** all in favor.

#### 109 **Contract with Galloway for Water Line**

110  
111  
112 Mr. Heap explained the contract having to do with the North Park area, the city was going to  
113 replace the waterline under Highway 6 and since they are the ones working with north park they  
114 can do the design and we will work with them on the bid. This enables all the plans to include  
115 the water line for the area. Staff recommends approving the contract with Galloway so this can  
116 move along.

117  
118 Councilman Leifson made a **Motion** to approve the contract with Galloway and Company for the  
119 waterlines. Councilman Sorensen **Seconded** and the motion **Passed** all in favor.

120

#### 121 **Bid for Dons Field Lights – Dale Robinson**

122  
123 Mr. Robinson said the Council received information previously in the packets. They have had  
124 two bids submitted and they recommend moving forward with Wilkinson Electrical, they were  
125 the lowest bid. He added that in working with Kelly Peterson who has noted some concerns with  
126 the installation and the transformer that is already there handling the load. They will need to  
127 replace them and the twenty year old wiring. He then handed out some information regarding  
128 research done by Kelly Peterson. The staff is currently working 5-10's just to handle the load  
129 that is on them right now. They are also recommending the purchase of a transformer and the  
130 new wiring that will be needed.

131  
132 Mayor Thomas thanked Kelly Peterson for even thinking about the idea of doing the job in  
133 house.

134  
135 Councilman Andersen said his biggest concern is they work the guys to the point their safety is  
136 jeopardized.

137  
138 Mayor Thomas feels if they are enthusiastic about doing it, go for it, but if they can't get them  
139 done it would be worth the 10% to contract it out.

140  
141 Councilman Andersen appreciates the concern for the guys and the willingness for them to do it.  
142 But the cost difference is so close it is not worth it.

143  
144 Councilman Leifson made a **Motion** to accept bid for dons field Wilkinson electric.  
145 Councilman Sorensen **Seconded** and the motion **Passed** all in favor.

146

#### 147 **Sign Ordinance Amendment**

148  
149 Mr. Baker explained the changes to the sign ordinance. As a city staff they review the ordinance  
150 annually to stay current on the properties. The city wants to remain neutral and all the signs

151 should be the same. The size they have selected is the typical sign size. It is also important the  
152 grounds crew be able to designate the areas for signs so they cause as little interference as  
153 possible. They added the city crews can move the signs for maintenance and they will not have  
154 put them in a specific order. The city is also not responsible for the content of the signs. He  
155 reviewed the eight locations designated:

- 156
- 157 - Spanish Fork City Library, fronting Main Street
  - 158 - The Sports Park, posted on the outfield fencing across the street from Riverview  
159 Elementary School.
  - 160 - The Canyon Elementary retention basin, on the fencing along 1700 East.
  - 161 - The Police Station, between the sidewalk and the parking lot, facing Main Street.
  - 162 - 1100 East and Center Street.
  - 163 - 2550 East and Highway 6
  - 164 - The Sunnyridge storm drain basin along 400 North (approximately 1280 East)
  - 165 - The island located at 700 East and 300 South.
- 166

167 Mr. Baker explained the different locations and why they chose those specific locations.  
168

169 Councilman Leifson noted staff will mark the areas of the locations where the signs are  
170 permitted.  
171

172 Mayor Thomas is excited about the signs and feels they have come along way since the last  
173 election. He suggested signs the city creates, be on each end of the allowable signage area.  
174

175 Mr. Baker explained they tried to identify city owned properties located in high traffic areas.  
176

177 Councilman Sorensen appreciates the work and effort that has gone into this ordinance. He had  
178 some concerns last time they discussed this change. He still has some concerns about the  
179 information. He feels it still gets the names out and not the information about the values and  
180 beliefs the candidates have. He is uncomfortable having them put up a sign that does not tell  
181 about them as an individual.  
182

183 Mayor Thomas agrees with Councilman Sorensen's point.  
184

185 Councilman Sorensen feels it is about the information for the residents and they can learn about  
186 the candidates, not just a name. He feels the ordinance as a whole is done well and has no  
187 problem trying it out, but would like to spend more time getting ways to get the information out.  
188

189 Councilman Andersen made a **Motion** to accept Ordinance 15-07 an ordinance amending sign  
190 requirements concerning political signs. Councilman Leifson **Seconded** and the motion **Passed**  
191 all in favor.

192  
193 Mayor Thomas asked staff to look into changing the animal ordinance allowing a rabbit in  
194 people's yards.  
195

196 Councilman Sorensen made a **Motion** to go to executive session for land use and potential  
197 litigation issues. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 6:54 p.m.  
198

199 The regular Council Meeting reconvened at 7:30 p.m.  
200

201 **Easement Agreement Western Distribution/Spanish Fork Properties**

202

203 Mr. Baker explained staff recommends agreeing to the easement but not in a set location, leaving  
204 the location open for negotiation.

205

206 Councilman Sorensen made a **Motion** to grant a 68 ft. right of way easement, the location of  
207 which to be determined by staff, this easement does not guarantee approval of this project they  
208 will still be subject to laws and processes they have to meet all the other requirements.

209 Councilman Leifson **Seconded** and the motion **Passed** all in favor.

210

211 **Cingular/AT&T Amendment to Option Lease Agreement**

212

213 Mr. Baker explained the amendment, offering the city \$500 a month for the lease of the site.

214

215 Councilman Andersen made a **Motion** to accept the amendment to the Cingular/AT&T  
216 Amendment to Option Lease Agreement. Councilman Sorensen **Seconded** and the motion  
217 **Passed** all in favor.

218

219 **ADJOURN:**

220

221 Councilman Sorensen made a **Motion** to adjourn to executive session to discuss land use and  
222 pending litigation. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 7:33  
223 p.m.

224

225 ADOPTED:

226

227

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Kimberly Robinson, Deputy Recorder

**ORDINANCE NO. \_\_\_\_\_**

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 \_\_\_\_\_

AN ORDINANCE REPEALING SPANISH FORK CITY  
MUNICIPAL CODE SECTION 9.12.080

WHEREAS, Spanish Fork City has adopted a provision in its Municipal Code prohibiting the release of prisoners who lack a ride; and

WHEREAS, subsequent to the enactment of the Ordinance, the UTA bus stop near the County Jail has been relocated to a more distant location; and

WHEREAS, the City is in the process of constructing a new Police station, which facility will have a holding cell and from which facility there is no nearby bus stop; and

WHEREAS, for the most part, these facilities will house prisoners who are misdemeanants and not a threat to City residents;

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

I.

Spanish Fork City Municipal Code Section 9.12.080 Release of Prisoners is hereby repealed.

II.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,  
UTAH, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

---

JOE L THOMAS, Mayor

ATTEST:

---

KENT R. CLARK, City Recorder

F:\ORDBOOK\ORD----

**SPANISH FORK CITY**  
Staff Report to the City Council



<b>Agenda Date:</b>	<b>September 18, 2007</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>the Development Review Committee</b>
<b>Subject:</b>	<b>Wisteria Lane Preliminary Plat Approval Request</b>

**Background Discussion:**

The applicant, Dos Amigos LLC, is requesting Preliminary Plat approval for a 2-acre parcel located at approximately 2800 East Canyon Road. The property is zoned R-1-9. The General Plan designates the property as Residential 2.5-3.5 units per acre.



**Details**

The proposed Preliminary Plat is a standard subdivision that contains 6 lots. The proposed lots all meet the development requirements of the R-1-9 zone. In this case, the development of this plat will be particularly beneficial as an additional means of access will be provided to the neighborhoods to the north.

## Development Review Committee

The Development Review Committee reviewed this request in their August 29, 2007 meeting and recommended that it be approved. Draft minutes from that meeting are provided below.

### Wisteria Lane

Applicant: Dos Amigos

Zoning: R-1-9

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Allen addressed the Committee and explained his meeting with the Utah Department of Transportation

Mr. Anderson **moved** to **approve** the Wisteria Lane Preliminary Plat for Dos Amigos located at approximately 2800 East Canyon Road subject to the following conditions:

### Conditions

1. That the public street modified to be 68 feet meeting the City's standards for a Minor Collector Street.
2. That the applicant obtain UDOT approval for the intersection design at Canyon Road.

Mr. Nielson **seconded** and the motion **passed** all in favor.

## Planning Commission

The Planning Commission reviewed this request in their September 5, 2007 meeting and recommended that it be approved. Draft minutes from their meeting read as follows:

### Wisteria Lane

Applicant: Dos Amigos, LLC

Zoning: R-1-9

General Plan: Residential 2.5-3.5 units per acre

Location: approximately 2800 East Canyon Road

Mr. Anderson explained the proposal.

Commissioner Lewis has a concern with the half road. He feels that the road should be finished.

Discussion was held regarding the road.

Mr. Thompson said that the trail will need to be installed along Canyon Road.

Les Allen

Mr. Allen explained what will happen with the narrow deck of land in between Somerset and Wisteria lane.

Commissioner Christianson asked Ms. Johnson if this plat meets standards and can be approved.

Ms. Johnson concurred that it did.

Commissioner Lewis **moved** to **approve** the Preliminary Plat for Wisteria Lane based on the following finding and subject to the following conditions:

**Finding**

- 1. That the proposed Preliminary Plat conforms to the City’s standards for developments in the R-1-9 zone.

**Conditions**

- 1. That the public street be modified to 68 feet meeting the City’s standards for a Minor Collector Street.
- 2. That the applicant obtain UDOT approval for the intersection design at Canyon Road.
- 3. That the Spanish Fork Trail be incorporated.

Commissioner Marshall **seconded** and the motion **passed** all in favor by an unanimous roll call vote.

**Budgetary Impact:**

The development of this property will likely not have a substantial impact on the City’s budget.

**Alternatives:**

The proposed Preliminary Plat is a standard subdivision that meets the City’s requirements in the R-1-9 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

**Recommendation:**

Staff recommends that the City Council approve the proposed Preliminary Plat for Wisteria Lane based on the following finding and subject to the following conditions:

**Finding:**

- 1. That the proposed Preliminary Plat conforms to the City’s standards for developments in the R-1-9 zone.

**Conditions:**

- 1. That the public street modified to be 68 feet meeting the City’s standards for a Minor Collector Street.
- 2. That the applicant obtain UDOT approval for the intersection design at Canyon Road.

attachments: proposed Preliminary Plat

