



## **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 November 18, 2008**.

### AGENDA ITEMS:

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

- a. Pledge
- b. Employee of the Quarter
- c. Richard Nielson

#### **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. COUNCIL COMMENTS:**

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

- a. \*Title 15 Amendment
- b. \*Canyon Ridge Estates Preliminary Plat
- c. Budget FY09 Revision

#### **5. CONSENT ITEMS:**

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

- a. \*Minutes of Spanish Fork City Council Meeting – November 4, 2008

#### **6. NEW BUSINESS:**

- a. Fairway Meadows Street Acceptance from Private to Public
- b. Board Appointments
- c. Letter to Central Utah Water Conservation District
- d. Zip Line Presentation
- e. Independent Audit

#### **7. EXECUTIVE SESSION:**

- a. Land Sale

### ADJOURN:

\* Supporting documentation is available on the City's website [www.spanishfork.org](http://www.spanishfork.org)

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.



# REPORT TO THE CITY COUNCIL

## TITLE 15 AMENDMENTS

**Agenda Date:** November 18, 2008

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

**Reviewed By:** Development Review Committee

**Request:** The proposal involves creating an additional zoning district or "overlay" that would provide additional options for the development of certain properties in the City.

**Zoning:** R-1-6 and R-3

**General Plan:** not applicable

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** City Wide

### Background Discussion

The concept of the In-fill Overlay zone originated with two separate discussions. One of the discussions pertained to concerns about flaglots and multi-family dwellings being constructed in the City's historic neighborhoods. The other discussion pertained to a desire to propose developments that Spanish Fork City's ordinance currently does not allow.

Ultimately, staff's proposal to address these issues is the In-fill Overlay zone. As proposed, properties that are currently zoned R-1-6 or R-3 and are at least 6,000 square feet would qualify for the proposed In-fill Overlay zone.

In essence, the In-fill Overlay zone has been prepared with the intent of accomplishing two goals. First, this zone would allow considerable flexibility in terms of what a developer could propose to do with a particular development. Second, this zone would give the City considerable discretion in determining whether a proposed development does or does not meet the criteria set forth in the ordinance.

One fundamental question relative to the proposal has to do with whether the City should or should not continue to allow the development of multi-family structures in the R-1-6 and R-3 zones without getting an In-fill Overlay zone approval. The Planning Commission has recommended that duplexes, twinhomes, three-plexes and four-plexes be removed from the lists of permitted uses in the R-1-6 and R-3 zones.

The City could, however, continue to allow the development of duplexes, twinhomes, three-plexes and four-plexes by right. In that case, developers would have the choice of whether to develop a project by simply meeting the basic zoning requirements or to go through the In-fill Overlay zone approval process. The only advantage that would be afforded to developers via the In-fill Overlay zone is the potential of enjoying flexibility when designing a project.

A similar situation exists with flag lots. In short, the In-fill Overlay zone is intended to allow for development types that may have some similar

characteristics to flag lots. As such, staff believes that any references to flag lots that exist in the ordinance should be removed.

plexes be removed from the list of permitted uses in the R-1-6 and R-3 zone and that references to flag lots be removed from Title 15.

In staff's view, it would be a mistake to make the In-fill Overlay zone an option rather than the only opportunity to develop multi-family structures. In short, staff is simply concerned that the In-fill Overlay zone will be under-utilized if it is only an option. Staff is therefore recommending that duplexes, twinhomes, 3-plexes and 4-plexes be removed from the list of permitted uses in the R-1-6 zoning district.

### **Development Review Committee**

The Development Review Committee reviewed this proposal on September 24, 2008 and recommended that it be approved.

### **Planning Commission**

The Planning Commission reviewed this request in their November 5 meeting and recommended that it be approved. It is anticipated that draft minutes from that meeting will be available in your meeting.

### **Budgetary Impact**

It is anticipated that there will be little or no budgetary impact with the proposed zone.

### **Alternatives**

The Council has considerable discretion relative to proposed ordinance amendments. In this case, they may approve, deny or approve the proposed amendments with modifications.

### **Staff Recommendation**

Staff recommends that the proposed In-fill Overlay zone be approved by the City Council and that duplexes, twinhomes, three-plexes and four-

**ORDINANCE NO. 08-**

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
RODNEY DART <i>Councilmember</i>		
RICHARD M. DAVIS <i>Councilmember</i>		
STEVE LEIFSON <i>Councilmember</i>		
JENS P. NIELSON <i>Councilmember</i>		

I MOVE this ordinance be adopted: Councilman \_\_\_\_\_  
 I SECOND the foregoing motion: Councilman \_\_\_\_\_

ORDINANCE 08-

WHEREAS, Spanish Fork City has enacted a zoning ordinance setting forth a number of zones and the permitted uses within each zone; and

WHEREAS, The City has recently imposed a moratorium on multi-family construction in the R-1-6 and R-3 zones while the City studied appropriate multi-family uses in those zones; and

WHEREAS, City staff has researched and studied the issue, as requested by the Council, and has made the recommendation to adopt an in-fill ordinance which will establish standards for multi-family housing in the R-1-6 and R-3 zones which will protect single family residence property values, provide opportunities for the development of single family dwellings, provide opportunities for the development of affordable housing and promote the development of owner-occupied dwellings; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on Wednesday, the 1<sup>st</sup> day of October, 2008, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the \_\_\_\_ day of \_\_\_\_\_, 2008, whereat additional public comment was received; and

WHEREAS, the Council finds that the proposed in-fill zone is consistent with the language and intent of the City's General Plan; and

WHEREAS, the Council finds that the proposed in-fill zone would allow residential units that promote the general welfare and common good of the community;

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

**I.**

Spanish Fork City Municipal Code §15.3.16.035 is hereby created as follows:

**15.3.16.035. In-Fill Overlay Zone (I-F).**

This district is intended to provide flexibility in development standards for small residential parcels that are difficult to develop under standard residential requirements, allowing them to be developed with modified standards, while maintaining high quality construction and maintaining the general character of the underlying zone. This zone may only be applied as an overlay zone in the R-1-6 and R-3 zones. Prior to approving the I-F Zone, the City Council shall determine that the proposed development promotes the historic character of the neighborhood, conforms to the physical characteristics of the adjoining properties and provides new opportunities for home ownership.

**A. Permitted Uses:**

- Single family dwellings.
- Twin homes.
- Duplexes.
- Triplexes.
- Fourplexes.

(see §15.3.08.060):

**B. Accessory Buildings and Uses (see §15.3.24.090).**

**C. Development Standards.**

Development standards for projects in the I-F Zone shall be generated on a project-by-project basis. It is expected that the development standards will provide for project designs that will promote conformity to existing neighborhood characteristics while allowing for innovation and creativity. Development standards shall also include design elements that will provide appropriate screening and buffers between the project and the surrounding properties. As appropriate, project designs should incorporate amenities for the use of the project's residents. In each case, standards created for elements including but not limited to setbacks, lot size, building design, fencing and landscaping shall be presented to the Planning Commission for recommendation and the City Council for approval.

Notwithstanding the potential flexibility in development standards for the I-F Zone, the following standards must be maintained:

1. Building design shall incorporate architectural elements that reinforce architectural styles found in other structures in the neighborhood and/or along the street. Architectural considerations shall offer reasonable protection relative to the privacy of adjoining properties. Architectural elements utilized to promote the purpose of the zone may include the following:
  - A. Roof pitch.
  - B. Building materials.
  - C. Door and window placement and orientation.
  - D. Building colors.
  - E. Building ornamentation.
  - F. Building articulation.
  - G. Garage placement.
2. Setbacks shall be as follows for all primary buildings:
  - A. Front yard, 10 feet from public right-of-way or shared driveway to living space.
  - B. Corner side yard, 15 feet to living space.
  - C. Interior side yard, 5 feet.
  - D. Rear yard, 10 feet.
  - E. Accessory buildings, 5 feet to property lines and other structures.
  - F. Garage doors, 20 feet from public right-of-way.
3. Density shall not exceed that which is identified on the Land Use Map of the

Comprehensive General Plan.

4. Minimum project size is 6,000 square feet. Minimum lot sizes and/or area requirements shall be as follows:

- A. Single family residences, 4,000 square feet;
- B. Duplexes, 6,000 square feet;
- C. Twinhomes, 8,000 square feet;
- D. Triplexes, 14,000 square feet;
- E. Other multi-family units, 18,000 square feet per four units.

5. Minimum street frontage for a development is 80 feet except for duplexes where the minimum frontage requirement is 60 feet.

6. Maximum impervious surface in the I-F zone shall be 60% of the project area.

7. Minimum parking shall include one garage per dwelling unit and 1.5 additional spaces per unit within the development.

8. Minimum finished living space shall be provided as follows:

- A. Single family residence, 1,000 square feet;
- B. Duplex, 900 square feet, each side;
- C. Triplex, 900 square feet, each unit;
- D. Other multi-family units, 900 square feet, each unit.

9. Curb, gutter, and sidewalk shall be provided in accordance with the City's Development Standards.

**D. Site Plan/Design Review (see §15.4.08.010 et seq.).**

**E. Landscaping, Buffering, Walls (see §15.4.16.130).**

Detailed landscape plans shall be submitted with each application for I-F Zone approval. Projects shall be landscaped in a manner that is generally consistent with surrounding properties. Landscape Plans shall identify the following:

- A. Planting Plan, including all ground cover.
- B. Plant schedule.
- C. Irrigation Plan.
- D. Details for any proposed structures or features.
- E. Walls.

**F. Signs. (see §5.36.010 et seq.)**

**G. Parking (see §15.4.16.120).**

## II.

This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,  
UTAH, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
JOE L THOMAS, Mayor

ATTEST:

\_\_\_\_\_  
KIM ROBINSON, City Recorder



# REPORT TO THE CITY COUNCIL CANYON RIDGE ESTATES PLAT H PRELIMINARY PLAT AMENDMENT

**Agenda Date:** November 18, 2008

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

**Reviewed By:** Development Review Committee

**Request:** The applicant, Gardner and Associates, is requesting Preliminary Plat approval for a three-lot subdivision in the R-1-9 zoning district.

**Zoning:** R-1-9

**General Plan:** Residential 2.5 to 3.5 Units Per Acre

**Project Size:** Approximately 1 acre

**Number of lots:** 3

**Location:** 2650 East Canyon Road

## Background Discussion

The proposed Plat contains three lots that are all approximately 14,500 square feet in size. The proposed lots all conform to the City's requirements for subdivisions in the R-1-9 zone.

## Development Review Committee

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

### Canyon Ridge Estates Plat H

Applicant: Gardner and Associates  
 General Plan: Residential 2.5 to 3.5 Units Per Acre  
 Zoning: R-1-9  
 Location: 2650 East Canyon Road

Discussion was held regarding the applicant receiving approval from UDOT for ingress and egress and having utilities stubbed into the lots.

Mr. Peterson explained that the two new lots did not have any power and where the power would need to come from. He said that the overhead line should be removed and replaced with underground power.

Mr. Nielson **moved** to **approve** the Canyon Ridge Estates Subdivision Waiver Plat H located at 2650 East Canyon subject to the following conditions:

## Conditions

1. That power be connected between the development and 2600 East.
2. That the developer have all of the City utilities stubbed in and the power service on the existing home changed to underground.
3. That the developer receive written approval from the Utah Department of Transportation for the driveways.
4. That the developer submit a mylar for recording with all of the appropriate easements and right-of-ways.

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



## **Planning Commission**

The Planning Commission reviewed this request in the November 5, 2008 meeting and recommended that it be approved. Staff anticipates having draft minutes from that meeting available for the City Council meeting.

## **Budgetary Impact**

There is no anticipated budgetary impact with the proposed Preliminary Plat.

## **Recommendation**

Staff recommends that the City Council approve the Preliminary Plat subject to the following conditions:

## **Conditions**

1. That power be connected between the development and 2600 East.
2. That the developer have all of the City utilities stubbed in and the power service on the existing home changed to underground.
3. That the developer receive written approval from the Utah Department of Transportation for the driveways.





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**Tentative Minutes  
Spanish Fork City Council Meeting  
November 4, 2008**

5 Elected Officials Present: Mayor Joe L. Thomas; Councilmember's G. Wayne Andersen,  
6 Steve Leifson, Rod Dart, Jens Nielson, Richard M. Davis

8 Staff Present: Junior Baker, City Attorney; Dave Oyler, City Manager; Seth Perrins,  
9 Assistant City Manager; Richard Heap, Public Works Director; Dale Robinson, Parks  
10 and Recreation Director; Dave Anderson, City Planner; Kimberly Robinson, City  
11 Recorder

13 Citizens Present: Ashley Murdock, Kaitlyn, Jessica Murdock, Jacob Murdock, Catherine  
14 Murdock, John Murdock, Christopher Murdock, John Rotolo, John Lemich, Nate  
15 Simkins, Spencer Kearl, Adam Russell, John Russell, Shannon Russell, Mitchell  
16 Rucker, Colten Christensen, Carson Giles, Adam Wakeland, Jen Allen, Jason Rucker,  
17 Matt Huntsman, Susan Fausett, Melissa Girot, Kyle Fausett, Doug Huntsman, Kerri  
18 Huntsman, Jen Huntsman, Jason Matsuoka, McKay Bowcut, Carl Bowcut, Suanne  
19 Bowcut, Gracie Bowcut, Trisha Olsen, Malinda Olsen, Amanda Olsen, Eva Bradford,  
20 Clyde Bradford, Dawn Graham, William Graham, Todd F. Cope, Wesley Cope, Michael  
21 Lawe, Jansen Lee, Kaden Cook, Dylan Olsen, Taylor Johnston

23 **CALL TO ORDER, PLEDGE:**

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

28 **Citizen Recognition Award**

30 Mr. Perrins gave a summary regarding the events that occurred. Luke Olsen, Adam  
31 Russell, Matt Huntsman, Jessica Murdock and Gracie Bowcut are being honored  
32 tonight. These Youth were at an Activity in the Mountains at Starvation Reservoir, their  
33 leader was swimming with them, he felt fatigued and lost consciousness. Their quick  
34 thinking and calmness resulted in their leader living. They presented each of them with  
35 a plaque for their service, A standing applause was given.

37 **PUBLIC COMMENTS:**

39 Nate Simkins

40 Mr. Simkins stated there has been a lot of friction at the skate park with bikers being  
41 kicked out by City staff and police, they are requesting the rules to be changed or that a  
42 bike park be made so they can bike. He stated he does not see a problem with them  
43 sharing but the current rule does not allow it.

45 Mr. Robinson stated the rule was created due to the contention between the bikers and  
46 skaters there are some communities that have set times for both to use the parks. Our  
47 skate park is not large enough and was not built to handle the capacity for both. There  
48 are some things they can look at doing but it is hard to have them there at the same  
49 time. When they researched there were problems with the bike peddles gouging the  
50 concrete and making it tough for the skaters.

51  
52 Mayor Thomas stated he applauds them for coming to City Council, he is glad they did it  
53 the right way. He needs some more information regarding the issue.

54  
55 Mr. Robinson stated there are some modifications other cities have done to those rules  
56 to allow bikers and skaters at different times.

57  
58 Councilman Andersen feels this item should be referred to the Recreation Committee.

59  
60 Taylor Johnston  
61 Mr. Johnston asked if they were to raise the money would the City build a skate park.

62  
63 The Council stated they would like the Recreation Department to see what they can do  
64 to accommodate both.

65  
66 Mayor Thomas thanked them for coming.

67  
68 Jansen Lee  
69 Mr. Lee explained it is like having a baseball park and only letting softball players use it.

70  
71 Jason Rucker  
72 Mr. Rucker explained the kids have participated in a dirt BMX bike park where they can  
73 use the bikes and skills in that area. They have identified some areas in the city that  
74 might be good for the kids to use.

75  
76 Councilman Leifson thinks comments are good and if they have suggestions and ideas  
77 to work with the Recreation Department. They will see what they can get done.

78  
79 Mayor Thomas explained there is an area of property the City owns where the railroad  
80 tracks split that might be good for a bike park.

81  
82 Mr. Robinson stated a BMX park is more attainable then a concrete skate park, they will  
83 take it to the Parks and Recreation Committee and do some research.

84  
85 **COUNCIL COMMENTS:**

86  
87 Councilman Andersen commented they met with UDOT and are progressing with  
88 keeping the interchange on the north end of town in their view. The Rodeo Committee  
89 met this afternoon and plans are well in hand for another great rodeo this next year.

90  
91 Councilman Davis said the Youth Council is talking about doing a fund raiser at Festival  
92 of Lights selling hot chocolate. The Festival of Lights starts the 28<sup>th</sup> of November. There  
93 will be an Airport meeting this Thursday at 4:00, they will talk about hangar inspections  
94 and keys. There is an opening for an Airport Manager position, anyone interested can  
95 contact him. He stated these young people that helped save a life are great, they used  
96 their scout skills to save a life.

97  
98 Councilman Nielson thanked all the poll workers and volunteers who make the election  
99 happen. We wouldn't have known of this life saving situation if a good reporter wouldn't

100 have brought it to their attention and anyone out there that deserves recognition should  
101 let them know.

102  
103 Councilman Dart reported November is food for fines month at the library. He noted with  
104 the weather changing citizens need to be aware of older people who need help with  
105 snow removal, and be mindful of others that might need help.

106  
107 Councilman Leifson said at the Parks and Recreation meeting they talked about the trail  
108 system they have it connected from Volunteer Park to the swimming pool. Also they  
109 secured a grant for \$140,000 to build a new Highway 6 trail from Center Street to North  
110 Park. The trail system is moving forward. They lost a great citizen J. Wayne Nelson he  
111 was on many committees and spent hours at the ball park, he helped build the first  
112 snack shack, and was superintendent for the school district. We have some great  
113 individuals in this town and it is an honor to be a part of the city and the people that live  
114 here.

115  
116 Mayor Thomas congratulated Spanish Fork City for the windmills and setting a  
117 precedent for the entire state. This city has a lot to be proud of, and he is proud to be  
118 from Spanish Fork. Tomorrow he will be meeting with out of state people interested in  
119 the windmills and promoting a business park. He is meeting with someone dealing in  
120 solar options. The North Park latest update is that the developer stated they would have  
121 some response from the army core of engineers soon, and construction on one of the  
122 big boxes should start next year.

123  
124 **CONSENT ITEMS:**

125  
126 **Minutes of Spanish Fork City Council Meeting – October 21, 2008**  
127 **Spanish Fork Cheerleaders Fiesta Days Contract**  
128 **Main Street Plaza Parking Agreement**

129  
130 Councilman Leifson made a **Motion** to approve the consent items with the changes to  
131 who recused themselves. Councilman Andersen **Seconded** and the motion **Passed** all  
132 in favor.

133  
134 **NEW BUSINESS:**

135  
136 **Utah Valley Dispatch Special Service District Board Appointment**

137  
138 Mr. Oyler stated the County is putting together a special service district to incorporate  
139 County dispatching. They need a recommendation to appoint a board member to that  
140 board. They will represent the City on the board for emergency dispatch. He stated the  
141 cost for dispatch services will go up because the County will no longer pay for those  
142 services.

143  
144 Mayor Thomas stated Mr. Oyler should continue to serve on the board.

145  
146 Mr. Oyler stated he is fine with continuing to serve.

147

148 Mayor Thomas appointed Dave Oyler to the board, once it is established and flowing he  
149 will let the Council know and they will appoint someone to the board, but not until it is  
150 running smoothly.

151  
152 Councilman Leifson made a **Motion** to appoint Dave Oyler to the Utah Valley Dispatch  
153 Special Services Board. Councilman Dart **seconded** and the motion **passed** all in  
154 favor.

155  
156 **Southgate Village Trail Property Purchase Agreement**

157  
158 Mr. Robinson explained the proposal to revise the agreement they entered into with  
159 Southgate Village. In order for them to complete the trail they have a grant, the  
160 association is asking for us to allow two accesses from their development, he also  
161 stated it allows the City to replace the solid fence with an open fence for safety reasons.  
162 The purchase price has not changed this is just a revision to the agreement.

163  
164 Councilman Nielson made a **Motion** to approve the purchase agreement for Southgate  
165 Village trail property. Councilman Davis **Seconded** and the motion **Passed** all in favor.

166  
167 **ADJOURN:**

168  
169 Councilman Andersen made a **Motion** to adjourn to Executive session for sale of  
170 property. Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:27 p.m.

171  
172 ADOPTED:

173  
174 \_\_\_\_\_  
Kimberly Robinson, City Recorder