

**Adopted Minutes  
Spanish Fork City Development Review Committee  
January 27, 2010**

The meeting was called to order at 10:06 a.m. by Richard Heap.

**Staff Members Present:** Richard Heap, Public Works Director; Dave Oyler, City Manager; Dave Anderson, Community Development Director; S. Junior Baker, City Attorney; Chris Thompson, Assistant Public Works Director; Jered Johnson, City Surveyor; Chris Swenson, Chief Building Official; Joe Jarvis, Fire Marshall; Shelley Hendrickson, Planning Secretary; Tom Cooper, Electric Operator Dispatcher; Bart Morrill, Parks and Recreation; Shawn Beecher, GIS Specialist; Kelly Peterson, Power Superintendent; Shelley Hendrickson, Planning Secretary.

**Citizens Present:** (Illegible) Wignall, Chris Hailstone, Liisa Hancock, Ruth Haleen, Myrna Dalton, Dana Dalton, Dennis Gallagher, Damien Hubert.

**MINUTES**

**January 20, 1010**

Mr. Baker **moved** to **approve** the minutes of January 20, 2010, with the noted corrections. Mr. Thompson **seconded** and the motion **passed** all in favor.

**ZONE CHANGES**

**Skyhawk (Hailstone) Zone Change**

Applicant: Hailstone Homes, LLC

General Plan: General Commercial

Zoning: Residential Office and Rural Residential existing, Commercial 2 proposed

Location: approximately 800 South Main Street

Mr. Anderson explained that the proposal was for a full-service car wash and explained that the current zone was Residential Office/Rural Residential and the applicant was proposing the Zone Change to the Commercial 2 zone. He said the proposal conformed to the General Plan.

Mr. Baker **moved** to recommend to the Planning Commission **approval** of the Zone Change from the Residential Office/Rural Residential zone to the Commercial 2 zone. Mr. Thompson **seconded** and the motion **passed** all in favor.

**ORDINANCE AMENDMENT**

**Proposed Amendments to Title 15, Requirements for Residential Treatment Centers**

Applicant: Elwood Holdings, Inc.  
General Plan: City-wide  
Zoning: City-wide  
Location: City-wide

Mr. Anderson explained that the proposal was to amend the requirements for a Residential Treatment Facility use. The proposal involves changing the ratio of land required per bed in order to accommodate more beds on a smaller parcel. He said, relative to the proposed change, that it was tied to a site in town, the old Rees School located at 185 East 400 North. He said that the site was approximately two acres in size and that it potentially could qualify to have a Residential Treatment Facility approved. He explained that the City had design criteria in the code, pertaining to the building, that would prevent the City's from approving the use of the building as a Residential Treatment Facility for a few different reasons. These reasons include its size, architectural characteristics and how it relates to the size of the structures surrounding the site. He said that the goal of the applicant is to convert or adapt the old Rees Elementary School building into a Residential Treatment Facility. He noted two things relative the facility and its history. He said it was mentioned in the submittal that the Heritage Private School was operating as recently as last year. He said our records show the use was terminated in June of 2008. He asked the applicant to explain their thoughts on the operation.

Myrna Dalton

Ms. Dalton addressed the Committee and explained that the residential treatment was for behavioral modification for girls in DCFS or JPS custody and for substance abuse. She said the ages would range from 12-18 and that they were girls that had been taken out of the family setting, and they would be helping to re-unify with their families or back into society. She said they had over 20 years of combined experience with a facility in Manti that had both girls and boys but that they just wanted girls at this facility.

Mr. Baker asked Myrna to talk about the number of residents that they wanted to put in this facility.

Ms. Dalton said they would have 46 to 48 girls at a time with 10 or more staff, one staff to every four girls. She said she had talked to the school district and that they would have teachers come into the school to teach the girls.

Mr. Baker asked Ms. Dalton if this was a lock down facility where the girls were not free to come and go. Ms. Dalton said that they would have to be with staff at all times day and night. She said that they could leave campus if they were with staff and at a certain level. Mr. Baker explained that the City had put a fair amount of effort, work and thought into the ordinance being 20 beds for two acres. He asked Ms. Dalton to explain why she felt the City should change the number.

Ms. Dalton said that just from the size of the building and the lot, she felt it could hold a lot more than 20 girls and with the amount of money that they would be putting into the program, it would not be economically feasible to have only 20 beds.

Mr. Baker explained the history of the building and asked the applicant if they would be willing to tear the building down and build a new building that would conform to the City ordinance.

Ms. Dalton said that she really liked the building and would prefer to use it.

Joe Jarvis said that this building was brought to his attention last year as an educational occupancy. He told the applicant that the State Fire Marshall had several issues with the old Rees building. Ms. Dalton said that she had been in contact with the State Fire Marshall and was aware of some of the issues (a sprinkler system, burying the power lines, and an outside shut off).

Mr. Anderson said that one of the items mentioned in the information that the applicant had submitted was the idea that the building could be used as a Residential Treatment Facility with moderate modification to the building. Mr. Anderson said that in speaking with Chris Swenson, Spanish Fork City's Chief Building Official, the modifications would be substantial.

Mr. Swenson explained that he had done some research and that he was initially under the impression that the areas that were not changing use (the areas that would still remain educational) did not need to be brought up to code. After further review, he found a section in the International Building Code (IBC) that stated that the areas that are not put to a new use need to be separated from the areas that will be used differently with a fire barrier from the ground to roof. He said he felt that installing the fire barriers could be quite extensive. He said another issue involving chapter 34 of the IBC that deals with existing structures. This section talks about the need to bring other things up to code when the occupancy changes. The building would need to be brought into compliance with ADA and the fire sprinkler system would have to be installed. He explained that, if there were structural issues, the City would not know that and that the applicant would need to hire an engineer to provide information to the City.

Mr. Baker asked the applicant to exclude the building and explain what they thought an appropriate number of beds for two acres was. The applicant explained that, according to state licensure regulations, it was 80 square feet of living space per student, and that based on room size the Rees School would accommodate 48 students. In order for the facility to be financially feasible they would have to have 48 beds. Also, that they would be taking the girls to outside venues and community centers where they would have the ability to run around.

Mr. Anderson said that he had concerns about the building and that he felt it was important for the applicant to make sure the building could be converted and would work for the applicant's financial model. He said that, given the amount of time that the City had taken to craft these standards, they did not like to change the ordinance unless there was a clear an important reason to do so.

Discussion was held regarding the applicant providing information from an engineer. Mr. Baker said that he liked the location but not the idea of trying to use the building. According to the zoning code, you have a non-conforming structure that has been abandoned for non use for a year and a half and that the City should not even consider using the building. Furthermore, he stated that the whole goal of non-conforming uses was to eventually get rid of them. He said he felt that what the applicant should be presenting to the City was to tear down the structure and constructing their own facility that meets the City ordinance and then at that point he would be willing to work with them on the numbers. The applicant explained that their concern was that it was going to take some expense to get an engineer and that if they could not get the number of beds or close to the number of beds approved they did not want to spend the money.

Mr. Anderson said that he felt there was a real need for facilities of this nature and to try to integrate them into the community. Our code promotes the idea that smaller facilities are better suited to meet the need for these facilities in Spanish Fork.

Mr. Baker **moved** to **table** this proposal to allow the applicant to bring us some information on the numbers of residents. That applicant asked for 3-4 weeks. Mr. Baker said he was tabling the proposal for 4 weeks from today and asked the applicant to get information to the City, one week previous, so that the City could review it. Mr. Anderson **seconded** and the motion **passed** all in favor.

## OTHER BUSINESS

Mr. Baker told the Committee that he was putting together a check list that dealt with exactions and development approvals, especially when dealing with Master Planned Developments.

## ADJOURNMENT

Mr. Baker **moved** to **adjourn**. Mr. Anderson **seconded** and the motion **passed** all in favor at 10:42 a.m.

**Adopted: February 3, 2010**

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Shelley Hendrickson, Planning Secretary