

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
May 21, 1996**

The meeting was called to order at 7:00 pm by Chair Doug Barber.

Commission Members Present: Chair Doug Barber, and Commission Members J. Wayne Nelson, Brian Phillips, and David Ludlow. Commissioners Clyde A. Swenson and Doug Christensen were excused.

Elected Officials Present: Councilmember Matt D. Barber.

Staff Members Present: Greg A. Comstock, City Planner; David A. Oyler, City Manager; and Heather Frost, Deputy Recorder.

Citizens Present: Sharron Webster, Brent Sumsion, Jonathan F. Cope, David L. Kuhn, Harold Davis, Lew Christensen, and Scott Sumsion.

Minutes

A **motion** was made by Mr. Nelson to approve the minutes of the May 7, 1996, meeting of the planning commission. Mr. Phillips **seconded** the motion, and it **passed** unanimously.

Leland Industrial Areas and Surface Mining Overlay

Mr. Comstock informed the commission business owners in the Leland area have concerns regarding the proposed zoning for their businesses in the updated general plan.

Mr. Jon Cope, H.E. Davis & Sons, asked the commission to consider leaving the Leland businesses in the I-1 district as conforming uses. Mr. Cope said the businesses also have questions about the proposed surface mining overlay district. The commissioners reviewed the proposed surface mining overlay district.

*Note: Commissioner David Ludlow arrived at 7:10 pm.

Discussion took place regarding the Leland industrial area and the proposed surface mining overlay. The overlay would be needed if the business were mining. The business owners pointed out the fact that all of the businesses in Leland bring unfinished material into their business, process it, then sell it.

Currently, the Leland industries would become non-conforming if the general plan / zoning ordinance is adopted as currently proposed.

Mr. Scott Sumsion, Valley Asphalt, asked the commission what purpose is being served by making his and other Leland businesses non-conforming.

Mr. Nelson pointed out many residents in the Leland area have expressed they do not want batch plants near their homes.

Mr. Sumsion stated because his business is constantly changing, he may need to make changes in operations and if he were non-conforming, he would be unable to make necessary changes to meet the changing needs of the business.

Mr. Ludlow stated with an increasing population, the city has to have ordinances and regulations. He said the commission has to determine if the map of Spanish Fork City was wiped clean, would the industrial areas in Leland be placed where they are.

Mr. Nelson expressed his feeling these types of businesses need to be located somewhere.

Mr. Brent Sumsion, Valley Asphalt, expressed his feeling the city wants to drive his business out of the city. He said the location of his business is key to its success. He said if Spanish Fork City forces his business out, they will have to pay a lot more for streets.

Mr. Nelson asked if there were any commitments made by the businesses when they were annexed into the city. Mr. Jon Cope stated H.E. Davis & Sons installed a 10-inch water line with the understanding they had a connector agreement. He said after five years, the city connected without any payment to H.E. Davis & Sons. They also installed power from WALCO. Mr. Cope feels H.E. Davis & Sons has made large commitments. He said his business spends a lot of money trying to be a good neighbor. He said the business has to have cooperation of city to make a living. Mr. Cope said his business employs citizens and generates sales tax for the city. He asked the city to cooperate with the Leland businesses so they can expand and grow. Mr. Harry Davis added the city pays money out to bring new businesses into the city, and they make the existing businesses feel like they're not wanted. Both Mr. Davis and Mr. Sumsion said it is necessary to expand or they will go out of business.

Mr. Ludlow told Mr. Cope he does not feel the city should break a contract. He asked him to bring the contract regarding the connectors agreement into the city for review by the staff. He said everything that had been said about the businesses is true of the residents in Leland. He stated both the businesses and the residents had investments in their properties. He reiterated the fact that the commission has to determine if the existing locations of the businesses are the best locations.

Mr. Cope stated his feeling the existing location is a good location. He said there is a need for the businesses. Mr. Sumsion noted the difference between his business and a residential neighbor is that if the neighbors home burns or is destroyed, they can rebuild, a non-conforming business would be unable to rebuild if destroyed.

Discussion ensued regarding expansion of non-conforming businesses, and what would

and would not be allowed. The commission and audience also discussed the restrictions on a non-conforming business should it be destroyed over fifty percent.

Chair Barber suggested allowing the business to rebuild to the same size, but not increase should the business be destroyed. Mr. Cope asked if the commission is considering allowing the businesses to rebuild, why they don't just make them conforming.

Mr. Ludlow answered the commission may not want those types of businesses allowed anywhere in the industrial district.

Mr. Cope said the businesses are required to comply with air quality and water quality. He felt there should be a zone in which the businesses could be conforming.

Mr. Lew Christensen, Christensen Brothers, said with the current leadership, (city council and planning commission) the businesses can operate as non-conforming uses, but when new leadership comes in, they may force the businesses out. Mr. Cope said the businesses we want to stay at their current location. Mr. Sumsion said it is possible to make the businesses neighbor friendly.

Mr. Scott Sumsion reviewed the process to start a new asphalt business. He said it is difficult to obtain the emission offsets necessary to start new. Mr. Ludlow noted if a company like Geneva were to close, there would be many offsets available.

Mr. Oyler pointed out the fact that Christensen's and H.E. Davis's businesses would not be non-conforming, Valley Asphalt would be the only business non-conforming.

Mr. Brent Sumsion reiterated the fact the Valley Asphalt is constantly trying to work with the residential neighbors to be a more neighbor friendly business. Mr. Ludlow said things may change if Valley Asphalt were bought out by a different company. That company may not voluntarily be as neighbor friendly as the current owners.

Mr. Davis said his main concern with being a non-conforming use is not being able to expand. Mr. Ludlow stated H.E. Davis's property is large and if expanded to the maximum, it would be a large operation. He questioned that type of density in the Leland area.

Mr. Nelson said he is not in favor of massive expansion, and he has concerns with the adverse affects batch plants have on residential neighbors.

Mr. Oyler reviewed with the commission the discussions regarding the Leland industrial areas that have taken place as part of the general plan update.

Mr. Christensen asked the commission why they are against batch plants. He said the commissioners have probably been near batch plants and not known the batch plants

were there.

Mr. Scott Sumsion suggested the commission consider allowing the businesses to operate as conforming businesses with restrictions placed by the city.

Mr. Phillips asked if the commission would consider the possibility of allowing these businesses to operate as conditional uses. Mr. Ludlow suggested the businesses help in coming up with conditions. The commission discussed possible conditions as follows: 1) Time limits; 2) City will have right to call in the Bureau of Air Quality; and 3) Restrictions on truck traffic.

Mr. Oyler said if the asphalt business is placed in the I-1 district as a conditional use, other similar types of businesses could request locating in the north industrial park. He asked the commissioners if they would want an asphalt batch plant next to industries such as Longview Fibre and Bushman Press.

Mr. Scott Sumsion stated his feeling it is not feasible for a new asphalt business to open in Utah County.

Mr. Oyler said H.E. Davis & Sons and Christensen Brothers are currently conforming in the I-1 district. He suggested creating an additional industrial district and making an asphalt batch plant a conditional use in that zone.

Mr. Ludlow expressed his feeling if the conditions are met, batch plants would be fine as a conditional use in the I-1 district.

Mr. Jon Cope stated he feels the city discriminates against construction businesses. The city doesn't like them, they won't allow them to expand. He said his business is trying to get along with everyone, he feels the city mistrusts his business. All he asks is for five businesses in Leland currently zoned and conforming uses to remain conforming and provide revenue for the city, and jobs for citizens. He said he is here to be in business, his family built the business, it is a good business, and he feels they deserve consideration. He said he doesn't think it is asking too much for the commission to consider leaving the businesses conforming.

The commission suggested exploring the possibility of making the Leland businesses conditional uses in the I-2 zone. They asked the businesses to propose some conditions for the conditional use permit and asked the staff to contact Leland residents and have them propose conditions.

Discussion took place regarding which district the businesses should be placed. They suggested the following: a) Christensens - I-1; b) H.E. Davis & Sons - Conditional use in I-2; c) Valley Asphalt - Conditional use in I-2. They questioned in which district Intermountain Farmers and the Leland Mill should be placed. Mr. Comstock was asked to

contact other cities and ask for their conditions regarding the above listed uses.

Development Standards

Ms. Sharron Webster and Mr. David Kuhn approached the commission regarding lot width requirements and flag lots in the downtown blocks. They proposed making the lot width requirement narrower than it is currently. Chair Barber told Ms. Webster and Mr. Kuhn this item would be discussed at the next meeting of the planning commission.

The commission briefly discussed the Leland businesses and conditional use permits. Additional items to be considered as conditions are as follows: 1) Air quality; 2) Noise; 3) Smell; and
4) Dust.

Adjournment

The meeting of the planning commission adjourned at 10:45 pm.