

Adopted Minutes
Spanish Fork City Planning Commission Meeting
April 2, 1997

The meeting was called to order at 7:05 pm by Vice Chair Doug Christensen.

Commission Members Present: Vice Chair Doug Christensen, and Commission Members J. Wayne Nelson, Kevin Baadsgaard, Brian Phillips, and Matthew D. Barber. Chair David Ludlow arrived at 7:07 pm.

Staff Members Present: Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; and Gina Peterson, Deputy Recorder.

Citizens Present: Tanya Smith, Frank Haymore, Lela Haymore, Ila Barney, Mary Isaac, Jenny Baadsgaard, Jim Hathorne, John K. M. Olsen, Brent Sumsion, President, Valley Asphalt; Nic Bryan, Stacy Christensen, Bonnie J. Bowen, Julie Green, Matt Green, Tim Green, Allan S. Davis, Deon Scott, Ted A. Scott, Daniel Mitchell, Matt Esplin, Matt Olson, Roger Dudley, Dudley & Associates; Hal Magelby, Southgate Village; and John Olson, Southgate Village.

Minutes

A **motion** was made by Mr. Phillips to approve the minutes of the March 5, 1997, meeting of the Spanish Fork City Planning Commission with noted amendments. Mr. Nelson **seconded** the motion, and it **passed** with a unanimous vote.

***Note: Chair David Ludlow arrived at 7:07 pm.*

Public Hearing - Valley Asphalt Conditional Use Permit

Mr. Nelson **moved** the public hearing open at 7:08 pm. Mr. Baadsgaard **seconded**, and the motion **passed** unanimously.

Attorney Baker reviewed procedures of public hearings. He explained the new zoning ordinance adopted in November 1996, created different uses in the I-2 zoning designation. Valley Asphalt is located in an I-2 zone, and the creation of different uses in this zone has made Valley Asphalt non-conforming. Attorney Baker stated Valley Asphalt has applied for a conditional use permit to allow proposed modifications in their operation. He explained the Planning Commission's decision on the conditional use is final unless appealed to the City Council within fifteen days. Mr. Comstock reviewed the main items wanting to be accomplished by Valley Asphalt as follows: 1) Modification of the crushing equipment to allow crushers to produce more in the winter months; 2) Construction of an additional silo; and 3) Construction of a truck wash near Del Monte Road. Valley Asphalt is also proposing to modify its hours of operation in June, July and August from 7:00 am to 5:00 pm with operating hours the remaining months from 4:00 am to 8:00 pm. Mr. Comstock reviewed conditions of approval from the Development Review Committee. The meeting was opened for public comment.

Ms. Mary Issac, 849 West 900 South, addressed the Commission as a spokesperson for the neighbors in the vicinity of Valley Asphalt. In the past, Ms. Issac feels citizen concern regarding the asphalt plant has been ignored by the City and Valley Asphalt. She explained the neighboring areas are disturbed by dust, noise, and pollution from Valley, as well as deteriorating property values. Ms. Issac addressed the conditions agreed upon by the Development Review Committee. The Development Review Committee is requiring landscaping along Mill Road. Along with this, Ms. Issac requested landscaping, fencing, and/or berming on the south and north property line of Valley Asphalt. Elevation was requested to create a visual and noise barrier to keep noise within compliance of the City's noise ordinance. Ms. Issac stated they cannot agree to the proposed hours of operation. She feels each person needs at least twelve hours a day to revive themselves from the daily stress and frustrations. Ms. Issac noted at times Valley Asphalt is producing pollution eighteen to twenty-four hours a day. It was suggested hours of operation for all operations at the plant should be from 7:00 am to 6:00 pm Monday through Friday, effective this summer. Ms. Issac feels the plant should close at night and on weekends. She closed her statements by saying Valley Asphalt will comply with ordinances only when they are being watched by the City. Ms. Issac explained the citizens surrounding Valley are being adversely affected and they need the City's help to control the situation. Chair Ludlow expressed sensitivity to Ms. Issac's statement that the City ignores their concerns. He stated the Planning Commission has been through numerous meetings to try and resolve issues with Valley Asphalt and they are very much aware of concerns in that area. Ms. Issac explained the statement was not directed to this body, but the people responsible for enforcing ordinances.

Mr. Allan Davis, 7596 South Mill Road, feels Valley Asphalt outgrew their existing location many years ago. He stated they are trying to do too much in too small of a space. Mr. Davis reiterated problems with pollution and noise, including noise from backing beepers on trucks in the early morning. Conflicting reports in current hours of operation were discussed. Chair Ludlow asked if noise would increase with the new modifications to the crushers. Mr. Brent Sumsion, President of Valley Asphalt, stated the only way to test for increase of noise is to install the new features. The current crusher can produce between 200 and 400 tons per hour. Mr. Sumsion explained, after installation of the new features, the crusher will consistently produce 500 tons per hour in the wet and dry months. Ms. Jenny Baadsgaard asked for explanation of the offset feature that would increase dust as stated in the Development Review Committee minutes from March 19, 1997. Mr. Sumsion stated the net result of dust will remain the same. He reviewed money spent in the last year on enhancements such as trees, sprinkling systems and burner improvements. Mr. Sumsion explained Valley Asphalt would like to avoid conflict, and would rather be located elsewhere to do so, but physical and economic issues limit what can be done at this time. Discussion took place on hours of operation, landscaping, dust and noise issues. Chair Ludlow noted Mr. Baadsgaard lives in the area affected by Valley Asphalt. Mr. Baadsgaard feels if noise from the asphalt plant were contained on-site, hours of operation would be insignificant. Chair Ludlow led a lengthy discussion on berming. He summarized the discussion stating the most important issue is control of noise through berming, but money should not be used to construct an ineffective berm. Mr. Comstock suggested the Commission direct the City or Valley Asphalt to have a noise reduction study done by a specialist. Mr. Sumsion does not feel a sound engineer can determine specific dimensions of a berm. The discussion turned back to hours of operation. Mr. Sumsion expressed the possibility of operation hours being modified, but stated Valley Asphalt

cannot commit to any changes at this time. Mr. Nelson noted the proposed hours of operation are better than the present hours of operation. Mr. Sumsion advised citizens that Valley could continue to operate as it does without any changes. He stated he is trying to work with the citizens. Mr. Baadsgaard agreed the proposed hours are an improvement. He feels the hours would be acceptable, but Valley Asphalt would be expected to be within decibel limits as stated in the City's noise ordinance. Mr. Comstock reviewed the current maximum decibel limits. He stated the citizens seem to be most concerned with noise between the hours of 9:00 pm and 6:00 am when the limit is 55 decibels. Police readings indicate a decibel reading of 67 a few times between these hours. Attorney Baker stated if Valley Asphalt was required to comply with decibel limits as a condition of approval the conditional use permit could be revoked if they were in violation. He also indicated it would be easier for the staff to enforce penalties from infractions. Mr. Sumsion stated he would not agree to this condition. Chair Ludlow asked if Mr. Sumsion was suggesting unwillingness to obey the law. Mr. Sumsion explained Valley Asphalt is doing everything possible to abide by the noise ordinance. He does not feel the City could legally shut the plant down under this condition. It was stated by Chair Ludlow, if Valley Asphalt takes every reasonable measure to ensure compliance of the noise ordinance, but still goes above the limit, perhaps the ordinance requirements need to be changed. Mr. Sumsion stated his attorney advised Valley Asphalt to apply for a conditional use permit, but he also noted because Valley's equipment is mobile, modifications could legally be made without City approval.

Mr. Nelson made a **motion** Valley Asphalt Conditional Use Permit subject to the following conditions:

1. The road from the truck wash to Del Monte Road will be asphalted within thirty days of the approval of the Conditional Use Permit.
2. Beginning in 1998, the hours of operation for the months of June, July and August will be limited to 7:00 am to 5:00 pm. The hours of operation for the other months will be 4:00 am to 8:00 pm, or other such time as worked out between the neighbors and Valley Asphalt. Valley will be required to be within the legal limits for noise regulations from the City Ordinance
3. Valley Asphalt will obtain any necessary building permits prior to new construction or modification of existing facilities.
4. If OSHA allow, Valley Asphalt will be required to replace vehicles backing beep signal with a non-beeping system to the extent of OSHA's allowing for nighttime use.
5. A berm be constructed along the west property line, which may extend along the north and south property lines. The height and length of the berming to be tabled until the next meeting when information can be obtained indicating the needed height and length to eliminate noise disturbance.
6. Landscaping will be required, with the details and timing of such landscaping tabled until the next meeting to coordinate with the berming for the elimination of noise.

Mr. Christensen **seconded** the motion, and it **passed** with a **majority** vote of 3:2. Ayes for the motion were heard from Commission Members Nelson, Baadsgaard, and Christensen. Commission Members Phillips and Barber voted nay. Mr. Phillips suggested the Planning Commission make a site visit to Valley Asphalt.

Mr. Christensen **motioned** to close the public hearing at 9:14 pm. Mr. Barber **seconded**, and the motion **passed** with a unanimous vote.

***Note: Chair Ludlow adjourned the meeting at 9:14 pm for a short break. The meeting reconvened at 9:20 pm.*

Southgate Village - Phase IV - Preliminary Plat

Mr. Comstock noted all conditions from the Development Review Committee have been met with regard to Southgate Village Phase IV. Concern was expressed about the fifteen foot strip of land between the school district fence and the Southgate fence along the west boundary of the plat. Southgate representative have been unable to determine ownership of the strip, therefore it is unclear who has the responsibility for maintenance of weeds and other items in the strip. Mr. Roger Dudley stated Southgate has no interest in obtaining the property. He suspects the land resulted from a gap between the School District and Southgate Village titles. Mr. Dudley stated his company would quit claim the land to show they have no desire for the property.

Mr. Christensen made a **motion** to recommend approval of Southgate Village Phase IV Preliminary Plat with the condition that City staff determine, to the best of their ability, who owns the fifteen foot strip of property between the fence on the east boundary of the school and west boundary of Southgate Village. Mr. Baadsgaard **seconded**, and the motion **passed** unanimously.

Mr. Hal Magelby, co-developer of Southgate Village, reviewed the density for the development. Mr. Phillips asked if property to the north of Phase IV, but not included in Southgate development would be landlocked. Mr. Magelby answered in the negative.

Marie's Acres - Preliminary Plat

Mr. Comstock reviewed Marie's Acres Preliminary Plat. Mr. Jerry Oltman is proposing to add two single family flag lots at the rear of Lots 1 and 2. Conditions set by the Development Review Committee have been met except the resolution of power concerns. Comments were heard by the Mrs. Bowen, the neighbor to the east of Mr. Oltman. Mrs. Bowen expressed the concern that additional building on Mr. Oltman's lots would shift excess surface water to her property. Mr. Comstock addressed her concerns stating as a stipulation for approval the developer could be required to engineer the surface water to flow to the street. Mr. Comstock explained if the Commission feels the surface water issue would cause serious environmental damage, the development could be turned down. He feels installation of a berm around the perimeter of the Mr. Oltman's property would solve any drainage problems for adjacent neighbors. The Commission discussed the maintenance of surface water.

A **motion** was made by Mr. Phillips to approve the Marie's Acres Preliminary Plat subject to the following conditions:

1. To ensure surface water is not imposed on adjacent properties, water will be engineered to drain to the street into the City's curb and gutter system.
2. Concerns from the Electric Department to be met to Mr. Foster's specifications.

The motion was **seconded** by Mr. Nelson, and it **passed** with a unanimous vote.

Seven Mountain - Plat C - Revised Preliminary Plat

Mr. Nelson **motioned** to table Seven Mountain Plat C - Preliminary Plat until the next Planning Commission meeting. Mr. Phillips **seconded**, and the motion **passed** unanimously.

Subdivision Waiver Request - Matt Olson

Mr. Comstock recommended the Matt Olson subdivision waiver be tabled until eight feet of the property is deeded for the road as recommended by the Development Review Committee. Chair Ludlow asked for clarification on the subdivision request. He was unaware subdivisions could take place in areas affected by the Strawberry lawsuit. Mr. Comstock explained that rezoning, annexation, and development cannot take place in Strawberry affected areas. He noted Mr. Olson will not develop this property until the Strawberry lawsuit is resolved. Mr. Barber made a **motion** to table the Matt Olson Subdivision Waiver Request. The **second** was made by Mr. Christensen, and the motion **passed** with a unanimous vote.

Public Hearing - Nextel Communications Conditional Use Permit

Public Hearing - Dave Olsen Zone Change and General Plan Amendment

Mr. Barber made a **motion** to re-open to public hearing at 10:00 pm. The motion was **seconded** by Mr. Phillips, and it **passed** with a unanimous vote.

A **motion** was made by Mr. Nelson to table discussion on the Nextel Communications Conditional Use Permit and the Dave Olsen Zone Change and General Plan Amendment. The **second** was made by Mr. Baadsgaard, and the motion **passed** unanimously.

Mr. Barber **moved** to close the public hearing at 10:01 pm. Mr. Christensen **seconded**, and the motion **carried** with a unanimous vote.

Other Business

Mr. Phillips feels a semaphore should be installed at the intersection of 900 East and Center Street. He also suggested the City Council send a letter to UDOT requesting a pedestrian crossing at 800 North and SR-6. Without the aid of a designated crossing, Mr. Phillips feels this intersection presents a danger for citizens trying to cross.

Mr. Comstock gave a brief review of various projects within the City, including the Hidden Ridge Development and the proposed movie theater in the Expressway Shopping Center. Although the theater was approved by the City Council, Mr. Comstock stated the project has been dropped by the developer.

Chair Ludlow inquired about the engineering study being done on the River Bottoms.

Adjournment

Mr. Phillips made a **motion** to adjourn the meeting of the Spanish Fork City Planning Commission at 10:09 pm. Mr. Barber **seconded** the motion, and it **passed** unanimously.