

**Adopted Minutes
Spanish Fork Planning Commission
July 1, 1998**

The meeting was called to order at 7:00 pm by Vice-Chair J. Wayne Nelson.

Commission Members Present: Vice-Chair J. Wayne Nelson, and Commissioners Kevin Baadsgaard, Chad Moffat, and Thora L. Shaw. Chair Doug Christensen and Commissioner Roy L. Johns were excused.

Staff Members Present: David A. Oyler, City Manager; Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; and Gina Peterson, Deputy Recorder. Mayor Dale R. Barney was also present.

Citizens Present: Evelyn Fowles, Odell Fowles, Susan Cheever, and Vic Deauvono.

Minutes

Ms. Shaw **moved** to adopt the minutes of June 3, 1998, Planning Commission meeting as presented. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Consider Amendments to 17.28.020 of the Zoning Ordinance to Modify Parking and Driveway Standards in the R-R and A-E Districts

Mr. Baadsgaard made a **motion** to open the public hearings at 7:02 pm. Mr. Moffat **seconded**, and the motion **passed** with a unanimous vote.

Mr. Comstock noted this issue was previously reviewed by the Planning Commission on May 6, 1998, but an official public hearing is needed before approval can take place. He requested the Commission conduct the hearing and again recommend the City Council modify the language for paving of long driveways as presented.

The meeting was opened for public comment. None was received.

Mr. Baadsgaard **moved** to recommend approval of the changes to 17.28.020 of the Zoning Ordinance regarding the paving of long driveways as presented. Mr. Moffat **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Consider Amendments to 17.04.050 of the Zoning Ordinance Regarding Abandonment and Discontinuance of Nonconforming Uses

When the new zoning ordinance was adopted in November 1996, a provision contained in the previous ordinance regarding discontinuance of nonconforming uses was left out. Mr. Comstock stated City staff recommends the ordinance be amended to consider the abandonment and discontinuance of nonconforming uses. He stated the intent of the ordinance is to get the nonconforming use to discontinue over time.

Mr. Nelson opened the meeting for public comment.

Mr. Vic Deauvono asked for an example of how the ordinance would work. Mr. Comstock illustrated different scenarios.

Ms. Shaw asked if a home on a lot which has a smaller total area than allowed by ordinance would be affected. Mr. Comstock noted a special provision is in place to allow for single family residential units on a lot which is substandard due to area requirements.

Mr. Moffat questioned the fairness of an ordinance that does not allow a use to be refinanced or rebuilt if it was more than 50% burnt down. Mr. Comstock clarified the ordinance would allow the use to be rebuilt, but just not continue if the use was actually abandoned.

Ms. Shaw **moved** to recommend approval to the City Council of the changes to the Nonconforming Use Regulations as presented. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Consider Amendments to the Capital Facilities Plan of the General Plan and Amendments to the Impact Fee Schedule

Mr. Comstock explained the purpose of the Capital Facilities Plan, stating the plan is a schedule of major projects the City wants to accomplish in the next couple of years. Some of the projects are necessary for growth purposes. Mr. Oyler noted the Capital Facilities Plan is an annually changing document based upon growth and budget.

Mr. Comstock then addressed the proposed increase in Impact Fees of approximately \$550. He noted the impact fees have not changed since the original study was completed in early 1997. The major increase in the overall cost is attributed to the Parks and Recreation impact fee which primarily increased due to the elevated value of raw land. Mr. Heap stated the impact fees will be updated each year to keep figures current.

Mr. Oyler reported impact fees from neighboring communities range anywhere from \$1,000 to \$12,000. He stated Spanish Fork City is about the mid-range among other cities in similar standings.

Mr. Vic Deauvono feels the proposed increase in the recreation impact fee is too high and unfair because parks also benefit existing residents and not just new growth. He also stated 80% of the new homes constructed in the City are by current Spanish Fork residents relocating within the City. Mr. Deauvono pointed out the increase in recreation is 27.5% over one year, with an almost 10% increase overall. He feels the fees should be gradually increased over a period of five years.

The Mayor stated if the City didn't have the impact of growth, new facilities would not be needed. He also stated a lot of people may be trading homes now, but the home they have

moved from has increased in value a great deal.

In regards to Parks and Recreation, Mr. Moffat asked if the impact fee would be strictly earmarked for the new sports complex. Mr. Oyler answered the larger part of the impact fee would go to the new ballpark. Mr. Moffat expressed the concern that since the bond election failed, the City is looking for another way to pay for the facility. He feels the increase for Parks & Recreation is very steep. Mr. Oyler noted the impact fee was in place before bond election, but if the bond did pass the recreation impact fee probably would have changed.

Ms. Susan Cheever feels since people voted against bond, the City is shoving the new facility down their throats by just building it anyway and increasing the fees.

Mr. Oyler and Vice-Chair Nelson clarified the decision to build the park was already established by the City Council years ago. Mr. Nelson stated a lot of citizens may not want the facility, but there is much more pressure from residents that feel the parks are needed.

Ms. Evelyn Fowles suggested the City raise sales tax to help pay for recreation. She feels this would be a way to get help from County residents since they also shop in the City. Ms. Shaw noted a vote from the public has to take place to increase sales tax.

Mr. Deauvono reiterated previous comments opposing the increase. He feels the high fee would not be defensible in court. Mr. Oyler pointed out that based upon information the City has, the impact fees could be defended in court.

Mr. Moffat said he contacted other cities in regard to impact fees. Payson and Salem City have similar fees overall, but Payson's park impact fee is \$600. Springville City has a park impact fee of \$1,750. He feels Spanish Fork City is in the middle range of the cities.

Ms. Shaw **moved** to recommend approval of the amendments to the Capital Facilities of the General Plan and the Impact Fee schedule as proposed. Mr. Baadsgaard **seconded** the motion, and it **carried** with a **majority** vote of 3:1. Commissioner Chad Moffat was opposed.

Mr. Baadsgaard **moved** to exit the public hearings at 7:55 pm. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Fowles Subdivision Waiver

The Development Review Committee has recommended approval of the Fowles subdivision waiver subject to installation of curb, gutter, and sidewalk on 300 North along the frontage.

A **motion** was made by Mr. Moffat to approve the Fowles Subdivision Waiver on property located at 966 East 300 North including the recommendations from the Development Review Committee. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Discussion of Commercial Zoning at Canyon Road and 1400 East

Mr. Comstock led an informal discussion regarding the possible commercial zoning of the intersection at Canyon Road and 1400 East.

Discussion took place about how much commercial property is needed in the area. It was stated some residents feel service stations and grocery stores are too far away, and commercial use may be beneficial in the area.

Mr. Oyler stated once residential development takes place, it is very difficult to rezone any adjacent areas commercial. He cited the Jim Nielsen zone change as an example. City staff feels it may be best to have all of the four corners at the intersection zoned commercial at the same time, and before any residential development occurs. Mr. Comstock noted the downside to the zone change is if there isn't a demand for commercial property, the area will remain vacant.

After further discussion the consensus from the Commission was to explore the concept further. Mr. Comstock stated he would encourage the larger corner parcel to come in for a zone change now.

Other Business

Ms. Shaw questioned if the Planning Commission could have an agenda review meeting thirty minutes prior to beginning normal business.

Adjournment

Mr. Baadsgaard made a **motion** to adjourn the meeting of the Spanish Fork Planning Commission at 8:30 pm. Mr. Moffat **seconded**, and the motion **passed** with a unanimous vote.