

**Adopted Minutes
Spanish Fork Planning Commission Meeting
June 2, 1999**

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

Commission Members Present: Chair J. Wayne Nelson, Vice-Chair Chad Moffat, and Commissioners Roy L. Johns, David E. Lewis and Thora L. Shaw. Commissioner Kevin Baadsgaard arrived at 7:12 pm.

Staff Members Present: David A. Oyler, City Manager; Dale R. Barney, Mayor; Richard J. Heap, Engineer/Public Works Director; Chris Thompson, Design Engineer; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Adam Jerome, Frank Santos, Paul Washburn, Beverly B. Bearnson, Sherman V. Bearnson, Ken Schaerr, Brent Swasey, Blayne Davis, David S. Powell, Allen Evans, Jon Miller, Jane Netcher, Margaret Clark, Jody Brucker, Jennifer Brucker, Ray Allen Swenson, Shelly Brockbank, and Robert Bearnson.

Public Hearing - Changes to Construction and Development Standards and Subdivision Ordinance

Mr. Johns made a **motion** to open the public hearings at 7:10 pm. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

This item was tabled from the April 7, 1999 Planning Commission meeting.

Design Engineer Chris Thompson reviewed compaction issues. The proposed standards will require 90% compaction next to the sidewalk for both aesthetic and safety reasons. City staff feels the 90% compaction will alleviate problems with trenches settling at the backs of sidewalks. Some developers have felt it is too difficult to achieve 90% compaction, especially with native materials. Mr. Thompson indicated he spoke with representatives at Geo-Tech Engineering who felt the 90% compaction requirement was not unreasonable especially where it will be next to a sidewalk.

***Note: Commissioner Kevin Baadsgaard arrived at 7:12 pm.*

Vic Deauvono, developer of Spanish Trails, stated he has talked with different engineers regarding compaction who indicate most of the ground in the County has never been near 90% compaction on the back of sidewalks. He expressed opposition to the requirement due to the cost to import materials. Mr. Deauvono feels compaction of 80-85% would be sufficient. Engineer Richard Heap stated the City could accept the 85% compaction standard if they knew that was the minimum they would get. He noted even with 85% compaction, approximately 2 inches of settling will still occur. Many options were discussed, after which the consensus from the Planning Commission

was to allow 85% modified proctor compaction.

Mr. Moffat made a **motion** to recommend the City Council approve the compaction standard as 85% modified proctor compaction. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

Mr. Moffat **moved** to have the Engineering Department reevaluate the compaction standard six months from the point of application to determine if changes need to be made. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

The Commission then discussed timing for the release of bonds. Mr. Thompson stated some developers feel it is a hardship to not issue bond releases in intervals because of the great deal of money tied up with the bond. Staff is concerned about time the Public Works Inspector has to process numerous bond release requests. Staff recommends bonds be released at four intervals, and under unusual circumstances such as off-site improvements, the City Engineer could approve the bond be released differently.

Much discussion took place regarding the release of bonds. Mr. Moffat feels some sort of appeal needs to be in place in case the developers do not agree with the City Engineer. It was suggested the City Council or City Manager could be used for the appeal process.

Mr. Lewis made a **motion** to recommend the City Council amend the standards with regard to bond release to say *“a portion of this bond may be released at four intervals: the completion of all 1) underground construction; 2) concrete work; 3) paving of the streets; and 4) electrical facilities. Bond releases for off-site improvements may be given at reasonable intervals as determined by Spanish Fork City.”* Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

Mr. Thompson discussed further bond issues relating to the City holding bonds for longer than one year. Mr. Heap noted it is not feasible to require payment bonds because most companies will not issue them. Staff recommends the bond be posted for 125%, with 25% of the bond to be held one year from completion. After one year the bond will be reduced to 10% and held for another year. Mr. Thompson noted several other cities in Utah are holding a portion of developers bonds for 2 years.

Mr. Deauvono questioned if there were enough problems to warrant holding a portion of the bond. Mr. Heap feels it would be unrealistic to hold a bond beyond two years, but stated the City does see problems arise in subdivision improvements as much as 5 to 10 years later. He noted the City hasn't had much of a problem with payment of subcontractors.

Mr. Paul Washburn stated the excess bond amount will not cost the developer anything because he will reflect the increase in the price of house. He feels there should be some protection to the home buyer, because they will end up paying for the increase.

Mr. Lewis made a **motion** to recommend the standards require developers to post bond for

110% of the improvement costs, with the bond calculated using the most recent bid for a City project, and that the bond be kept for one year. The motion **died** for lack of a second.

Ms. Shaw made a **motion** to recommend the standards require the developer/contractor to post bond for 125% with 25% retention for one year and 10% retention for the second year. The bond will be calculated using the most recent bid for a City project. Mr. Baadsgaard **seconded**, and the motion **passed** with a **majority** vote of 5:1. Mr. Lewis was opposed, stating he feels Mr. Washburn is correct, the taxpayers will pay for the increase through the price of the home or property taxes.

The Commission then discussed concerns relating to the issuance of building permits. Staff has felt building permits should not be issued until site improvements are complete. Mr. Heap stated they have looked at the standard to evaluate what improvements are necessary for safety, while providing a contingency so permits could be issued if asphalt is not able to be installed due to winter conditions.

Mr. Deauvono feels the City needs to differentiate between subdivisions that are built by the developer and subdivisions in which the developer sells off lots.

Mr. Bruce Hall asked if other communities have this type of standard in effect. Mr. Heap stated Sandy City and West Jordan use the requirement and have been pleased with the results.

Mr. Moffat feels the standard causes undue hardship to the developer. He feels occupancy could be restricted until the improvements are done.

Much discussion took place on what improvements to require before a building permit is issued. Some developers would like to delay installation of sidewalks. Mr. Heap stated it becomes a safety issue to allow occupancy without a sidewalk, because children will walk on the streets. Mr. Washburn stated he has looked at the issue from the side of a developer as well as a citizen, and he feels the safety issue outweighs the concerns of developers.

Mr. Baadsgaard made a **motion** to recommend the standards be amended to not allow a building permit until underground improvements, curb, gutter, sidewalk, cross-gutters and road base relating to the subdivision have been accepted by the City. Mr. Lewis **seconded**. Discussion took place on the motion. Chair Nelson called for a vote on the motion. The motion **failed** for lack of a majority vote. Commissioners Baadsgaard, Lewis and Nelson were in favor of the motion, and Commissioners Johns, Moffat, and Shaw were opposed.

Mr. Moffat made a **motion** to amend the wording to state a building permit can be issued, but a final occupancy permit cannot be issued on any home in the subdivision until all improvements are in place. Ms. Shaw **seconded** the motion. Discussion took place on the motion. Mr. Lewis stated in his experience building homes, it is impossible to enforce

improvements before occupancy when the homeowner is standing at the home ready to move in. The motion **failed** for lack of a majority vote. Commissioners Johns, Moffat, and Shaw were in favor of the motion, and Commissioners Baadsgaard, Lewis, and Nelson were opposed.

Mr. Lewis made a **motion** to table the issue until the next Planning Commission meeting when further study can be done. Mr. Moffat **seconded**, and the motion **passed** with a unanimous vote.

Chair Nelson recommended the Commission table additional amendments to the Development Standards in the interest of time and citizens present for other issues. Mr. Johns **moved** to postpone the remainder of agenda item 2a: Changes to Construction and Development Standards and Subdivision Ordinance until the end of the meeting. Ms Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Western Park Zone Change (R-R to R-1-8)

Request has been received to rezone 2.27 acres at 520 North 500 West from R-R, Rural Residential, to R-1-8, Medium Urban Residential. The property is a continuation of the Mitchell Subdivision.

Chair Nelson opened the meeting for public input. None was received.

Mr. Baadsgaard made a **motion** to recommend approval of the Western Park Zone Change from R-R to R-1-8. Mr. Moffat **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Esther Ridge Zone Change (R-R to R-1-9) and Preliminary Plat

A request has been submitted to rezone 39.59 acres at approximately 1600 South 2300 East from R-R, Rural Residential, to R-1-9, Standard Urban Residential. Preliminary plat approval will create 110 single family units, 6 twinhome units, and 21 townhouse units from the 39.59 acres for a total of 137 units and density of 3.46 units per acre. The general plan shows residential: 2.5-3.5 units per acre.

Mr. Oyler reviewed the recommendation from the Development Review Committee. He noted Esther Ridge is contingent upon Abbie Court due to utilities being provided by that subdivision. Mr. Oyler also noted the streetscape of 2300 East will be required, although the design has not yet been finalized.

Developer Paul Washburn distributed pictures with specifics on the townhouses. He stated the property owner Frank Santos has been wanting to develop this area for several years but has had to wait due to power issues. He noted they have actively been working with City staff on the project for approximately 13 months.

Mr. Sherman Bearnson noted the ditch near his property will be piped. He asked if the developers were going to fence the area to keep four-wheelers out. Mr. Washburn indicated they would be willing to find a solution with the property owner to keep

trespassers out. He later stated both the north and southeast property lines will have chain link fence installed.

Mr. Adam Jerome owns agricultural property north of development. He reviewed concerns with the density level, irrigation water access, and the need to create a buffer zone between agricultural and residential use.

Ms. Shelly Brockbank feels the area is being overdeveloped. She stated the schools are already full and cannot accommodate more children. Chair Nelson noted the school district handles those types of concerns.

Mr. David Powell lives on 1600 South and expressed concern that his road will be used to access Canyon Road.

Mr. Blayne Davis who lives on 2600 East also related concerns with increased traffic and his feeling the density of the subdivision is too high. He stated he would like the zoning to remain as it is.

Mr. Jody Brucker owns a home on 2600 East. He indicated he would like to see the same quality homes built as are already in the area. He feels the increased density and traffic may decrease the value of this home.

Ms. Susan Phelps also asked the level of quality be kept to what is already existing.

The developer Mr. Washburn reviewed specifics of the homes they are proposing to build. He noted the minimum square footage for a single family detached home will be 1100 square feet. It is anticipated the price of the homes will range from \$150,000 up to \$210,000. Mr. Washburn stated by design of their CC&R's they have made it difficult for tract housing to occur.

The Commission stated they would like to see actual product renderings as well as thoroughly review the CC&R for the project.

Mr. Moffat made a **motion** to table the Esther Ridge Zone Change and Preliminary Plat until the developers provide more on the quality of the homes, landscaping, CC&R's which include but are not limited to minimum size of housing, elevations, and amenities provided with the homes. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Maple Meadows Zone Change (R-R to R-1-9) and Preliminary Plat

A request has been submitted to rezone 47.25 acres at approximately 1700 South 2300 East from R-R, Rural Residential, to R-1-9, Standard Urban Residential. Preliminary Plat approval will create 127 single family units and 38 twinhome units from 47.25 for a density of 3.49 units per acre. General plan for the property shows residential: 2.5-3.5 units per acre.

Mr. Oyler reviewed the recommendation for approval from the Development Review Committee. It was noted the same CC&R's will be used for this subdivision as were used for Wapiti Estates.

Chair Nelson opened the meeting for public comment.

Ms. Shelly Brockbank asked the City to slow down and not push growth. Mr. John Ross expressed concerns with traffic and not enough open space. Mr. Blaine Davis reiterated concerns with high density and increased growth in the area. Mr. Oyler noted there are areas in town that have a density of 12 units per acre. He does not feel 3.5 units per acre should be considered high-density.

Developer Bruce Hall stated developers can either plan small lots with a large park for open space or have larger lots with the open space in the lots. He stated the quality of the homes will match or be better than any of the existing homes. Mr. Hall discussed growth issues in general stating growth will always come. He requested the zone change be denied or approved and not tabled.

Mr. Jon Miller a realtor in the area stated there is a serious demand for custom homes. He stated citizens of Spanish Fork are witnessing eight years of overflow because properties have been held for a long period of time due to sewer and power issues.

Mr. Brent Swasey asked the City to make sure there is a demand for so many new homes. He also expressed the need to have the same quality of home as are existing.

Ms. Jane Netcher expressed the concern that builders do not adhere to the CC&R's of a subdivision. Mr. Oyler indicated the City does not enforce CC&R's, but they do require an Architectural Review Committee that is responsible for reviewing house products and signing off on the building permit to ensure the CC&R's are met. Mr. Dave Powell also expressed concerns with CC&R's not being enforced. Mr. Oyler explained in more detail the purpose of the Architectural Review Committee.

Much more discussion took place. Commissioners Shaw and Moffat expressed their disappointment in the Wapiti Estates subdivision because of duplication of homes and elevations. The Commission indicated they would like to review the CC&R's for the project.

Ms. Shaw made a **motion** to table the Maple Meadows Zone Change and Preliminary Plat until the July 7, 1999 Planning Commission meeting after the CC&R's have been reviewed. Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing (continued) - Changes to Construction and Development Standards and Subdivision Ordinance

Mr. Thompson continued review of the amendments to the Construction and Development Standards. He stated the City is proposing a soils report be required on all preliminary plats. Mr. Thompson cited examples where a soils report would have been beneficial

before preliminary plat approval. Staff feels if soils reports are required in all areas issues can be addressed before problems occur. He noted the current standard requires soils reports on hillsides only.

Mr. Jon Miller noted most geo-technical firms will give recommendations on how to deal with the collapsible soils.

Consensus from the Planning Commission was to accept the proposed changes for soils reports.

Mr. Thompson reviewed the final recommendation to allow non-reinforced concrete pipe under certain conditions. He stated they have established a safety factor in proposing a minimum of 2 feet and maximum of 7 feet of cover. Pea gravel also has to be installed around the pipe zone. Members of the Planning Commission indicated they were comfortable with the change.

Mr. Heap requested permission to bring the review process with the City Council, allowing the Planning Commission to still review the building permit issue.

Mr. Johns made a **motion** to recommend approval of the amended Construction and Development Standards and Subdivision Ordinance with changes made by the Planning Commission with the exception of the building permit issues. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Mr. Lewis made a **motion** to close the public hearing at 10:41 pm. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Other Business

A general discussion took place regarding the mix of housing, and quality of homes in Spanish Fork City.

Adjournment

Mr. Baadsgaard **moved** to adjourn the meeting of the Spanish Fork Planning Commission at 11:04 pm. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.