

Adopted Minutes
Spanish Fork City Planning Commission
November 5, 2003

Agenda review at 6:40 p.m. Mr. Pierson discussed the Windmill (turbine) Ordinance and said that the Commission may ask a dealer to bring in a turbine to examine. He also instructed the Commissioners to consider the noise factor and pointed out that all of the recommendations are provided in the agenda. Mr. Heap said that the Utah Municipal Power Agency (UMPA) looked at the Wind turbine at mouth of Spanish Fork Canyon and it produces power at the wrong times.

Whenever three or more of the Planning Commissioners meet together it is considered a public meeting. The City Council tabled the Spanish Vista Rezone and Preliminary Plat at their November 4, 2003 meeting. The Judge presiding over the Community Housing Services appeal has requested Findings of Fact. Mr. Heap discussed the details of the landfill cap for the Expressway Business Park and further stated that to guarantee no future development of the land, Spanish Fork City would need to purchase it. Commissioner Bradford commended the Spanish Fork City employees on their work over the last year and stated that they have been very accommodating in all areas.

The meeting was called to order at 7:05 p.m. by Commissioner Shaw.

Commission members present: Chairman David E. Lewis, Commissioners Roy L. Johns, Thora L. Shaw, Paul Bradford, Thad S. Jensen and Ted Scott.

Staff Members Present: Emil Pierson, City Planner; Richard J. Heap, City Engineer/Public Works Director and Chris Cope, Secretary.

Citizens Present: Don Harreld, Robert J. Pittelli, Richard A. Evans, Diana Butler, Alan Vincent, David Jones, Terry Harward, Jennifer Salsburg, Pat Parkinson, Paul Nelson, James Demita, Kent Barney, Leon Harward, Taylor Harward and Dean Davis.

Preliminary Activities

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Bradford.

Minutes

Commissioner Shaw made a **motion** to approve the minutes of the July 2, 2003 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Johns **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Bradford made a **motion** to approve the minutes of the October 1, 2003 meeting of the Spanish Fork Planning Commission with changes as noted. The motion was **seconded** by Commissioner Scott and the motion **passed** with a unanimous vote.

Commissioner Jensen made a **motion** to enter into Public Hearing. Commissioner Shaw **seconded** the motion and the motion **passed** with a unanimous vote.

2. A. Public Hearing: Zoning Ordinance Amendments-Title 17 Windmill (turbine) Ordinance City Wide

Applicant(s): Robert J. Pittelli, Owner of Jack Rabbit

Mr. Pierson discussed the details of the Staff Report as given in the agenda. Considerable research has been done by staff done regarding noise, adjacent residents, birds, setbacks and height. Attached with the agenda is a summary of this research. The Development Review Committee has reviewed this application three times and recommended approval of the amendment. Mr. Pittelli originally applied for the Ordinance Amendment in May 2002 and withdrew his application. Subsequent to further research he reapplied and has been very patient while staff analyzed the issue. Mr. Pittelli is currently supplied by Strawberry Power.

Mr. Pittelli stated that he would need to generate 20-25 kWh. He received the general zoning ordinance from the State of Utah Department of Natural Resources and gave that to staff for review (see agenda). The proposed zoning allows wind turbines in the I-3 and I-1 zones, which would benefit the Trojan plant and the Banta facility, but not the Jack Rabbit (zoned C-1). The cost of infrastructure was discussed. It may be appropriate to draft three different ordinances to accommodate three sizes of turbines.

Commissioner Johns stated that the ordinance would limit residential areas to the use of smaller turbines. The research provided by staff supports this.

Commissioner Bradford asked if there were any wind turbines locally that they could examine. Commissioner Shaw replied that Mrs. Harold (Shirley) Hurst at 3310 East Canyon Road has a wind turbine.

Commissioner Shaw asked Mr. Pittelli how many acres he has. Mr. Pittelli has one acre. He reviewed the proposed placement of the turbine on an aerial map.

Commissioner Bradford asked where the excess power will be stored during off-peak hours and how many hours per day Mr. Pittelli will utilize the energy generated. Mr. Pittelli stated that the excess energy produced between 11 p.m. and 8 a.m. will go back into the power grid. In the future the power company will buy back this excess and Mr. Pittelli will be compensated for a portion of it. According to Mr. Heap, Spanish Fork will take over Strawberry Power in 4-5 years.

Dean Davis, Windward Engineering, has worked 15 years in the wind industry. Mr. Davis discussed the generation of off-peak power. Homeowners get a credit from the state for utilizing

wind turbines and many homeowners in Spanish Fork can utilize the resource. The applicant is a high electric user and likely has the best wind resource in Utah.

Chair Lewis asked if 10 kWh is enough energy for Mr. Pittelli at night. Mr. Pittelli replied that it will run the lights and motors at night.

Commissioner Johns asked how long it will take to pay for the system. Mr. Pittelli stated it will be 10-12 years. Mr. Davis believes it will be 7-9 years. Chair Lewis asked what the potential for residential usage is. Mr. Davis stated that there is great potential. According to Mr. Pittelli, the safety issues are not justified. Cell towers are permitted in the city and they also have safety concerns as far as falling.

Chair Lewis and Commissioner Johns asked what size of wind turbines residents would utilize. Mr. Davis said that an average size household would use 3 kWh, or 12 foot diameter blades. Chair Lewis asked Mr. Davis if he is familiar with the wind turbine on Canyon Road. Mr. Davis replied that he is.

Mr. David Jones, Southwest Wind Power, addressed the Commission regarding designs and cost. Technology has progressed and turbines are quieter. The quietest models cost \$500-550 for the turbine. Battery banks are an additional cost. Most manufacturers don't require battery banks as the excess energy feeds back into the grid. Other factors affecting cost include the appliances to be powered.

Commissioner Johns asked for the height on residential units. Mr. Jones replied that this is determined by the amount of electricity needed. A tower three times the height of the highest obstruction is the rule of thumb. The standards for safety and the types of windmills was discussed. Mr. Davis stated that the safety concerns are not valid.

Chair Lewis asked for details regarding the noise factor. 45 decibels is an average. Mr. Pittelli stated that the noise from the wind itself will drown out the noise of the turbine. Mr. Davis encouraged the Commissioners to examine the wind turbine at the mouth of the canyon.

Commissioner Johns also asked about the noise factor. If the ordinance changes and more residents use the resource, won't the noise also increase and become a bigger factor? Mr. Jones replied that the two priorities are noise and aesthetics. He has worked in the space industry and the safety factors for wind turbines are very high. The larger the blades, the quieter the turbine is.

Commissioner Bradford inquired about interference with electronic equipment and static. Southwest Wind Power has been tested and approved by Underwriter Laboratories, who originally found that the turbines did interfere with radio frequencies. This problem has been corrected.

Mr. Pierson stated that the Commission may choose to draft three separate ordinances for three sizes of wind turbines. Chair Lewis asked if it is an option to restrict the wind turbines to three locations. Mr. Pierson stated that if that happened, there would still be a requirement that the structure needs to be 1,000 feet from a residence. The Jack Rabbit is 300 feet from a residence. Mr. Pierson cited the research included in the agenda. Mr. Jones also recommends that the Planning Commission research more.

Chair Lewis asked if the Commission had any other questions. There was none. He invited the public to comment.

Rick Evans-1705 East 1310 South-agrees that there is a high wind factor that should be utilized, that a tiered structure may be appropriate, that safety issues are minimal and that many residents may benefit from this.

Alan Vincent-1249 South 1880 East-supports a tiered approach to the ordinance.

Chair Lewis asked for further comment. He agrees that further research is needed and that the issue needs to be tabled. Commissioner Shaw agrees. Commissioner Bradford agrees that this is a great asset and wants more research

Commissioner Johns made a **motion** to table the amendments to the Zoning Ordinance Chapter 17 allowing Wind Turbines to research as per the Development Review Committee recommendation. Commissioner Bradford **seconded** and the motion **passed** with a unanimous vote.

Mr. Pierson recommends meeting with the applicant to review other wind turbine sites. He also suggested that the Planning Commission ask Southwest Wind Power to bring a model in to review. Mr. Davis agrees that it would be informative to visit the sites.

Discussion took place regarding whether the motion to table needs to specify a time frame. It is not necessary.

2. B. Public Hearing: Zoning Ordinance Amendments- Chapter 17.28.050 J (MPD) City Wide

Applicant(s): Staff

Staff has attached to the agenda the latest revision for review. At the October 1, 2003 Planning Commission this was discussed and a motion was made to approve the recommendation, but a motion to enter into public hearing was not made. The original motion to approve was null and void.

The bulb burned out on the projector and prohibited further use.

Chair Lewis asked if any items have changed since the Planning Commission met October 1, 2003. There were no changes.

Mr. Pierson and the Commissioners discussed how density bonuses will affect this amendment. Variances will not be allowed on the lot sizes. Neither density bonuses nor amenities will reduce the size of the lots from 6,000 square feet. Commissioner Shaw agrees this change is a good idea.

Pat Parkinson-1728 East 1310 South- supports the amendment and likened the application of it to Spanish Vista.

Commissioner Bradford requests that the following change be made:

J.6.g. Minimum lot width size - 60 feet for single family homes and 50 feet for twin homes.

Residents that he has talked to feel that the lot sizes are too small. Chair Lewis agrees. Commissioner Shaw does not disagree, but 60 feet is also not adequate. Although a larger lot will equate to a larger pressurized irrigation bill, this is a logical change.

Commissioner Shaw made a **motion** to approve the amendments to the Zoning Ordinance Chapter 17 17.28.050 J Master Planned Developments with a change to J.6.g. as noted. Commissioner Bradford **seconded** and the motion **passed** with a unanimous vote.

Commissioner Shaw made a **motion** to move out of Public Hearing. Commissioner Scott **seconded**. Chair Lewis asked for clarification on the necessity of the motion. A Public Hearing is not needed on Staff Reports. The motion **passed** with a unanimous vote.

3. A. Staff Reports: Expressway Plaza Preliminary Plat Zoned S-C Location: 1200 North Chappel Drive

Applicant(s): Expressway Properties (David Gardner & Terry Harward)

Mr. Pierson discussed the details of the Staff Report in the agenda. The applicants are requesting Preliminary Plat approval in order to develop five lots at this time, each lot over one acre in size. The access is from 1200 North.

Terry Harward of Expressway Properties asked if the Planning Commission had any questions for him. Commissioner Shaw stated that she wants more commercial developments and opportunities to shop in Spanish Fork.

Mr. Harward wants to streamline the approval process by bringing this before the Commission before any developments are planned in the future. The size of the property is adequate for future needs.

Chair Lewis asked if the applicant owns the area behind the theater and if the proposed use is conducive to this area. Mr. Harward stated that yes, he owns 19 acres and the development will be commercial but not necessarily office.

Chair Lewis asked the Planning Commission if they had any other questions or if a discussion needed to take place. There were no questions and no further discussion.

Commissioner Jensen made a **motion** to approve the Expressway Plaza Preliminary Plat located at 1200 North Chappel Drive subject to the following conditions of approval:

1. Install a 10-inch pressurized irrigation line along 1200 North, and
2. Build a temporary turn around at the east end of 1200 North

Commissioner Scott **seconded** the motion and it **passed** with a unanimous vote.

3. B. Staff Report: Robins Nest Preliminary Plat Zoned R-1-16 Location: 800 North Highway 51

Applicant(s): James Demita

Mr. Pierson discussed the details of the Preliminary Plat in the agenda and the Development Review Committee recommendation. This item was reviewed in particular detail by the DRC.

Chair Lewis asked the developer if they have CC&R's. They do have a preliminary draft for the Development Review Committee outlining the construction materials. Detailing on the structures will be high grade.

Chair Lewis asked the applicants to clarify their relationship to Dr. Robinson. Mr. Nelson is a part-time developer. Mr. Demita is an acquaintance of Dr. Robinson and is the developer.

Commissioner Bradford asked if the property extends to the railroad tracks. The applicant showed the property boundaries on a map.

Commissioner Johns asked what the arrangement with Dr. Robinson is as far as a time frame and price. Mr. Demita stated that these vary dependent upon the customizing of the interior and exterior of the homes. The base cost is \$115,000-135,000. Chair Lewis is pleased that the developer is concerned with the detail on the interior of the homes.

Commissioner Shaw asked if the town homes will be three stories as this is what depicted in the packet. Mr. Demita replied that no, the structures must fit in the 30-foot cap.

Commissioner Bradford asked if there will be a problem with ground water. Earthtec has submitted a report with city and there will be no problem unless the homes on the lower ground have basements, which they will not.

Commissioner Jensen asked if the building will take place in phases. He asked when they anticipate breaking ground and if they plan to come before the Planning Commission later to make amendments. Mr. Demita stated they plan to begin in 6-7 months, will build 15-30 units at a time and will come back to approve each phase as they are ready.

Commissioner Bradford asked for the size of the main road. Mr. Heap replied that it is 60 feet. The Homeowners Association will own the alleyways and Spanish Fork City will own the streets.

Commissioner Shaw asked what will be built in phase one. The developer stated that they will build single family and twin homes. Commissioner Shaw asked if these will be built closer to Highway 51 within the development. Mr. Demita said they will. Commissioner Johns asked if the full road will need to be installed first. Mr. Heap replied that no, part of road and the turn around will be constructed first.

Commissioner Shaw asked the applicants to diagram the common area, which they did on a map. Chair Lewis asked if there will be a public access. There will be public access as well as a playground and a 20-foot easement to access the culvert.

Chair Lewis stated that the alleyway is creative and he likes this feature. Commissioner Shaw asked the developers to point out the Robinson homes and lot sizes. Commissioner Bradford did not realize there was such a significant amount of land. Commissioner Shaw stated it is a creative project and that there are problems selling homes in the area. She then asked if there is a saturation problem. Mr. Demita researched demographics and the market will bear this development. Mr. Nelson feels this is the best use of the property per the zoning.

Chair Lewis asked for further questions and comments from the Planning Commission. Commissioner Shaw did not think this property would ever be developed.

Chair Lewis took time to review the Development Review Committee minutes. He then asked about the playground design and if there are competitive rates on other designs. Mr. Demita stated it will fit in with the development and that the size of the structure, not materials, determines the cost. Staff did not recommend what is presented on the playground. Commissioner Johns asked if the size of playground is comparable to the one in City Park. It is not.

Commissioner Bradford asked for the lot size on the single family units. Mr. Nelson stated they are 4,000 square feet and patterned after Cris Childs development to the south. Commissioner Shaw asked for the total acreage. Mr. Nelson said that it is 13.5 acres with 2.96 acres open space. The density is in the Staff Report. The 13.5 buildable acres includes Dr. Robinson's home and treatment center. Without Dr. Robinson's property there is 10 acres for 100 units. According to Mr. Pierson, the development is following the old rule on density. The Commissioners asked Mr. Demita about lot sizes. He replied that the lot sizes and side yards vary and that none of them are smaller than 4,000 square feet. Dr. Robinson's property is included in the development.

Commissioner Shaw asked if there are any other questions. Commissioner Johns stated that it seems like these are small lots, although they are common now. Mr. Nelson stated that the lot size follows zoning. Commissioner Shaw pointed out that bonuses have not been discussed. Mr. Pierson has the spreadsheet to review. Commissioner Johns stated that the Planning Commission can review information from the agenda and compare it with the spreadsheet and that the information looks comparable. He asked if the landscaping is water wise. The applicant stated that it is. Commissioner Johns approves of it.

The Planning Commission reviewed and discussed the density bonuses with the applicant according to the information provided by staff. Chair Lewis asked for a recommendation from the Planning Commission on each bonus and concerns were addressed. Mr. Pierson stated that the Development Review Committee examined the property, which is flat and not sloped as is the property owned by Cris Childs.

Staff recommendation 12 concerning the number of trees to be planted was discussed. City ordinance requires certain landscaping. Chair Lewis asked for the total number of trees. City ordinance dictates that there will be a total of 108 trees for this property. Commissioner Johns wants a sidewalk developed the length of Highway 51 north to Whispering Willows due to safety concerns. The developers will follow the ordinances on the concrete wall as well as on the trees.

Chair Lewis stated that the requested bonuses are agreed upon by Planning Commission for 100 units. He asked if there are any other issues or comments. There were none.

Commissioner Shaw made a **motion** to approve the Robin's Nest Preliminary Plat located at 800 North Highway 51 subject to the following condition(s):

1. Install a wall, stamped concrete (with tree grate) and trees every 30 feet,
2. Provide a 50-foot frontage for the residential treatment center,
3. Submit a water wise landscaping plan for the development, to be approved by the Shade Tree Commission,
4. Install commercial grade playground equipment with a swing set,
5. Submit drawings of the (parking) awning for lots 78-87 to the City Planner for approval,
6. Construct the development as shown on the approved preliminary plat,
7. To receive density bonus points as reflected in the packet submitted as corrected,
8. Have at least 10 feet of space between buildings,
9. Phase one include all of the improvements along Highway 51 including curb, gutter, sidewalk and the wall,
10. Provide a letter from UDOT approving the improvements along Highway 51 and,
11. Install trees and grass along Highway 51 and 800 North which is to maintained by the Homeowners Association,
12. A total of 108 2-inch caliper trees be installed throughout the project and be approved by the Shade Tree Commission and they review and approve the landscaping plan.

Commissioner Johns **seconded**. Chair Lewis amended condition 1 to include that the wall be stained to add character. Discussion took place on proper procedure for amending the motion on the floor. Commissioner Johns asked for clarification on landscaping and wants to know if there will be trees and grass or trees and stamped concrete. If there is grass, the HOA will take maintain it. If there are trees and the stamped concrete wall, the city maintains it. Stamped concrete will be required rather than grass, eliminating Condition 11.

The first vote will be on the amendment, the second vote will be on the Preliminary Plat motion.

Chair Lewis made a **motion** to amendment condition 1 to read as follows:

1. Install the wall, stained to look like stone and of stamped concrete (with tree grate) and trees every 30 feet,

Condition 11 will be eliminated. Commissioner Johns **seconded** and the motion **passed** with a unanimous vote.

A vote took place on the first motion to approve the Preliminary Plat made by Commissioner Shaw and seconded by Commissioner Johns. The motion **passed** with a unanimous vote.

3. C. Domain at the Meadows Amended Preliminary Plat/Final Plat

Applicant(s): Mike Morley

Mr. Leon Harward is representing Mr. Morley, who was unable to be present.

Mr. Pierson read from the agenda. This is the third amendment to this subdivision and Mr. Morley is requesting to subdivide the lot. Chair Lewis asked for clarification on the following DRC recommendation:

1. Get property owners to sign the amended preliminary plat or hold a public hearing to approve the amendment,

State code requires a public hearing or the signatures of the neighbors in order for this amendment to be approved and for Mr. Morley to subdivide. Mr. Pierson stated that Mr. Morley told him that the neighbors will sign.

Chair Lewis asked why the street light was not put on the Preliminary Plat. Mr. Heap stated that the development standards required that the street lights be installed on all intersections or continuous streets no more than 600 feet apart. The length of the street is 450 feet and there is now a temporary turnaround at the end of the street. The light was originally planned to be installed an additional 150 feet from the turnaround. The light will now be installed near the existing electrical box on lot 1 at the end of this turnaround. Commissioner Johns asked Mr. Heap if the light will be on the property line. Mr. Heap replied that it will be. Chair Lewis does not have a problem with the light.

Commissioner Jensen asked how many more times the applicant is going to amend this development. Commissioner Shaw stated that the property has been sold and that this is a new development, this is why it is being amended.

Chair Lewis asked if there are any other questions. There were none.

Commissioner Scott made a **motion** to approve the Domain at the Meadows Amended Preliminary Plat and Amended Final Plat at 300 North 630 West subject to the following conditions of approval:

1. Get property owners to sign the amended Preliminary Plat or hold a public hearing to approve the amendment, and
2. Install a street light toward the west end of the subdivision at a location to be approved by Jeff Foster of the Electrical Department.

Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

3. D. Expressway Business Park Preliminary Plat/Site Plan Zoned I-1, Location: 1100 East Expressway Lane

Applicant(s): Mike Morley/Leon Harward

The applicants are proposing a commercial development on the former Spanish Fork Ranch property. This will be an office/warehouse project on the existing infrastructure.

Commissioner Bradford asked what the address is for the road to the compost station. The road is 1100 East. Chair Lewis stated that the Planning Commission is now reviewing the Business Park area only. Commissioner Shaw asked if Expressway Lane will not be used for the access for the development. Mr. Harward stated that Expressway Lane will be one access.

Mr. Harward is in agreement with conditions made by the Development Review Committee.

A concern of the DRC dealt with the approval from the State Health Department. Mr. Harward has spent a significant amount of time with both the State and County Health Departments. He gave the Planning Commissioners a letter from Boyd Stringham, Utah County Health Department. A discussion took place regarding the perceived hazard from methane emissions. Mr. Harward referred to the letters in the agenda.

Commissioner Johns asked Mr. Harward if there will be a project engineer who will be liable for all of the excavated materials. Mr. Harward stated that they will be very careful about all unearthed materials and will dispose of them on site, in a separate area designated for this purpose.

Commissioner Shaw has noticed work being done on the property and asked if the applicants have already purchased the land. Mr. Harward responded that they have and are now completing the former Spanish Fork Ranch punch list

Commissioner Scott wants to know the depth of the cap. Mr. Harward explained the composition of the cap according to the agenda. Asphalt will cover the majority of the property.

Chair Lewis asked Mr. Pierson to clarify DRC recommendation 3 as follows:

3. Use traffic rated meters subject to approval by Utah Risk Management Mutual Association (URMMA)

Mr. Heap stated that the DRC wanted approval to utilize the existing facilities and because of this the city will use higher grade water meter covers (lids) to support more traffic.

Commissioner Bradford asked what guarantee the city will have that this will be a secure development which will not have to be torn up. The letters given the Commission state that the land is safe, but do not provide a guarantee. The previous homeowners claimed there was hazardous methane gas when now, there is no indication that it existed.

Mr. Heap addressed this concern and discussed the drain types. When the issue was raised originally, the Environmental Protection Agency measured the methane gas levels in and around the homes and did not find an immediate threat. Following the testing, the residents were allowed to live in the homes another six to eight months, substantiating that there was no immediate threat. Remedy Consulting (see letter in agenda) measured the methane over a significant period of time. They found the methane to be so minimal that in order to be considered a health threat, it had to be many magnitudes higher than what actually existed.

The Board of Health realized that the methane was not the health concern that it was originally thought to be. The overall recommendation was to remove the homes due to public perception. The applicants are taking extreme measures to ensure the safety of the development. The original landfill is only 25 years old and not deep, therefore the methane has already vented off. The roadway will be developed through new fill material. Both the Health Department and Remedy are confident about the proposed drain system.

Chair Lewis asked Mr. Heap if he is confident as well that there will be no problems. Mr. Heap replied that yes, he is confident.

Commissioner Jensen stated that the cap will take care of a lot of things and he is satisfied. Commissioner Bradford stated that the media blew the issue out of proportion and he does not want this to happen again. Mr. Harward restated that everything that is uncovered while trenching will be disposed of in another section of the property. Commissioner Shaw stated that she finds it interesting that originally, the area was deemed unsuitable for commercial development and modular homes were recommended and she approves of this development.

Commissioner Shaw made a **motion** to approve the Expressway Business Park Preliminary Plat/Site Plan at 1100 East and Expressway Lane subject to the following conditions of approval:

1. Obtain a letter of approval from the Department of Environmental Quality and the Utah County Health Department approving the methane distribution design system and disposal of excavated waste,
2. Install a cap over the landfill in accordance with engineering design, Use traffic rated meters subject to approval by Utah Risk Management Mutual Association (URMMA),
3. Receive approval of the electrical layout from Jeff Foster of the Electric Department,
4. Complete former existing punch list of Spanish Fork Ranch, completed as coordinated with the Public Works Department,
5. Meet current construction and development standards, and
6. Submit a landscaping plan to be approved by the City Planner and the Shade Tree Commission.

Commissioner Bradford **seconded** the motion. Chair Lewis asked if any clarification was needed. There was none. The motion then **passed** with a unanimous vote.

Commissioner Shaw made a **motion** to adjourn. Commissioner Johns **seconded** and the motion **passed** with a unanimous vote.

The meeting adjourned at 9:55 p.m.

Adopted December 3, 2003