

Adopted Minutes
Spanish Fork City Planning Commission
January 7, 2004

Agenda review at 6:30 p.m. by Mr. Pierson

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

Introduction of new Planning Commission members: Chris Wadsworth, City Council Representative, and Del Robbins.

Commission members present: Assistant Chairman Thora L. Shaw, Commissioners Chris Wadsworth, Paul Bradford, Thad S. Jensen, Ted Scott, and Del Robbins.

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

Citizens Present: Mike Stewart, Richard Evans, Robert J. Pittelli, Greg Magleby, Greg Watson, Brett Eden, Spencer Budd, Jesse Conway, Pat Parkinson, Jennifer Salsbury.

1. Selection of New Chairman and Assistant Chairman.

Commissioner Wadsworth made a **motion** to appoint Commissioner Jensen as Chairman. Commissioner Scott **seconded** and the motion **passed** with a unanimous vote.

Commissioner Scott made **motion** to elect Commissioner Bradford as Assistant Chairman. Commissioner Robbins **seconded** and the motion **passed** a unanimous vote.

Chair Jensen stated that tonight's meeting is being broadcast live by SFCN.

2. Preliminary Activities

A. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Scott.

B. Minutes

Commissioner Shaw made a **motion** to approve the minutes of the December 3, 2003 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Bradford **seconded**, and the motion **passed** with a unanimous vote.

3. Staff Reports

- A. Spanish Fields Preliminary Plat. Location: 950 West 100 South Zoned R-1-9 and R-1-12**

Applicant(s): Fieldstone Homes

Mr. Pierson discussed the details in the agenda.

The conclusions of the traffic study are in the packet and more in-depth information is available from the developer. Mr. Pierson has added to the agenda information regarding the Findings of Fact for clarification.

Commissioner Robbins asked if the bridge at the end of the project will be a dead end. Mr. Pierson stated that each developer in the area would have to contribute a portion of the bridge construction cost. Commissioner Bradford asked if there is a specific time frame to construct the bridge. There is not. When the traffic studies deem it necessary the bridge will be constructed. Commissioner Robbins asked what the considerations are as far as tying the bridge into 900 South. Mr. Pierson stated that when the next development comes in there will be more details. Agreements have been worked out between the city and future developers as to the cost. Greg Magleby, LEI, is the engineer.

Mike Stewart, Fieldstone Homes, provided a detailed package for the Planning Commission to review. He discussed the background of the development for Commissioner Wadsworth and Commissioner Robbins. The Preliminary Plat development culminated in an Annexation Agreement, a major element of which is the density bonuses. Fieldstone is constructing trail systems, providing more pedestrian access, and a community park. The development is designed to meet the needs of many housing types.

The concerns about the potential flood area was also discussed by Mr. Stewart. The integrity of the embankment along the river is in question by staff and provided for in the Conditions as follows:

7. The developer is to provide an engineering study of the stability of the existing river rip rap.

Commissioner Wadsworth asked for clarification of the area in question. Commissioner Bradford asked about the area upstream. Mr. Stewart deferred the questions to Mr. Heap. Mr. Heap stated that the property upstream will be adjacent to city-owned property. The city is working on obtaining assistance for maintenance on the river. There are strict requirements that the city must follow in order to provide maintenance. Commissioner Wadsworth asked for an estimate on the cost of maintenance. Mr. Heap estimates the cost to be \$40,000-50,000 every 10 years.

Commissioner Bradford noticed debris settling in the river, thus requiring more maintenance. Mr. Heap stated that UDOT said they will do some of the maintenance. Chair Jensen asked if the Army Corps of Engineers, referred to in last months meeting, are going to assist. Mr. Heap stated they will not do the work and will turn it over to the county. Utah County told Spanish Fork City that they may do the work, but state

guidelines do not require it. From Spanish Oaks Golf Course to Main Street, the river is not under Spanish Fork City jurisdiction, but the area in question along Spanish Fields is.

Mr. Stewart stated that there are two issues relating to liability. The first issue concerns the integrity of the rip rap along the river and is dealt with under Condition 7. The second issue is disclosing to property owners the potential for flooding. Fieldstone will work with Mrs. Johnson to develop a disclosure statement to provide additional protection for both Fieldstone and Spanish Fork City. Mr. Stewart stated that Fieldstone is agreeable to this as a condition.

Commissioner Scott stated that the road along the river will also serve as a barrier. Mr. Stewart agrees.

Mr. Stewart stated that there will be CC&Rs governing architectural standards (contained in the packet). This will insure that any future developer in this project must comply with the standards.

Commissioner Bradford asked if Fieldstone will use vinyl siding. Mr. Stewart stated that vinyl may be used and he discussed the facades. Commissioner Bradford asked for a description of the housing types that will be in the higher density area. Mr. Stewart stated that the homes will be 1,300-2,400 square feet. In the lower section of the development the homes will be 1,500-3,500 square feet.

Commissioner Wadsworth asked about the berm near the trail and if the larger homes will be elevated to protect against potential flooding. Mr. Stewart stated the options are to either have an additional berm or to have a buildable pad that is raised up several feet. A 3-4 foot berm already exists. Fieldstone will do a study with Mr. Heap to research alternatives.

The traffic study provided information for the creation of the Volunteer Drive access. The study gave information regarding current traffic, future traffic at completion and a 30+ year build out. Phase 2 of the project will encompass the area from Volunteer drive north including the master road construction, providing a better traffic flow. The sewer pump station at the south end of the development will also be done early to provide infrastructure.

Commissioner Robbins expressed concerns with load distributing and would like a copy of the traffic study for review. He also asked for the width of the street between 100 South between Main Street and 200 West. Mr. Heap addressed the concerns and stated that 100 South is a 66-foot roadway. Because not all the properties along that area are in the growth boundary a final decision regarding the road has not been made. As developments come in the issue will be studied in depth. Commissioner Bradford stated the best time to study the road is prior to development.

Chair Jensen asked for time frame for beginning the development. Mr. Stewart stated they plan to begin this spring. Chair Jensen stated that Mr. Heap will have to make decision regarding the road soon. There was more discussion regarding the traffic study.

Commissioner Bradford commented that he notices vacant areas in various areas of the city and knows that within five to seven years they will be developments. More discussion took place regarding the roads.

Mr. Stewart told the Commissioners that CC&Rs will be required. Conditions of approval recommended by staff and the Development Review Committee are now conditions of the Annexation Agreement as well. Fieldstone has worked with staff in developing the conditions and they are acceptable. Mr. Stewart wants to add to Condition 21.

Commissioner Bradford wants to add Condition 22 requiring property owners to sign a waiver stating that Spanish Fork City not liable for future flooding. The statement should also include an acknowledgment that the area has flooded in the past. Mrs. Johnson advised that this condition may be added. Commissioner Wadsworth agrees with the necessity of a disclosure statement. Mr. Stewart suggested that Fieldstone work with staff to come up with the appropriate wording. The following wording will be added to the Conditions:

21. ...or credit the cost to drainage ditch improvements.
22. The homeowners sign a disclosure acknowledging that the area has flooded in the past and holding the city harmless of any flood damage.

The wording will be worked out between staff and the developer.

Commissioner Wadsworth asked for clarification regarding Condition 8. Mr. Pierson stated that the city does require the developer (Fieldstone) to sign off that all plans meet the CC&R's.

Chair Jensen asked if there are any other questions. Condition 21 was clarified at the request of Commissioner Shaw. Commissioner Robbins asked if it is appropriate to open up a discussion at this point. Chair Jensen stated that it is. Commissioner Robbins asked for clarification on the cost of river maintenance. He also believes that not having a plan for the road is a disservice to residents on 100 South between Main and 200 West. Traffic will increase over next 7 years hindering their quality of life.

Commissioner Shaw replied that traffic problems are inherent in any area of the city experiencing growth and has been faced many times. Commissioner Robbins asked if the Planning Commission needs to address it now. Commissioner Shaw stated that traffic concerns are a condition of growth and there is no guarantee that the city can maintain the status quo. She agreed that there needs to be a balance between providing for growth and

maintaining the quality of life for existing residents. Commissioner Bradford was also concerned with traffic.

Mr. Stewart responded that a comprehensive traffic study has been done and the problem has been identified. The city can use the information to come up with options. Commissioner Robbins asked if these are preliminary discussions regarding the road. Mr. Pierson stated that they are. The first thing the city looks at is the General Plan. A connector road is very costly. The city reviews possible collector roads based upon future developments and then plan ahead for congested roads and alternative routes.

Commissioner Wadsworth asked if there are plans for an I-15 ingress and egress and whether development of Vic Devauno's property will facilitate the building of new roads. Mr. Heap replied that there are no plans for I-15 ramps and discussed the I-15 corridor study. He diagramed the property owned by the railroad and property deeded to Spanish Fork City. The city has asked UDOT to retain a portion of the property they wanted to sell for a possible future off-ramp.

Regarding river maintenance, the area along the development that the city is responsible for will be maintained like the area near the golf course. The maintenance issue is not significant, but the city does own a portion of the property and will maintain it.

Commissioner Robbins asked if the maintenance costs have been budgeted for. Commissioner Wadsworth asked if the county will assist with the cost. Mr. Heap replied that it is not likely that Utah County will help with the maintenance, neither will the Army Corps of Engineers.

Mr. Pierson asked Mr. Heap to discuss the most significant concerns. Mr. Heap stated that typical high flow is during April and May, possibly June. The Thistle slide has restricted the flow of water and debris. Sediment gets trapped at the debris basin. The new Highway 6 culvert also restricts flow. UDOT has agreed to clean under within 200 feet of the I-15 bridge.

Chair Jensen asked if there is any other discussion on the issue. There was not.

Commissioner Shaw made a **motion** to approve the Spanish Fields Preliminary Plat located at 650 West 100 South subject to the following conditions(s):

1. Install a masonry wall with 2" caliper trees and tree grates on 100 South,
2. Along with development of Phase I a payment is to be made to Spanish Fork City and Nebo School District portions of the proposed bridge to Spanish Fork City and construction of the park pavilion similar to the existing Veteran's Pavilion,
3. Construct a connector road from the proposed bridge location to Volunteer Dr.,
4. Install the Spanish Fork River Trail and Pedestrian/Equestrian trail along the west property boundary as per the Spanish Fork City Parks and Recreation Department,

5. Construct a trail head park adjacent to the Spanish Fork River Trail as per the Spanish Fork City Parks and Recreation Department,
6. Construct the Spanish Fields Project as per the preliminary plan document packet,
7. The developer is to provide an engineering study of the stability of the existing river rip rap,
8. Submit to the city the covenants, codes and restrictions for the development,
9. The developer is to sign off on all house plans in the development,
10. Provide the city with a clear title report to submitting the final plat,
11. Meet all of the City Construction and Development Standards,
12. The developer of the Galt, Boatman, Murphy properties are to participate in the cost of constructing the pedestrian/vehicle bridge over the Spanish Fork River, to the percent indicated by the updated traffic study,
13. A traffic study be completed for this development and other surrounding development areas which will be determined by the traffic engineer,
14. No duplicate homes are to be constructed within 120 feet of each other,
15. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
16. Construct 50% of the homes with some stone, brick or masonry surface,
17. Side entry garages are strongly recommended on homes located on corner lots, especially on 66-foot right-of-ways,
18. The project contain a total of 411 units as contained in the development packet,
19. Irrigation ditches in the development be piped or eliminated and provide a letter of approval from the Irrigation Company,
20. Electric service from the Strawberry Service District Line be brought in as directed by Jeff Foster of the Electrical Department.,
21. Cost of the sidewalk from Volunteer Drive to the east end of the development be paid directly to the city in compliance with the trail grant or credit of the cost to drainage ditch improvements.
22. The property owners sign a disclosure acknowledging that the area has flooded in the past and holding the city harmless of any flood damage and that the wording be worked out between the developer and the City Attorney.

Commissioner Wadsworth **seconded** and the motion **passed** with Commissioner Robbins opposed.

Commissioner Shaw stated that the Planning Commission did not review the bonus credits. Chair Jensen asked if the Commissioners concur with the density bonuses as presented. Mr. Stewart stated that the bonuses have met the requirements of the Annexation Agreement. Mr. Pierson stated that it is the responsibility of the Planning Commission to review the number of units decided upon in the Agreement.

Commissioner Bradford stated he does not agree with the density, but that it is legal under the General Plan.

Rick Evans-1710 East 1310 South-stated that the motion passed and this is a moot point. Chair Jensen agreed. Commissioner Bradford stated that he is reviewing this for the purpose of future developments. Mr. Stewart responded that the details were negotiated when the Annexation was brought before the Commission. He also stated that the process by which Spanish Fork City reviews annexations works well. Other communities wait until the Preliminary Plat is brought rather than determining the details early on.

Commissioner Shaw stated that it may be a good idea to review the Annexation for the benefit of the new Commissioner. Chair Jensen agreed.

Commissioner Robbins asked Commissioner Bradford to clarify his concerns. Commissioner Bradford replied that he feels the reduction of lot sizes is too liberal. He does not favor small lots with 50-foot fronts. The R-1-9 allows this and the zoning is too lenient. Chair Jensen stated that the motion has been voted on and that it carried. Commissioner Bradford has a good point, but the vote passed and other items are on the agenda.

Commissioner Robbins made a **motion** to change the order of the agenda to accommodate the public, item 5B Discussion on Windmill Ordinance Committee being heard before item 5A, Training Session. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

5. Other Business

A. Discussion on Windmill Ordinance Committee

1. Committee Members
2. Meeting Times
3. Meeting Place

Detailed information is included in the Windmill Committee Meeting notice following the minutes.

B. Training Session

Mr. Pierson reviewed the details in the agenda and the ordinances were clarified. Commissioners Wadsworth and Robbins expressed concerns that residents are not notified in the early stages of developments so that they may have adequate input.

Commissioner Wadsworth asked for the appropriateness of one-on-one meetings with developers and about the ethics of newly elected officials meeting with developers prior to being sworn in. Mr. Pierson stated that it is not ethical to meet individually with developers as a Commissioner, but it is ethical as a Council member. A Council member meeting with a developer individually prior to being sworn into office is ethical.

Pat Parkinson-1778 East 1310 South-is here to discuss Zoning Ordinance 17.12.1.C, Planning Commission Ethics, specifically as follows:

5. Remembering that as an official commissioner of the city, you are representing and, thereby, helping to establish the credibility of city government.

Mrs. Parkinson stated that she is dismayed at the actions of members of the Planning Commission and City Council who have made derogatory comments about citizens who exercise their right to be involved in the community. Specifically, she addressed comments made about traffic problems being the cause of the current residents, and the density problems being caused by the current families. It is unfair for Commissioners to make observations about the personal lives of residents. She wants the City Council members and Planning Commissioners to refrain from making such remarks.

Mrs. Parkinson stated that she is disgusted with “old school versus new school” way of running the city and stated that the behavior of some members of the City Council was passive aggressive. The City Council needs to be united as an elected body.

Chair Jensen thanked Mrs. Parkinson for her comments. Commissioner Wadsworth agrees with the view that the public has of the City Council. He feels that the elected officials are to provide leadership by example. Mrs. Parkinson stated that last month at City Council the public hearing was closed and a Councilman lectured the public on the newly elected officials. The public did not have an opportunity for comment and this is why she is commenting tonight.

Mr. Pierson conveyed his pride in Spanish Fork and encouraged the Planning Commission to learn about the community and its residents, whom they represent.

Richard Evans stated his frustration and asked the Commissioners to pay more attention and to know the issue before it is brought to a vote. Frequently questions are asked after a motion has passed. Mr. Pierson agrees that Commissioners need to be knowledgeable about the issue and to give reasons for denying or tabling an issue.

Commissioner Wadsworth stated that the reason he wants the City Council to hold work nights is to share research and be up to speed on an issue when it is brought before them.

Commissioner Bradford stated that there are many times that the Commission is bound by laws that have been made and must make decisions based upon those laws.

Mr. Pierson told the Commissioners to remember who they represent and to conduct themselves accordingly and in a professional manner. He also stated that it is up to the Planning Commission and the City Council to make recommendations to staff to amend the General Plan and change ordinances that they do not agree with. In 1982, the city leaders estimated the future population of Spanish Fork and were within 200 residents of the current population. This shows that historically the General Plan has been well thought out.

Mr. Pierson recommends that the Planning Commission read the various court cases referenced in the agenda regarding takings.

Commissioner Bradford asked Mr. Pierson to number the pages in the agenda for ease. Mr. Pierson stated that this will be done.

Jensen stated that he appreciates the public's comments as well as the service of the new members. The existing commissioners are doing great work. Commissioner Wadsworth stated that he is pleased to serve.

Adjourn

Commissioner Jensen made a **motion** to adjourn. Commissioner Robbins **seconded** and the motion **passed** with a unanimous vote. The meeting adjourned at 9:35 p.m.

Adopted Wednesday, February 4, 2004

SPANISH FORK

Windmill Committee Meeting

Spanish Fork City is researching the possibility of allowing windmills within the City limits (small, medium, and large). A committee is being formed to study this issue in detail and making a recommendation to the Planning Commission. Your name has been submitted as an individual who might be interested in windmills and siting on a committee to research this topic. The first meeting will be held on:

Date: January 29th

Time: 12:00 pm (snacks/drinks will be provided)

Location: Spanish Fork City Council Chambers, 40 South Main Street

If you are not interested in serving on the committee or unable to attend the meeting please contact Emil Pierson, Planning Director at (801) 798-5000 ext. 31 or by email: planner@spanishfork.org as soon as possible. We will look forward to hearing your insights on this topic. Our goal is to keep these meetings as short as possible and we will plan on splitting up into two committees to study windmills (medium-large windmills, and small hobby windmills).

Sincerely,

Emil Pierson, AICP
Planning Director

Committee Members:

Thad Jensen, Planning Commission Chairman
Ted Scott, Planning Commissioner
Diana Butler, SFC Resident
Dean Davis, Windward Engineering
Steven Aldana, BYU
W. Leon Pexton, UMPA
Robert Pittelli, SFC Resident
Christine Watson, Utah Energy

Tracy Livingston, Wind Tower Composites
James Bayless, SFC Resident
Dennis Fay, SFC Resident
Paul Wignall, SFC Resident
Jeff Foster, Electric Department
Junior Baker, City Attorney
Emil Pierson, City Planner