

**Tentative Minutes  
Spanish Fork City Planning Commission  
February 4, 2004**

Agenda review at 6:30 by Mr. Pierson.

The meeting was called to order at 7:00 p.m. by Chair Jensen.

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

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: Richard Mendenhall, Lisa Olsen, Jenny Baadsgaard, Keith Baadsgaard, Mary Isaac, Jennifer Salsbury, Deon Scott, Pat Parkinson, Richard A. Evans, Michele Youd, Jerry Pidcock, Howard N. Creer, David and Marla Hughes, Robert Pittelli, David Olson, Clyde and Eva Bradford, Wayne Youd, Darrin Perkes, Farley Eskelson.

### **Preliminary Activities**

#### **Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Bradford.

#### **Minutes**

Commissioner Bradford made a **motion** to approve the minutes of the January 7, 2004 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

Commissioner Bradford made a **motion** to change to order of the agenda. Item 3.B Lew Christensen Subwaiver will be heard after 2.A Pidcock CUP. Commissioner Scott **seconded** and the motion **passed** unanimously.

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

Chair Jensen discussed the protocol for public hearings. He reminded the audience to raise their hand to be recognized, approach the podium and state their name and address in the microphone.

#### **Public Hearings**

**Conditional Use Permit Location: 543 East 400 South, Zoned R-1-6**

Applicant(s): Jerry Pidcock

Chair Jensen asked the applicant to address the Planning Commission.

Mr. Pidcock stated that his elderly mother-in-law, Mrs. Geslison, will move into his basement apartment when she can no longer reside alone. Mrs. Geslison wants to remain as independent as possible and pay her own share of the utility bills, so there will be two electric meters. Mr. Pidcock has no intentions of renting out this apartment once Mrs. Geslison no longer needs it. It will remain part of the Pidcock residence.

Mr. Pierson reviewed the details in the agenda. The purpose of the CUP is to ensure that if the applicant moves and sells the home, it will not become an accessory apartment. Spanish Fork City is requiring the additional electric meter.

Chair Jensen asked Mr. Pierson if the applicant understands the ordinance requirements. Mr. Pierson replied that the applicant does.

Chair Jensen asked if there are any other comment or questions. Commissioner Shaw asked Mr. Pidcock if the only intended use for the apartment is for his mother in law. He stated that it is. He needs to install an additional furnace to provide a comfortable temperature in the basement. Commissioner Shaw also asked Mr. Pierson if the applicant sells the home while the CUP is in force, could he sell it as having an accessory apartment. Mr. Pierson responded that he could.

Commissioner Robins asked Mr. Pidcock to explain the parking situation. Mr. Pidcock stated there will be two uncovered parking stalls to the south on the east side of the home and two covered parking stalls in the garage to satisfy the CUP. He diagramed the location of the driveway and parking stalls on the map. Commissioner Shaw asked Mr. Pidcock to clarify the location of the basement entrance in relation to the parking. The entrance is at ground level.

Commissioner Robins asked Mr. Pidcock to describe the height and location of the fencing. Commissioner Shaw asked for the type of fencing. Mr. Pidcock stated that it is a 6-foot privacy fence. In the front of the lot the fence is 4-feet in height.

Commissioner Shaw stated that she has received phone calls from some of Mr. Pidcock's neighbors who are concerned with a lack of privacy. Mrs. Robbins is especially concerned. Mr. Pidcock stated that he made adjustments to the fence. It is a chain link fence and he agreed to put a 2-foot extension on a portion of it so that the neighbors may install privacy slats. The grade of the land at the rear of the house required that the posts be 12-feet high. Although Mr. Pidcock has spoken with the neighbors on each side he has not spoken with those behind his property.

Commissioner Shaw stated that Mrs. Robbins is also very concerned that a basketball standard was installed at the time the original fence was removed. Mr. Pidcock stated the basketball standard is used rarely. Mrs. Robbins contacted Commissioner Shaw and is not present tonight because she does not want to cause a conflict. Mr. Pidcock responded that the slope of the land dictated the way the fence had to be constructed. He did make an agreement with Mrs. Robbins to not install windows on the side of the home that faces hers, providing more privacy to her. He is willing to pay one-half of a chain link fence but is not willing to pay for privacy slats. He will talk with Mrs. Robbins to come to an agreement. Commissioner Wadsworth asked Mr. Pidcock to diagram the location of the fence, which he did. The height of the fence at the front was also dictated by the location of the neighbors gas meter.

The utility company needs to have access to it. Mr. Pidcock can install extensions to the fence but due to the difficulty cannot remove the posts.

Commissioner Wadsworth quoted from Zoning Ordinance 17.28.030(F)(1) stating the maximum height for fences and pointed out that the requirement may be waived by the City Council. In this case the CUP will not go before the City Council, and therefore, the requirements cannot be waived. Mr. Pierson stated that the grade of the land determines the maximum height and that regardless of the location of the fencing, the applicant's fence is still 6 feet.

Chair Jensen asked if there was any further discussion. Commissioner Wadsworth asked if the Commissioners had other issues apart from privacy. Commissioner Shaw stated that this is the only issue and that Mr. Pidcock has addressed it.

Chair Jensen asked for public comment. There was none.

Commissioner Shaw made a **motion** to approve the Jerry Pidcock Conditional Use permit at 543 East 400 South subject to the following conditions of approval. Condition 5 is added ensuring that the basement apartment is to be for family use only and will cease to be a separate apartment at the time of sale of the home. The fence between the Pidcock and Robbins homes be chain link with privacy slats.

Mr. Pidcock is concerned with the future possible use of the apartment if the home is sold. He wants to know if a possible new owner would need to utilize the same process in order to use the apartment. A future buyer would not need to apply for a CUP.

Commissioner Shaw stated that she will **withdraw** her motion in order to enter the following findings. The motion was withdrawn.

Commissioner Shaw stated the following findings:

The Planning Commission makes the following findings prior to granting a Conditional Use Permit:

1. The proposed use is consistent with the policies of the City's General Plan and the purpose of the zoning district in which the site is located.

**Finding:**

The proposed use is consistent with the General Plan because it states in the Residential Policies:

**Goal Two:** To provide a range of housing types and price level in all areas of the City.

**Policy a):** Allow a variety of lot sizes and housing types in all "Urban Residential areas".

The Zoning Ordinance allows for accessory apartments in the R-1-6 zoning district if it meets certain criteria.

1. The proposed use will not be materially detrimental to the health, safety, or general welfare for persons residing or working within the neighborhood of the proposed use, when consideration is given to the character and size of the use and hours of operation.

**Finding:**

An accessory apartment in the basement of a home should not be materially detrimental to the

health, safety, or general welfare of persons in the neighborhood.

1. The proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.

**Finding:**

The lot size is 16,000 square feet which is over 10,000 square feet larger than what is required in this zone for a single family home and 6,000 square feet larger than what is required for a duplex. If the applicant wanted to construct a duplex he would not need a conditional use permit.

1. The proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use, and that on-site circulation is adequate to permit driveways, parking, pedestrian ways, and loading requirements in a manner which is safe and efficient.

**Finding:**

The site has adequate access to 400 South which can accommodate the additional traffic that is added by a basement apartment. The lot width is 50 wide which is what the zoning ordinance requires for this zone and is not considered a lag lot. The applicant will have the covered and two uncovered parking space.

1. Adequate conditions or stipulations have been incorporated into the approval of the Conditional Use Permit to insure that any anticipated detrimental effects can be minimized.

**Finding:**

There are conditions required because anticipated effects are expected.

Commissioner Shaw made a **motion** to approve the Jerry Pidcock Conditional Use Permit at 543 East 400 South subject to the following conditions of approval:

1. Maintain the parking requirements of two parking spaces for each unit, one of which is to be covered,
2. Provide and maintain separate metering for each unit,
3. Landscape the front area of the lot, facing the street, by the end of the summer,
4. Grant an easement to the city for the public utilities.
5. A privacy fence of chain link and slats will be installed as indicated between the Pidcock and Robbins homes.

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

**Staff Report**

**Lew Christensen Subdivision Waiver Location: 475 West 465 South Zoned: R-R**

Applicant(s): Nebo School District

Mr. Reed Park, Legal Counsel for Nebo School District, diagramed the area in question. Commissioner Shaw stated that there is a lot of growth in that area and a school is needed. Mr. Park stated that the district foresees a need although the district does not yet own property there. Commissioner Bradford asked if the district has a planned date to begin construction. The district does not have a date set as they are looking at the needs of the area.

Chair Jensen asked if this will be one of the schools to be built as a result of the bond leeway.

Mr. Park stated that this is a possibility. Chair Jensen asked what the capacity size of the school would be. Mr. Park replied that it would be approximately 900 students.

Chair Jensen asked if there were any other questions. Commissioner Robins asked for the location of the natural gas line and the future right-of-way that will be obtained by Spanish Fork City for the Fieldstone construction access. The district also wants to acquire a small parcel of land owned by Spanish Fork City that is adjacent to Mr. Christensen's property. Mr. Pierson diagramed the road where the school district will install curb, gutter and sidewalk to their side.

Chair Jensen asked if there were any other questions from staff or the Commissioners. There were none. He asked if there was any public comment. There was none.

Commissioner Shaw made **motion** to approve the Christensen Subdivision Waiver at 475 West 465 South. Commissioner Robins **seconded**. The motion **passed** with Commissioner Robins dissenting.

### **Public Hearing**

#### **Zoning Text Amendment pertaining to residential treatment centers**

Applicant(s): Spanish Fork City

A request was made by City Councilman Wadsworth that changes be made to Title 17-Zoning Ordinance pertaining to the Residential Treatment Facilities. Staff agrees with this proposal. Mr. Pierson discussed the latest revision included in the agenda. This change signifies another step to assure that appropriate measures are taken to protect the safety of residents.

Commissioner Bradford asked if there are problems now with any facilities. Mr. Pierson replied that there are no serious problems. Commissioner Wadsworth stated that he has researched the issue and received reports from the Spanish Fork Police Department. There were six incidents and of those six, one merited an arrest. The Utah County Sheriffs Department told Commissioner Wadsworth that they were called once to assist on an ambulance call. There have been no violent crimes.

Currently, there are no youth under the jurisdiction of the State Youth In Custody (YIC) program that are in residential treatment facilities in Spanish Fork. The youth that do reside in a facility are those under the jurisdiction of the Division of Child and Family Services (DCFS). DCFS youth are those who are neglected in their home environment. YIC youth are in state custody due to their criminal behavior. Commissioner Bradford asked if the residential facilities being discussed are for youth. Mr. Pierson stated that they are.

Commissioner Wadsworth discussed the reason for changing the language of the ordinance. The original ordinance stated that the operator of the facility must present "a certificate issued by the appropriate medical professional". This did not include other mental health professionals. The original wording also did not include the use of the DSM, a diagnostic tool to be used in addition to the ICAP and MMPI.

Commissioner Bradford asked if a doctor would be willing to make a statement of non-violent behavior in any resident, possibly exposing himself to a lawsuit if the resident became violent at a later time. Commissioner Wadsworth stated that this is the reason for including the use of “other mental health professional” in the amendment and that there are inherent risks.

Commissioner Robins asked about facilities that are grand fathered in. If a property with a treatment facility on it was annexed into the city, would the facility be grand fathered in under this ordinance? Mr. Pierson stated that it would, but that none have been annexed. One such property applied for annexation in the past and was denied.

The other change to the ordinance is the omission of the requirement that the facility be owner occupied. Commissioner Wadsworth stated that this wording is contradictory to DCFS requirements.

Chair Jensen asked for the number of facilities currently in Spanish Fork. Mr. Pierson responded that Robinson’s Ranch is the only treatment facility in the city. Another facility exists outside the city limits.

Commissioner Bradford asked if any other cities have similar requirements. Mr. Pierson stated that this ordinance is patterned after extensive research done by Ogden. Spanish Fork may provide a blueprint for other communities in the future.

Chair Jensen asked if there were any other questions or discussion. Commissioner Shaw stated that she appreciates the clarification from Commissioner Wadsworth on the amendment.

Commissioner Wadsworth asked Pat Parkinson, who is a counselor, to address the Planning Commission.

Mrs. Parkinson-1778 East 1310 South-stated that the youth that are treated at the type of facilities discussed are those whose illness is evolving. Therefore, it is impossible to make a statement predicting non-violent behavior. One example is schizophrenia. Mrs. Parkinson is concerned that treatment facilities will be banned because of a possibility of dangerous behavior, which can’t be predicted. The stigma of mental illness cannot dictate the wording of the ordinance. The city needs to be careful about dictating how an ill person receives treatment. She also questioned the requirement that there be 24-hour supervision, which is appropriate for youth but not always for adults. Wasatch Mental Health has facilities for adults which do not require this level of supervision.

Commissioner Wadsworth asked Mrs. Parkinson if she had any questions about the wording under 17.28.050(A)(5)(b)(ii) regarding “at the time of placement”. Mrs. Parkinson stated that the wording is problematic because a patient may exhibit violent behavior any time prior to placement in a facility, but may not be violent at the time of placement. A treatment plan for a person who exhibited violent behavior might state that the person does not need 24-hour supervision.

Commissioner Wadsworth stated that two therapists, Paul and Terry Weiderholdt, helped form the language of the amendment and they do not think the language is restrictive. Mrs. Parkinson

stated that she would need time to review the ordinance before she makes a professional opinion. She stated that the tools (DSM, MMPI and ICAP) are used to make diagnostic recommendations only and are not solid determinations. Commissioner Wadsworth replied that they are part of the evaluation process. DCFS likes facilities to use these tools. Mrs. Parkinson agrees.

Commissioner Wadsworth asked if the wording is problematic for adult patients. Mrs. Parkinson stated that the issue is with the determination of violence and the level of supervision. Commissioner Wadsworth asked her to read paragraph III regarding house parents. Mrs. Parkinson stated that she is speaking broadly, not specifically, and in terms of future possibilities. She used Wasatch Mental Health as an example, stating that some facilities have house parents or video monitoring while others don't. This amendment is facility specific and her understanding is that it will actually cover all residential treatment facilities. She does not want it to be too restrictive.

Mr. Pierson stated that although specific parts of the ordinance are being reviewed at this meeting, the ordinance itself is much broader. It may be beneficial to allow the public to review the ordinance in its entirety and to view the whole picture. Commissioner Wadsworth agrees. Mrs. Johnson was asked to review the specific wording. Commissioner Robins asked Commissioner Wadsworth if any mental health professionals had reviewed the language. Commissioner Wadsworth replied that there were none from Spanish Fork that were involved.

Commissioner Robins made a **motion** to table the amendment to the Zoning Ordinance Title 17 Section 17.20.030(C)(6), Section 17.28050(E)(1), 17.28.050(D)(10), 17.28.050(D)(7)(a)(ii), 17.28.050(A)(5)(b)(ii) for the following reason(s):

To allow sufficient time for review of the proposed changes by other mental health practitioners. Commissioner Wadsworth **seconded** and the motion **passed** with a unanimous vote.

**Hughes/Hill (River Cove) Rezone and Preliminary Plat. Location approximately 975 S Del Monte Road**  
**Zoning R-R**  
Applicant(s) Westfield Development

At 7:58 p.m. Commissioner Scott removed himself from hearing this item and took a seat in the audience. He is a resident of the area affected by this development.

Mr. Pierson reviewed the details included in the agenda. The Rezone and the Preliminary Plat will be discussed together.

The growth boundary and the general expansion of Spanish Fork were discussed. Richard Mendenhall is here representing Westfield Development. Mr. Darrin Perkes is the Landscape Architect for the Development. Mr. Pierson stated that the meeting is still in Public Hearing.

Commissioner Bradford asked if the Murphy property line dispute had been resolved between the concerned parties. Mr. Mendenhall stated that he believes it has been. Mr. Pierson has the documentation supporting the dispute resolution. One concern is the slope of River Road from

Del Monte. Commissioner Jensen asked for the width of River Road. It is 66 feet. Mr. Perkes stated that the remaining roads in the subdivision are 60 feet.

Chair Jensen is concerned about the traffic in the area. Mr. Perkes stated that Del Monte is now the main corridor. Commissioner Robbins asked how future traffic is predicted.

Mr. Pierson stated that traffic study on Quail Hollow shows that the roads are adequate to handle the traffic and that a majority of the traffic will use Arrowhead to access Main Street. A discussion took place regarding the possible flow of traffic to Main Street. UDOT will determine when a light at the intersection of Volunteer Drive and Main will be necessary. Chair Jensen asked if each contractor will be responsible for a portion of bridge cost. Mr. Perkes stated that they would.

Mr. Perkes stated that a portion of River Road will be abandoned. This section is along the lower part of Phase 1 and the boundary of Phase 2. There was a discussion about possibly using stop signs on this road to create an intersection rather than abandoning it.

David Isaac-owner of Leland Milling Company, 7305 South Mill Road-is concerned with abandonment of the section of River Road. His commercial trucks need an access and he is concerned with the safety cars needing to pass the large trucks.

Commissioner Wadsworth asked Mr. Mendenhall for the number of people residing within 300 feet of the proposed development he has spoken with. Mr. Mendenhall replied that he has spoken with no one outside the amended growth boundary, only with staff.

Mr. Mendenhall diagramed, at Commissioner Wadsworth's request, the FEMA 100-year flood plain and lot locations. Detailed information is in the additional packet of information presented to the Commission by Mr. Mendenhall. The actual homes will be located within a buildable area and will be outside of the FEMA flood plain. For example, a property owner will purchase lots 173 and 173a together, but only lot 173 will be buildable. The property north of the river and the area containing the river itself will be deeded to Spanish Fork City by Westfield.

Commissioner Wadsworth is concerned with disclosure to property owners. He does not want to see problems with liability as was the case with The Ranches. Mr. Mendenhall stated that staff has made recommendations and Westfield will agree to them. Commissioner Wadsworth asked if some possibilities for defense against flooding include a berm and raising the pad. Mr. Mendenhall stated that a significant part of the property is protected by an existing berm. The level of the property varies from the flow line to the farming area and to the embankment. Westfield understands the limitations and has done a ground analysis. Some of the lots are not suitable for basements.

Mr. Pierson asked Mr. Perkes to explain the details of the development to the public, including the number of units and lot sizes. Mr. Perkes explained the details in the agenda, including the open space that will be deeded to the city. He diagramed the pedestrian walkways connecting to the trail along the river. He also stated that Westfield may construct a portion of the trail to connect to the trail constructed by Fieldstone. There were no other questions regarding the path or the open space.

The topography along Del Monte was discussed. The drop in elevation is compensated for by having deep lots with a buildable area. The road is designed at a 4-5% grade to address the concerns about the section of abandoned road.

Commissioner Robins stated that he noticed the land in Phase 1 is uneven and asked if fill will be brought in. Mr. Perkes replied that there will be deep slopes.

Mr. Isaac is concerned about the possible abandoned road. Del Monte and 900 South provides a good access for the commercial trucks to his property. Mill Road is very dangerous for commercial vehicles and if the portion of River Road is abandoned, Mill Road or another route will have to be used. Mr. Isaac wants to know why the road cannot be left open. The main concern is with access to I-15 and Arrowhead. Commissioner Robins asked if there are other accesses that can be used. Mr. Isaac replied that it is difficult to drive a semi truck around the corners of the other roads to access his business. The best solution is to leave it as it is. Commissioner Shaw agrees.

Jenny Baadsgaard-1215 West 900 South-stated that HE Davis is also in that area and uses that access as well. She is concerned that the large trucks will need to drive through the residential areas which will be heavily populated and unsafe.

Commissioner Wadsworth asked Mr. Isaac the nature of his business, the amount of time it has been there and the type of traffic. Mr. Isaac stated he owns Leland Milling Company which was established in 1898. They have delivery trucks who access the business.

Commissioner Shaw asked Mr. Mendenhall for the rationale behind abandoning the section of River Road. Mr. Pierson said that Mr. Heap needs to address that question.

Mr. Mendenhall diagramed the city boundary and Mr. Pierson stated that most of Leland is in within the boundary. Mr. Mendenhall stated that he has evaluated the area with staff to address both the long and short term concerns and needs. Traffic from the river north bound will have the safest route it will minimize traffic problems. He stated he is following the lead of Spanish Fork City as staff asked them to design the road to meet certain standards.

Mr. Heap stated that the slope of the road is too steep for an intersection, especially during winter. Staff looked at the possibility of having a T intersection, but a majority of the traffic flow indicated that abandoning the smaller road is safer than an intersection. At that time they did not consider commercial traffic and the design can be revised.

Commissioner Bradford asked for the width of the road Mr. Heap stated that it is 66 feet. Commissioner Bradford asked if this is wide enough for the commercial traffic. Mr. Heap replied that the trucks will have to make a wide turn. He does not want a Y intersection and the area does need to be reevaluated. Chair Jensen favors a T intersection. Commissioner Robins agrees with the winter traffic concern..

Mr. Farley Eskelson, also an engineer for the development, was asked if the main flow of traffic will be along 900 South. Mr. Eskelson stated that they will examine it closer. Mr. Mendenhall

stated that Westfield is not adamant about the concept of the road and they are open to whatever is deemed to be best in the long term by staff. He would like to discuss the general subdivision.

Commissioner Wadsworth wants the developer to work with the residents in the area and to discuss the development with them. Commissioner Robins agrees. Mr. Mendenhall agreed to this. Mr. Pierson stated that it is important to explain the basics of the subdivision for the public and answer any potential questions. Commissioner Wadsworth, Commissioner Shaw and Commissioner Robins agree.

Mr. Mendenhall explained the details in agenda and supplemental packets.

Commissioner Shaw asked Mr. Mendenhall if Westfield has built homes in other areas. Mr. Mendenhall stated that they are not doing the actual building, but that CC&Rs will address the criteria prior to approval of building permits. This will also allow residents to build custom homes. Only a few lots along the river are eligible for basements. The home designs in the packet were reviewed.

Commissioner Bradford asked Mr. Mendenhall to clarify the membership and duties of the River Cove Homeowners Association. Mr. Mendenhall stated that a resident becomes a member of the HOA once they purchase a lot. Westfield will act as the administrator of the HOA at the beginning and later the homeowners will administer it. Annual fees will relate to common areas not deeded to Spanish Fork City. Generally, the HOA dictates use of common area and possible dues. The town homes are maintained by the HOA as well.

Commissioner Wadsworth asked if membership in the HOA is mandatory. Mr. Mendenhall stated that it is by virtue of ownership. Town homes will have an assessment just as the other town home developments in the city do. Single family homes will not.

Commissioner Shaw stated that town homes have a negative connotation and asked Mr. Mendenhall why Westfield is building them. He stated that although he is not familiar with the diversity of design in other areas, the aesthetics are different. Mr. Mendenhall stated that he has interpreted the density bonuses as a need and want for diverse housing types in the city.

Mr. Pierson stated that the General Plan was written and approved in 1996. The Planning Commission and City Council may want to examine it. Commissioner Shaw stated that town homes seem to be of a repetitive design in other areas. Mr. Mendenhall stated that the design is a direct result of guidelines provided by the density bonuses. Westfield has interpreted the guidelines as an indication of what Spanish Fork City wants in diversity of housing types and will follow the suggestions by staff and the Planning Commission. Commissioner Shaw stated that the town homes the developer is proposing are much better quality than what she has seen in other developments.

Chair Jensen asked for public comment.

Kevin Baadsgaard-1215 West 900 South-stated that the development does not satisfy the requirement that the development matches the surrounding area. He does not want the rural country area to look more like Salt Lake. This development changes the character of the area.

Commissioner Robins asked Mr. Baadsgaard if he would object to the development if the zoning is changed. Mr. Pierson stated that the zoning only applies to the size of the lot. Mr. Baadsgaard said that Mr. Pierson told him it the developer could move the twin home. Mr. Baadsgaard does not want a corridor look to the town homes. Commissioner Wadsworth asked Mr. Baadsgaard if he had any other concerns. Mr. Baadsgaard is also concerned with a Y-intersection on River Road and the needs of commercial traffic. His main concerns the traffic and the character of the area. He likes larger single family homes.

Jenny Baadsgaard-1215 West 900 South-asked if the town homes will have three families in one building, and if so, she wants to know why the density is so high and the buildings are so close. There is no room for children to play outside.

Mr. Mendenhall stated that they are required to develop Phases 1 and 2 together because of the bridge and the road. He also stated that the City Council and Planning Commission approved Fieldstone for a higher density and higher traffic flow. Westfield is only following what they believed was wanted by staff. Mr. Mendenhall stated that Westfield is limiting the number of accesses on River Road. They considered the elevation and grade of land when the housing types were planned. The town homes will have one egress/ingress per two units.

Commissioner Robins asked of the existing home is near Phase 3. Mr. Pierson replied that the house will be eliminated and the road is planned to be abandoned.

Commissioner Shaw asked if the same types of homes were built in Lehi. She also stated that there is an area in the city with a similar design and a traffic problem. Mr. Mendenhall stated that the HOA will maintain the landscaping and snow removal for the town homes. The maintenance needs determined the placement of the homes because it is easier to maintain them if they are in the same proximity.

Commissioner Bradford asked if the land the town homes will be on is too steep between Phase 1 and 2. Mr. Pierson replied that it is a 5% grade. The Oaks has an 18% grade.

Commissioner Wadsworth asked Mr. Isaac if he has other concerns. He does not, but stated that he prefers lower density near his business.

Clyde Bradford-1514 West 900 South-is concerned about a proposed intersection along 900 South. Mr. Heap is willing to examine the grade of the road.

Commissioner Shaw asked if the sewer line would be run under the river. Mr. Pierson stated it will be connected with other areas. Commissioner Shaw asked how the engineers will get permission to bore under the river and will the integrity of the river be guaranteed. Mr. Pierson stated that it takes 6-8 weeks to get permission and it may not necessary to encase the pipe in concrete depending upon the depth it is buried.

Commissioner Shaw asked how the water will be brought in. Mr. Heap replied that the irrigation and culinary water will come under the bridge and will also loop into Quail Hollow. There are two electrical permits because the power must go under the bridge in a protective casing and

there is one main overhead power line. The DRC with the Electrical Department will make the decisions regarding the power. Mr. Pierson stated that the subdivision also has to be designed around the overhead Strawberry Power line.

Chair Jensen stated that it is important to allow public comment and asked if there were any comments or questions.

Lisa Olsen-1208 West 900 South-asked why the development needs to have town homes and if the General Plan requires it. Chair Jensen stated that they are not mandatory. Mrs. Olsen asked if the city needs this much growth right now. Fieldstone has already been approved as have others. Commissioner Shaw stated that there is a good opportunity for growth and the utilities are available. Mrs. Olsen stated that there are many homes for sale and rent throughout the city. Leland has five vacant homes for rent.

Commissioner Wadsworth thanked Mrs. Olsen for her input and asked what her other concerns are. She is concerned with the town homes and the safety of the children around the traffic. The roads are narrow and the commercial trucks will have trouble negotiating them.

Mr. Isaac asked if the city is planning on addressing the problem with the narrow roads in Leland. Commissioner Robins also asked Mr. Heap to address any plans UDOT has. Mr. Heap stated that UDOT has no plans nor money allocated for the next 20 years in their Master Plan between Main Street and the Benjamin exit, although the state does own property that could be used for an I-15 ramp.

Howard Creer-91 East 200 North-owns property along the river. He had an agreement with the state that the state would maintain the river and now they will not do it. He was told that if the river cuts through his property it will be his problem. If Spanish Fork City allows improvements, they must also consider the property owners and the current problems. The river must stay in its channel.

Commissioner Bradford stated that the river has not stayed in its channel. Mr. Creer stated that it has. Commissioner Robins asked Mr. Creer if he has discussed it with Mr. Heap. The two have discussed it and Mr. Heap has personally bought some of the land in that area. Mr. Creer wants the city to realize the obligation they have regarding the river.

Commissioner Wadsworth asked Mr. Creer his opinion about the homes. Mr. Creer has a lot of questions about the changing of the road and stated that the grade is too steep to be safe.

Mary Isaac-916 South Mill Road-stated that the development does not respect the character of the surrounding area. The town homes especially do not fit and the location of them will bring more residents into a commercial area. They have had a farming business since 1898 and do not want new residents to complain about the industry. Valley Asphalt moved into the area after the residents were already established and there were conflicts.

Chair Jensen asked if there were any other questions or comments from the public or the Planning Commission. There were none. He stated that it is advantageous to review this project carefully as there have been many problems and concerns brought up.

Commissioner Shaw wants a written agreement regarding the Murphy property dispute to ensure that the issue was resolved there are no future problems. Mr. Pierson stated that he has documentation of the resolution.

Commissioner Robins wants more time to address the bridge construction.

Commissioner Wadsworth wants the developer to have several meeting with the residents and stated that the very least Mr. Mendenhall could do is address and resolve their concerns. There also needs to be a disclosure statement for the homes near river as in Fieldstone regarding potential flooding..

Commissioner Shaw stated that Mr. Creer has good point regarding ensuring that the river maintains its channel.

Commissioner Robins made a **motion** to table the Hughes/Hill (River Cove) rezone and Preliminary Plat of 80.37 acres at 900 South and Del Monte to allow further study. Commissioner Wadsworth **seconded**. Chair Jensen asked if there were any questions concerning the motion. There were none. The motion **passed** with a unanimous vote. Mr. Mendenhall asked for direction for the Planning Commission. He stated that the residents do not appreciate the reasons for the developer placing the housing types as they were presented. Chair Jensen replied that the concerns of the residents have to be addressed.

Mr. Mendenhall wants a clear understanding of the what the concerns are so that they know what to change prior to coming back before the Commission. Chair Jensen stated that the Phase 2 town homes may be moved or eliminated. Commissioner Wadsworth stated that the developer may substitute single family dwellings for the town homes. Mr. Mendenhall asked if the town home issue is about the design or the location. Commissioner Shaw stated that the although the town homes look good, they are in a bad location.

Commissioner Robins agrees that the developer needs to meet with the residents. Commissioner Bradford stated that there is not enough space between the town home buildings. Mr. Pierson wants the road alignment looked at and wants to discuss the bridge and pedestrian trails. Mr. Mendenhall stated that there will be a bypass on the bridge in case of high water.

Chair Jensen stated thanked the developer for an excellent presentation.

Commissioner Robins stated concerns that the trail and bridge can create dangerous, dark enclosed areas. Mr. Pierson suggested that the developer take pictures of a development in Alpine that will give the Planning Commission an idea of the design.

Commissioner Wadsworth asked Mrs. Johnson if he, as a City Council member, may attend the neighborhood meetings and may the Planning Commission attend them as well. Mrs. Johnson

responded that two Councilmen or Commissioner may meet together. Three or more members meeting together constitute a public meeting. Commissioner Wadsworth cannot separate his roles as a Councilman and a Commissioner for the purpose of attending meetings. Mrs. Johnson also cautioned the Commissioners and stated that they cannot ask a developer to change the character of a development when it follows the ordinances.

Commissioner Shaw asked if the density bonuses can be discussed prior to the regular meetings in order to save time. Commissioner Wadsworth suggested having a separate working meeting. Mr. Pierson stated that the Commission may meet earlier the same evening.

Mrs. Johnson stated that the public hearing was now closed and asked if at the March meeting there will be another Public Hearing or a decision on the development. Mr. Pierson stated that another Public Hearing is not necessary but the Planning Commission may asks for public comments. Commissioner Shaw stated that if there will be another Public Hearing it will need to be advertised. Chair Jensen stated that at the next meeting he will allow public comment, but there will not be an official Public Hearing.

Mr. Baadsgaard asked if he may invite the Commissioners to a meeting at his residence.

Commissioner Bradford made a **motion** to go out of Public Hearing. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

Commissioner Robins made a **motion** to adjourn. Commissioner Bradford **seconded** and the motion **passed** with a unanimous vote.

The meeting adjourned at 9:52 p.m.