

**Adopted Minutes
Spanish Fork City Planning Commission
Wednesday June 2, 2004**

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

The Pledge of Allegiance was led by Chair Jensen.

Council Members Present: Chairman Thad Jensen, Assistant Chairman Paul Bradford, Thora Shaw and Del Robins. Chris Wadsworth was excused.

Staff Present: City Planner Emil Pierson, Richard Nielsen, Assistant Public Works Director and Chris Cope, Secretary.

Citizens Present: Andrea Allen, Kelly Porter, Doug Huntsman, Deon Scott, Russell Boyack, David Simpson, Nate Simpson, Dennis Carter, Corbin Carter, Bill Fairbanks, Steve Adams, Clyde Bradford and Eva Bradford.

Commissioner Robins made a motion to approve the minutes of the May 5, 2004 Planning Commission with changes as noted. Commissioner Shaw seconded and the motion passed unanimously.

Chair Jensen stated that from now on, Mrs. Cope would take a roll call vote when a motion is presented for a vote.

Chair Jensen attended the dedication of the WWII Memorial in Washington, D.C. It was an impressive ceremony and was an honor for him to attend. Commissioner Robins commented that the service for 1457th National Guard unit last month was inspiring.

Commissioner Shaw made a **motion** to go into Public Hearing. Commissioner Bradford **seconded** and the motion **passed** unanimously.

Public Hearing

Porter General Plan Amendment

Applicant(s): Kelly and April Porter

Location: 8256 South Main Street (SR -198)

Mr. Pierson reviewed the details in the agenda. The Porter's reside at this location. Future Woodland Hills drive will be the boundary between Spanish Fork and Salem. A 400-foot deep lot would allow parking and a driveway, limiting direct access onto Main Street.

Commissioner Bradford asked if there are any developments proposed in this area. The area will be zoned General Commercial and the residences in the area to Cal Pac will retain their zoning. If approved by the City Council the Porter's will apply for a rezone and then go to DRC once they are ready to build.

The average lot is 200 feet deep. Mr. Pierson stated that from 400 North to Center Street the lots are 200 feet and less. Staff examined the area around Shopko to get a feel for what the area in question will be like. Commissioner Shaw asked if changes were being proposed for both sides of the highway. Mr. Pierson stated that they were and if Woodland Hills Drive goes in, there will likely be gas stations and light traffic.

Chair Jensen asked for public comment.

Kelly Porter, the applicant, stated that he owns a heating and air conditioning shop. He currently rents a storage unit, does not have a lot of traffic and only a few employees. He needs space to store trucks and materials. Chair Jensen asked if there was any other comment. There was none.

Commissioner Robins made a **motion** give the Porter's General Plan Amendment a positive recommendation to the City Council for the property approximately located at 8250 South Main Street from Residential 1-unit to 5-acres to General Commercial of 400 feet east from Main Street and 400 feet west from Main Street and from the south Spanish Fork City General Plan Boundary to the old Cal Pack Road.

Commissioner Shaw **seconded**. Those voting aye: Commissioner Scott, Commissioner Shaw, Commissioner Bradford, Chair Jensen and Commissioner Robins. The motion **passed** unanimously.

McDonald Conditional Use Permit-Accessory Apartment

Applicant(s): Brook McDonald

Location: 480 South 820 East

Mr. Pierson reviewed the details in the agenda. Proper notification was given. The applicants are not present.

Commissioner Shaw made a **motion** to table the McDonald Conditional Use Permit located at 480 South 820 East for the following reason(s):

To allow the applicant(s) an opportunity to address concerns and answer questions.

Commissioner Robins **seconded**. Those voting aye: Commissioner Shaw, Commissioner Bradford, Chair Jensen and Commissioner Robins. Those voting nay: Commissioner Scott. The motion **passed**.

Wapiti Cove Rezone R-R to R-1-12

Applicant(s): Dale Houghton

Location: 1630 South 1400 East

Mr. Pierson reviewed the details in the agenda. This property is split between two densities and the zoning was reviewed. Proper notification was given. The applicant is not present.

Commissioner Robins stated that although the applicant is not present, he does not believe it is in the interest of the Commission to table this. Commissioner Shaw agrees that there is no reason to table.

Commissioner Robins made a **motion** to give a positive recommendation to the City Council for the property located at 1400 East 1630 South from Rural Residential (R-R) to Low Urban Residential (R-1-12) known as the Houghton (Wapiti Cove) Rezone with no conditions. Commissioner Shaw **seconded**. Those voting aye: Commissioner Scott, Commissioner Shaw, Commissioner Bradford, Chair Jensen and Commissioner Robins. The motion **passed** unanimously.

River Cove Rezone R-R to R-1-12

Applicant(s): Gerald Hill, David Hughes, Westfield Development

Location: 750 South 2000 East

Commissioner Scott asked to stand down, as he is a resident of this area. Chair Jensen excused him to sit in the audience.

Mr. Pierson reviewed the details in the agenda. Chair Jensen reminded the Commission that this item only concerns the rezone. Commissioner Robins asked Ted Scott if this property has ever flooded. He stated that it has not.

Commissioner Robins asked Mr. Nielsen how the spring flush affected the property. Mr. Nielsen reviewed the particulars of the early April flush conducted by the Central Utah Water Conservancy District. 660 cubic feet per second of water was released into the current flow, for a total of 860 cf/s. For a short time the flow was as high as 1600 cf/s. The proposed rezone area was not affected. The riprap in this area is soil covered in fabric and some of the soil washed away. Similar exposed riprap will be used in the rezone area.

Chair Jensen asked Mr. Nielsen if there has been a flood since the Thistle slide. He replied that there has not and the highest flow since then was in the mid-1990's. Mr. Scott asked to clarify his previous answer and stated that in his time he has not seen a flood. In 1983 the river went around but neither went over the banks nor flooded the Hughes' property. The water did go into the Meham, Bradford and Finch properties.

Mr. Mendenhall stated that he has no new comments to add from the May meeting and is here to address questions. The application for the rezone has not changed since it was originally brought earlier this year. Commissioner Shaw asked Mr. Mendenhall if Westfield contacted FEMA. Mr. Mendenhall stated that they had. The contact resulted in that area being removed from the floodplain

Chair Jensen asked if there were any questions or comments from the Commission. There were none. He asked for public input.

Lisa Olsen-1208 West 900 South-is not against the rezone, but is against the road alignment as she stated at previous meetings. Commissioner Robins stated that if the rezone were approved, it would not come back for the Preliminary Plat and will go to the City Council.

Chair Jensen asked if there were any other comments. There were none.

Commissioner Shaw stated the findings. According to Section 17.12.070 of the Spanish Fork City Ordinance states that for Amendments to the Zoning Ordinance - Text and Maps, the following findings must take place:

1. The amendment is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan.

Finding:

1. *The property has been removed from the floodplain (General Plan, Land Use Element, Environmental Policies, Goal One, Policy a)*
 2. *The rezone is consistent with the policies of the General Plan because the requested zoning of R-1-12 follows the density range 2.5-3.5 u/a that is shown on the General Plan map and the adjacent properties are also zoned R-1-12 except to the west where the property is zoned I-2 and one property to the west is R-R.*
 3. *The property meets the characteristics of the neighborhood in that the property to the northwest is zoned R-1-12, the property to the northeast is the Recreation Complex, the property to the east is zoned R-1-12, the property to the southwest is zoned Industrial, and the properties to the extreme north and west are zoned R-R,*
 4. *The property is within the Growth Management Boundary.*
2. For amendments to the Zoning Map, consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.
Finding: *To approve this amendment to the zoning map (R-R to R-1-12) consideration has been given to include any conditions necessary to mitigate adverse impacts to adjoining or nearby properties.*

Commissioner Shaw made a **motion** to approve rezoning the property located at 900 South Del Monte Road known as the Hughes/Hill (River Cove) Rezone from Rural Residential (R-R) to Low Urban Residential (R-1-12) with the no conditions:

Commissioner Bradford **seconded**. A roll call vote was taken and the motion **passed** unanimously. Mr. Pierson stated that this item would go before the City Council on June 22, 2004. Proper notification will be made.

East Meadows Rezone and Preliminary Plat. R-R to R-1-6

Applicant(s): Carter Construction

Location 750 South 2000 East

This item was tabled from May 5, 2004 due to concerns about zoning differences, the ditch and fencing. The Public Hearing is still open on this item and Chair Jensen asked for public comment. There was none.

Corbin Carter, Carter Construction, will address the concerns with the Preliminary Plat. Mr. Pierson recommended that in the future the Rezone and Preliminary Plat be separated when the Commission asks for public comment on the subdivision. Commissioner Robins asked if it is appropriate to ask for public comment during the staff report. Chair Jensen replied that it is. Commissioner Robins spoke with residents who do not oppose the rezone. He asked for public comment. There was none.

Commissioner Robins made the following findings. According to Section 17.12.070 of the Spanish Fork City Ordinance states that for Amendments to the Zoning Ordinance - Text and Maps the following findings must take place:

1. The amendment is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan.
Finding: The rezone is consistent with the policies of the General Plan because the requested zoning follows the density range that is shown on the General Plan map.
2. For amendments to the Zoning Map, consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.
Finding: To approve this amendment to the zoning map (R-R to R-1-6) consideration has been given to include any conditions necessary to mitigate adverse impacts to adjoining or nearby properties.

Commissioner Robins withdrew his motion after reading the findings and stated that the concerns were part of the zone request. He preferred that Mr. Carter address the water and zoning conflicts now.

Commissioner Shaw stated that only the zoning issue was before them. Commissioner Robins questioned the zoning and animal issues and stated that the adverse conditions can be taken up now. Commissioner Shaw said that criteria are not needed for the rezone. Commissioner Robins felt that he could not give a finding mitigating adverse effects. Commissioner Shaw replied that the Preliminary Plat would be addressed and the Planning Commission would then have the latitude to address this.

Commissioner Shaw restated the findings and made a **motion** that the findings are consistent and to give a positive recommendation to the City Council to rezone the property located at 750 South 2000 East from Rural Residential (R-R) to Medium High Residential (R-1-6) known as the East Meadows Rezone with the following condition(s):

1. Property be zoned R-1-6.

Commissioner Scott **seconded**. Chair Jensen asked if discussion was needed. There was none. Those voting aye: Commissioner Scott, Commissioner Shaw, Commissioner Bradford and Chair Jensen. Those voting nay: Commissioner Robins, for the reasons he

previously stated. He also said that conditions could not be attached to a Preliminary Plat and need to be addressed now. The motion **passed**.

Commissioner Shaw made a **motion** to go out of Public Hearing. Commissioner Scott **seconded** and the motion **passed** unanimously.

Staff Reports

East Meadows Preliminary Plat

Mr. Carter proposed a 2x4, 72” high mesh “no-climb” fence. Although children can still climb it, it is heavier gauge and sturdier and more secure for the animals. He also would restore the original flow of the irrigation ditch and the current flow was discussed. These compromises are not required of Carter Construction.

Chair Jensen asked if Mr. Carter would pipe the ditch. The landowners want to maintain control of the water. The existing head gates and the slope of the land were reviewed. Mr. Carter was unable to reach the water master.

Commissioner Robins agrees with the solution proposed and stated that he is concerned with the fence along the north of the development. Mr. Carter stated that they are installing a fence as a preventative maintenance measure and out of the goodness of their hearts.

Commissioner Bradford questioned the elevations along the ditch. Mr. Carter personally checked with laser and found 3 feet of fall. They are within the IBC code. Commissioner Shaw asked if they plan to berm or have fencing all the way to the ground. Mr. Carter said the fence is a win-win situation and although it does not guarantee separation of animal and children, it does establish boundaries.

Chair Jensen asked if there were any other questions from the Commission. Commissioner Shaw stated the applicant has done a lot of homework. Mr. Carter responded that they appreciate the city’s understanding of the situation and assistance.

Chair Jensen asked for public comment.

Paul Huntsman- reviewed the pictures of the ditch and the flow. After leaving the Thompson property when the ditch is closed off it comes back to his field. From the delivery point at Doug Huntsman’s at 2235 East it is deeper and wider. A “no-climb” fence keeps livestock off the fence, but they can stretch it and the impact to the livestock owners is the biggest issue. The livestock owners understand they are liable to keep animals out of the subdivision, but children moving into their area impact the present properties. He is concerned about the ditch when it is not under control and wants a set schedule. The representation given by the pictures is not correct.

Chair Jensen asked if the water master has sent out a schedule. Mr. Huntsman said he has not.

Doug Huntsman-2235 East Canyon Road-appreciates the Commissioners help, however, they need to address their responsibility to mitigate adverse effects as Commissioner Robins stated. There is a little bit of a berm along the canal but two to three feet of standing water is left by the time irrigation is done. Part of the approval process needs to be to protect the current property owners interest's from liability for any damage to the development. He agrees with Paul Huntsman's concerns about the fence. The horizontal strands are thinner than chain link and it is intended for livestock, not children. He suggested a concrete berm with a fence on top and a berm on the north property line.

Commissioner Shaw asked if there is a ditch located where he said there is standing water. Mr. Huntsman said there is not and the water seeps into the ground. The concrete delivery canal for Strawberry water is there and there is no ditch behind the Allen's property. Commissioner Robins asked for the location of Paul Huntsman's property, which is 2061 East Canyon Road. Mr. Carter said he would fix the existing head gate to the west.

There was a discussion about the ownership and responsibility of the water flow. Mr. Pierson stated that Mr. Carter is willing to do something about an issue that is neither his responsibility nor his fault, as he does not control the flow. Chair Jensen agrees with Mr. Pierson. The East Bench Canal Company owns this ditch. Mr. Huntsman said that the depth and flow were misrepresented.

Andrea Allen-2097 E Canyon Road-asked if there is a possibility of a head gate going to last parcel. Mr. Jex does not get his water from this ditch that runs along the back. Mrs. Allen stated that she has never seen water going past Paul Huntsman's property. The property to the west, owned by Mr. Lewis, have not been irrigated for 14 years. She does not want Carter Construction to find that putting additional head gates in cause more problems.

Mr. Carter reviewed the flow of the ditch to 750 South and the slope of the land. The water will naturally take the course of least resistance. He spoke with Mr. Lewis who said that he no longer irrigates because he is frustrated with the irregular water schedule. Commissioner Scott agreed that when the water is not controlled it becomes a significant problem.

Commissioner Bradford asked Mr. Carter if he would be willing to put in a berm. Mr. Carter said he could as long as the property owners would help to spread the dirt. He is working with LEI and Mr. Nielsen to decide where the water needs to be diverted to and will provide information to the City Council on June 15, 2004. The pipe size will then be determined. Commissioner Bradford suggested a 48-inch pipe.

Commissioner Robins asked for a cost comparison on the fencing materials. Mr. Carter reviewed the rising cost of steel and stated that these are suggestions.

Bill Fairbanks, Carter Construction, asked about the use of pressurized irrigation on farmland. Commissioner Robins stated that there is no relation. Mr. Fairbanks said that the pressurized is preferable and Commissioner Bradford replied it is too costly. Mr. Fairbanks does not want to expose new residences to basement flooding and can either berm or remove the basements. He said that they are willing to consider chain link fencing as well and are willing to work with the neighbors. Chair Jensen stated that the Huntsman's want to keep their neighbors happy and a berm would work there as well. Mr. Fairbanks agrees.

Chair Jensen asked if there were any other questions or comments. There were none.

Commissioner Shaw made a motion to give the East Meadows Preliminary Plat located at 750 South 2000 East a positive recommendation to the City Council subject to the following condition(s):

1. Meet the construction and development standards for the R-1-6 zone,
2. Meet the zoning and setback standards for the R-1-6 zone,
3. All interior lots are to have the driveways on the interior side of the lot and no garages are to be on the corner.
4. Work out road alignment with Engineering Department and post a cash bond for 2000 East improvements,
5. Obtain a letter from the irrigation company on piping and alignment of the irrigation ditch,
6. Make all redline changes to the plat prior to going to Planning Commission,
7. A 6-foot masonry wall is required or the homes will face the roadway on arterial road at 750 South with the exception of lot 61 and 74 to have a 4-foot masonry wall,
8. Meet electric standards as per the Electric Department (Mr. Foster),
9. Install trees, stamped concrete, a tree grates, sprinkler system, and wall as per the City Planner on 2000 East or provide a cash bond as per Spanish Fork City arterial street standards,
10. All existing homes will be readdressed,
11. A preliminary title report is required to be submitted.

Commissioner Robins asked if the fence would have to be attached to the rezone as a safety concern according to the findings. Mr. Pierson stated that no, if Carter Construction were to establish a fence it would be from the goodness of their hearts.

Commissioner Bradford **seconded**. Those voting aye: Commissioner Scott, Commissioner Shaw, Commissioner Bradford, Chair Jensen and Commissioner Robins. The motion **passed** unanimously.

Sunny Ridge Preliminary Plat

Applicant(s): Woodspring LLC

Location: 400 North 1300 East

Mr. Pierson addressed the details of the agenda. This is a straight up development, not a MPD. Access comes from a number of locations. The wall to the north was discussed at DRC, as was a trail. This is not required, but would be constructed from the goodness of their hearts.

Commissioner Robins asked Mr. Nielsen to clarify the retention flow. Mr. Nielsen outlined the 17-foot elevation difference and overflow.

David Simpson, Woodspring LLC, submitted plans to UDOT for preliminary approval. Commissioner Robins asked if a traffic study was done as part of the annexation agreement. Mr. Nielsen stated that it was and Woodspring would pay their portion for the impact to the bridge. Mr. Simpson addressed the access points and the width of the bridge. A future outlet at 2550 East was taken into account.

Chair Jensen reviewed the road width on 400 North. The proposed 54 feet of asphalt will allow for two travel lanes, a center and a shoulder lane. The applicant has talked with UDOT about the requirements. Mr. Nielsen reviewed the proposed extension of Expressway Lane and future construction of the new High School.

Chair Jensen asked if there were any other questions from the Commission. There were none.

Commissioner Bradford made a **motion** to give the Sunny Ridge Preliminary Plat located at 400 North 1300 East a positive recommendation to the City Council subject to the following condition(s):

1. Construct a masonry wall along 400 North matching the wall at Valley Crest, including 2-inch caliper trees every 30 feet, tree grates, sprinkler system, and stamped concrete,
2. Relocate the detention basin onto lot 188,
3. Construct a trail, in accordance with the city trail standards, to lot 188 with access onto the street,
4. Meet all of the Construction and Development Standards,
5. Receive approval of the electrical design from Jeff Foster of the Electric Department,
6. Receive the ditch piping sign-off from the irrigation company,
7. Meet all of the zoning requirements for the R-1-12 Zone,
8. Meet all of the conditions of the Annexation Agreement,
9. North-south road be included as part of the first phase,
10. Find property owner for the trail piece north of the bridge,
11. Amend the preliminary plat to show the installation of 1/2 of the road plus ten feet of the road to the bridge, to be included in the first phase of the development,
12. Clear up right-of-way lines for the cut-bridge road.

Commissioner Shaw **seconded**. Those voting aye: Commissioner Scott, Commissioner Shaw, Commissioner Bradford, Chair Jensen and Commissioner Robins. The motion **passed** unanimously.

Commissioner Scott made a motion to adjourn. Commissioner Shaw seconded. The meeting adjourned at 8:56 p.m.

Adopted July 14, 2004