

Adopted Minutes  
Spanish Fork City Planning Commission  
Wednesday July 14, 2004

The meeting was called to order at 7 p.m. by Assistant Chairman Paul Bradford.

The Pledge of Allegiance was led by Commissioner Robins.

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

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

Citizens Present: Brook McDonald and Perry Frandsen.

Commissioner Shaw made a **motion** to approve the minutes of the June 2, 2004 Planning Commission with changes as noted. Commissioner Robins **seconded** and the motion **passed** unanimously.

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

**McDonald Conditional Use Permit-Accessory Apartment**

Tabled from June 2, 2004

Applicant(s): Brook McDonald

Location: 480 South 820 East

Mr. Nielsen detailed the items in the agenda.

Commissioner Shaw asked the applicant if the basement has been converted to an apartment as it has an outside entrance or if it is being used as a single-family home. Mrs. McDonald said it is being used as a single-family home. They are remodeling the basement to become an apartment.

Mrs. McDonald outlined the parking as requested by Commissioner Wadsworth. Options to change the existing narrow driveway and parking arrangement were discussed. Mrs. McDonald prefers to keep the small yard on the north as it is. The natural front of the home is on the south. The fence to the north needs to be repaired and the neighbor wants chain link. Mrs. McDonald wants privacy slats.

Commissioner Robins stated that due to the location of the city ballpark west of the home, traffic gets heavy. A fence would block drivers from seeing children coming from the ball field. There is no safety egress and he is concerned about granting an access to the apartment. Mrs. McDonald stated that there is not a great deal of traffic, only at certain times during baseball season. Commissioner Wadsworth agreed that traffic

becomes heavy. He asked Mr. Nielsen if there are plans to pave the parking area. Mr. Nielsen replied that there are no current plans and this decision would come from the Parks and Recreation Department.

Commissioner Shaw told Mrs. McDonald that if at any time in the future the city decides to sell the property to the west, the access would become public. Mrs. McDonald said that the access is too narrow and the lot too small for a home. Mrs. McDonald will need to apply to the City Council for an easement.

Commissioner Shaw reviewed the property and asked the applicant why she wants to eliminate parking on the south. Mrs. McDonald wants her back yard to remain the same and is concerned about the appearance of her front yard.

Commissioner Robins stated that in order for him to approve the CUP, there would need to be a 6-foot privacy fence and a better sight triangle for safety. The applicant said she would remove the tree. She also wants an existing city sign moved further back. Commissioner Wadsworth agreed that the trees and sign block the view. The trees are on the Nebo School District property. The city is responsible for the existing fence to the south.

Commissioner Robins stated that if the access is granted it would not be a public street. A decision regarding the access must be made by the City Council. Commissioner Robins stated he is not comfortable approving the CUP for safety reasons. Commissioner Bradford stated that the Planning Commission couldn't grant permission for the easement. Commissioner Robins stated that safety findings must be made prior to approval.

Commissioner Bradford asked if there were any other questions. There were none. Commissioner Bradford asked for public comment. There was none. Proper notification was given. Mrs. McDonald said that she contacted the neighbors and they are not opposed.

Commissioner Bradford reviewed the ordinances and asked if there was any discussion regarding them. Commissioner Robins asked if there are plans for covered parking. Mrs. McDonald said that she wants it to be similar to a carport. Commissioner Robins asked for a condition stating that a 6-foot sight-obscuring fence be installed to the north.

Commissioner Bradford asked for any other questions or discussion.

Commissioner Shaw asked Commissioner Robins what he thought about the west side of the property. He replied the conditions do not apply there. Mr. Pierson asked why Commissioner Robins requested a sight-obscuring fence. Commissioner Robins replied that it is because of traffic and headlights shining into the neighboring yard. It would be to the applicant's benefit to install it.

Mrs. McDonald said that if more requirements were added the expense to her would be greater and obtaining approval would take longer. Commissioner Robins agreed. Commissioner Shaw asked if the fence was necessary. Commissioner Bradford stated it would be for the applicant's privacy.

Commissioner Wadsworth stated that if Commissioner Robins wants a condition on the fence, it might be made as such with reasons. Commissioner Robins does not object to leaving the fence if it is 6-foot sight obscuring fence and meets requirements. Mrs. McDonald said that the fence needs to be mended.

Commissioner Bradford wants to know the advantage of a solid fence, as there is now a solid garage wall on the other side of it. Commissioner Robins said the wording is for convenience. Mr. Pierson stated that if it is not a condition and the fence falls down, there would be no requirement for repairs.

Mr. Pierson stated that there is a non-conforming duplex in place and it would be appropriate to ask the applicant when they would become conforming. Commissioner Robins asked if multiple families would be allowed to live there until it becomes conforming. Mr. Pierson replied that there are people living in the apartment now. Mrs. McDonald stated that there is family living there now and she was renting it out before they came.

Commissioner Shaw stated that she had asked the applicant already if someone had been living there and was told that there was not. Mrs. McDonald replied that she wants it to be a legal apartment and was hesitant to tell them that she had been renting it out.

Commissioner Bradford asked when it would become conforming. Mrs. McDonald wants one year to allow time to pour concrete. Commissioner Shaw requested that the conditions be met within one year. The impact fees would be collected when the building permit is issued. Commissioner Wadsworth stated that the time frame could be made a condition. Commissioner Shaw wants the first three conditions met before November 1, 2004.

Commissioner Robins made the following findings:

- 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 and the Zoning District R-1-6 does allow for an accessory apartment if it meets all of the requirements in 17.28.060 B and through the Conditional Use Permit process.

- 2. The proposed use will not be materially detrimental to the health, safety, or general welfare of 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:** The use will not be materially detrimental to the health, safety or welfare of the residents because it is residential in character and meets the requirements of the zoning ordinance.

3. **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:** That site is adequate in size and shape to accommodate the use.

4. **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:** That anticipated increase in traffic for an accessory apartment will not impact the adjacent roads.

5. **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 no anticipated detrimental effects pertaining to the accessory apartment.

Commissioner Robins made a **motion** to approve the McDonald Conditional Use Permit located at 480 South 820 East subject to the following condition(s):

1. Register with the utility department for the added unit and pay the appropriate rates for multi-family usage,
2. Pay any applicable impact fees,
3. Apply for a building permit for completed and future construction of the accessory apartment,
4. Install a sight-obscuring fence along the North of the property as directed,
5. Construct the access as shown unless otherwise approved by the city council. No access is granted to the south or west.
6. That the 6-foot sight obscuring fence, cover parking and the new access be completed by November 1, 2004.
7. That the first three conditions be completed within 60 days.

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

Commissioner Robins made a **motion** to close the Public Hearing. Commissioner Scott **seconded** and the motion **passed** unanimously.

### **Spanish Fork Associates Annexation**

Applicant(s): SF Associates (Perry Frandsen)

Utah County: RA-5  
Requested Zoning: Light Industrial (I-1)  
Location: 2400 East 7600 South (County)

Mr. Pierson discussed the details in the agenda. This item was presented at the July 14, 2004 DRC meeting. The area is within the policy declaration, but not in the growth boundary. Because other residents requested to be part of the annexation, the Hansen property would need to be brought in as well.

There was a property exchange previously approved by the City Council. The city will retain possession of this land where the Olsen well is located and it will not be part of the annexation.

Mr. Nielsen reviewed the sewer capacity including the area north of Highway 6. If the commercial capacity is insufficient, the Mapleton line could be accessed. The rail crossing danger was considered. The area would be realigned per DRC minutes, which were made available to the Planning Commission. Both the electric infrastructure and the agreement with Strawberry Power were addressed.

Commissioner Robins thanked Mr. Nielsen for the information provided. He questioned the safety of the intersection and rail crossing to the north of Highway 6. Mr. Nielsen stated that UDOT made a preliminary review and wants to eliminate the intersection, which is at an odd angle. The long-term best scenario would be to create a 90-degree intersection with a signal in conjunction with the railroad company. This would enable the intersection to clear when trains are coming.

Commissioner Robins said that he is concerned with truck traffic. Mr. Nielsen said the grade would not be changed because the highway grade is fixed. 3400 East will be widened.

Mr. Pierson reviewed a future connection at 2550 East. Commissioner Robins agrees and stated that the road on the opposite side of the highway is too narrow. Mr. Nielsen agrees.

Commissioner Scott asked Mr. Nielsen about the intersection at Highway 89 and 3400 East, which is similar to this one. Mr. Nielsen outlined future changes to be made by UDOT. Commissioner Bradford stated that the safety has been looked at as best as possible. He asked if there were any other questions for Mr. Nielsen. There were none.

Perry Frandsen, SF Associates, addressed the Commission. The purpose of the annexation is to change the zoning to Light Industrial and attract businesses to the area. The railroad company has also done a preliminary study and determined that the area can be served by rail. The applicant has met with the Utility Department and verified that services are available or can become so. They are willing to comply with DRC recommendations.

Mrs. Baum has met with Mr. Frandsen and seems to be in favor of the change. She will make a separate application for annexation later.

Mr. Frandsen discussed the gravel pit location and stated that the best way to handle dust is to cap the site. DRC recommended not touching the site until they are ready to develop. Commissioner Robins asked if there is an elevation grade difference on the site. Mr. Frandsen replied that it is between 10 to 15 feet. Commissioner Scott outlined the level area, which precedes the excavation area. Alterations to the present site will need to be made.

Commissioner Robins asked if the applicant has talked to a developer about the truck access. He has talked with UVEDA, Mr. Pierson, and a site locator. There have been no specific discussions regarding the access at the intersection. SF Associates is willing to sell to a large commercial user who can improve the intersection.

An environmental impact study will be completed for Highway 6. Different options for access were reviewed. Due to the grade of the tracks, there will be no access at Highway 189 near the railroad tracks. There are a few residential units in the area that will be impacted. SF Associates will work with the Engineering Department to resolve any concerns.

Commissioner Bradford asked if there were any objections to changing the condition to reflect no cement batch plants. Commissioner Shaw stated that this condition is no longer necessary, as these businesses are no longer allowed in that zone.

Commissioner Robins has visited with neighbors and as long as conditions are met, they are not opposed. Commissioner Shaw pointed out that Longview Fiber worked with the city when it came in and that business has grown and is clean. This type of a business would not be a detriment and Spanish Fork City needs to look at bringing in industrial businesses.

Commissioner Bradford asked for further comment, discussion, or questions. There were none.

Commissioner Shaw made a **motion** to give a positive recommendation to the City Council pertaining to the SF Associates petition at 2400 East 7600 South (Utah County) subject to the following condition(s):

1. The SF Associates' property be zoned Light Industrial (I-1),
2. An Annexation agreement be entered into pertaining to the property not being allowed to be used for gravel extraction in the future.

Commissioner Scott **seconded**. Commissioner Bradford asked if there was any discussion on the matter. There was none. Those voting aye: Commissioner Scott, Commissioner Shaw, Commissioner Bradford, Commissioner Robins and Commissioner Wadsworth. The motion **passed** unanimously.

Commissioner Robins made a **motion** to close taping of meeting. Commissioner Shaw seconded and the motion passed unanimously. Taping ended at 8:20 p.m.

**Other Business:**

General Plan Amendment Discussion: Time Line.

Mr. Pierson gave the Commissioners a copy of the General Plan time line for review. He commended the projections made in 1982 and 1996 for predicting the population within a few hundred residents.

The history of the 1996 General Plan was discussed. On Oct 17, 2000, an amendment to the General Plan was approved. In 2002, a second amendment was approved. The Leland area was reviewed and changed in 2003 when the Growth Boundary was amended.

Mr. Pierson stated that the General Plan is not intended to be a static document and is to be reviewed as needed and followed. Although other cities do not use nor follow their General Plans, Spanish Fork City has a history of utilizing and following it in the decision making process. He asked the Commissioners to consider if the Plan is following the goals of Spanish Fork.

Spanish Fork City is the only community in Utah with a growth boundary, which is necessary to control growth and utility infrastructure. Spanish Fork would need to coordinate with Payson, Utah County, Springville, and Salem regarding utilities.

Mr. Pierson recommended that the Commissioners be familiar with the intent of the previous plans. All residents need to be given equal consideration and property owners as well as actual residents need to be involved.

The Declaration Boundary outlines future growth. The Growth Boundary outlines current growth. The process by which public input is to be gathered was discussed.

Procedural issues need to be dealt with separately from the General Plan. Commissioner Robins requested that for the August 4, 2004 meeting each Commissioner come with a list of items from the General Plan that needs to be discussed. Each Commissioner will bring a list comprised of five General Plan issues, five zoning issues, and one procedural issue. Commissioner Robins will remind each Commissioner one-week prior to the August 4, 2004 meeting.

Commissioner Shaw made a **motion** to adjourn. Commissioner Wadsworth **seconded** and the motion **passed** unanimously. The meeting adjourned at 10:15 p.m.

Adopted August 4, 2002