

**Adopted Minutes  
Spanish Fork City Planning Commission  
December 1, 2004**

5:30 p.m. - Agenda review and dinner at Amber Restaurant.

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

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

Staff Members Present: Emil Pierson, City Planner; Richard Nielson, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; Dee Rosenbaum; Public Safety Director; Connie Swain, Deputy Recorder.

Citizens Present: Jordan Horrocks, Foster Watabe, Daniel Schmidt, Darin Perkes, Evelyn Christensen, Lew Christensen and Ernie Thornton.

The pledge of allegiance was led by Commissioner Shaw.

**Minutes**

Commissioner Shaw made a **motion** to approve the minutes of the November 3, 2004 Planning Commission meeting with changes as noted. Commissioner Bradford **seconded**, and the motion **passed** with a unanimous vote.

Chairman Jensen announced that he and Commissioner Shaw will no longer be serving on the Planning Commission. He said he appreciated the opportunity to serve the city of Spanish Fork and to work with the city staff. He has lived in Spanish Fork all his life and attended first grade in this very room. He said Spanish Fork is a great city and he hoped the new commissioners will manage the growth and take care of the city's needs. He again expressed his appreciation for the opportunity to serve the community.

Commissioner Shaw said she has served the city of Spanish Fork for 25 years in different capacities and it has been an incredible opportunity. She said she has witnessed some wonderful changes and some difficult changes. The city has experienced a large amount of growth. She said people start to dream and the dreams can become reality when they are put into action. She has been the one to benefit from serving. The upcoming people will have the opportunity to meet the challenges of a growing city. She has witnessed the growth and it has been fantastic to see. She said it has been a pleasure to be part of the city.

Chairman Jensen said Thora also served as a member of the city council for a long time. He expressed his love and appreciation for her.

Commissioner Wadsworth said it has been a joy to serve with Thora and Thad. Most people do not realize that Del Robins and he are new members of the Planning Commission. He said he appreciates the patience of the other members during the learning process. He said he appreciates Thora and Thad sharing their knowledge and for their professionalism. He said he is better prepared to carry the torch. He expressed appreciation for their attention to detail and help with difficult projects. He also thanked them for their service and example.

Commissioner Robins concurred. He said he loved sitting and visiting with Thora and Thad before the meeting. They have all had good laughs and great fun. He expressed appreciation for the friendships gained while serving on the Planning Commission.

### **Public Hearing - Hill North (River Cove) Rezone**

Commissioner Wadsworth made a **motion** to move into the public hearing portion of the Planning Commission meeting. Commissioner Robbins **seconded**, and the motion **passed** with a unanimous vote

Mr. Pierson reviewed the request from Gerald Hill with Westfield Development (Richard Mendenhall). The request is to rezone approximately 13 acres from Rural Residential (R-R) to Low Urban Residential (R-1-12). If approved, Westfield Development is planning to subdivide the property into 38 single family lots and include this property as part of the River Cove Subdivision. This property is shown in the General Plan as Residential 1 to 2.5 units to the acre. The surrounding properties are zoned R-1-9 and R-1-12 including a proposed school, a park and the Spanish Fork River. The Development Review Committee reviewed this rezone request on November 17, 2004 and recommended approval. The request needs to meet the General Plan requirements for a Low Urban Residential area. There will be a road built from Volunteer Drive to the river known as West Park Road. There will also be a connecting road to Volunteer Drive.

Commissioner Robins asked if any of the lots will be more than 1 acre in size and if those lots will have animal rights.

Mr. Perkes said there is 1 lot which consists of at least 1 acre and animal rights may be utilized.

Mr. Perkes said in addition to the building lots there is a small portion of the development consisting of .688 acres that will be donated to the city for a park.

Commissioner Shaw asked if another access road is planned south of the development.

Mr. Perkes reviewed the current plans for a road to the south which will connect to future development.

Chairman Jensen opened the meeting for public comment.

Mr. Christensen asked how his property to the east could develop in the future.

Mr. Pierson said the property to the east could be developed as a similar sized development as this 38-lot development.

Commissioner Robins made a **motion** to recommend approval of the Hill North Rezone request from Rural Residential (R-R) to Low Urban Residential (R-1-12) with the following FINDINGS:

1. The property has been removed from the flood plain,
2. The rezone is consistent with the policies of the General Plan,
3. The property meets the characteristics of the neighborhood in that the surrounding properties are zoned R-1-9, R-1-12 and R-R,
4. The property is within the Growth Management Boundary.

Commissioner Shaw **seconded**, and the motion **passed** with a unanimous vote. Roll call vote: Commissioners Scott, Shaw, Bradford, Robins, Wadsworth and Chairman Jensen voted in favor of the motion.

Commissioner Shaw made a **motion** to close the public hearing and reconvene the regular session of Planning Commission meeting. Commissioner Scott **seconded**, and the motion **passed** with a unanimous vote.

### **River Cove Amended Preliminary Plat**

Mr. Pierson said this is a request by Richard Mendenhall of Westfield Development to amend the River Cove preliminary plat to include and develop an additional 38 lots. The River Cove project was approved by the City Council for 205 single family lots. If the amended preliminary plat is approved, it will increase the development to 243 lots. The zoning matrix for River Cove included up to 245 units. The lots in the development will range from 9,500 to 20,000 square feet. The Development Review Committee reviewed this amended preliminary plat and recommended approval with 5 conditions. The sewer capacity needed will be taken from other approved development rights. They will not exceed the sewer capacity.

*7:20 p.m. - Dee Rosenbaum arrived.*

Chairman Jensen asked concerning the 22 sewer credits acquired.

Mr. Schmidt reviewed the adjustments made to acquire the sewer credits needed. Gerald Hill provided 19 of the sewer credits and Jim Biesinger provided 3.

Chairman Jensen asked for the results on the Biesinger and Hill properties if they pass on developing their properties.

Mr. Pierson reviewed the process and results of transferring development rights. The property owned by Jim Biesinger and Gerald Hill cannot be developed until they again acquire available development rights. Mr. Pierson also reviewed the location of the trail and the trail bridge crossing the river.

Mr. Perkes said the issue of the bridge location is still being discussed. They want to determine the best location for the bridge to service the residents' needs without requiring an extensive bridge span.

Commissioner Robins asked which irrigation ditches are to be piped and remain in use.

Mr. Perkes said only one ditch will be piped and remain in use and he reviewed the ditch location.

Commissioner Robins asked for the elevations and expressed concerns with possible ditch flooding.

Mr. Perkes said the road will be cut down into the area and some fill will be brought in to elevate the building lots. The piped ditch will be on the opposite side of the road and the road will provide a barrier against flooding.

*7:40 p.m. - Christine Johnson arrived.*

Commissioner Scott said only he and one other property owner use the irrigation ditch. There will be limited use of 2 or 3 hours every 21 days. He said he would like to see the pressurized irrigation system in the area and the ditch abandoned.

Commissioner Shaw asked if the developer were unable to get the remaining 16 sewer credits needed, which area would not be developed.

Mr. Perkes said the southern area of River Cove would not develop if the sewer credits are not acquired. If they only lack 2 or 3 credits, they will mostly likely restructure and eliminate a few lots and make other lots larger.

Commissioner Shaw asked if it is a total of 243 lots to be developed in the River Cove Subdivision.

Mr. Perkes concurred.

Mr. Pierson said one lot is open space.

Commissioner Shaw made a **motion** to give a positive recommendation for the River Cove Amended Preliminary Plat request with the following conditions:

1. Meet all of the Construction and Development Standards, including the American's With Disability Act requirements for the sidewalks and the conduit size and wiring requirements for meter reading,
2. Meet all prior conditions,
3. Follow the density calculations allowing for 242 units, but not to exceed 205 buildable total units unless additional sewer capacity credits are acquired,
4. Pay for 1/2 of West Park Drive (this condition was amended by the next motion),
5. The final plat on the north section of the property cannot be recorded until the title issues are resolved.

Commissioner Scott **seconded**, and the motion **passed** with a unanimous vote. Roll call vote: Commissioners Scott, Shaw, Bradford, Robins, Wadsworth and Chairman Jensen voted in favor of the motion.

Mr. Perkes asked for clarification concerning the portion of the West Park Drive they are to pay for.

Commissioner Shaw **amended the motion** relating to the following condition:

4. Pay for 1/2 of West Park Drive for the portion which borders this development only.

Commissioner Bradford **seconded**, and the motion **passed** with a unanimous vote. Roll call vote: Commissioners Scott, Shaw, Bradford, Robins, Wadsworth and Chairman Jensen voted in favor of the motion.

## **Other Business - General Plan Discussion - Electric and Public Safety**

### ***Public Safety***

Chief Rosenbaum reviewed the public safety portion of the General Plan. The population of the city is now at approximately 26,000 and we have 24 police officers. The police office is located at 800 North Main and has limited space to accommodate the size of the department. The city has established a Building Committee to study the issue and determine the future direction for expanding the city facilities to accommodate growth.

Chairman Jensen asked if a fire station at the east side of town has been considered.

Chief Rosenbaum said a substation has been discussed but there are no current plans. A substation in approximately 10 years would probably meet our needs.

Commissioner Robins asked how many fire fighters per resident are recommended.

Chief Rosenbaum said he does not have the numbers at this time. When looking at other communities, substations are added when the populations reach 50,000 to 60,000 residents.

Mr. Pierson said the need for substations is based on response times and the need to store additional equipment.

Chief Rosenbaum said there are 3 ambulance crews. It is common for all 3 crews to be responding to calls at the same time.

Commissioner Robins asked if there are areas within the city with a higher volume of calls or if there are certain types of developments which receive a higher volume of calls and should be avoided in future plans for the city.

Chief Rosenbaum said areas with nonpermanent residents tend to receive more calls. Developments and areas with mixed types of housing are helpful.

Commissioner Shaw asked if we have an agreement with other cities to assist with emergency calls when needed.

Chief Rosenbaum said we currently have interlocal agreements with other cities such as Salem and Payson. Each of the cities provide assistance to one another on a regular basis.

Chairman Jensen expressed appreciation to Chief Rosenbaum and his department. He said he knows and respects many of the employees in the Public Safety Department.

Commissioner Bradford asked what is being done to address the drug problem in Spanish Fork.

Chief Rosenbaum said his department is fortunate to have a new police officer specifically assigned to drug enforcement. Phillip Nelson is the officer assigned to this position and is a great asset to the department. He has been able to make many arrests and also provide assistance to families being impacted by drug problems.

### *Electric*

Mr. Nielson was present for Jeff Foster. Mr. Nielson reviewed the hand out presented concerning the Electric Department.

Commissioner Robins asked how the electric capacity of a new development is determined.

Mr. Nielson said a capacity number for a single family home is used to determine the total impact on the system. The figure is based on the average usage per household. The capacity available in the area is reviewed with each new development.

Mr. Pierson said the current electric capacity will accommodate 40,000 households. The capacity is closely monitored.

Commissioner Robins asked if the General Plan should be amended requiring available capacity information to be provided prior to new development approval.

Mr. Nielson suggested requiring only general capacity information. Detailed capacity numbers will be too time consuming.

Commissioner Wadsworth asked that the available capacity information be provided in a clear table format.

Mr. Nielson said a table format with general capacity numbers is possible.

Commissioner Robins said the available capacity information would help educate the public as well.

Mr. Pierson said outside elements, such as the drought situation, also affect the capacity and rates. This would also be useful information for the public.

Mr. Nielson said another drought year will cause Glen Canyon Dam's water levels to drop below the power producing level and will influence the power situation.

Commissioner Wadsworth suggested Layne from the Utah Municipal Power Agency (UMPA) make a presentation to the Planning Commission and the public concerning the current power situation.

Mr. Pierson said Mr. Nielson will call and schedule a presentation by UMPA during the next Planning Commission meeting.

Commissioner Bradford asked concerning windmill generated power.

Commissioner Wadsworth said a test tower is being raised on the morning of December 6.

Mr. Nielson said a wind monitoring tower is being installed next week by Wasatch Wind. UMPA and Utah State University have also studied wind resources near the reservoir. The problem has been that the wind generates power during none peak hours. Wasatch Wind may find other results and may request to install a windmill to generate power. If they can generate additional power resources, the power will be utilized.

Mr. Pierson said the power generated might be purchased by any power entity. A zoning ordinance change will be needed if a windmill is requested in the future.

Commissioner Shaw said joining UMPA was one of the best decisions the city has made.

Mr. Nielson said UMPA has been a great asset to our city. They set aside funds in a reserve account for times when power rates are high to help buffer the peaks in power costs.

### **Other Business - Review Residential Facilities Ordinance**

Mr. Pierson said Councilmember Wadsworth has proposed city code changes concerning the requirements for residential treatment centers. Mr. Pierson reviewed the proposed changes. The change will require residents of a treatment facility to be assessed. The assessments will allow the facility to determine the proper treatment and monitoring needed for the residents. The goal is to make sure no harm comes to neighbors, themselves and other residents by a resident of the facility who could potentially be a threat. Another change recommended is to eliminate the owner-occupied requirement. This change will require improved monitoring systems to be established.

Commissioner Bradford asked how many problems have occurred in the past.

Mr. Pierson said he is only aware of a few problems which have occurred. There may be others. The majority of problems have occurred as a result of proctor homes with residents from a large facility in Birdseye. There is no way for the city to regulate proctor homes. Individuals are continually seeking to build residential treatment facilities in our community. They are made aware of the current requirements. We cannot prohibit these types of facilities. We are required by the State to allow treatment facilities. We can set guidelines and requirements to better protect our citizens.

Commissioner Wadsworth reviewed the definition of Residential Treatment Facilities contained in the zoning ordinance.

Mr. Pierson said we are following the State Code definitions.

Commissioner Robins asked why we would remove the owner-occupied requirement.

Commissioner Wadsworth said there is a conflict with the State Law.

Commissioner Robins asked if there would be an actual certificate and if any physician will ever sign a certificate stating a possible resident is not a threat.

Commissioner Wadsworth said it could be a form to provide a physician a tool for evaluating an individual.

Mr. Pierson said when applying for a business license the property owner will need to provide a certificate. The recommended amendment regarding the testing is written from the State Code. Christine Johnson could review the State Code. Mr. Pierson suggested waiting until January to hold a public hearing concerning the amendment to allow additional time for research.

Commissioner Wadsworth said Terie Weiderhold, owner for a treatment facility, could address the question regarding the certificate. He said he will invite Mr. Weiderhold to the next Planning Commission meeting.

### **Other Business**

Mr. Pierson said it has been a blessing to work with Chairmen Jensen and Commissioner Shaw. There have been important issues addressed while they have served. They have always been very professional. He expressed his appreciation for their service.

### **Adjournment**

**Motion** to adjourn made by Commissioner Robins and **seconded** by Commissioner Shaw. The meeting adjourned at 9:10 p.m.