

**Adopted Minutes**  
**Spanish Fork City Planning Commission - Work Session**  
**January 5, 2005**

Agenda review at 6:30 by Mr. Pierson.

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

Commission members present: Chairman Paul Bradford, Assistant Chairman Del Robins, Chris Wadsworth, Ted Scott, Dave Lewis, Sherman Huff.

Staff Members Present: Emil Pierson, City Planner; Richard Nielson, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; Tricia Breinholt, Secretary.

Citizens Present: Chris Thompson; Layne Burningham, UMPA; Leon Pexton, UMPA; Brent Smith, Geneva Rock; Pat Parkinson; Brad Frehnek; Merlin J Fish; Rex Fish; Cyle Johnson; Michael Kelson; and Paul Weiderhold.

The pledge of allegiance was led by Del Robins.

**Minutes**

Del Robins made a **motion** to make Paul Bradford the 2005 Chairperson for Planning Commission. Sherman Huff **seconded**, and the motion **passed** with a unanimous vote.

Ted Scott made a **motion** to make Del Robins the 2005 Assistant Chairperson for Planning Commission. Chris Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Del Robins made a **motion** to change the agenda to show item 3A, Presentation by UMPA to first item. Ted Scott **seconded**, and the motion **passed** with a unanimous vote.

**UMPA – Presentation on Utilities**

Emil Pierson introduced UMPA spokesperson, Leon Paxton, general manager.

Mr. Paxton showed a presentation for the Utah Municipal Power Agency resource planning overview and drought impact on power resources.

Spanish Fork is the second largest user of UMPA. We have practically quadrupled our capacity since 1994. UMPA is currently working on the 2014 resource planning.

Mr. Paxton asked that commissioners not divulge the information in the packet, as UMPA deals with the open market, and this information could be useful out in that market.

Mr. Bradford asked about on page 8, if the high demand on the example of July 14<sup>th</sup> is because of air conditioning. Mr. Paxton concurred. Mr. Paxton stated that the small red line is the average daily use, and the small black line is the actual peak day use. They had surplus above the peak day use.

Mr. Bradford asked Mr. Paxton if they are seeing any increase in cost in the near future. Mr. Paxton stated that not unless other circumstances exist. There has not been a significant cost increase with UMPA since 1997, and they continue to hold their own.

Mr. Paxton stated that UMPA owns 38.4% of their resources and they contract out 61.6% of their resources.

Mr. Bradford asked if considerable power is lost through lines. Mr. Paxton stated that the loss through lines, etc. is about 3%.

UMPA has sold border to border. They buy from Colorado and sell to California.

Layne Burningham showed a presentation of the Lake Powell resource. The Colorado River basin just finished its fifth year of drought. The water year runs from October through September. Mr. Burningham showed the magnitude of drought in Lake Powell. In September of 1999, Lake Powell was 85% full, September of 2000 it was 78% full, September 2001 it was 71% full, September 2002 was the worst decrease year at 53% full, September 2003 it was 51% full, and September 2004 it was 51% full. Added all up, there has been a 115 feet decrease since 1999. There are only 87 feet until the water level drops to where it enters into the turbines. The good news is those dams are functioning exactly the way they were intended. UMPA sells their surpluses into the market, which reduces cost to members.

Mr. Lewis asked how many years of normal water would it take to recover. Mr. Burningham showed that it is projected to take 20 years of normal hydrology for Lake Powell to recover. There are concerns with hydrology, and Mr. Burningham showed that UMPA is planning actions to keep our rates stable in a volatile market.

Mr. Bradford said he thinks UMPA should be congratulated for keeping our city in power.

Mr. Paxton showed that November 24, 2000, a significant unit had failure and it was down for five months. The prices had gone up significantly. From July 1, 2000 to November 24, 2000, they had made about six million in profits. At that point, they flipped from being sellers in the market to being buyers in the market.

Paul Bradford made a **motion** to move into Public Hearing. Mr. Scott **seconded**, and the motion **passed** with a unanimous vote.

## **Geneva Rock Conditional Use Permit**

Mr. Pierson showed an aerial photo of the area being discussed. They are coming in and applying for the conditional use permit at 525 West Arrowhead Trail. The electrical would be required to be on city power, they would need a permit for air quality; they would need to meet sound, lighting and OSHA requirements. Hours of operations would be 6:00am to 6:00pm Monday through Friday and 6:00am to 4:00pm on Saturdays. The staffs recommendations were with seventeen changes to be made. Mr. Robins asked where Del Monte and Cal Pac come together, did Cal Pac used to come from above, Mr. Pierson concurred and stated that change was made for safety reasons. Mr. Wadsworth asked how the sewer would impact our current usage. Mr. Pierson stated that at this point, that would not be an issue, because that would come from separate usage. Mr. Pierson said that everyone within 300 feet of this site was notified and some have come out tonight.

Brent Smith, representing Geneva Rock, said that WW Clyde is celebrating its 80<sup>th</sup> anniversary in 2005, and Geneva Rock has just celebrated 50 years. For a community to grow and expand, one basic need is ready-made concrete, so the question is how to get that to the market place the most efficient way. All of the plants are located right along freeway access, with good environmental practices. This is a low profile plant, meeting all environmental, air quality, and other compliances. They held a neighborhood meeting, inviting surrounding neighbors. Some items discussed were dust, egressed roads, etc. Mr. Smith stated that Geneva Rock will meet all requirements of air quality.

Mr. Bradford reiterated that Geneva Rock is willing to comply with the seventeen conditions discussed at DRC. Mr. Smith concurred that they are willing to comply with all conditions. Mr. Robins asked Mr. Smith to describe the incline slope of the land. Mr. Smith stated that it is fairly level, but does start to drop off on the south. Mr. Robins asked if they have done any wind studies in that area. Mr. Smith stated that he has not done any wind studies, and does not know the wind pattern of the area. Mr. Wadsworth asked about the impact of the dust on the surrounding crops. Mr. Smith stated that there would not be much dust, but maybe a small amount of concrete dust, which is very well maintained. Mr. Smith is not aware of any detrimental impact on crops from the dust that would be produced.

Mr. Wadsworth asked about the issues with Valley Asphalt and ruined crops in the area. Mr. Pierson said that there is better control of the dust on this sight. Mr. Wadsworth asked if that would have an impact. Mr. Pierson stated that it is a different product. Mr. Wadsworth asked about the chemical content in the products. Mr. Smith stated that it is just ground up rocks.

Mr. Robins asked what the pit is. Mr. Smith said that is H.E. Davis, a related sister company, but is not related to this sight.

Mr. Huff asked if they would be hooking into a storm drainage system. Mr. Pierson said that the staff recommendation is to put in curb, gutter and sidewalk on the north side. Richard Nielsen stated that this is not master planned yet, but there are plans for storm drainage in the future.

Mr. Bradford asked Mr. Scott if the plant by him has had an effect on him. He stated that there

has been almost no impact on him, unless you were a late sleeper. He said that it is not a big deal to him, since he is not bothered by the level of noise early in the morning.

Mr. Huff asked the planner for Geneva Rock if all the material is trucked in. Mr. Smith concurred. Mr. Huff expressed concern for traffic through Spanish Fork with the supplies. Mr. Smith said they will be accessing through Arrowhead Trail. Mr. Huff asked if the trucks are going to come through town on Main Street. Mr. Smith stated that it would depend on where they are delivering to. They often come through town now, but he thinks that this would minimize traffic through town. Mr. Bradford asked if it would pretty much come off the freeway from the Benjamin exit, and Mr. Smith concurred. Mr. Huff asked where this material would be coming from. Mr. Smith stated that for right now, it would be coming from the point of the mountain.

Mr. Bradford opened up for public hearing.

Merlin Fish's biggest concern is water. Their water pressure sometimes goes to where there is barely a trickle of water. Sometimes there is not enough water pressure to take a shower in the afternoon. He said it takes a lot of water to make concrete. He asked if there will be something done about that.

Mr. Nielsen said that one of the conditions with Geneva Rock is that they install a new line at Arrowhead Trail and Del Monte. With that and with the other improvements happening to the north, this should alleviate the potential problem that Mr. Fish is talking about. Mr. Robins stated that basically the pressure won't get any better, but it won't get any worse, and asked Mr. Fish if this alleviates his concerns. He said that basically it does. Mr. Bradford asked if pressurized irrigation is acceptable water for concrete. Mr. Smith stated that it would have to be tested. Mr. Nielsen stated that it is also not a year round resource.

Michael Kelson stated that the concrete trucks go out to Main Street and go to the freeway that direction. His property value on his home will drop, with the plant in his backyard. H.E. Davis does not stick to their hours of operation, with early banging of tailgates, and backing signals. They make big mud puddles when they try to control the dust. Mr. Kelson feels that this Conditional Use Permit would create a more permanent place of business. Also, he asked when they would get pressurized irrigation in their area. Mr. Nielsen said that it would not be in the near future. Mr. Kelson stated that the traffic is also an issue, with the speed of the traffic in the area. Mr. Robins asked how long Mr. Kelson has lived in his home. Mr. Kelson stated six months. Mr. Robins asked if the trucks he has seen have gone somewhere in town, or if they are going to I-15. Mr. Kelson stated that they are doing both. They are out there at 4:30 in the morning during the summer.

Rex Fish asked if part of the product would be coming right there from H.E. Davis. Mr. Smith stated that it probably would not. Mr. Fish stated that by the drop off, the sound is horrible. How many more trucks will be operating out of there, how many batch loads per day? Mr. Smith stated that would depend on demand. It would start at six to eight loads a day, and possibly move up to about twenty. Mr. Fish asked if this is a 3 year permit. Mr. Robins stated that this is a full

use permanent permit attached to the property. Mr. Fish stated that his concerns are the same concerns as previously stated, as well as what it will do to the values of their homes. Mr. Bradford reiterated to those concerned that they read through the seventeen conditions that have been added to this conditional use permit.

Brad Frehner asked if there will be any asbestos at this sight. Mr. Smith stated that there will not be. Mr. Frehner asked if this will increase traffic on Cal Pac Avenue. Mr. Pierson said that they will be coming out on Del Monte, and taking the freeway. There should never be any reason why they should go onto Cal Pac.

Dave Isaac lives on Cal Pac. He stated that he has lived in this area his whole life. He said that the area with the bike trail is an awesome area. He stated that it will be beautiful when complete, and that many people will want to live there, unless there are always gravel trucks moving through there. He asked if this is really what the city wants, with Geneva Rock moving a lot of trucks. Mr. Robins asked if H.E. Davis has, for the most part, kept trucks off of Cal Pac. Mr. Isaac concurred that they have for the most part.

Chris Wadsworth stated that he would like to hear from the environmental quality engineer of Geneva Rock.

Mr. Robins asked if this will have an effect on needing a traffic light in that area. Mr. Nielsen stated that it will be a factor, but not a big factor. It would depend on testing in that area. He stated that it would be the H.E. Davis trucks that are a concern. Mr. Nielsen's recommendation is that H.E. Davis make a change with their access onto Del Monte. Mr. Robins asked Mr. Pierson if there are any operating hour restrictions on H.E. Davis. Mr. Pierson stated that they are operating under the county, not Spanish Fork City, therefore, they are operating whenever they want.

Mr. Bradford went over the Recommendations and Findings. Mr. Wadsworth said that he still feels like he wants to hear from the Geneva Rock's environmental quality engineer. Mr. Smith asked if they agree to comply, will that take care of that issue. Mr. Wadsworth stated that he would like to err on the side of caution and hear from him. Mr. Smith stated that his name is Tony Christopherson. Mr. Smith will give Councilmember Wadsworth contact information.

Mr. Robins asked if there is going to be a right turn lane on arrowhead trail. Mr. Heaps said that he is encouraging that, but it is a UDOT issue.

Mr. Bradford stated that he read through the Development Review Committee minutes and they covered everything pretty thoroughly.

Mr. Wadsworth would like to meet with Mr. Christopherson and possibly walk around the area.

Mr. Pierson stated that air quality has to meet the city's and the Department of Air Quality's ordinances and requirements. The study area would be directly around the Geneva Rock site, and

that if there is a problem further out, it could be a tainted testing, then there should be a study done specifically on H.E. Davis property, or the area that is showing a problem. Mr. Robins asked who monitors the dust, the noise, etc. Mr. Pierson stated that he does.

Mr. Bradford said that if there are any violations, there will be stiff fines attached. Mr. Wadsworth asked how often they do that process. Mr. Smith stated that they have often come out to their other sites at random times, so they strive very hard to meet all air quality standards. Mr. Bradford asked if ground contaminations are just as bad as air. Mr. Smith stated that ground contaminations are much worse and are still monitored very closely.

Mr. Rex Fish asked if the air quality is done in such a way that when there is someone to blame, will they be able to get around that. Mr. Pierson stated that they will monitor this sight and do visual testing anytime there is a problem.

Mr. Merlin Fish expressed his concern that H.E. Davis should still have to comply with operation hours, even though they were annexed with the county. There should be some sort of consideration put in place. He would like to see an ordinance with all businesses within the city limits have to comply with hours of operation. H.E. Davis has tailgates going at 4:30 in the morning.

Christine Johnson stated the ordinance in the city code book in section 9.32.030. She stated that H.E. Davis is in non-conforming use, while Geneva Rock is a new business that the city can enforce new ordinances on. She stated that we cannot force H.E. Davis to conform to new issues.

Mr. Huff asked Mrs. Johnson if we cannot go back and place new conditions on H.E. Davis. Mrs. Johnson stated that only if the operation ceases, can we put new conditions on them. Mr. Pierson compared Quail Run. Because Quail Run was already there when they were annexed into the city, they did not meet the requirement of frontage. But if they were to redo the road, we could say that they need to meet those requirements. Mr. Huff reiterated that the only way we could force new conditions on a business would be if they ceased to exist.

Mr. Robins made a **motion** to approve the Geneva Rock Conditional Use Permit with conditions as noted. Dave Lewis **seconded**, and the motion **passed** with a unanimous vote.

Mr. Smith stated that he would be more than happy to address the noise issue at H.E. Davis, as they are a sister company. He said that he will report back to Mr. Pierson.

### **Construction and Development Standards, Policy 39**

Construction and Development Standards presented by Chris Thompson. First of all, one of the major changes that is being proposed is the APWA specification books. They would like one standard specification and that it be adopted by Spanish Fork City. A standard for trail construction would be implemented. Storm water section includes land and storm water drains.

They are proposing rather than a 7.5 foot easement on both sides of a lot, that they be required to put one ten foot easement on one side of the lot.

They have adopted an air-pressure test that would assure that the storm drains that are installed in the city will not leak.

Electrical facilities that will be owned by the city are to be installed by certified electricians. Mr. Huff asked if this is just for new construction. Mr. Thompson concurred.

Standard number 4 is a new standard for utility locations on an individual lot. We need to connect the water meter, pressurized irrigation meter, and communication meter so they will be read more easily. This pertains to new construction only.

Standard number 6 is the first of three or four standards that govern mechanical restraining of pipe lines. Standards for soil classifications have been changed. Mr. Huff asked if PVC standard is better than the ductile iron was. Mr. Thompson stated the PVC is a stronger standard.

There has been a standard for type A and B trails. Mr. Bradford asked what can be used on these trails. Horses? Mr. Thompson stated that would be a different kind of trail, they are looking at doing some things with different types of trails like that. Mr. Robins asked if we will no longer be doing the six foot walkways that we have been doing. Mr. Thompson agreed that we have a different plan in the works.

Standard number 36 is the ADA compliant pedestrian ramp. They have met with engineering firms, the American Public Works Association to make it compliant but also constructable. They have introduced some ADA compliant driveway designs.

The proposed changes that have been made are not really controversial. One contractor asked that the electrical stub be changed to 14 feet from behind the sidewalk, instead of 12 feet. We would recommend that change be made if these changes are accepted. The next thing contractors asked was that we relax the cold weather restrictions for pouring concrete if they use proper tempting and heating. We would also like to reword that lots need to be close to what the county requires, which right now is within 1/100th of a foot. We would also like to test concrete for strength, etc., which would pass the cost onto the contractors - only if the concrete is within the city's right-of-way. The last thing that was asked is that we allow non-reinforced concrete pipe in the smaller sizes of the concrete pipe rather than reinforced. In the smaller sizes, the non-reinforced is just as strong, if not stronger than the reinforced.

Mr. Lewis made a **motion** to table the Construction and Development Standards 2005 Revision until next month. Mr. Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Mr. Robins asked how many changes will have to be made in the future. Mr. Thompson stated that the nice thing about this is that it brings us up to date and that we will need to make much fewer changes the next time around.

Mr. Huff made a **motion** to end public hearing. Mr. Scott **seconded**, and the motion **passed** with a unanimous vote.

## **Other Business**

### **Residential Treatment Facilities Discussion**

Councilman Wadsworth introduced Paul Weiderhold. Mr. Weiderhold stated that he and his wife bought a residential treatment facility from Dr. Robinson. They worked for him before that. This facility has since been annexed into the city. Mr. Weiderhold is asking for changes to be made to the city ordinance so that he can live off the property of the facility. Dr. Robinson had approximately 13.5 acres. He does live on the property, but he does not live in the building. They have house parents that live in the facility. They do everything under the guidelines of the state.

Mr. Pierson explained that they will eventually subdivide the property. But they are concerned about the owner occupied ordinance, because although Dr. Robinson does live on the property, he does not live in the facility.

Mr. Bradford asked how many occupants are in the facility. Mr. Weiderhold stated that at this time they have 10 and it is co-ed. Eventually they may want to make it one gender and possibly purchase Dr. Robinson's current residence on the same property and have it facilitate the opposite gender.

Mr. Bradford asked if they have had any difficulty with the kids not doing what they are asked. Mr. Weiderhold said they have very few problems. They work on a level of trust system by proving that they can handle certain freedoms. The system ranges from level 1 to level 5. When they are on a level four or five, they are allowed more freedoms. They are kids that have been put into state custody as wards of the state. This is an adolescent facility, children ages 12 to 18. They generally move them into a more independent living situation when they reach the age of 18. Mr. Weiderhold can give an ICAP test that will provide an idea of what they may become, but he cannot guarantee that they are not going to be violent.

Mr. Robins asked if the ordinance is changed, will Mr. Weiderhold be able to perform business to conforming standards.

Mr. Weiderhold said they have 24-hour staff and night guards, but they still cannot give a guarantee that these kids will not be violent. The owner occupied, and the license are the items that are holding them back. They would like for the ordinance to be changed to meet the requirements of the state.

Mr. Pierson stated that if he is here to represent the citizens, for their health, safety, and well-being, what kind of facility would I want near my residence. Mr. Weiderhold said that he does not have time to do all of the testing himself. The state requires that it be supervised, not required

to actually do the testing. Mr. Pierson stated that we have an ordinance in place for a reason and so why loosen it. If any individual can come in and sign off, he's concerned. But if it is an individual with a Ph.D. signing his name and living at that facility, they will care more. Mr. Pierson stated his concern is that we have the ordinance to keep our city safe. Those standards were put in place for a reason.

Mr. Bradford stated that it has been nice to have Mr. Weiderhold here to discuss this with us. Mr. Wadsworth and Mr. Robins both expressed appreciation for Mr. Weiderhold's patience.

Mr. Weiderhold stated that he and his wife both have their Ph.D.

Mr. Robins stated that this shows a level of commitment.

Mr. Weiderhold is not asking for special exception, he is just asking to be able to own and run his business without having to live there.

Mrs. Johnson stated that in making an ordinance like this, we are really trying to strike a balance. We want to keep our community safe, but we also have to recognize that there is a fair housing act. We need to protect the community, as well as create a place for these youth.

Mr. Weiderhold stated that these youth are not youth in custody. They are youth that have been displaced from their homes for reasons other than criminal.

Mrs. Johnson stated that we have drafted the ordinance in such a way that there is only a certain level allowed.

Mr. Weiderhold stated that his desire is conform to city standards.

Mr. Robins asked how the testing certificates are going to be done. Mr. Pierson stated that he will have a file of the certificates.

Mr. Weiderhold reiterated that what the city wants is for him not to bring in known gang members into this home. He stated that he screens the type of youth that he takes from DCFS. At that time, he signs the certificate stating that at the time that he took this youth in, he/she was not violent or a direct threat. Because he is the owner of the facility, he will have more control over what happens in this facility. If he's not there, and someone else has to do it, they would have to conform to this ordinance.

Mr. Bradford told Mr. Weiderhold that he is a good man and he is concerned that if someone else had to come in, that they would not be able to fill his shoes.

Mr. Wadsworth asked Mr. Weiderhold if the acronyms MSW and MFT licensed therapist should be added to the language of the ordinance. Mr. Weiderhold stated that he would add them and they are capable of doing individual therapy without being under the supervision of the Ph.D.

They have to have 2,000 to 4,000 hours of internship.

Mr. Weiderhold will come back for this to be a public discussion.

Mr. Bradford asked Mr. Pierson to make a list of the subdivisions that have been approved in the last couple of years, and Mr. Pierson said he would get that to him.

### **Adjournment**

Motion to adjourn made by Mr. Bradford and seconded by Mr. Scott. The meeting adjourned at 11:15 p.m.