

**Approved Minutes  
Spanish Fork City Planning Commission - Work Session  
March 2, 2005**

Agenda review at 6:30 p.m. 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: Matt Champney, VP Community Theater Board; Dr. Robinson

The pledge of allegiance was led by Sherman Huff.

**Minutes**

Chairman Bradford made a **motion** to move into public hearing. Mr. Robins **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearings**

**Zoning Ordinance Amendment  
Temporary Signs 17.28.010 E.4**

Mr. Pierson stated that the Development Review Committee recommends that signs for civic events be allowed to be posted throughout the city for events such as Fiesta Days, Festival of Lights, and special events within the community. The recommendation is as follows:

Government entities and non-profit organizations may install signs upon obtaining a special events sign permit to give notice of special events and functions. Such signs may be displayed during holidays or civic functions (i.e. festival of lights, fiesta days, etc..). Signs may be erected thirty (30) days prior to the event or function. All signs must be removed at the conclusion of the event or function.

Mr. Huff asked where these signs would be allowed to be posted. Mr. Lewis asked if they would need to have permission from the city planner. Mr. Pierson stated that they would need to fill out an application and that application would include where they want to post the signage. This would then need to be approved by the city planner. Mr. Pierson stated that the sign ordinance is a very complicated section of our code.

Matt Champneys, Vice President of the Community Theater Board, stated that he is very impressed with the time that has been put into this new ordinance. He stated that he, as well as the city, does not want to see Main Street junked up with signs. He agrees that our city is very clean.

Chairman Bradford asked Mr. Champneys what type of sign he would like to put up, and where he would like to put it up. Mr. Champneys stated that he would like to put up a banner, perhaps by the city offices, city library, or somewhere along Main Street.

Chairman Bradford asked how many plays there are each year. Mr. Champneys answered that there is only one play a year during Fiesta Days.

Commissioner Robins asked if anyone other than the community theater has asked about, or shown interest in this. Commissioner Huff stated that there are many events, such as Miss Spanish Fork, etc., that will come and ask for permits for signs. He stated that it opens a gate for pretty much anyone that wants to post signs, to be able to.

Mr. Champneys pointed out that there is a sign across the street from the city building that the high school has put up. He stated that he would like to see these signs all regulated. He said that if there is a process in place that people can go through, that people can be directed to go about it in the proper way.

Chairman Bradford asked Mr. Pierson about garage sale signs, and if they would also need to be cleared through the city planner. Mr. Pierson stated that if it is a yard sale for the cheerleaders, or another such entity, they would need to go through this process. If it is a private yard sale, they would need to make sure that they follow the city ordinances.

Commissioner Huff stated that there has been some discussion at city council about an electronic sign, but he is not sure where that discussion is at this time. Mr. Pierson stated that this was discussed several years ago. The main thing is money, because it would cost fifty to one hundred thousand dollars. It would be a great opportunity for the city, but it would need to go through the city council.

Councilman Wadsworth stated that one thing he has seen in other cities is a portable lighted sign that can be posted on. Mr. Pierson stated that our city does not allow those because they are portable, it is against city ordinance.

Del Robins made a **motion** for a positive recommendation for the Zoning Ordinance Amendment for Temporary Signs, City Code 17.28.010 E.4 with changes as noted. Dave Lewis **seconded**, and the motion **passed** with a unanimous vote.

**Zoning Ordinance Amendment**  
**Residential Treatment Center 17.28.050 D**

Mr. Pierson presented the changes in the Zoning Ordinances for Residential Treatment Center.

Commissioner Lewis asked how important the 'owner occupied' part of the ordinance is. Mr. Pierson stated that would depend on how important we make it.

Chairman Bradford stated that he thinks that having to match the neighborhood surrounding is a bit much. He asked if churches, etc. have to meet this requirement.

Mr. Pierson state that churches do have to meet this ordinance. Anything like this needs to match the existing neighborhood so that the facility blends in with the rest of the neighborhood. The goal is to make it blend in. This also deals with retirement homes. He referred to the Beehive House on 100 South, stating that it blends in with the rest of the residential neighborhood.

Councilman Wadsworth stated that our ordinance conflicted with what the state requires. The 24-hour supervision is a more stringent requirement than what was there previously.

Mr. Pierson stated that if a facility is going into a residential zone, it should fit in with that residential area.

Mrs. Johnson recommended to strike the 'DSM' in the wording, as she feels that it is more a tool used in evaluations, not necessarily a professional evaluation in and of itself.

Dr. Robinson was invited to the floor by Chairman Bradford.

Dr. Robinson asked about an ordinance that states that the facilities cannot be more than 660 feet away from each other. Mr. Pierson stated that when the ordinance was written, it was to protect the neighbors of these facilities. Commissioner Bradford said that he feels that it would be more an asset to have them near each other.

Councilman Wadsworth stated that Mr. Wiederhold had mentioned that he wanted to separate the boys from the girls. Commissioner Bradford stated that could not happen with this ordinance the way it is now. Dr. Robinson stated that for this circumstance, he would like that ordinance changed.

Chairman Bradford asked Dr. Robinson what he thought about the requirements for having the evaluations signed off for the kids entering the facility. Dr. Robinson said that he doesn't know of any facility that requires the doctor signing the evaluation.

Chairman Bradford asked Dr. Robinson if, in a case where a patient was causing problems, if they would then be removed from the facility. Dr. Robinson stated that they would absolutely be removed. He stated that in the past, they have never been required to have someone sign off on those types of evaluations.

Councilman Wadsworth asked Dr. Robinson if he could see a problem with the language in the

changes in the ordinance. He stated the evaluation would be used as a screening process.

Dr. Robinson stated that the only way it could be signed would be to look at the individual's record of behavior. You would need to look at the past history of that individual.

Commissioner Bradford asked Dr. Robinson if, at this time, would they not allow someone with an extensive history to come in with his evaluation and screening process that he does now. Dr. Robinson stated that he has not seen any psychological tests that would show someone's present level of aggression.

Councilman Wadsworth asked if Dr. Robinson is saying that they would need to go over past history as well as a psychological evaluation. Dr. Robinson said that you would have to look and see if that particular child had been aggressive in the past. You would also need to look at the environment that they were in previously, such as if they were in permissive homes. They would not be in the same environment or program. Dr. Robinson stated that if he were hired to come up with criteria, he would say to evaluate and look at past history.

Dr. Robinson brought up that in the past, the two buildings on the property were not considered two different facilities. Mr. Pierson stated that because one of the children is living in Dr. Robinson's home, it is a different facility. It is no longer all his property. He sold it to Dr. Wiederhold. Now it is two separate facilities.

Mr. Bradford asked if they would be considered the same facility if Dr. Robinson were to sell the rest of the property to the same person. Mr. Pierson stated that they would have to go through the process of removing the property lines, etc. He stated that this ordinance is not for Dr. Robinson, it is for the entire city and community.

Commissioner Robins stated the Dr. Wiederhold originally came to the city because he was not compliant, and his desire is to be compliant. He was impressed with Dr. Wiederhold's words that night.

Mrs. Johnson stated that it would not be a bad idea to specifically name 'e.g. history' in the wording, but that in general, the wording is correct. Dr. Robinson said that he like the latitude of the professionals to make that evaluation. Commissioner Robins thanked Dr. Robinson for his time.

Chairman Bradford closed the public hearing.

Chairman Wadsworth asked if they could take the 660 feet ordinance to the appeals court. Mr. Pierson stated that they could, but that his recommendation as a staff member would be to reject it.

Commissioner Robins said that this has been discussed now for several months. He stated that he would like to see some progress, and for a decision to be made on this ordinance.

Commissioner Huff stated that he thinks this needs to be properly drafted and brought back.

Chairman Bradford stated that he feels it is too strict. He feels that any medical professional would be sticking his neck out there if they were to sign something on these kids.

Commissioner Robins stated that we want to bring this up to a higher standard. Commissioner Lewis agreed that he would like to see it the way it has been brought.

Mr. Pierson and Mrs. Johnson presented a change in the wording to read:

‘Individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by appropriate medical or other licensed mental health professional i.e.: LCSW, D.O., PhD or M.D., MFD., M.S.W. and based upon professional evaluations and diagnostic tools, such as, but not limited to, the ICAP, MMPI, DSM, and/or such other resources, including a potential patient’s behavioral history, as may be available to the medical or other licensed mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety or the property of any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.’

Commissioner Lewis made a **motion** to accept the Zoning Ordinance Amendments - Residential Treatment Center 17.28.050 with changes as noted. Commissioner Robins **seconded**. The **motion** passed with Chairman Bradford voting nay.

### **Other Business**

#### **General Plan - Land Use Section**

Commissioner Robins made a **motion** to address section B, Neighborhood Requirements, first. Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote.

#### **Neighborhood Requirements**

Mr. Pierson presented the Neighborhood Concept Review:

‘Prior to staff receiving a preliminary plat, conditional use or a zone change application from a developer or applicant, the following information must be submitted:

1. Names and addresses of all property owners within 500 feet of the proposed project submitted to staff prior to the meeting (owners and addresses can be obtained at Utah County Recorders Office).
2. A notice must be provided to all property owner within the 500 feet and the notice must be submitted to the City Planner prior to the meeting.
3. All drawings or proposals to be shown to the property owners must be submitted to the City Planner prior to the meeting.

4. Hold a meeting with all property owner within 500 feet of the proposal at a location convenient to the adjacent property owners; the presentation must describe the project in detail, including a conceptual drawing of the proposal.
5. Minutes must be taken and which includes comments from the property owners as well as the names, addresses, and phone numbers of all individuals present at the meeting, and submitted to the City Planner.'

Commissioner Robins asked how long this process would take. Mr. Pierson answered that it could take about a month.

Commissioner Robins gave his compliments to Mr. Pierson. He asked if this addresses the problems that we have faced over the most recent meetings. Mr. Pierson stated that, in his opinion, this is long overdue. One citizen has already read over this and was very happy about it.

Commissioner Lewis asked if other cities have an ordinance like this one. Mr. Pierson answered that he doesn't know of other cities that have an ordinance just like this one.

Commissioner Robins asked Commission Lewis, as a developer, what his opinion is of this concept. Commissioner Lewis was concerned with a situation in which the neighbors have a different idea with what should have to property that they don't own. Mr. Pierson stated that if that were to happen, they would have the right to go in and try to make a change to the general plan.

Commissioner Lewis stated that he feels this is a good idea for neighbors to be able to put in their opinions, but that the property owner should have the right to make the final decision.

Mr. Pierson stated that the goal is for synergy to happen. Good or bad, it is always someone's opinion. Commissioner Robins stated that he feels that it also gives an opportunity for conflict to be worked out before it comes to planning commission and city council meetings. A lot of concerns and questions can be worked through.

Commissioner Robins feels that it is a wonderful idea. He stated that he thinks there should be a different source to go to other than the developer. He asked if it is possible to have this information available to the public. Mr. Pierson stated that the city website will be having changes made within the next couple of weeks. He stated that it is very possible to be able to post this information.

Commissioner Lewis asked if it would ever be a prerequisite for a project that the neighborhood approves it. Mr. Pierson stated that would be against the law.

Councilman Wadsworth thanked Mr. Pierson and Commissioner Lewis for all of the time and hard work that they have put in on this.

Councilman Wadsworth made a motion to take a five minute break. Commissioner Huff

seconded, and the motion passed.

Meeting called to order by Chairman Bradford.

### **General Plan - Land Use Section**

Mr. Pierson stated that planning works like a circle, with the center of the circle being the highest density areas and the outside of the circle being the lowest density areas. You would want your highest density areas near the biggest roads, and the lowest density areas furthest away from those roads.

Discussion on Riverbottoms Road area:

Commissioner Robins asked about lot sizes with animal rights. Mr. Pierson stated that we would have to stick to 1 unit per acre to 2.5 units per acre. 1 U/A is equal to 1 acre lots (30,000 sq. ft.). 2.5 U/A = ½ acre lots (about 15,000 s.f.).

Commissioner Lewis stated that he would like to see this, without it having to be master planned, be changed to ½ acre lots. Mr. Pierson stated that it would have to be rezoned.. Commissioner Lewis stated that he would like to see it rezoned.

Mr. Nielsen pointed out that in order to have animal rights, it would have to be at least an acre is size. Commissioner Robins asked if the next step in this area would be ½ acre. Mr. Pierson concurred.

Chairman Bradford asked about the road plans in the area. Mr. Pierson stated that we will probably see roads above and below. He stated that what matters to him as a City Planner is to have control over what is on that property. Commissioner Robins stated that he would support Commissioner Lewis' idea to rezone.

Discussion on river bottoms area (from Powerhouse to Riverbottoms Rd.):

Mr. Pierson stated that he believes that the residents would more than likely want to see the river bottoms area left alone. They have already said that they would like to see it left alone. He said that his goal as City Planner is to make their vision happen.

Mr. Nielsen stated that from a public works standpoint, if the county puts in homes just out of our city limits, he can see that down the road, those people will come to the city and ask to be annexed. Then it becomes our city's problem, not the county's. To his understanding, if they can get pipe to our service, we cannot deny them those services. Councilman Wadsworth stated that someone will need to establish if that is indeed a fact.

Mr. Pierson stated that he thinks we need to have a work session to get all of this land use section done. Councilman Wadsworth stated that he thinks everyone on the planning commission should

take a walk along this whole area and see how beautiful it is.

Mr. Pierson said that the planning commission needs to spend a lot of time focused on this. The Leland area alone will probably take two to three work sessions. He stated that he is more than happy to meet with anyone about it. He stated that residents should be here and be involved. Mr. Nielsen stated that he, too, is willing to talk to anyone and answer any questions regarding the public works part of the plan.

Mr. Pierson stated that we will go to the land use section of the general plan, then to design, then to transportation, etc. We are not even close to being done with this. We will look at each section of the general plan map, and then we will hold a public hearing for everything at once.

Chairman Bradford asked how much input the property owners should have on their zoning. Mr. Pierson replied that it should be a lot. Any of these individuals have the right to come in and ask for a change.

Commissioner Huff reiterated that we are not just talking about zoning, we are talking about the general plan. The property owners are the only ones that can request a zone change. Mr. Pierson concurred. Mr. Pierson stated that the general plan gives you the vision and the direction of what can be done with that property.

Motion to **adjourn** made by Commissioner Robins and **seconded** by Commissioner Lewis. The meeting adjourned at 10:00 p.m.