Adopted Minutes
Spanish Fork Planning Commission
May 4, 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 Nielsen, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; Tricia Breinholt, Secretary.

Citizens Present: Luke Penrod; Steven Aldana; Bryan Robins; Heidi Robins; Diana Butler; Perry Frandsen; Tracy Livingston; Christine Watsen Mikell; Russell Parkinson; Jared Allred; Derek Winkel; Jacob Allred; Tate Jones; Nate Blaylock; Scott Eyre; Darin Cable; Kyle Loveless; Vick Devano.

The pledge of allegiance was led by Councilman Wadsworth.

Minutes

Commissioner Huff made a **motion** to **approve** minutes from March 2, 2005. Commissioner Robins **seconded**, and the motion **passed** with a unanimous vote.

Chairman Wadsworth made a **motion** to **approve** minutes from February 2, 2005. Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote.

Planning Review and Update Projects

Mr. Pierson presented the following updates on projects:

Sunny Ridge Subdivision at 400 North and Center is under construction now.

The Charter School broke ground on Saturday, March 31st and will be a new addition to our community. They are still working with the Parsons on property, but they are moving forward.

As far as conditional use permits, H.E. Davis will not be in Spanish Fork. Mr. Pierson stated that the last he heard they are looking in Payson.

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

Public Hearings

Zoning Ordinance Amendment 17.28.050. Uses Subject to Conditions – Windmill

This ordinance is requested to be changed to allow for windmills. Mr. Pierson stated this is not a review of the windmill project. This is just referencing the ordinance in general. The first portion of the ordinance has to do with the wind turbine. Wasatch Wind has requested to amend the Zoning Ordinance to allow for wind towers in the Light Industrial (I-1) and the Heavy Industrial (I-3) zoning districts. If approved, the applicant is proposing to construct 11 turbines in two phases and on two sites. One site is called the south site and is located by the Fingerhut building. On this site they are proposing 4 wind turbines. Site two is located in the gravel pit located at 3400 East and Highway 6 by the power lines. Here they are planning on 7 wind turbines. To be able to construct the windmill, the applicant needs to amend the zoning ordinance to allow for windmills in these locations.

The Development Review Committee recommended approval of amending the ordinance as follows:

Wind Turbines (WT)

Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of large wind energy systems installed to provide electricity to utilities and to promote the adoption of renewable energy resources to reduce dependence on fossil fuel power generation.

A. Definitions:

Large wind energy system or farm: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100kW.

Tower Height: The height of a wind turbine measured from the grade level to the hub.

Blade Sweep: The diameter of the wind turbine blades as determined by the blade rotation.

B. The following requirements must be met:

1. Minimum parcel size: A large wind energy system must be located on a parcel that is at minimum, five (5) acres in size and one additional acre per windmill.
2. Setback from structures on the property (residences, businesses, etc.): Structures may be located up to the foundation of the WT.
3. Setback from a residential zone or use: The tower base must be set back a minimum of 500 feet from residential zoning districts.
4. Distance from right-of-ways and property lines: None; but all WT bases must be located on leased or owned property. The WT blades cannot encroach upon adjoining properties or right-of-ways without agreements or easements providing their approval. The agreements or easement must be a recorded document.
5. WT Height: Not to exceed 270 feet in height for a tower. Provided that, in all

cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.

6. Height of Blade (tip from ground): No lower than 50 feet.
7. Braking Device: All WT devices shall have braking systems when winds reach speeds in excess of 65 miles per hour.
8. Sign: One project identification warning sign, containing a telephone number for emergency calls, no larger than 16 square feet in size.
9. Color/Finish: white or other non-reflective color.
10. Interference with Broadcast Signals: shall not create electromagnetic interference and be filtered and/or shielded to prevent interference with broadcast signals.
11. Density: No more than one turbine per acre.
12. Compliance with International Building Code (IBC): building permit applications for wind energy systems shall be accompanied by standard drawing of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the building code and certified by a licensed professional engineer registered in the state of Utah shall also be submitted.
13. Compliance with FAA Regulations: wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
14. Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.
15. Zoning Districts: only in the I-3 and I-1 zoning districts which are east of 3400 East.
16. Wind Study: A wind or feasability study must be conducted and recommend a specific location for the WT. The study must also recommend an optimal height for the WT and if the location is feasible for a WT.
17. Tower shall not be climbable from the exterior of the WT.

Mr. Pierson stated that there is an I-1 zone near the airport, but once you get that far from the canyon, the wind is significantly changed. He stated that this is just going through due process for an ordinance change. This is Wasatch Wind's proposal.

Commissioner Lewis asked why we would want the towers to be white. Mr. Pierson stated that it is just a neutral color.

Mr. Huff pointed out a couple of grammatical errors.

Commissioner Robins asked if this is just in reference to large wind applications and how this would affect a medium wind application. Mr. Pierson stated that it has not even been looked at for that because that has not been something applied for. The applicants are just requesting for the large wind applications. Commissioner Robins stated his concern is for people who would like to have a smaller application, they may not be able to meet the ordinances for such a large scale.

Tracy Livingston, manager of Wasatch Wind, stated that he has a presentation for an overview of their application. Commissioner Bradford asked that we put it on hold for now because this is in reference to the ordinance, not to their permit.

Commissioner Lewis asked why the turbine would need to be stopped at a certain speed. Mr. Livingston stated that it is required for them to stop the turbine once they reach 58 mph. They are designed to withstand winds at much higher speeds.

Mr. Livingston stated that the reason that this ordinance amendment is just in reference to large scale windmills is because that is what they are dealing with. It is a complicated issue when you are trying to equalize ordinances for large and small wind farms together. He stated that even for U.M.P.A., that has created issues in the past. Commissioner Robins stated that he appreciated the thought that went behind this guideline. Mr. Livingston stated that the places that they can put the turbines are very, very limited. Commissioner Robins asked if they did a wind study in the county areas. Mr. Livingston stated they did not, they just studied the sites within the city.

Councilman Wadsworth asked how this will affect the citizens of Spanish Fork. Mr. Livingston stated that this will get the awareness for the benefit of these projects offsetting coal and natural gas. This will be a flagship model for the whole state. In other places, the public relations have been a huge benefit where they have actually used the wind, rather than let it go to waste. Councilman Wadsworth pointed out that some issued have not been resolved as to trying to connect to U.M.P.A.'s grid. Mr. Pierson concurred. Mr. Livingston stated that Spanish Fork could use this as a benefit. The additional benefit is that the wind farm is here in this community. Councilman Wadsworth asked if Mr. Livingston is aware of a wind farm in California, Altamont Pass, and the amount of money that they have lost there. Mr. Livingston stated that he is aware of the wind farm, but he is not aware of the financial records of it. Mr. Livingston stated that the price of power from wind now is less than other sources of power. There are major businesses involved, including G.E., Florida Power and Light, etc. Commissioners thanked Mr. Livingston for his presentation.

Chairman Bradford opened the floor for public hearing.

Diana Butler, 1073 South 2230 East, stated she supports this project. She said that she has felt for a long time that this wind could be used for the benefit of the community. She also stated that the sight is ugly now, so the visual impact is not really an issue for her. She feels it could be a benefit to the community. She stated that she would like to form a community investment co-op. She believes this is a way our community as a whole to benefit. She stated that she is not affiliated with this project in any way.

Steve Aldana lives at 935 East 3500 North in Mapleton. He stated that there is an enormous resource here. He has a windmill on his property. He envisions people stopping and looking at the turbines in awe on the way up the canyon. He commented that it is a wonderful sight and a wonderful resource. He believes it to be a long-lasting legacy an that now is the right time and the right place. He stated that there is also a tax base that will come back to the city.

Gary Frandsen commented he originally had concerns when Wasatch Wind first contacted them about the wind turbines. He now feels that it will be something that helps us rather than hinders us. He stated that he has gone and looked at what they look like and how they function and feels that they look nice.

Chairman Bradford closed public hearing for this item and opened it up for Planning Commission discussion. Commissioner Huff reiterated that we are not discussing the windmill itself. He stated that the ordinance is good and he is in favor of it. Commissioner Robins stated that he agrees that the ordinance is good, he just wonders if it is needed for an ordinance. He asked that staff look at addressing residential use for windmills for a conditional use. Mr. Pierson stated we can go back to that after the general plan is done.

Commissioner Lewis made a **motion** to make a **positive recommendation** to the City Council for the **Zoning Ordinance Amendment 17.28.050. Uses Subject to Conditions – Windmill** as shown. Commissioner Robins **seconded** and the motion **passed** with all in favor.

Councilman Wadsworth stated that he would like to hear from U.M.P.A. people about this. He asked if that is pertinent. Commissioner Robins stated that U.M.P.A. has visited us. Commissioner Huff stated that they are generating power and they are going to sell it. Our power is generated and distributed as it comes through the city. He does not feel that it applies. Mr. Pierson stated that last year, Leon from U.M.P.A. came and spoke to us. He stated that each entity is required to use a certain amount of clean energy. Their viewpoint is that they already have that resource, and they get it cheaper than what is being spoken of here. Commissioner Robins asked if anyone else feels that the writing 'east of 3400 East' is necessary. Commissioner Lewis stated that they could look at it later, and leave it as it is for now.

<u>Zoning Ordinance Amendment Titles 16 &17 combine to make Title 15 Land Use</u>

Mr. Pierson stated that staff is making a recommendation to eliminate titles 16 and 17, and create Title 15, which would be titled 'Land Use'.

'The Utah State Legislature has made a number of changes to the Local Land Use Development and Management Amendments that will go into effect on May 2, 2005. After reviewing those changes to the State Code and the impacts it will have on Titles 16 and 17, staff, after having consulting with City Council, recommended combining the Subdivision Ordinance and the Zoning Ordinance.'

He stated that this would simplify the way things are looked up for certain areas, including parking, animals, etc., that were previously in two separate areas of the code. Definitions were also added in, including definition for City Council, commission, final decision, etc. Mr. Pierson stated that he could spend a lot of time going through this.

Commissioner Huff asked about 15.12.080. Mr. Pierson stated that this is a big change. Commissioner Huff stated that he would like for it to be talked about. Mr. Pierson stated that this

is a decision made by the City Council.
Commissioner Huff asked if this is being changed because of state law, or just that it's the time to do it. Mr. Pierson responded that it is for both reasons. He stated it is also due to liability. Commissioner Lewis stated that this would mean that Councilman Wadsworth would no longer be here. Mr. Pierson concurred. Commissioner Lewis stated that he would also not be here. Mr. Pierson referred to the ordinance and pointed out that he could stay on for six years. The City Council may meet and reappoint each person's terms. That would be something the City Council could look at.

Commissioner Robins asked if we do not any longer have a Title Fifteen (15). Mr. Pierson concurred that we do not.

Mr. Pierson stated that he feels like a bonus in this change is the number of notices that are required to be sent out and posted on the website. There will be a location on the city website that any public hearing will be posted 10 days prior to the public hearing. Mr. Bradford asked if that replaces notification. Mr. Pierson stated that it does not. He believes that this really provides an opportunity for people to know what is going on in the community.

Commissioner Wadsworth asked about people being required to meet with developers and neighbors. Mr. Pierson stated that once we require them to do something, they are vested. Therefore, that can be a policy rather than a requirement. Mrs. Johnson stated that she agrees with this. She stated that if we require them to do something, they would be vested, and could go to court and say that 'this and this were required of me, therefore, I feel that I am vested'. She stated she does not believe that it is a good idea to make these requirements prior to them paying their fees and submitting their applications.

Mr. Pierson stated that every subdivision that comes before City Council will pretty much be a re-zone and preliminary plot. He stated that you can stop a project if you don't like it by not re-zoning it.

Commissioner Robins stated that his concern is that we don't have someone who will guide this policy. He asked if Mr. Pierson would look at their concerns and try to address them. Mr. Pierson stated he would.

Commissioner Lewis addressed page 15-45, Building Permits. He asked if that was only put in to address the asphalt. Mr. Pierson concurred. Commissioner Lewis stated that he is in favor of that. He then addressed page 15-50, 15.4.16.070, Foundation Drains. Mr. Pierson stated that this was added in because of an issue with a drain problem within the city. Commissioner Lewis asked if the Oakview Subdivision is the only one affected by this. Mr. Nielsen stated that not necessarily. Mr. Nielsen stated that Oakview and Spanish Oaks are the only two existing subdivisions that are affected. He stated that this makes us compliant with the International Building Code.

Commissioner Lewis asked about Title 15.4.16.150. Mr. Pierson explained this as a safety issue,

mostly in reference to corner lots.

Mr. Pierson stated that on page15-42, Performance Standards, he would like (a) to be changed from 125 feet to 200 feet and add 'from property to line to property line'. His other recommendation is to move Titles 15.3.24.030 through 15.3.24.080 and move it all into 'Subjective to Conditions', leaving them the way they are written, just use them in that section.

Commissioner Lewis referred to page 15-41, Accessory Apartment, one covered and one uncovered. Mr. Pierson stated that it is the same requirement for a single family home.

Chairman Bradford opened the floor to public hearing.

Vick Devano owns 167 S Spanish Oak Blvd, as well as other properties. He stated that the ideas are very good. He asked for a copy of this and the chance to look at it.

Chairman Bradford closed public hearing.

Councilman Wadsworth asked if developers were involved in this process. Mr. Pierson stated that before this was drawn up, they met with a number of developers and made sure that they were involved all the way through. He stated that they provided good information. Mrs. Johnson stated that the changes and revisions made are some of the same things that have been considered by developers.

Commissioner Robins made a **motion** to approve **Zoning Ordinance Amendment Titles 16 and 17 combine to make Title 15 Land Use** with changes. Commissioner Lewis **seconded**, with the Planning Commission giving a positive recommendation that Titles 16 and 17 be consolidated and that section 15.3.2.030 #6, 'Property line to property line' be added, also with a condition added that the neighborhood concept review be contacted prior to City Council meeting. The motion **passed** with all in favor.

Commissioner Huff made a **motion** to end public hearing. Commissioner Robins **seconded**, with public hearing ending at 8:45 p.m.

Chairman Bradford called a five minute recess, and the meeting was called back to order at 9:00 p.m.

Staff Reports

Spanish Trail Amended Preliminary Plat (Re-approval)

Vick Devano presented the Spanish Trail Amended Preliminary Plat. He stated that the current plat shows changes that include more ingress and egress. He stated that the trail on the east side of the subdivision that runs from north to south is completed. They would like to add a trail that goes down and eventually to Volunteer Drive. It would be a six foot wide trail, where the other is

an 8 foot trail. He stated that they have also changed to single family homes that each have either a one or two car garage, as well as carports. They are also adding parks to the subdivision. He stated that the units are now separated, with no common walls, from 1125 square feet up to 1900 square feet. Mr. Devano stated that they are asking for approval for these changes. He stated they are ready to go into full production. He informed the Planning Commission that they had a unanimous vote at the Development Review Committee.

Chairman Bradford asked who will develop and maintain the parks. Mr. Devano stated that they would. Commissioner Lewis pointed out that this is in exception to the proposed path on the south side.

Commissioner Huff asked about a time line for the building and if they will be developing it starting on the north and continue developing to the south. Mr. Devano stated that they will average about 35 units a year and he believes that they are about 4 years out. He confirmed that they will build from north to south. He stated they are planning 3-4 years maximum, but they would do it quicker if they can get all of the units sold. They will have new signs and a new street corner monument with 'Spanish Trails' written on it.

Commissioner Lewis asked when the city would finish the trail. Mr. Pierson stated it would be based on impact fees, etc.

Commissioner Lewis made a **motion** to approve Spanish Trails Amended Preliminary Plat located at 100 South 400 West subject to meet the following conditions:

1. Meet all of the conditions of the original preliminary plat.
2. Meet all of the Construction and Development Standards as directed by the Engineering Department.
3. Provide landscaping and playground plans.
4. Provide a letter of approval from the Westfield Irrigation Company for the piping of irrigation water.

Councilman Wadsworth **seconded** and the motion **passed** with a unanimous vote.

<u>Other Business</u>

General Plan –Land Use Section

Mr. Pierson stated that there will be a work session after this meeting.

Commissioner Robins made **motion** to ask staff to give us a proposed ordinance change to allow conditional uses for windmills. He stated that about a year and a half ago a citizen asked for a windmill to generate power for personal use. At that time the City Council decided to have a committee study it. Mr. Pierson stated that he doesn't believe that the council would have any control over someone's hobby. Commissioner Robins asked if we should not restrict residents

from putting up a windmill. Mr. Pierson stated that he believes that City Council would be the ones to instruct staff. Commissioner Robins stated he is content and **withdrew his motion**.

Mr. Pierson stated that as long as it is a small hobby wind mill, such as some that are believed to be up there now, there are no problems. Mr. Nielsen stated he does not see them being a problem as long as they are not hooked up to the power and are being used for personal use.

Mrs. Diana stated that it would require a very large tower for one to be able to be hooked up for an entire home and it would not be feasible. She stated that she sees no problems with the small ones for hobbies.

Motion to **adjourn** made by Commissioner Huff and **seconded** by Commissioner Robins. The meeting adjourned at 9:30 p.m.

Work Session

Work Session started at 9:30 p.m. Mr. Pierson showed a map of a combination of all of the ideas talked about in the April discussion. Mr. Pierson requested that the next meeting, in June, to possibly be a work session. Maps were looked at and discussed. Mr. Pierson asked if the commissioners are okay with inviting the residents in the Leland area to the next meeting and the general public to the July meeting. All agreed that it would run from 6:00 to 8:00 and a work session would follow. Work session **concluded** at 10:05 p.m.