

**Approved Minutes
Spanish Fork City Planning Commission - Work Session
July 6, 2005**

Agenda review at 6:30 p.m. by Mr. Pierson.

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

Commission Members Present: Chairman Paul Bradford, Assistant Chairman Del Robins, Ted Scott, Sherman Huff, Sharon Miya, Dave Lewis.

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

Citizens Present: Don Shively, Cingular Wireless; Vic Devano, DJ Elite Development; Brent Money, Westfield Irrigation Company; Charles Barkley; Troy Hales.

The pledge of allegiance was led by Commissioner Bradford.

Minutes

Planning Review & Update Projects

Mr. Pierson reported on the updates of projects as outlined.

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

Chairman Bradford asked those that have comments to please restrict their comments to comments that have not been previously been made.

Public Hearing

Cingular Wireless

Chairman Bradford stated that the Development Review Committee has made some recommendations for this request. He read the recommendations as follows:

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-1-8 does allow for a Wireless communication facilities through a 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 of the conditions that will be placed on the use and that everyone uses cellular phones therefore, creating the need for additional towers.

3. The proposed sight 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 tower and the setbacks and location should keep it from nearby residents.

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: No additional traffic should be created from the use.

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: That the conditions placed on Cingular Wireless should resolve any anticipated detrimental effects from the tower. The tower height will not have an effect on the existing power poles in the area.

Mr. Pierson stated that towers must go through a conditional use process. He presented a map of the area. Mr. Pierson stated that the property next to the applicant could be zoned residential or commercial in the future.

Commissioner Robins asked if Cingular already has a tower further up the road. Don Shively represents Cingular Wireless and stated that there is an increased traffic flow up Highway 6, which has created the need for this tower. He stated that Cingular Wireless is agreeable to the recommendations made by the Development Review Committee. He stated that the reason for this tower is because of traffic patterns.

Commissioner Bradford asked if they had a chance to meet with neighbors about this. Mr. Shively stated that he did send out flyers, but at the time of the meeting, he was caught up and was not able to be there on time. When he did get there, there was no one there.

Commissioner Bradford asked if there is any way that different providers can use the same tower. Mr. Shively stated that it is possible, but the problem is that of equipment. They each use different equipment for their telephone services. Commissioner Bradford asked if there is any interference from these towers from televisions, radios, etc. Mr. Shively stated that they are regulated and they must stay on different frequencies.

Commissioner Huff asked what kind of foundation the tower would be built on. Mr. Shively stated that they take samples of the soil and the type of foundation depends on the testing that is done for each individual site.

Commissioner Huff asked if the tower will be 80 feet or 100 feet. Mr. Pierson stated that it will depend on if they are allowed by the FAA, but staff is hoping for a 100 foot tower. Commissioner Miya asked if this were approved for a 100 foot tower, then would three different companies be able to use the tower. Mr. Shively stated that would be possible.

Commissioner Huff asked if this is just another booster since Cingular already has a tower up the road near the water tanks. Mr. Shively agreed that it would be. Mr. Shively stated that as the wireless networks develop and create more things, such as internet, photo capabilities, etc, it creates a bigger need for these types of towers.

Mr. Nielson showed a mapping of the FAA requirements, explaining what is needed by the FAA for their approval. Commissioner Huff asked, if the FAA approves the 100 foot tower, is that also what staff is recommending. Mr. Pierson stated that is what staff would like to see.

Commissioner Bradford asked if the fence will be made in such a way that children cannot get in. Mr. Shively stated that they try to make it as much of a deterrent as they can. Commissioner Huff asked if the tower would be easily climbed if a child did get inside the fence and try to climb it. Mr. Shively stated that they will remove the climbing pegs up to about 15 feet.

Commissioner Bradford invited public input. No public took the floor.

Commissioner Huff stated that if the applicant is willing to move the tower to the proposed site recommended by the Development Review Committee, it seems there are no objections.

Charles Barkley stated that he lives at a neighboring home to where the original application was, and he would have thrown a fit had the tower been going up in the original spot, but with it being recommended for the far corner, he is relieved.

Commissioner Huff asked who all received a notice of this tower. Mr. Pierson stated that everyone within three hundred feet received a notice of the tower.

Commissioner Miya asked if Cingular Wireless would retain ownership of the tower, or if the landowner retains ownership of it. Mr. Shively stated that, as it is a lease, the land owner still owns the land, but Cingular Wireless owns all of the equipment and the tower itself.

Mr. Barkley stated that they original didn't know exactly where the tower was going to be, they were just looking at the site itself. He showed up at the meeting last night, July 5th, as well as two other people.

Commissioner Miya asked if Mr. Nelson will be fairly compensated for the use of his property. Mr. Shively stated that he will be compensated, and every property owner that has one of these towers benefits from it.

Mr. Barkley stated that the people in the area of the culdesac are concerned about the eyesore of the culdesac itself. He stated that he is frustrated with the site itself.

Commissioner Bradford asked if the property owner is responsible for the control of the weeds. Mr. Pierson concurred, they need to keep it under six inches.

Mr. Shively reiterated as the conversation turned to the talk of weeds, he is just here for the application of the tower.

Commissioner Robins made a **motion** to leave public hearing, Commissioner Miya seconded, and the motion carried.

Commissioner Robins made a **motion** to **approve** the Cingular Wireless Conditional Use Permit located at 1360 East Center Street subject to the following conditions:

1. To be located next to Highway 6 on the southeast corner of the property.
2. To be a minimum of 80 feet with a possibility of 100 feet, depending on FAA approval.
3. Meet all of the construction and development standards and all safety codes.
4. Maintain all of the grounds.
5. Install a fence around the tower to eliminate access to the tower.

Commissioner Huff **seconded**, and the motion **passed** with a unanimous vote.

Staff Reports

Reese Circle - Amended Preliminary Plat

Mr. Pierson showed a map of the amended preliminary plat. The applicant, Troy Hales, is requesting to amend his preliminary plat approval in order to develop 3 single family lots instead of the 6 originally approved. The property is shown in the General Plan as Residential 2.5 to 3.5 units/acre. The property was rezoned as part of the Valley Crest (Rees School Rezone). Mr. Pierson stated that all of the homes would face 400 North, with side entry garages, with a 'T' shaped driveways.

Troy Hales stated that he doesn't have any questions, he just wants to build a home.

Commissioner Miya asked which lot he will be building on. He stated that he is going to be taking the middle lot. He stated they just decided to build a new home there instead of develop the property. Commissioner Miya asked what he plans on doing with the rest of the land. Mr. Hales stated that he may be developing it in the future, but not for now.

Commissioner Scott made a **motion** to give the Reese Circle Preliminary Plat located at 1400 East 400 North a **positive** recommendation to the City Council subject to the following conditions:

1. Provide a letter from UDOT approving the design and improvements along 400 North.
2. Build side entry garages on all three homes with 'T' driveways.

3. Meet all of the construction and development standards.

Commissioner Miya **seconded** the motion, and the motion **passed** with a unanimous vote.

Spanish Trail Amended Preliminary Plat

Vic Devano is the applicant for this plat. Mr. Pierson stated that the applicant came in May and presented this plat. Mr. Pierson stated that the city council asked if the area south was a common area. It was shown that it was a limited common area. He stated that the applicant has done a great job at communicating with the neighbors and answering their questions. Mr. Pierson presented the Development Review Committee recommendations.

Commissioner Miya asked if there is a limit on how small the lots can be. She stated that these seem like very small lots to her. Mr. Pierson explained that a developer can come in and provide certain amenities for the smaller lots. He showed other areas in the city that have lots of comparable size. Commissioner Miya asked how far from the property line they need to be. Mr. Pierson stated that it depends on what types of units they are.

Commissioner Bradford asked if these do not have to meet the 10 foot requirement. Mr. Pierson stated that these do not because they are pad home sites.

Commissioner Miya asked if the city has the power to supply to all of these new homes. Mr. Pierson stated that we absolutely do. Commissioner Huff stated that Spanish Fork City has several different resources. Mr. Pierson stated that we have growth abilities in all of our city resources, i.e. power, water, etc.

Vic Devano showed the original plan compared to the new proposal. He stated that these homes are now not as wide but are 10 feet deeper. There is limited yard in the front and they all have two car garages. He stated that changes made are that the people on the pad homes will have a limited common area and will be able to manage their own yard work, etc.

Commissioner Bradford asked about what the limited common area is. Mr. Devano said that the home owners take care of the lot. They have the right to have a fence, etc. But if they do not care for the lot, the home owners' association steps in.

Commissioner Huff stated that several years ago, as they were talking about the trails, the city had control of the trails. He asked if the homes on the east side will back right up to the trail. Mr. Devano stated that they will back right up to the trail.

Brent Money, president of Westfield Irrigation Company, stated that he is happy with this proposal. He stated that Westfield's policy is that ditches are piped. He stated when there is an open ditch, there are problems. He presented a letter to the Planning Commission, dated July 4, 2005, as follows:

“Westfield's policy for any property that is subdivided and changes use from production agriculture is that any of the laterals that run through or border the property will have to be piped

by the developer.

At the cost to the developer, the project will have to be designed, engineered, and guaranteed to carry the flows of water specified by Westfield. The piping shall be reinforced concrete bell and spigot. Those plans will need Westfield's approval.

Piping of the Mill Race and South Ditch will have to be engineered to include a diversion structure. Westfield will stand the cost of the diversion structure.

We require that all work is completed before we will sign off, or that the city makes the developer bond for the entire cost of the project up front.

Work on the projects will have to be done between October 15th and March 1st. No interruptions of our ability to distribute water will be allowed. Penalties will be assessed.

President Westfield
Brent Money"

Commissioner Bradford asked if there will be a problem with the piped water lines plugging up. Mr. Money stated that they have clean ups every so often, and have not had any problems with that ditch.

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

1. Construct the playground and landscaping as per the plans signed off by the Homeowners Association.
2. Provide a letter of approval for the piping of the ditch from West Fields Irrigation Company.
3. The developer is to pay 100 percent of the cost to pipe the small (South) ditch and pay 50 percent of the cost to pipe the portion of the Mill Race Canal which runs through the development property.
4. Both the small ditch and Mill Race are to be piped by March 1, 2007.
5. Provide an easement adequate for the trail and piped irrigation.

Commissioner Huff **seconded** and the motion **passed** with a unanimous vote.

Commissioner Huff made a **motion** to move into work session. Commissioner Robins **seconded**, and the motion **carried** with all in favor.

Work Session

Mr. Pierson presented the map that was created from the work session in June. This map is identical to what the residents of Leland proposed, besides snapping some lines and some minor adjustments. This is basically the final version. He would like to summarize everything for land use next time. Mr. Pierson showed the area of the map on far south Main near Cal Pac Avenue

and the suggested zoning. He asked for direction from the commissioners and if they like it the way it is or if they would like to change it.

Scott Carlson is a civil engineer working on the property with the cannery. He showed some ideas as to how they would like to access that property. He stated that they will come forward with ideas of trails, and possibly town homes, etc. that will be much better than just blocking off the area. Commissioner Scott asked what they are planning on doing with the old cannery. Mr. Carlson stated that it will probably go. Mr. Carlson stated that they are thinking about town homes and single family homes on the property.

General Plan - Transportation/Trails

Mr. Pierson presented a map of the transportation/roads within the city. He asked commissioners how they see the transportation map in the future. There was discussion and questions answered about the transportation map. Mr. Pierson stated that he will come to the next meeting with ideas on the transportation and trails within the city.

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