

Approved Minutes
Spanish Fork City Planning Commission
October 5, 2005

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

Commission Members Present: Assistant Chairman Del Robins and Commissioners Sherman Huff, Sharon Miya and Ted Scott. Chairman Paul Bradford was excused and Commissioner Dave Lewis arrived later during the meeting.

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

Citizens Present: Mike McCormick, Brenda Evans, Richard A. Evans, Mary Isaac, Mike VanWagoner, Kate VanWagoner, Lana Creer Harris, Glen E. Brown, Sharon S. Brown, Bret Hicken, Tenille Kelau, Sina Kelau, Mel Grant, Jerome Gourley.

The pledge of allegiance was led by Commissioner Miya.

Minutes

Commissioner Huff made a **motion** to approve the August 3, 2005 minutes of the Planning Commission meeting with changes as noted. Commissioner Miya **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Scott made a **motion** to approve the September 7, 2005 minutes of the Planning Commission meeting as presented. Commissioner Huff **seconded**, and the motion **passed** with a unanimous vote.

Mr. Pierson said no new subdivisions have been submitted. He reviewed the progress of ongoing subdivision developments.

Public Hearing - General Plan Update 2005

Commissioner Huff made a **motion** to move into the public hearing portion of the meeting. Commissioner Miya **seconded**, and the motion **passed** with a unanimous vote.

Mr. Pierson said the City Council requested a review and an update of the General Plan. The General Plan Update 2005 has been in the discussion stages for the past six to eight months. The residents have been involved in the discussions and have made requests and suggestions. This has been a great opportunity to get the residents involved. Mr. Pierson presented the change document of the General Plan Update 2005. This plan is currently on the city's website. He reviewed the plan and attachments.

Assistant Chairman Robins opened the meeting for public comment.

Lana Creer Harris, residing in Leland, said when the Leland residents were presented with the plans for discussion there was not a lot of cohesive planning. She said there were tables set up with a map and individuals were grouped to make suggestions and discuss the options at each table. She sat at a table with a man who drew in a line for a proposed road. She told him she was not happy with the location of the road since it dissects her land. She said she opposed his suggestion and made a note on the map. The last time she checked the site the line drawn for the road still remains. He is only one person and should not be able to make a determination for the general citizenry. She also said the city does not have enough parks. She has been present when the city pawned off a park in a development in exchange for a gazebo. She said a gazebo will not benefit the community. There is no place to take children to play. She begged for more open green areas other than ball parks. The ball parks are highly utilized for the sports programs. The only place she can bird watch is the city cemetery. People need a place to sit and relax. She requested the Planning Commission consider when one person puts something on the map it is not the consensus of the group. She said the residents of Leland were not give the amount of background information that was received during the planning meetings for the River bottoms area. Mr. Pierson did not give the same information to Leland residents. She said she considers it a short to Leland residents. *The road map of the Leland area was reviewed.* She looked at the map and said the road has been slightly amended. She said it still cuts through Ted Larsen's property.

Assistant Chairman Robins asked if the General Plan is not a merely a goal for the future plans of the property.

Mr. Nielson said when land is sold to a developer and developed the exact road design will be determined at that time.

Ms. Harris said she is not comfortable with Mr. Pierson bulldozing citizens in planning meetings.

Mary Isaac referred to the Leland area map of the General Plan Update 2005 and asked if it is a general idea for the area and the acreage determined for various sections of the plan.

Assistant Chairman Robins said the Planning Commission is a recommending body regarding this issue. He said nothing is set in stone by this document.

Mr. Pierson said the road map is a goal for the transportation plan of the area. He said all comments made by each table were taken into consideration. He reviewed the reasoning behind the road designs. Roads are to facilitate traffic. The design of the roads can be adjusted based on the developing needs. He said this is not Emil Pierson's plan it is the Leland residents' plan.

Assistant Chairman Del Robins asked if the Planning Commission and the City Council are bound to follow the General Plan for densities in the future.

Mr. Pierson said the General Plan is to be followed until someone requests and is granted an amendment. The General Plan will constantly change. It is a living document. He said there are also parks included within ½ mile of all residents. And there is a trail system along the river with open spaces along the trail. Ball parks also provide 86 acres of open space. Schools also provide open space. We don't want to duplicate open spaces. The gazebo Ms. Harris referred to was a pavilion donated by a developer to receive a density bonus.

Mary Isaac said she understood the density of lots along 900 South and Mill Road to be ½ acre lots.

Mr. Pierson said the lots along those roads are to be ½ acre lots.

Mary Isaac pointed out another area.

Mr. Pierson said the area referred to matches up with the school property. He also reviewed the remaining densities in the area.

No further public comments were given.

Assistant Chairman Robins asked if this item should be tabled to consider comments of Ms. Harris.

Commissioner Huff said he does not object to tabling the issue but asked for clarification that the General Plan is a document that is not set in concrete. It is a map of where the city can go in the next 5 to 10 years. Exact road decisions are made when the properties are developed. The General Plan is simply a guide for future plans for the area.

Mr. Pierson concurred.

Assistant Chairman Robins asked if the River bottoms meeting was a city meeting.

Mr. Pierson said the city helped organize the meeting to an extent. The meeting dealt with a Senate Appropriations Grant the city received through Senator Bennett's office. Another City Council goal is for the Benjamin exit to become a commercial area. Most residents in that area are aware of this fact based on the asking prices for property in the area of the Benjamin exit. The River bottoms meeting dealt with the vision for the area. Using the grant funds a plan was written for the area. NRCS directs the planning process. The City Council asked NRCS to generate the planning documents and information. Mr. Pierson said he was the facilitator of the plan prepared by the NRCS. The meeting outcome consisted of two viewpoints. One was from the large property owners and the other viewpoint was from the small property owners. Mr. Pierson stepped out and let NRCS prepare the plan. The River bottoms planning documents were completely different from the Leland planning documents due to the grant and that is was prepared by NRCS.

Commissioner Huff asked Assistant Chairman Robins if any portion of the General Plan should be acknowledge in the Master Plan.

Assistant Chairman Robins said Ms. Harris brought up a good point regarding parks. There is a great need for parks and this is why the plan includes a park within ½ mile of each resident. As long as we continue to develop with that goal in mind we will be successful in meeting the need regarding parks. Also, he felt comfortable that the road will be adjusted as the area develops based on the desired design of the area. He said he is comfortable with making a decision regarding the General Plan Update.

Commissioner Huff was comfortable with adopting the General Plan with the understanding that development will meet the requirements of the Master Plan when properties are developed.

Assistant Chairman Robins said the city staff have been very open regarding suggestions for the plan. A lot of work has gone into the General Plan Update and he said he is proud of the document.

Commissioner Huff said he is also proud of the update and the Planning Commission understands the document will change as situations arise.

Commissioner Miya agreed this is an excellent plan and said a lot of thought has gone into it.

Commissioner Miya made a **motion** to recommend to the City Council approval of the General Plan Update 2005 as presented. Commissioner Scott **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Commissioner Huff said this is a recommendation to the City Council for adoption of the plan. The City Council is the deciding body with regard to this item.

Public Hearing - T-Mobile Conditional Use Permit

Mr. Pierson said this is a request for a conditional use permit for an 80-foot cell tower at 1100 East 600 South. He pointed out the homes around the area. Leo and Patricia Jex own the adjacent property and have provided a letter to be read in their absence. Mr. Pierson pointed out the gas line easement and power lines in the area. The Development Review Committee reviewed the request and recommended approval. Mr. Pierson recommended findings along with a motion by the Planning Commission.

Assistant Chairman Robins opened the public comment portion regarding this issue.

Mike VanWagoner said he and his wife lease property south of the proposed tower. He read the following letter from Leo and Patricia Jex:

Gentleman:

We just received your notice for a hearing concerning a “conditional” use request from T-mobile Wireless to erect an 80 foot communication tower at 1100 East 600 South in Spanish Fork.

There are a few questions for which we need information in order to be more knowledgeable about what is proposed.

What does this word (conditional) mean?

We are very concerned about the affect this tower might have on any future development we might undertake on our property in the area of the tower. No one would want to buy a house sitting next to a tower.

The tower is apparently just outside the northwest corner of our property. This gives us strong misgivings. The tower would be an eyesore in this area, it could cause a hazard to future use of our property and would, in fact, devalue our property. We would not agree to “guy wires” being placed on our property. The possibility of a collapse of the tower could cause much damage to life and property.

You indicate a 300 foot buffer. What does this entail? If it means that T-mobile people or anyone else would have some control over what we can do anywhere in that zone we will do all in our power to see that the tower never exists. We would never agree to any restrictions regarding use of our property.

The spot where this tower is proposed is the only “open green space” in the neighborhood where children can play off the street, and is used daily by children as a playground.

Additionally, how can you even consider allowing a communication tower in the middle of a residential neighborhood? Is not an industrial zone the appropriate place for a tower to be located?

We are herewith registering our most strenuous objection to construction of this T-mobile Wireless tower!!!

Signed by Leon William Jex and Patricia K. Jex

Mr. VanWagoner said he agrees with Mr. Jex. There are children playing in the area every day. There are safety concerns.

Assistant Chairman Robins asked if he felt this way given the fact that there is an electric substation on the west side of the park.

Mr. VanWagoner said Mr. Jex has information that possibly the substation may be relocated in the future. Mr. VanWagoner said he was told that Mr. Jex has made arrangements to purchase the area in that event. Mr. VanWagoner said the substation is lower and will not block views like the a cell tower would.

Sharon Brown, resides at the corner of 600 South and 1100 East. She agrees with Mr. VanWagoner and Mr. Jex. She is a good citizen and takes pride in the community. She has seen the tower at 500 East and 500 North and it is rusty and ugly. It does not help the area and is blight. She asked if someone will maintain it and keep it looking nice and who will take care of it in the future. There is already a gas line and the signal light near her home. She watches cars race through the light. Why not let someone else have some of the blight and ugliness. She is trying to be a good neighbor but she is getting tired of it.

Commissioner Miya asked Ms. Brown and Mr. VanWagoner if they own cell phones. They both confirmed they do own cell phones.

Sina Kelau said she attended the meeting in support of Mr. and Mrs. Leo Jex. This tower will add more ugliness to the area. She also is concerned with children who use the grassy area from spring through fall. She said she also owns a cell phone.

Mr. Pierson said he received a call from Rachel Gardner who resides at 1152 East sterling Dr. She asked Mr. Pierson to repeat her concerns. She is not so concerned about the tower since there is already blight in the area. She is concerned with adding electronic waves from the tower and the hazards that would pose.

Jerome Gourley, representative of T-Mobile, said his company has done business in Spanish Fork in the past. They have a cell tower located in Little Cleveland Park. Spanish Fork has been a good landlord. As we look a trends and usage of cell phones in residential area, it is becoming a great challenge to meet the needs of residents expecting cell phones to work in their homes. As he researched the area he met with Mr. Pierson in searching for northeastern area of town where the service in the area is weak. Mr. Pierson suggested the retention basin area. It was felt that this area would provide the greatest good for the greatest number of residents and the least intrusive. It will decrease the number of towers in the area since other providers can locate on the same tower. Mr. Gourley said they are trying to mitigate the visual aspects of the tower. To address Mr. Jex concerns the compound was increased in size at the request of the Development Review Committee to allow three trees in the park to be preserved. They will be maintained and water as per the Development Review Committee. The site was moved to avoid the catch basin. The 300 buffer issue referred to by Mr. Jex is a merely a notification requirement. There is no control of the notification area. This tower will be constructed of galvanized steel and will not rust. If the are required to paint the tower they will do that. The tower is 80 feet in height. The transmission power poles in the area are 63 feet in height. This tower will service the neighborhood. The safety to children issue regarding electromagnetic waves is unwarranted. There is no evidence that an electromagnetic field is damaging to the public in any shape or form. This is an excellent site for the tower. It is a win/win proposition.

Commissioner Miya asked why the cell tower site approved in July at Center St. and 1400 East could not be used to service the area.

Mr. Gourley said if a co-location was possible they would do that every time. They need to be in this general area to be serviced.

Kate VanWagoner said she is concerned with the children playing in the area. It is a wonderful wide open spot. There are many children using the area. The tower will cut down the playing area. The neighborhood needs that space.

Commissioner Miya asked for size of the enclosure.

Mr. Gourley said the enclosure is 40 feet by 52 feet. It includes the area containing the three trees.

Mr. Pierson said the Planning Commission can reduce the site area and make the tower capable of the single location only. He said he was asked if this could go in any person's backyard. Mr. Pierson said it could. He said Mr. Gourley could go to Mr. Jex and make the same arrangement and it would be a conditional use permit. In Little Cleveland the cell tower agreement helps pay for the maintenance of the park.

Mr. Scott asked if they could get by with a 60-foot tower.

Mr. Gourley said a 60-foot single location tower would meet T-Mobile's needs.

Mr. VanWagoner said if it is the money the city is after he will pay the city more to remove the cell tower from this area.

Commissioner Miya asked Mr. Gourley if the site size could be reduced and keep the trees.

Mr. Gourley said the Development Review Committee recommended the tower be co-locatable to reduce the number of towers in the area. The site size presented is the minimum to preserve the trees.

Tenille Kelau said she lives with Mr. and Mrs. Jex. She said if the tower in it is ugly. Could it be moved to the substation to the east on Canyon road. She feels all of those power poles look the same. If the tower is put at the proposed location it should be reduced to 60 feet.

Ms. Brown said everyone's home is there castle and should not compared to other nicer homes in other areas.

Commissioner Miya said she is concerned that we look at the needs of the entire community. Everyone expects to have service for their cell phones. This is something that goes with the use of cell phones.

Commissioner Huff said no guide wires are required with a 60-foot or 80-foot tower. The site size may change a little with a 60-foot tower. He is not sure that decreasing the height of the tower will improve the view in the area. He asked if the system at 2550 East could not serve his needs. He asked T-Mobile to bring data as to why other towers would not work.

Commissioner Robins said getting over the fact of the loss of open space. It is not the biggest park but is great for playing football.

Commissioner Scott cannot understand why the distance of the other towers makes that big of a difference.

Mr. Gourley said other towers are usable. They will not get the strength of signal needed to service the area. Radio frequency requires the line of sight, they need to be able to see each other. They frequently have to put temporary facilities in place during high calling times. The sites are currently overburdened. To build a site is a significant capital cost. If they could co-locatable they would. It is hundreds of thousands of dollars to build the site. Engineers have researched and determine the site is needed.

Commissioner Huff said he feels they cannot locate on another site. He has reservation for a 80 foot tower verses a 60 foot tower. It is not a revenue issue for the city. We need to be careful we don't stop progress also. He stated that perhaps the issue should be tabled.

Commissioner Miya said she would like to see the square footage with a 60 foot tower.

Mr. Gourley said the square footage would be a 20 by 20 foot area. The Development Review Committee did not want to maintain the area and wanted the trees to be in the compound to preserve them. They can build a smaller tower but someone will be in next week requesting another tower. The tower might as well service other providers. This is a commercial enterprise and is a clean service.

Commissioner Robins said those are good points. Loss of any space in that park is a concern for him. He wants his phone to work as well as anyone else. He is concerned with open space.

Christine Johnson said there is new legislature with regard to land use. If city ordinance authorized the conditional use then it is the obligation to allow with conditions, and minimize the detrimental effects. The ordinance does authorize it.

Mrs. Johnson said it seems the concerns are for the open space, appearance, safety and applicant said he is willing to minimize that. Our ordinance allows a cell tower with a conditional use, if every accommodation can be made.

Huff asked if this commission makes a decision now, does it move to City Council.

Mr. Pierson said the decision making body is the Planning Commission. The appeal authority is

the City Council.

Commissioner Huff stated that based on legal council, we must have a finding that it is not consistent with the General Plan, it cannot be denied.

Commissioner Huff made a **motion** to table to give other Planning Commission members to have input. Commissioner Scott **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Huff asked for more information on the frequency of a 60 foot tower would meet needs or if a 80 foot tower is needed.

Commissioner Miya asked if tabled for when entire commission is here.

Commissioner Huff said we owe the citizens the knowledge that we are wise enough to consider the request further. We have the right by findings to deny if the findings are not met.

Mrs. Johnson said if there is a finding the detrimental effects cannot be minimized, it can be denied.

Commissioner Robins stated that it will be addressed during the next meeting.

Commissioner Dave Lewis arrived at 8:35.

Commissioner Huff amended motion to **table** to the next Planning Commission meeting . Commissioner Scott **seconded** with a unanimous vote.

Public Hearing - Amendment to Title 15 Land Use Part 4 Development

Mr. Nielson presented the amendment for Title 15 the Land Use Ordinance. They want to move some of the portions of the 'C' and 'D' standards to Title 15, which will be more appropriate, allowing the city engineer to make modifications as his discretion. He reviewed the section to be moved to Title 15. They are sections that deal with steep slopes.

Commissioner Robins asked if 14 percent causes concerns with snow plows and buses.

Mr. Nielson said a section of Spanish Oaks is at 14 percent. It is doable.

Commissioner Robins asked if we would prohibit development if this is not approved.

Mr. Nielson said not there, there will be larger environmental scars on the hill side. If minimized to short distances he does not feel there will be safety concerns. The areas in town this could apply to would be the area around the gun club and points to the west. The area through the river bottoms is not a concern.

Mike McCormic with Sky property is looking at a possible development near the reservoir. In order to minimize scaring on the hill side this is needed.

Commissioner Lewis asked what other city's standards are.

Mr. Nielson said that some are 12 to 14; Woodland Hills are more than 14 percent, but 15 to 17 does cause concerns.

Commissioner Huff made a **motion** to recommend approval of the Amended to Title 15 Land Use Part 4 Development to City Council. Commissioner Miya **seconded**, and the motion **passed** with a unanimous vote. Roll call vote confirmed

Commissioner Huff made a **motion** to move out of public hearing. Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote.

8:50 p.m. - Brief recess

84 Lumber Subdivision Waiver

Mr. Pierson stated that the applicant Scott Hansen has asked Mr. Pierson to speak for him. The request is to subdivide a parcel of land into two separate lots. This property is north of Alcoa and east of I-15. Currently in the area is a set of storage units, and it is zoned (I-1). The company 84 lumber is looking at moving to the site. This is a request to just subdivide the property. The improvements will be connected to the site plan. Development Review Committee reviewed this request and recommended approval with two conditions.

Commissioner Robinson asked if there are existing roads to the area.

Mr. Pierson stated that there is Chapple Drive. He pointed out that offices are being built in the area, as well as the areas of future road design.

Mr. Pierson stated that there are already trucks in and out to Alcoa.

Commissioner Huff asked about the storage sheds

Mr. Pierson pointed out the storage unit area. They are ready to build as soon as possible. Their site plan was submitted today.

Commissioner Lewis asked if any other people are looking at the area.

Mr. Pierson stated that there are others looking at the area.

Commissioner Huff asked about railroad service.

Mr. Pierson said they are interested but cannot share a spur. They will be looking at adding another spur.

Commissioner Lewis made a **motion** to approve the 84 Lumber Commercial Subdivision Waiver subject to the following conditions:

1. A review of the improvement to the site plan is completed, and any improvement to be part of site plan.
2. Obtain an easement from the newly created lot to the existing water line easement running east and west.

Commissioner Miya **seconded**, and the motion **passed** with a unanimous vote. Roll call vote confirmed the unan vote.

Dixie Thomas Subdivision Waiver

Mr. Pierson said this is request is by Dixie Thomas to subdivide the property at 189 North 200 West into two separated lots. It is zoned R-3, and has a single family home and a four-plex. The property is nonconforming. Ms. Thomas would like to subdivide the property making the single family home area conforming and the 4-plex will remain nonconforming. She is interested in selling the property. The applicant said they will maintain the access through the area. There will be a double carport. The only remaining nonconforming area will be the lot size. This is not ideal for either party but is as close as we can get.

Mr. Robins asked what kind of traffic uses the driveway.

Mr. M J. Grant reviewed the parking area. Every night there are a couple of cars using the driveway. He currently has an interested buyer.

Commissioner Robins is concerned with the residents to the west, as to whether we are adding more traffic lights through the fence.

Mr. Grant said it is already the case.

Commissioner Huff asked if part of the recommendation for approval be for covered parking before the property is sold.

Mr. Grant said they are covering parking prior to the sell, as well as additional asphalt. The parking will be next to the current wall. There will be six parking spaces. The reason to subdivide is to have two parcels to sale.

Commissioner Huff made a **motion** to approve the Dixie Thomas Subdivision Waiver as presented with the following conditions:

1. Meet all of the Engineering Department requirements.
2. Meet all of the parking requirements.

3. Construct the property as to the plot plan indicated.

Commissioner Robins **seconded**, and the motion **passed** with a unanimous vote. Roll call vote confirmed the vote.

Whispering Willows Amended Preliminary Plat

Mr. Pierson said this is a request by Legrande Woolstenhulme. In order to remove the 12-plexes, he is replacing with town homes. They will have double car garages and will be stone and stucco, similar to the Canyon Glen Subdivision. The units face each other. There will be pavilions and green space. The road is already under construction. The Development Review Committee reviewed this request and recommend approval with the four conditions listed. Mr. Pierson said he prefers this plan rather than the additional 12-plexes.

Roger Woolstenhulme stated that he has enjoyed working with the city.

Commissioner Robins asked if there have been any discussions with UDOT for traffic control devices.

Mr. Woolstenhulme said he is aware of none.

Mr. Nielson stated that there is just a stop sign.

Commissioner Lewis asked about the city boundary with Springville.

Mr. Pierson pointed out the city limits and said there is a property owner requesting to annex into Spanish Fork.

Commissioner Miya made a **motion** to approve the Whispering Willows Amended Preliminary Plat with the following conditions:

1. Meet all Construction and Development Standards.
2. Construct the development as shown on the amended preliminary plat.
3. Submit a new landscape plan prior to the plans coming before the City Council.
4. Submit playground plans prior to the plans coming before the City Council.
- 5.

Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed. The motion carried.

Motion to **adjourn** made by Commissioner Scott and **seconded** by Commissioner Lewis. The meeting adjourned at 9:24 p.m.