

**Adopted Minutes
Spanish Fork City Planning Commission
December 7, 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, 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: Pat Parkinson; Richard Maples; Larry Vest; Lyle Swenson; Joel Connell.

The pledge of allegiance was led by Commissioner Sherman Huff.

Minutes

Commissioner Huff made a **motion** to **approve** the minutes from October 5, 2005 with changes as noted. Commissioner Scott **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Robins made a **motion** to **approve** the minutes from November 2, 2005 with changes as noted. Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote.

Staff Reports

Mr. Pierson presented an update on projects. He stated that at the City Council meeting last night, there were some changes approved for the city, such as they will be lifting the utility restrictions on new construction. He also reminded citizens that the current Planning Projects are also listed on the internet at www.spanishfork.org.

There was discussion on the progress of trails through the city, which are progressing nicely.

Mr. Pierson stated that as of November 22, 2005 there are approximately 27,250 people in Spanish Fork City.

Commissioner Bradford commended Mr. Pierson on his hard work on the general plan.

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

Public Hearings

Moark Junction Preliminary Plat (Industrial)

Mr. Pierson presented the background on the Moark Junction Preliminary Plat. Joel Connell is requesting to subdivide a parcel that is approximately 136 acres in size into 5 industrial

lots. The property is located at the mouth of Spanish Fork Canyon and is the location of the existing Fingerhut building. The property is subject to a number of site constraints for example, there is railroad tracks on the east side of the property as well as the Mapleton canal. On the south side of the property is a gravel pit located in the county. To the west there is a sharp drop off (lot #2) that goes into the Spanish Fork River. The property currently has the Fingerhut building which is a million square foot building that has multiple users located in the building (e.g. J.C. Penny's, Banta, Nature Sunshine, and others). The existing building is located on the proposed lot #4. The remaining property is vacant and is not being used except for lot 3 which has a water tank on the east side of the parcel. All of the utilities are located on the property and depending on the companies that locate on the property in the future will determine if any upgrades are needed. The property is accessed from Powerhouse road on to a private road that weaves through the property. They are proposing five different lots in this case. Mr. Pierson stated that he commends the developer for thinking ahead when he proposed lot five, taking into consideration the Mapleton lateral in the area.

Commissioner Lewis asked how close lot five will be to the road. Mr. Pierson stated that it actually drops off quite a bit. Commissioner Lewis then asked if it would be a steep area of access. Mr. Pierson stated that the developer would better answer that question. Joel Connell is the developer for this property and stated that by subdividing this area, they believe that they may be able to attract more users, which will create more jobs. He stated that some of the area will be industrial, with some thought of other types of development as well.

Commissioner Robins asked about how many people use the parking lot right now. Mr. Connell stated probably about 400 vehicles at the peak time. He said there are maybe 500 employees running on different shifts. He stated that the access into the park is not very good right now, but that is the way it was when they acquired the property. He stated that they have discussed another possible access in another part of the park.

Commissioner Huff asked about the city property that neighbors this development property. He asked Mr. Nielson if the grade would prohibit another access into the area. Mr. Nielson stated that it would not. Commissioner Robins asked about the intersection at Highway 6 and Powerhouse. Mr. Nielson stated that there has been discussion about adding a traffic light at that intersection, however that light would not be added in the near future.

Commissioner Lewis asked if Powerhouse would be the only possible access in the future. Mr. Nielson stated that with the angles around the area that the Powerhouse intersection would be the

only possible place.

Commissioner Robins pointed out the possibility that adding more jobs would create a congestion in the area of an intersection that is already busy. There was discussion as to whether this would be an issue to be addressed at this time, or if it would be something addressed down the line as other users are added. Mr. Connell stated that none of the users have complained one way or the other to this point. He stated that they don't foresee putting in users that are going to create a huge need for access to the site, most of the users would be smaller employers.

Commissioner Bradford asked where the wind turbines were to go in concerning this property. Mr. Connell stated that the discussion was that they would go in on the south, but he isn't sure if that is going to happen. Commissioner Huff asked about condition number 2, as to whether that has to do with the canal. Mr. Nielson stated that it would be just to create a possible better access.

Commissioner Huff made **motion to approve** the Moark Junction Preliminary Plat subject to the following conditions:

1. Include the Mapleton lateral into lots 4 and 5.
2. Developer to add a cross access easement for roads, especially to lot 5.

Commissioner Scott **seconded**, with a roll call to confirm a **unanimous** vote.

Commissioner Huff made a **motion** to move out of public hearing. Commissioner Lewis **seconded** with all in favor.

Swenson Park Subdivision Waiver

Mr. Pierson presented the background on the Swenson Park Subdivision Waiver. Lyle Swenson is requesting to subdivide a parcel that is approximately 6.807 acres into 3 separate lots.

The property is located to the east of the Longview Fibre Building on 200 East. To the west of the property is Longview Fibre, to the east is vacant property that has a few wetland issues. To the south is Ideal Machine and to the north is vacant property. The applicant is requesting to make 2 lots one that is 1.288 acres and other is 1.251 acres in size leaving a lot that is 4.268 acres. All of the utilities and access for these proposed lots are located in 200 East. The full right-of-way for 200 East has been deeded in the past making this a subdivision waiver instead of a preliminary subdivision. Mr. Pierson stated that the Development Review Committee recommended approval. He stated that they have made some changes to the recommended approval conditions and that the goal is to keep the easement as small as possible for the lines that are going in.

Lyle Swenson is the property owner and stated that he has two buyers for these parcels, with plans to build on the property.

Commissioner Huff asked if they have had any wet land issues there. Mr. Swenson stated that they have in some of the surrounding areas, but not at this particular site.

Commissioner Robins made **motion** to **approve** with the following conditions:

1. Complete the redline corrections as indicated by the City Planner and the Engineering Department.
2. Install all infrastructure improvements at the time of the site plan.
3. That a 30-foot utility easement be granted, the north boundary of which matches the north boundary of the existing sewer easement.

Commissioner Huff **seconded**, with a roll call confirming a **unanimous** vote.

Review Building Permits (Issuing)

Mr. Pierson presented the background for the requirements for issuing building permits at this time. The following proposals were given:

(Staff's recommendation)

1. Existing ordinance:

15.4.04.160. Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches of compacted road base in all areas to be paved.

(Staff's 2 nd recommendation)

2. 1 st Proposal

15.4.04.160. Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches of compacted road base in all areas to be paved. In the event of a concrete shortage to complete sidewalks, the engineering or Public Works Department may allow smaller subphasing of the recorded subdivision plat in order for the developer to best utilize the available concrete. Subphased portions of the plat may then be approved and building permits issued by the Engineering Department. Subphased sections on the plat must be contiguous in the approval process. The number of lots allowed in a sub-phase shall be determined by and at the discretion of the Engineering Department, taking into account the size of the subdivision and the concrete shortage. All other infrastructure must be in place and approved by the Engineering Department including curb and gutter.

3. Proposal #1 from Charles Wixom:

15.4.04.160. Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches of compacted road base in all areas to be paved. In the event of other material shortages, the engineering or Public Works Department may allow smaller sub-phasing of the recorded subdivision plat in order for the developer to best utilize the scarce materials. Sub-phased portions of the plat may then be approved and building permits issued by the Engineering Department. Sub-phased sections on the plat must be contiguous in the approval process. The number of lots allowed in a sub-phase shall be determined by and at the discretion of the Engineering Department, taking into account the size of the subdivision and material shortages.

4. Proposal #2 from Charles Wixom:

15.4.04.160. Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches of compacted road base in all areas to be paved. In the event of other material shortages necessary to complete all improvements to the subdivision the engineering department may: 1) Allow smaller sub-phasing of the subdivision to allow scarce materials to be utilized mor effectively to complete smaller sub-phases. 2) Allow permits to be issued on a discretionary basis within the subdivision with the understanding that the adjacent two lots within the subdivision be completed prior to occupancy being granted.

5. Exception for City Imposed Requirements:

15.4.04.160. Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches of compacted road base in all areas to be paved. An exception may be granted to the requirement that all improvements must be finished in the entire plat if there is a shortage of materials and the city has imposed requirements on the developer, requiring certain improvements be done in a certain order or by a certain time, which requirements are creating a hardship on the developer due to the shortages of materials. (Minimum Requirements needed for C.O. to provide health, safety, and welfare)

6. Minimum Requirements:
15.4.04.160. Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all essential utilities are installed, accepted by the City Engineer, and in service for the lot to be built upon.

Mr. Nielson stated that Engineering Department has looked at this, and that they would like to see that some beginning phases would have their permits while they work on other phases. This would push for small sub-phasing, but he believes that this would protect us for the future.

Commissioner Robins asked the state of the concrete shortage right now. Commissioner Lewis stated that things now are okay, but everybody has been impacted. He stated that the winter is a good time for the concrete companies to build up their supply. Mr. Pierson stated that this could be a problem next year as well. He stated that right now is the slow time for building permits, but once the holidays have passed, there will more than likely be many more requests for permits.

Commissioner Lewis asked Mr. Pierson to explain the last few proposals. Commissioner Lewis stated that people should not be allowed occupancy without all of the minimal requirements. Mr. Nielson agreed, and stated that they do not want to allow the building permits without those minimal requirements, and that we should steer away from proposal number 5.

Commissioner Huff asked who is really impacted when there is a shortage of cement; the developer, the builder, or the homeowner. Mr. Nielson said all of the above. He stated that he does not like any of these proposals. Mr. Nielson stated that he would like to see it stay the way it is, with city engineering working with the developers. Commissioner Huff agreed.

Commissioner Robins asked what development Mr. Wixom works with. Mr. Pierson stated that he is working with the River Cove Development.

Commissioner Robins stated that he sees the same concepts in #2 and #4, with a little bit different wording. Mr. Nielson stated that #4 goes into the material shortages rather than just the concrete shortages. Commissioner Lewis stated that he appreciates the fact that the city is willing to work with the developers, but he would not like to see too many changes. Mr. Nielson stated that there maybe a preference of materials that are in short supply, not necessarily a shortage of materials in general.

Mr. Pierson stated that this decision is up to the Planning Commission, that there is no time demand on a decision. He stated that we need to look at what is best for the city, and also creating a win/win situation. He said that a win/win situation may be recommendation #2.

Commissioner Lewis stated that the only modification he would make to #2 would be on line 5, and the use of the word 'concrete'.

Commissioner Robins asked Commissioner Huff if he would feel different if the concrete

shortage were to continue for several more years. Commissioner Huff stated that it is possible, as he doesn't yet see it as such a huge issue as some others may see it right now. Commissioner Lewis stated that there have been natural disasters recently, as well as the building of homes rising. He believes that this is something that should be looked at.

Mr. Pierson stated that this decision does not need to be made right away, that it can be tabled and thought about, discussed, etc.

Commissioner Huff made a **motion to table** the discussion for when building permits may be issued in new subdivision plats. Commissioner Lewis **seconded**, with all in favor.

Other Business

Commissioner Bradford stated that he would like some time restriction for yards to be put in. Mr. Pierson stated that currently there is no code enforcement in the city pertaining to this. He stated that research can be done, but his recommendation to people that have asked him about is that they talk to their City Council members. Commissioner Robins stated he would like to see what other cities are doing in regards to this. Mr. Pierson stated that he spent six months being a code enforcement officer, and stated that it is a huge job, and that they would need to be backed up by the city. He stated that a landscaped yard and simple maintenance are two different things.

Motion to adjourn by Commissioner Robins, **seconded** by Commissioner Scott. The meeting adjourned at 8:30 p.m.