



**Planning Commission Agenda  
January 6, 2010**

**Planning  
Commissioners**

5:30 P.M. Agenda Meeting

Michael Christianson  
Chairman

6:00 P.M. 1. Preliminary Activities

Del Robins

- a. Pledge of Allegiance
- b. Approval of Minutes: December 2, 2009

David Stroud

Shane Marshall

2. Public Hearings

Rick Evans

a. **Jones/Hughes Conditional Use**

Applicant: J.P. Hughes  
General Plan: Residential 9 to 12 units per acre  
Zoning: R-1-6  
Location: 64 East 100 South

Tyler Cope

b. **Proposed Amendments to Title 15, Assisted Living Facility Design and Separation Requirements**

Applicant: Spanish Fork City  
General Plan: City-wide  
Zoning: City-wide  
Location: City-wide

c. **Spanish Fork Assisted Living Conditional Use Approval**

Applicant: Rockworth Companies  
General Plan: General Commercial  
Zoning: R-1-8  
Location: 1450 East 100 South

d. **Proposed Amendments to Title 15, Wind Turbine Testing Facility and Small Wind Turbine Development Requirements**

Applicant: Spanish Fork City  
General Plan: City-wide  
Zoning: City-wide  
Location: City-wide

e. **Proposed Amendments to Title 15, I-3 Zone, Wind Farm and Site Plan Development Requirements**

Applicant: Spanish Fork City  
General Plan: City-wide  
Zoning: City-wide  
Location: City-wide

3. Staff Reports

a. **Orchard View Heights**

Applicant: Allen Developments

General Plan: Residential 2.5 to 3.5 Units Per Acre

Zoning: R-1-9

Location: 820 East 750 South

b. **Spanish Fork Assisted Living Preliminary Plat**

Applicant: Rockworth Companies

General Plan: General Commercial

Zoning: R-1-8

Location: 1450 East 100 South

4. Other Discussion

a. **Discussion on Planning Commission work program**

**Planning Commissioners, if you are unable to attend a meeting please let us know ASAP. Thanks.**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

1 **Draft Minutes**  
2 **Spanish Fork City Planning Commission Meeting**  
3 **December 2, 2009**  
4  
5

6 **Commission Members Present:** Chairman Michael Christianson, Del Robins,  
7 Shane Marshall, Rick Evans, Dave Stroud, Tyler Cope.  
8

9 **Staff Present:** Dave Anderson, Planning Director; Shelley Hendrickson,  
10 Planning Secretary; Kirk Nord, Assistant City Attorney, Chris Thompson, Assistant  
11 City Engineer.  
12

13 **Citizens Present:** Warren Peterson, JP Hughes, Elaine Hughes, David Simpson,  
14 Joan & Ross Swenson, Wes Otteson, Stephen Hoban, Nina Isaacson, Scott  
15 Isaacson, Grant Jensen, Alira Orwin, Kevin Sullenberger, John Taylor, Lucille  
16 Taylor, Karen Sabey, Max Sabey, David Lewis, Lynn Otteson, Nych Ottesen.  
17  
18

19 **CALL TO ORDER**  
20

21 Chairman Christianson called the meeting to order at 6:00 p.m.  
22  
23

24 **PRELIMINARY ACTIVITIES**  
25

26 **Pledge**  
27

28 Commissioner Evans led the Pledge of Allegiance.  
29

30 **Adoption of Minutes: November 4, 2009**  
31

32 Commissioner Robins **moved** to **approve** the minutes of November 4, 2009.  
33 Commissioner Marshall **seconded** and the motion **passed** all in favor.  
34

35 Commissioner Evans **moved** to **open** into public hearing. Commissioner  
36 Marshall **seconded** and the motion **passed** all in favor at 6:03 p.m.  
37  
38

39 **PUBLIC HEARING**  
40

41 **Proposed Amendments to Title 15, Site Plan**  
42 **Development Requirements**

43 Applicant: Spanish Fork City

44 General Plan: City-wide

45 Zoning: City-wide

46 Location: City-wide

47

48 Mr. Anderson explained that Spanish Fork City was the applicant initiating the  
49 proposed changes. He said that concerns had been developing, over several  
50 years, with how properties had developed and were being maintained (debris,  
51 poorly maintained, screening of inoperable vehicles and parts from public view).  
52 The proposal was drafted to provide basic criteria that would need to be met for  
53 the development of new outdoor storage. He said it was his belief that the  
54 proposed changes would, over time, eliminate the concerns that City staff had  
55 presently. He explained the proposed changes using a document projected on  
56 the overhead projector.

57

58 Commissioner Marshall asked about outdoor display in the C-2 zone and how the  
59 requirement for 5 acres of asphalt for storage was determined. He said that he  
60 felt 5 acres of asphalt was excessive. Mr. Anderson explained that he did not  
61 feel that outdoor storage was the best use for land and would like to encourage  
62 land owners to limit outdoor storage. Discussion was held regarding what the  
63 size for outdoor storage should be and whether or not the City would want a 5-  
64 acre asphalt parcel.

65

66 Commissioner Christianson asked if the concern was dust.

67

68 Mr. Anderson said that was one concern and explained that several other  
69 concerns are probably more significant.

70

71 Commissioner Christianson asked if a setback would help. Mr. Anderson said  
72 that City staff had not contemplated that and if the Commission wanted to  
73 continue the item to please be specific as to what they wanted staff to focus on  
74 and study.

75

76 Commissioner Marshall asked about lighting. Mr. Anderson said it was for safety.  
77 Commissioner Marshall and Evans felt that it was not a good use of electricity to  
78 light up a storage area all night.

79

80 Commissioner Evans asked if the lighting could be attached to the use.

81

82 Discussion was held regarding lighting and the height that storage can be  
83 stacked.

84

85 Mr. Anderson said that, if the Commission would prefer to have outdoor storage  
86 as a Conditional Use instead of a permitted use, then he could make those  
87 changes.

88

89 ***\*\*Commissioner Stroud and Commissioner Cope arrived at 6:26 p.m.***

90

91 Chairman Christianson welcomed public comment. There was none.

92

93 Commissioner Robins **moved** to **continue** the proposed Amendments to Title  
94 15, Site Plan Development Requirements, for one month, in order for the  
95 Commission to study the changes. Commissioner Marshall **seconded** and the  
96 motion **passed** all in favor.

97

98

99 **Proposed Amendments to Title 15, American Leadership**

100 **Academy Text Amendment**

101 Applicant: American Leadership Academy

102 General Plan: Residential 1.5 to 2.5 units per acre

103 Zoning: R-1-15

104 Location: City-wide

105

106 Mr. Anderson explained that there was a non-conforming structure on the ALA  
107 site and that there had been other applications for text amendments in order to  
108 make the building a conforming use. He explained that the building was  
109 constructed closer to the property line than what our setback requirement  
110 allowed; therefore, violating the setback. He said that if the setbacks in the R-1-  
111 15 zone were changed to be identical to the setbacks in the R-1-12 zone then it  
112 would make the structure conform. He explained the setbacks in the Residential  
113 Development Standards table in Title 15 of the Municipal Code.

114

115 Commissioner Robins asked why the request was not for the R-1-12 zone. Mr.  
116 Anderson said he thought it was because some City Council members did not  
117 want to decrease the square footage in the area because the anticipated lot sizes  
118 are larger in the Mill Road area.

119

120 Chairman Christianson welcomed public comment. There was none.

121

122 Commissioner Marshall **moved** to recommend to the City Council that the  
123 proposed American Leadership Academy Zoning Text Amendment and Zone  
124 Change be **approved** based on the following findings:

125

126 **Findings**

127

- 128 1. That the proposed Zone Change is consistent to the General Plan  
129 designation for the property.
- 130 2. That changing the setback requirements for the R-1-15 zone will not  
131 create any significant or noteworthy change in how properties in the R-1-  
132 15 zone are developed.

133

134 Commissioner Stroud **seconded** and the motion **passed** by a roll call vote.  
135 Commissioner Robins voted **nay** because he said he did not like shrinking  
136 setbacks.

137

138 **American Leadership Academy Zone Change**

139 Applicant: American Leadership Academy

140 General Plan: Residential 1.5 to 2.5 units per acre

141 Zoning: R-1-30 existing, R-1-15 requested

142 Location: 1100 South Mill Road

143

144 Discussion and motion took place with the discussion on the American  
145 Leadership Academy Text Amendment.

146

147 **Peterson Spanish Cove Zone Change**

148 Applicant: Warren Peterson

149 General Plan: Residential 9 to 12 units per acre

150 Zoning: R-3 existing, In-Fill Overlay requested

151 Location: 245 North 300 East

152

153 Mr. Anderson gave a brief history of the project and explained that this request  
154 was for the In-Fill Overlay zone in order to accommodate two twin home  
155 structures. He explained the proposal with images projected on the overhead  
156 projector. He explained that there were two different components to the  
157 proposal, the In-Fill Overlay zone and the Preliminary Plat. He said the parking  
158 met the City's parking ordinance and the landscape met the City's landscape  
159 ordinance.

160

161 Commissioner Robins asked Mr. Anderson to explain the DRC's approval on how  
162 they felt the proposed architecture was superior to other twin home structures  
163 within the City. Mr. Anderson said inclusion of different features on the roof,  
164 building materials, etc. Commissioner Stroud asked if there was a development  
165 agreement that would ensure that what was being proposed would indeed be  
166 what was constructed.

167

168 Discussion was held regarding how to guarantee that what is proposed is  
169 constructed. Mr. Anderson said it was through a building permit. Mr. Nord  
170 explained that a development agreement could be written if the Commission had  
171 it as a condition of approval.

172

173 Commissioner Marshall said that in the past the applicant provided more material  
174 for an In-Fill Overlay request than had been provided for this proposal. Mr.  
175 Anderson explained that the material had been provided when the Commission  
176 saw the zone request previously. Commissioner Marshall asked if the materials  
177 could be included every time.

178

179 Warren Peterson  
180 Mr. Peterson explained the parking situation with the proposal by using images  
181 projected by the overhead projector.  
182  
183 Commissioner Marshall asked about a shaded part of the Site Plan being parking  
184 or a driveway. Mr. Anderson said it was both.  
185  
186 Chairman Christianson asked what the depth was on the lot. Mr. Peterson said it  
187 was approximately 176 feet. Chairman Christianson asked about fire hydrants.  
188 Mr. Thompson explained the City's fire hydrant standards.  
189  
190 Chairman Christianson welcomed public comment.  
191  
192 Les Otteson  
193 Mr. Otteson read from an article addressing the definition of high density housing  
194 and crime statistics. He expressed that he felt this proposal was high density  
195 and asked the Commission to not allow it.  
196  
197 Chairman Christianson and Commissioner Robins explained what they felt the  
198 intent of the In-Fill Overlay zone was.  
199  
200 Mr. Otteson said in his opinion he felt that the Commission was opening a door  
201 for high density.  
202  
203 Commissioner Evans asked Mr. Otteson for his opinion, on his belief, that better  
204 quality as opposed to density was a trade off. Mr. Otteson said his concern was  
205 density.  
206  
207 Lynn Otteson  
208 Ms. Otteson asked for the live broadcast of the meeting to be stopped while she  
209 commented, for the protection of her family. She told how she had been on a  
210 walk in her neighborhood. While on her walk she observed a property with two  
211 twin homes where 8-12 people were living. She assumed more than one family  
212 was living there. As she walked past she was approached by two men that  
213 stopped her, gave her a very detailed description of an individual and asked her  
214 if she had seen him. She told them that she had not and continued on her walk.  
215 As she walked she noticed blood on the sidewalk. She said she believes that a  
216 young man of fourteen years of age was beat up by the individuals that had  
217 stopped her. She said that she felt that density matters and would like a study  
218 to be done. She said she felt that it was very pertinent to have a study done.  
219  
220 Commissioner Robins said, in all due respect, that four additional units did not  
221 constitute high density.  
222  
223 Ms. Otteson asked what it would take for Mr. Anderson to look at density.

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Commissioner Robins explained that the General Plan had been looked at and would be studied again in 2010.

Joan Swenson

Ms. Swenson said her concern was an increase in units and asked if the Commission was taking into consideration the people that live in the community. Where will water come from, schools, police department, traffic, etc. She challenged the Commission to think about what they are doing to the community.

Commissioner Cope explained that he felt the design of the twin homes was superior and felt that it would conform to the surrounding area. He liked the variation in the direction the structures face and said it would look really good.

Commissioner Marshall explained that they had been working on the ordinance for over a year, placed a moratorium, discussed at length in several meetings, passed an ordinance, and then looked at it again because they wanted to make the City develop better, and this ordinance was what the City was looking for. He said that he appreciated the application and felt it addressed the In-Fill Overlay Zone exactly. He suggested that the citizens come when the General Plan is reviewed.

Ms. Otteson explained that she had thought about what the proposal ought to look like if it was approved. She said she felt it should look like the neighborhood and that the way it was proposed was very modern looking and did not look like the neighborhood since the majority of homes were all brick. She asked about landscape, fencing, and lighting.

Mr. Anderson explained that the fencing requirement was a masonry wall around the boundary.

Commissioner Robins explained that they see a lot of proposals for duplexes and that he felt that this proposal was a substantial upgrade over what had been approved in recent years.

Nick Otteson

Mr. Otteson told the Commission that he felt the point people were trying to make regarding density was that, within a four block radius, there were already a lot of apartments. He said he appreciated how well the property looked, the architecture, landscape etc., but the main concern was that the area was already such high density that it was not any type of trade.

Commissioner Robins explained that he had come to believe that it is quality not quantity.

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Discussion was held regarding the legalities of the ordinances.

Alira Orwin

Ms. Orwin asked what meetings she or any citizen would need to attend so that their opinions would count.

Discussion was held regarding City meetings and when the appropriate time to voice an opinion would count.

Sydney Otteson

Ms. Otteson said she was at the meeting and felt that her opinion did not matter.

Discussion was held regarding how the Commission was treating public comments.

Ms. Otteson said that in studies the ideal community is to spread out the density, not to put it into one spot. She said they already have enough in their neighborhood and to put it somewhere else.

Commissioner Stroud said that he has multi-family units on his street and that there have been no problems of adverse impacts on the neighborhood. He expressed his opinion of the proposal. He supports the project.

Commissioner Evans said that he had the same points as some of the citizens. He expressed his opinion of the proposal.

Commissioner Robins **moved** to **close** the public hearing on this item.

Commissioner Evans **seconded** and the motion **passed** all in favor.

Commissioner Marshall voted **nay**. Commissioner Evans voted **nay**.

Commissioner Robins **moved** to recommend to the City Council **approval** of the In-Fill Overlay Zone for Peterson Spanish Cove based on the following findings:

### Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

314 Commissioner Marshall **seconded** and the motion **passed** all in favor.

315

316 Commissioner Robins **moved** to recommend that the proposed Peterson Spanish  
317 Cove Preliminary Plat be **approved** based on the following findings and subject  
318 to the following conditions:

319

### 320 **Findings**

321

322 1. That the number of units is within the density range found in the General  
323 Plan.

324 2. That the proposed design meets the requirements of the In-Fill Overlay  
325 Zone.

326 3. That the proposed architecture is superior to what is found in other twin  
327 home projects in the City.

328 4. That the development would not have an adverse impact on the  
329 surrounding properties.

330

### 331 **Conditions**

332

333 1. That the applicant submits a more detailed Landscaping Plan with the  
334 Final Plat submittal.

335 2. That the applicant meets the City construction and development  
336 standards.

337 3. That the applicant meets any Engineering and Electrical Department  
338 conditions with the Final Plat submittal.

339

340 Commissioner Stroud **seconded** and the motion **passed** all in favor by a roll call  
341 vote.

342

### 343 **Jensen Zone Change and General Plan Amendment**

344 Applicant: Grant Jensen

345 General Plan: Residential 9 to 12 units per acre existing, General Commercial  
346 requested

347 Zoning: R-1-6 existing, Commercial 2 requested

348 Location: 55 East 700 North

349

350 Mr. Anderson explained that the applicant asked him what he would need to do  
351 in order to use the property as a parking lot for his commercial building. Mr.  
352 Anderson said that he told him that in order for him to build a parking lot he  
353 would need to amend the City's General Plan Map and change the zoning to a  
354 commercial designation. Mr. Anderson explained the only concern that staff had  
355 was that the home on the property that would need to maintain a minimum lot  
356 size of 6,000 square feet. He explained the requirements that would need to be  
357 met when commercial uses abut a residential use.

358

359 Commissioner Stroud asked how the property would be accessed. Mr. Anderson  
360 said that Mr. Jensen suggested he had an easement along the southern property  
361 line.

362

363 Commissioner Robins asked what the easement was.

364

365 Grant Jensen

366 Mr. Jensen told the Commission that he had an 18-foot easement out to 700  
367 North.

368

369 Commissioner Marshall asked what was currently there now. Mr. Jensen said  
370 weeds.

371

372 Commissioner Evans asked Mr. Jensen how many parking spaces he was  
373 proposing. Mr. Jensen said he had at least 12 spaces. Mr. Anderson said there  
374 would be room for approximately 10 spaces.

375

376 Chairman Christianson welcomed public comment.

377

378 Max Sabey

379 Mr. Sabey said he did not have heartburn over the parking. He said that the  
380 previous owner ran the property commercially when it was residential so he  
381 wanted some assurance that what gets approved is what will really happen on  
382 the property. He was also concerned about lighting, drainage, fencing and  
383 landscape.

384

385 Mr. Anderson explained that a 10-foot landscape buffer and a masonry wall was  
386 required where a commercial use abuts residential. He said that trees and  
387 shrubs would be required.

388

389 Mr. Thompson explained that they would have to retain the storm drain on-site.

390

391 Mr. Jensen explained how he would handle the storm drain and landscaping, and  
392 addressed concerns over the gate. He said he could keep it closed if that was  
393 what the residents wanted. He said he had no intention to zone the house  
394 commercial.

395

396 Alira Orwin

397 Ms. Orwin explained to the Commission where she lived. She said that Mr.  
398 Jensen inherited the mess and that the previous owner had said the property  
399 would remain residential but then used it as a commercial storage site. She  
400 asked what the time frame would be for when Mr. Jensen would have to have  
401 the parking lot built by.

402

403 Discussion was held regarding zoning and what could happen with the property.

404

405 Commissioner Robins said he felt comfortable with the proposal but asked if  
406 there was a way to ensure that what was proposed was built.

407

408 Mr. Anderson said there was not.

409

410 Mary Flinders

411 Ms. Flinders expressed her concern over if the property was approved for a  
412 commercial use what would really go on there. She would like the parking lot  
413 closed at night.

414

415 Commissioner Marshall **moved** to recommend to the City Council **approval** of  
416 the proposed Jensen General Plan and Zoning Map Amendments. Commissioner  
417 Robins **seconded** and the motion **passed** all in favor by a roll call vote.

418

419 *\*Chairman Christianson offered a five minute break at 8:47 p.m. Reconvened at 8:54 pm.*

420

#### 421 **Isaacson Zone Change and General Plan Amendment**

422 Applicant: Scott Isaacson

423 General Plan: Residential 5.5 to 8 units per acre existing,

424 Residential Office requested

425 Zoning: R-1-6 existing, Residential Office requested

426 Location: 885 North 200 East

427

428 Mr. Anderson explained the proposal and the General Plan. He said that a Home  
429 Occupation Business License had been issued for this location but that the  
430 applicant would like to use the structure as a commercial use. He explained that  
431 this section of the City was one of the sections that the Commission anticipates  
432 studying with the General Plan in 2010.

433

434 Chairman Christianson asked if there had been any contact with any of the other  
435 property owners that the City had included in the General Plan Amendment. Mr.  
436 Anderson said no.

437

438 Scott Isaacson

439 Mr. Isaacson said they had purchased the home in August and cleaned it up. He  
440 said his wife had a master's degree in oriental medicine. She has 15-25 patients  
441 a week with one patient coming every hour. He said that they had looked at the  
442 zoning rules. He said he felt the change would not change the nature of the  
443 neighborhood and that he had met most of the neighbors and talked with them  
444 and feel that they are supportive.

445

446 Steve Hogan

447 Mr. Hogan is concerned about the Zone Change and if his taxes would go up.

448

449 Mr. Anderson explained the difference in the C-O and R-O zones.  
450  
451 Mr. Isaacson explained what the difference would be to run the home-based  
452 business versus a commercial business.  
453  
454 Discussion was held regarding looking at the bigger picture with the General  
455 Plan.  
456  
457 Commissioner Robins asked Mr. Anderson how long he felt the General Plan  
458 discussion would last. Mr. Anderson said probably into July of 2010.  
459  
460 Commissioner Evans expressed concern with the precedence of piece-mealing  
461 the general plan and not looking at it from a broader view.  
462  
463 Discussion was held regarding a time table for the General Plan amendment  
464 change.  
465  
466 Commissioner Cope asked if, in a commercial office zone, you could occupy the  
467 residence. Mr. Anderson said you could not live there.  
468  
469 Discussion was held regarding zoning and cross-zoning on the General Plan.  
470  
471 Commissioner Marshall said it pained him to look at only one block of the  
472 General Plan.  
473  
474 Commissioner Marshall **moved** to recommend to the City Council that they  
475 **postpone** taking action until the 2010 General Plan review was complete.  
476 Commissioner Evans **seconded** and the motion **passed** by a roll call vote.  
477 Commissioner Robins voted **nay** because he felt it was not right to delay  
478 property rights based on legislative action. Commissioner Cope voted **nay**  
479 because he was not in favor of tabling very many motions.  
480

481

### **Spanish Fork Assisted Living Conditional Use Approval**

483 Applicant: Rockworth Companies  
484 General Plan: General Commercial  
485 Zoning: R-1-8  
486 Location: 1450 East 100 South  
487

488 Commissioner Marshall **moved** to **continue** the Spanish Fork Assisted Living  
489 Conditional Use approval until their next meeting. Commissioner Robins  
490 **seconded** and the motion **passed** all in favor.

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492

### **Jones/Hughes Conditional Use**

494 Applicant: J.P. Hughes  
495 General Plan: Residential 9 to 12 units per acre  
496 Zoning: R-1-6  
497 Location: 64 East 100 South  
498

499 Mr. Anderson explained that the proposal was to expand the use of a museum.  
500 He said that this museum was a Conditional Use in a residential zone, but that  
501 our residential zoning ordinances did allow for museums as a Conditional Use.  
502 He said the applicant would like to expand the museum by constructing a barn  
503 that would house artifacts that are part of the museum.  
504

505 Commissioner Marshall asked if this was the principle structure or an accessory  
506 building. Mr. Anderson said it was the principle structure on a flag lot.  
507

508 Mr. Anderson said he felt that the use was a service to the community and would  
509 help the applicant to maintain the property.  
510

511 Commissioner Robins asked for the height restriction in the zone. Mr. Anderson  
512 said that it was 30 feet.  
513

514 JP Hughes

515 Mr. Hughes gave a background on the property and said that they would be  
516 storing sheep wagons and other wagons to store and display it. He said the  
517 museum was a non-profit and that there were no sales or promotion of the  
518 property.  
519

520 Commissioner Robins asked what the tallest artifact piece was that they would  
521 be storing in the structure. Mr. Hughes told him and Commissioner Robins  
522 determined that the ceiling would need to be at least 20 feet high.  
523

524 Chairman Christianson welcomed public comment.  
525

526 Lucille Taylor

527 Ms. Taylor explained where she lived and said that they built the home 43 years  
528 ago. She expressed her joy in living in Spanish Fork but was concerned about  
529 the negative impact on her home. She said the visual impact of a 72-foot long,  
530 20-25 foot high steel building was staggering. She asked how much traffic  
531 would be going into the building and where the access would be and where  
532 people coming would travel on the property. She asked what would be stored in  
533 the building and if it would be flammable. She said the nature of the  
534 neighborhood was residential and the valuation of her property was an issue.  
535 She urged the Commission to deny the Conditional Use and if they did not deny  
536 it to add strong stipulations. She said she would like a site and sound barrier  
537 and that she did not want to see the building or hear traffic. She would like  
538 landscaping along the fence, perhaps a taller fence and evergreen trees. She

539 asked that the building not be allowed to be larger than 20 feet. She said that a  
540 bright yard light would make it difficult for her to sleep.

541

542 Commissioner Evans assured Ms. Taylor that the use could not change if the  
543 property was sold.

544

545 Commissioner Robins asked what would mitigate her concerns. She said not to  
546 build it.

547

548 Bruce Hall

549 Mr. Hall said the building itself would be a little different than the picture that  
550 had been supplied. He explained what would be different. He expressed that  
551 they were trying to preserve the history of Spanish Fork.

552

553 Commissioner Robins asked if there were any plans to break up the flat space  
554 and what materials were available to finish it with other than the metal siding.

555

556 Mr. Hughes said that anything they built would not be to the satisfaction of the  
557 neighborhood. He said his heart was in the preservation of history. He offered  
558 to buy the Taylor home if she would like to move.

559

560 John Taylor

561 Mr. Taylor said that the concern was that when you walk out of the Taylor  
562 home's back door that is where the building would be. He asked if there were  
563 different ways to sheath the building and said that the way it was proposed  
564 sounded like the description of an autobody shop. He said the building was such  
565 a large scale structure visible from the back porch.

566

567 Commissioner Stroud said he wanted to see scaled details of all four sides of the  
568 building, the hard surface and a better Site Plan.

569

570 Commissioner Evans said he would like to see what the building will actually look  
571 like. His recommendation would be to ask for more information in order to make  
572 and informed decision.

573

574 Mr. Hall said the access would be a gravel driveway.

575

576 Commissioner Stroud said he would need to see the landscape and a lighting  
577 plan.

578

579 Ms. Hughes explained that people would walk down the driveway and turn east  
580 into the building. She said that the windows were sky lights and that the  
581 building was designed in order to keep the artifacts secure. She said that trucks  
582 would not go in and out of the structure.

583

584 Discussion was held regarding landscaping, fencing details and the sheer size of  
585 the building with a flat surface that is not broken up.

586

587 Commissioner Evans said he did not have a feel for what the structure would  
588 even look like. He requested more information and told the applicant to  
589 incorporate a material for the building that is more conducive to the  
590 neighborhood.

591

592 JP Hughes

593 Mr. Hughes explained that he would cooperate but that what was being asked of  
594 him would cost money. He said he felt uncomfortable leaving it unapproved and  
595 bringing back another design.

596

597 Commissioner Robins **moved** to **continue** the item. He said he would like the  
598 applicant to provide more information and discussion was held regarding what  
599 the Commission would like to see. Commissioner Evans **seconded** and the  
600 motion **passed** by a roll call vote. Chairman Christianson voted **nay** and  
601 expressed that he felt that the applicant was not going to come back with  
602 something much different.

603

604 Commissioner Marshall **moved** to **close** public hearing. Commissioner Marshall  
605 rescinded his motion and the Commission all agreed to go out of public hearing  
606 without a motion.

607

608

## 609 **STAFF REPORTS**

610

### 611 **Maple Mountain Amended**

612 Applicant: Dave Simpson

613 General Plan: Residential 2.5 to 3.5 units per acre

614 Zoning: R-1-12

615 Location: 100 North 1500 East

616

617 Mr. Anderson gave background on the proposal. He explained that the original  
618 approval was for over 350 lots and that with this proposal the project would drop  
619 to 308 units. He said that there were some loose ends that needed to be tied  
620 up, along with the need for a phasing plan. As part of the phasing plan Mr.  
621 Anderson talked with Mr. Simpson about the need for storm drain detention. Mr.  
622 Thompson explained that the northern part of the development was not sized to  
623 have direct input from the subdivision.

624

625 Chairman Christianson said that they had received a lot of bonus density and  
626 wanted to make sure that we had received a landscaped trail along the railroad  
627 tracks and a clubhouse. Mr. Anderson said that the clubhouse and the park had  
628 not been constructed.

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Discussion was held regarding the park being less than five acres and if the applicant had proffered anything in lieu of the change.

Commissioner Robins said his biggest concern was not having things nailed down and, with the building of a school being on one lot, were they missing any details.

Commissioner Marshall **moved** to recommend to the City Council **approval** of the Maple Mountain Amended Preliminary Plat subject to the following conditions:

**Conditions**

- 1. That the applicant meets all of the conditions of the original approval.
- 2. That a phasing plan and storm drain be developed prior to Final Plat approval.

Commissioner Robins **seconded** and the motion **passed** all in favor.

**Pine View**

Applicant: Kay Heaps  
General Plan: Residential 1.5 to 2.5 units per acre  
Zoning: R-1-15  
Location: 2700 East 750 South

Mr. Anderson explained that the proposed division would create two lots. He said that the property was annexed into the City two years ago.

Chairman Christianson asked if they were approving two lots for the record.

Commissioner Robins asked if there was enough room for homes and a road on the east side of the proposal. Mr. Anderson said that there would be.

Commissioner Robins **moved** to recommend to the City Council **approval** of the Pine View Preliminary Plat subject to the applicant completing the SESD buyout as is stipulated in the Envision Annexation Agreement. Commissioner Stroud **seconded** and the motion **passed** all in favor by a roll call vote.

**Peterson Spanish Cove Preliminary Plat**

Applicant: Warren Peterson  
General Plan: Residential 9 to 12 units per acre  
Zoning: R-3 existing, In-Fill Overlay requested  
Location: 245 North 300 East

674 Discussion and action taken with the Peterson Spanish Cove Zone Change.

675

676 **Spanish Fork Assisted Living Preliminary Plat**

677 Applicant: Rockworth Companies

678 General Plan: General Commercial

679 Zoning: R-1-8

680 Location: 1450 East 100 South

681

682 Discussion and action taken with the Spanish Fork Assisted Living Conditional

683 Use approval.

684

685 **OTHER DISCUSSION**

686

687 **Discussion on Planning Commission work program**

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689 No discussion.

690

691 **ADJOURNMENT**

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693 Commissioner Christianson **moved** to **adjourn**. Commissioner Marshall

694 **seconded** and the motion **passed** all in favor at 10:58 p.m.

695

696 **Adopted:**

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\_\_\_\_\_  
Shelley Hendrickson, Planning Secretary



# REPORT TO THE PLANNING COMMISSION JONES/HUGHES PIONEER PARK MUSEUM CONDITIONAL USE APPROVAL

**Agenda Date:** January 6, 2010 (continued from December 2, 2009)

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee

**Request:** Mr. JP Hughes is requesting Conditional Use approval to utilize a parcel in the R-1-6 zone as a Museum. If approved, Mr. Hughes would like to construct a building on the subject property.

**Zoning:** R-1-6

**General Plan:** Residential 9-12 units per acre

**Project Size:** Approximately .25 acres

**Number of lots:** Not applicable

**Location:** 64 East 100 South

## Background Discussion

This request was continued from the Commission's December 2 meeting. Staff anticipates providing additional material relative to this request prior to your meeting.

In the summer of 2009, Spanish Fork City approved several changes to the list of permitted and conditional uses found in the Zoning Ordinance. One change involved defining museums and making that a Conditional Use in the R-1-6 Zone.

For many years, this site and adjacent properties owned by the Hughes have been used as something of a museum. Staff understands that the facility is not open on a regular basis but is instead open only on certain holidays throughout the year.

Given the historic use of the property and the nature of the General Plan designation for this property, staff does not have significant concerns with this property being formally approved for use as a museum.

In order to meet the required setbacks for the proposed building, the applicant has proposed to adjust the boundary between his lot and an adjacent property that he owns to the north.

Staff has received correspondence from one neighbor relative to this proposal, a copy of which accompanies this report.

As Museums are a Conditional Use, it is appropriate for the Planning commission to review this proposal in a comprehensive manner in an attempt to impose any and all conditions that are necessary to mitigate foreseeable impacts on the surrounding properties and area. Site lighting, landscaping and fencing are among the items that typically receive detailed attention when reviewing proposals of this nature.

## Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and



recommended that it be approved. Minutes from that meeting read as follows:

### **Hughes Site Plan and Conditional Use**

Applicant: J.P. Hughes

General Plan: Residential 9 to 12 units per acre

Zoning: R-1-6

Location: 64 East 100 South

Mr. Anderson explained the proposal and that parking would need to be addressed.

Discussion was held regarding the Walker Mortuary parking lot and whether the applicant could use it for parking. Mr. Baker said that it would work and that the applicant would need to obtain a letter from Walker Mortuary granting them permission to use their parking lot.

Mr. Johnson said that the fire department would require a fire hydrant. Discussion was held regarding fire protection and whether or not the existing hydrants would work (it was determined that they would not need a hydrant).

Mr. Baker **moved** to recommend approval of the Hughes Site Plan and Conditional Use for a lot line adjustment subject to the following conditions:

### **Conditions**

1. That the existing residential use needs to remain conforming after the lot line adjustment.
2. That the driveway will need to be an all weather surface access.
3. That all lighting be contained on site.
4. That if the need for parking increased over time the applicant would need to obtain a letter from Walker Mortuary granting them permission to use their parking lot.

Mr. Thompson **seconded** and the motion **passed** all in favor.

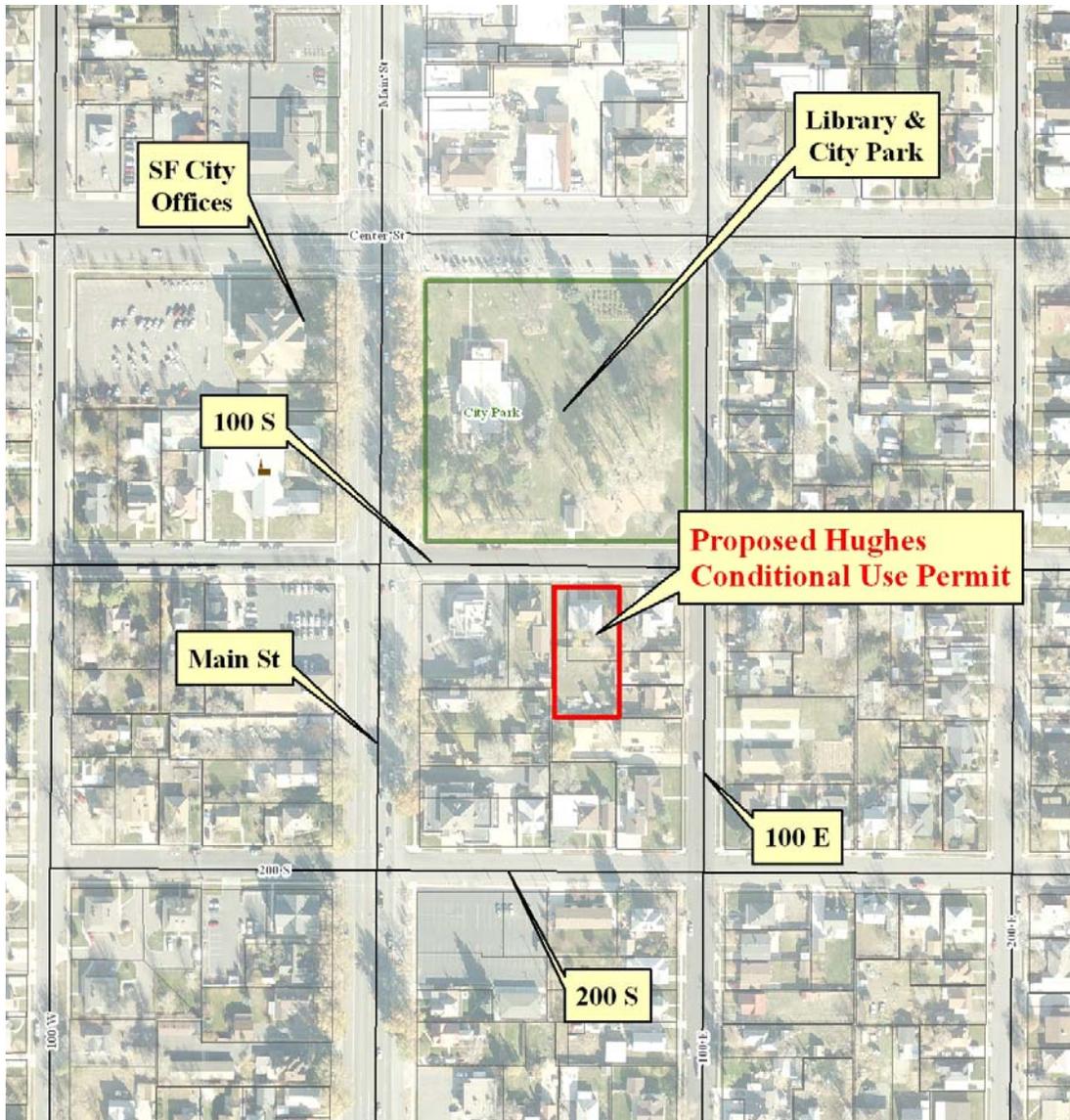
### **Budgetary Impact**

There is no immediate budgetary impact anticipated with the approval of this Conditional Use.

### **Recommendation**

Staff recommends that the proposed Conditional Use be approved subject to the following conditions:

1. That the existing residential use needs to remain conforming after the lot line adjustment.
2. That the driveway will need to be an all weather surface access.
3. That all lighting be contained on site.
4. That if the need for parking increased over time the applicant would need to obtain a letter from Walker Mortuary granting them permission to use their parking lot.



Nov. 24, 2009

**To: Spanish Fork Planning Commission**

**Re: Conditional Use Permit requested for Jones Hughes Pioneer Museum, to be considered at a public hearing Dec. 2**

**From: Lucille and Richard Taylor, owners of adjacent property**

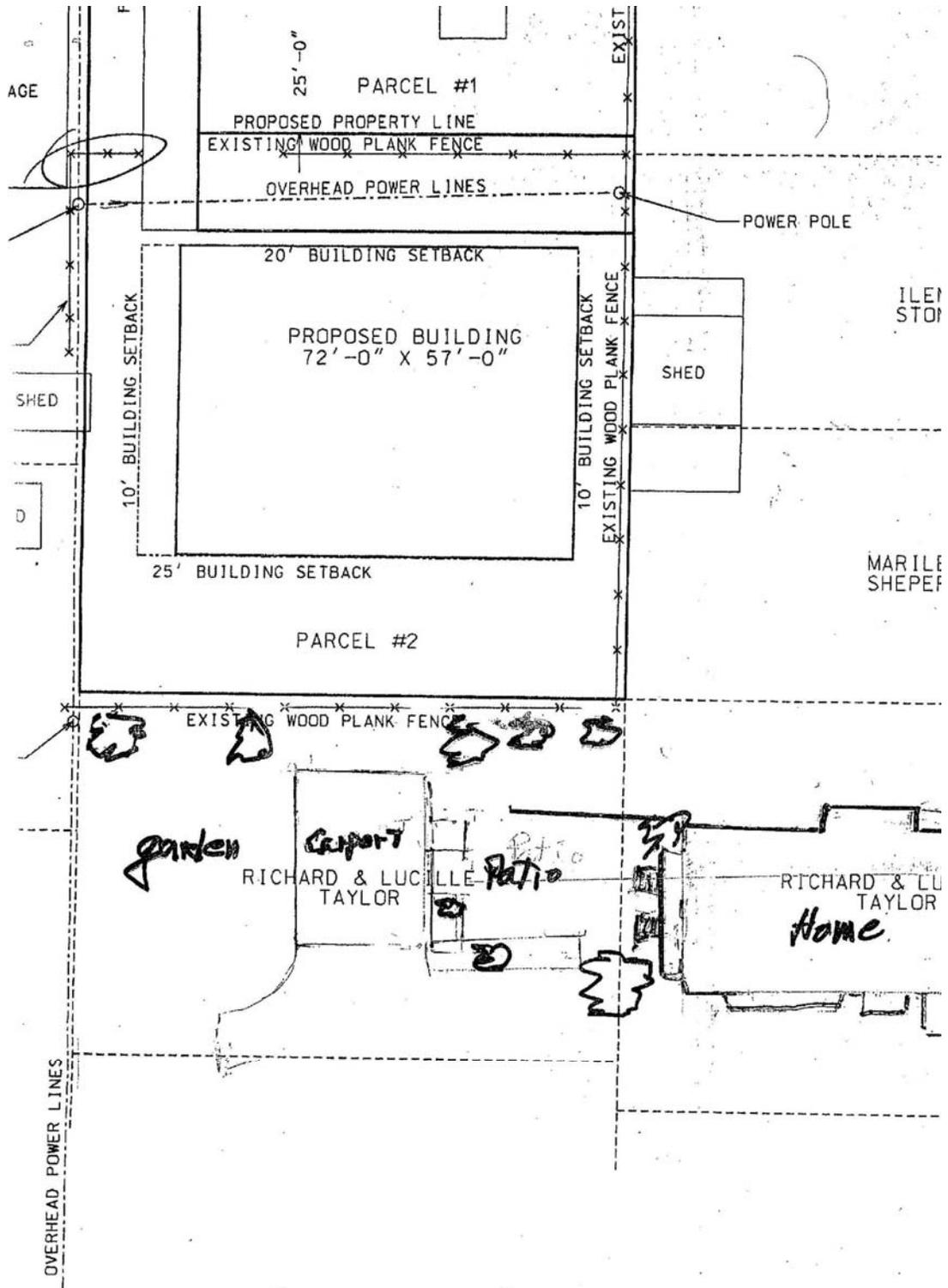
We request an opportunity to address the commission regarding the proposal. We intend to raise the following issues:

1. Our home will be directly and negatively affected by the proposed construction.
  - a. Enjoyment of our landscaped patio and grounds will be impaired by such a large (72 feet long and 20 feet high steel warehouse) and ugly building immediately to the north.
  - b. We are concerned about traffic into the building and parking around it, as well as noise generated by users. We are also concerned about dust and noise during construction.
  - c. We are concerned about what may be stored in the building. Combustible materials constitute a fire hazard.
2. A conditional use permit does not guarantee that future use of the property will be as is now represented. Such a building could facilitate some form of industrial activity which could be even more objectionable.
3. Granting this proposal would change the nature of the neighborhood. Presently there are seven homes located around this block, adjacent to the city park. It is neither agricultural nor industrial, but a reasonably quiet place to live, with walking access to church, library, park, and small businesses.
4. The presence of such a large, ugly, and dominating building could seriously affect the valuation of our property.

**We therefore urge the Planning Commission to deny the request for a Conditional Use Permit.**

**If, however, the Commission decides to grant the request, we ask that the following stipulations be added:**

1. Developers must erect a substantial sight and noise barrier along the south boundary of the property in question. A taller fence than the existing one must be built with evergreen trees planted inside the fence.
2. Vehicular access to the proposed building must not be on the south side of it.
3. The building must not, in any way, including foundations, footing, and roof be higher than the 20 feet proposed.
4. Bright yard lights must not be installed around the proposed building.
5. Future changes in use should be subject to review by the Commission.
6. Spanish Fork City must commit to surveillance to enforce these stipulations.





# REPORT TO THE PLANNING COMMISSION

## ASSISTED LIVING FACILITY DESIGN AND SEPERATION TEXT AMENDMENT

**Agenda Date:** January 6, 2010

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee

**Request:** Spanish Fork City is proposing to modify the requirements for outdoor storage areas.

**Zoning:** City-wide

**General Plan:** City-wide

**Project Size:** City-wide

**Number of lots:** Not applicable

**Location:** Not applicable

### Background Discussion

Spanish Fork City is in the process of reviewing a proposal to locate an assisted Living Facility in the R-1-8 zone. Assisted Living Facilities are conditional uses in the R-1-8 zone.

There is, however, a set of criteria in place for Assisted Living Facilities that essentially preclude the possibility of having this type of facility constructed anywhere in Spanish Fork. Title 15 maintains a section titled design and separation which applies to Facilities for Persons with a Disability, Residential Facilities for Elderly Persons, Residential Treatment Centers, Supervisory Care Facilities, and Assisted Living Facilities. The standards found in this section do prevent the City from approving Assisted Living Facilities like the one currently approved due to the size and design of the facility.

The following section of Title 15 is found on page 15-34:

#### E. Design and Separation

1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center, supervisory care facility, and assisted living facility must meet these requirements.
2. Any new or remodeled facility shall comply with the following design standards:
  - a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
  - b. The facility shall be constructed in a manner as to blend in and not draw attention.
  - c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.
  - d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
  - e. The facility shall meet all zoning requirements of the zone in which it is proposed.
  - f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.
3. No facility listed in subsection 1 may be located within 660 feet from another.

Staff believes that facilities such as the one proposed are needed and should be permitted in the City. Furthermore, staff believes this type of facility is most conducive to residential areas. Staff acknowledges that the mass of the buildings associated with these facilities will often exceed that of surrounding homes. At the same time, staff understands that the levels of traffic, noise or other impacts associated with Assisted Living Facilities is typically negligible. All in all, staff believes the impact of schools and churches on a surrounding neighborhood could certainly exceed that of an Assisted Living Facility.

With that said, staff views Assisted Living Facilities differently than some of the other uses included in the design and separation section of the ordinance. With that in mind, staff proposes that the design and separation provisions remain intact and that the Assisted Living Facilities and Residential Facilities for Elderly Persons simply not be subjected to the listed criteria.

Staff does suggest that each of these uses remain Conditional Uses. As such, site specific issues relative to a proposed facilities impact on surrounding properties can be mitigated.

The proposed text amendment reads as follows:

E. Design and Separation

1. All residential facilities for persons with a disability, ~~residential facility for elderly persons~~, residential treatment center, supervisory care facility, and ~~assisted living facility~~ must meet these requirements.
2. Any new or remodeled facility shall comply with the following design standards:
  - a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
  - b. The facility shall be constructed in a manner as to blend in and not draw attention.
  - c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.
  - d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
  - e. The facility shall meet all zoning requirements of the zone in which it is proposed.
  - f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.
3. No facility listed in subsection 1 may be located within 660 feet from another.

## Development Review Committee

The Development Review Committee will be discussing this proposal in their December 23, 2010 meeting. Minutes from that meeting will be available in your meeting.

## Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

## Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.





# REPORT TO THE PLANNING COMMISSION LEGACY AT SPANISH FORK ASSISTED LIVING FACILITY CONDITIONAL USE APPROVAL REQUEST

**Agenda Date:** January 6, 2010

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee

**Request:** Rockworth Companies is requesting Conditional Use approval for an assisted Living Facility that would be located at 1450 East and 100 South.

**Zoning:** R-1-8

**General Plan:** General Commercial

**Project Size:** Approximately 2.85 acres

**Number of lots:** Not applicable

**Location:** 1450 East and 100 South

## Background Discussion

Rockworth Construction has requested Conditional Use approval to construct a 96-bed Assisted Living Facility at 1450 East 100 South.

The proposed facility would be located on a site that is nearly 3 acres in size and would contain a total of 80,000 square feet and 53 parking spaces.

Accompanying this report are copies of the proposed landscaping plan, lighting plan and building elevations. Staff understands that at the highest shift there would be some 15 employees on-site.

As proposed, the facility conforms to the criteria for Assisted Living Facilities as defined in section 15.3.24.010 E. However, the criteria provided in section 15.3.24.010 D limit the size of facilities to the extent that this facility would not be eligible for approval. An amendment to Title 15 has been proposed so as to permit this type of facility to be approved in this type of situation.

The subject property is designated General Commercial on the General Plan. However, limitations on visibility and access to the site likely make retail uses unfeasible at this location; therefore making the ultimate goal of the General Plan unobtainable. Given the General Plan designation, the property's unique configuration and the belief that facilities of this nature are needed in Spanish Fork City, staff has supported the approval of this facility at the proposed location.

Access to the proposed site would come from 100 South, 150 South and through the adjacent commercial development. Given the multiple points of access and the typically low amount of traffic generated by the proposed use, staff does not believe traffic to and from the site will create any problems.

Staff has reviewed the proposed plans for the project and has found that sufficient measures have been taken to mitigate the effects of light, sound and traffic on the surrounding neighborhood. Again, copies of the proposed plans accompany this report.



## Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

### Spanish Fork Assisted Living Preliminary Plat

Applicant: Rockworth Companies  
General Plan: General Commercial  
Zoning: R-1-8  
Location: 1450 East 100 South

Mr. Anderson explained that there were three requests for this proposal and explained that in his opinion this was an appropriate use for this particular parcel. He said that the applicant had met with the Fire department. Ninety-six beds were proposed for the development.

The applicant explained that this facility would be licensed through the State of Utah as an AL-1 and AL-2 and would have a dementia wing. He said the residents would not be allowed to have vehicles.

Mr. Peterson explained the relocation of the power. Mr. Johnson explained what fire hydrants would need to be removed and where one would need to be installed.

Mr. Peterson told the applicant that there was a power line along one of the buildings and that they would need to maintain a 15-foot horizontal and vertical clearance. Mr. Bruce Hall said that it would not meet the clearance and he would need to fix it.

Mr. Baker asked what the maximum staff would be at any given shift. It was determined that the proposal did not meet the City's parking ordinance and that the applicant would need to come up with 15 more spaces of parking. Bruce Hall said he had a cross easement with the strip mall.

Discussion was held regarding cross access easements, allowing the applicant to obtain 15 parking spaces from the strip mall property adjacent to the proposal, removal of some of the current masonry wall, and the applicant needing to submit a lighting and landscaping plan.

Mr. Baker **moved** to recommend **approval** of the Spanish Fork Assisted Living Preliminary Plat subject to the following conditions:

### Conditions

1. That the applicant meets the City's construction and development standards.
2. That the applicant meet any redlines from the City's Engineering and Power Departments.

Mr. Anderson **seconded** and the motion **passed** all in favor.

Mr. Baker **moved** to recommend **approval** of the Spanish Fork Assisted Living Site plan and Conditional Use subject to the following conditions:

### Conditions

1. That the wall along 150 South be removed and a masonry wall be constructed along Highway 6 and between the project and each adjacent residential area.
2. Forty-seven parking stalls be shown and if they cannot fit on site that a cross easement to the North and West be obtained where the commercial property is located for the additional stalls.
3. That a permanent turn around be constructed on 100 South that meets the City's construction and development standards.
4. That a landscape plan be approved by the Community Development Director.
5. That a lighting plan be submitted.
6. That all signs be consistent with the City sign ordinance.
7. That per the ordinance, a copy of the State license be provided along with a sworn affidavit that no person will reside or remain in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.
8. That the applicant provide an updated engineered Site plan.

Mr. Thompson **seconded** and the motion **passed** all in favor.

### Spanish Fork Assisted Living Site Plan and Conditional Use Approval

Applicant: Rockworth Companies  
General Plan: General Commercial

Zoning: R-1-8  
Location: 1450 East 100 South

Discussion and motion took place with the Preliminary Plat.

### **Budgetary Impact**

There is no immediate budgetary impact anticipated with the approval of this Conditional Use.

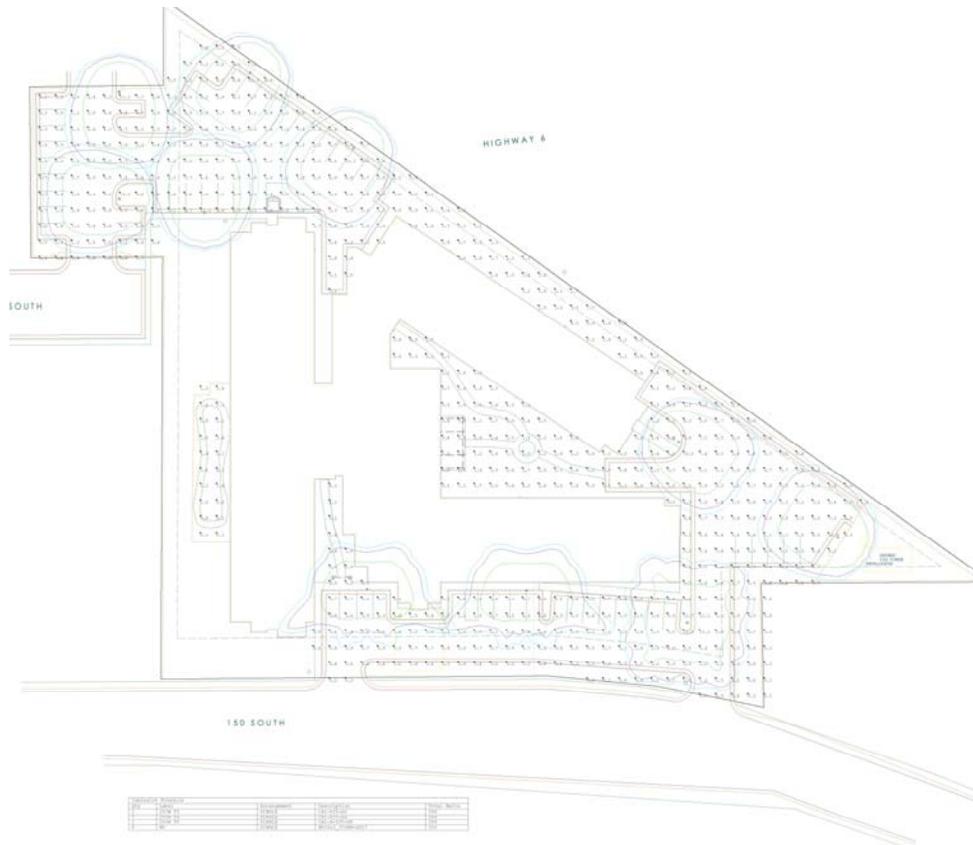
### **Recommendation**

Staff recommends that the proposed Conditional Use be approved subject to the following conditions:

1. That the wall along 150 South be removed and a masonry wall be constructed along Highway 6 and between the project and each adjacent residential area.
2. That no less than forty-seven parking stalls be provided.
3. That all signs be consistent with the City sign ordinance.
4. That an access easement be provided through the adjacent commercial development.
5. That per the ordinance, a copy of the State license be provided along with a sworn affidavit that no person will reside or remain in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.









# REPORT TO THE PLANNING COMMISSION

## WIND TURBINE TESTING FACILITY AND WIND TURBINE DEVELOPMENT REQUIREMENTS ZONING TEXT AMENDMENTS

**Agenda Date:** January 6, 2010

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee

**Request:** Spanish Fork City is proposing to modify the requirements for outdoor storage areas.

**Zoning:** City-wide

**General Plan:** City-wide

**Project Size:** City-wide

**Number of lots:** Not applicable

**Location:** Not applicable

### Background Discussion

The proposed text amendments address two issues that Spanish Fork City staff has been discussing for several months.

One change would permit properties in the Public Facilities Zone to be used for Wind Turbine Testing Facilities. For several years, property that Spanish Fork City owns at the mouth of Spanish Fork Canyon has been used as a site to test wind, wind turbines and related equipment. Staff understands that the operators of the existing facility would like to expand the operation. Staff believes such an expansion can only be permitted if the text of the Public Facilities Zone is amended. Without the amendment, the operators would be able to continue utilizing the site and the facility in its current configuration but would not be allowed to make any additions. The proposed ordinance is attached.

A separate ordinance is also proposed. This ordinance would establish provisions to permit the construction of small privately-owned wind turbines and privately-owned solar panels. The attached ordinance contains the details relative to the proposed regulations for each of those facilities.

### Development Review Committee

The Development Review Committee anticipates reviewing these amendments in their December 23, 2009 meeting. Draft minutes from that meeting will be available in the Planning Commission meeting.

### Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendments.

### Recommendation

Staff recommends that the proposed Zoning Text Amendments be approved.

ORDINANCE NO. \_\_\_\_\_

ROLL CALL

VOTING	YES	NO
<b>G. WAYNE ANDERSEN</b> <i>Mayor</i> <i>(votes only in case of tie)</i>		
<b>ROD DART</b> <i>Council member</i>		
<b>RICHARD M. DAVIS</b> <i>Council member</i>		
<b>STEVE LEIFSON</b> <i>Council member</i>		
<b>JENS P. NIELSON</b> <i>Council member</i>		
<b>KEIR A. SCUBES</b> <i>Council member</i>		

I MOVE this ordinance be adopted: \_\_\_\_\_

I SECOND the foregoing motion \_\_\_\_\_

ORDINANCE No.

**AN ORDINANCE AMENDING THE PERMITTED USES IN THE  
PUBLIC FACILITIES ZONE TO ALLOW WIND POWER TEST FACILITIES**

WHEREAS, Spanish Fork City owns property, heretofore zoned industrial, which it has leased to its power supplier, Utah Municipal Power Agency, for the purpose of conducting tests and gathering data on wind power; and

WHEREAS, the use of gathering wind power data has gone on for many years; and

WHEREAS, with the recent change in the zoning of the property from industrial to public facilities, an amendment needs to take place within the public facilities zone to allow, as a permitted use, the gathering and collection of data concerning wind power; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday the 6th day of January, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 19th day of January 2010, where additional public comment was received; and

WHEREAS, in order to protect the health, welfare, and well being of the residents of the community by gathering information and data which will benefit the City and its residents, a wind power test facility should be allowed in the public facilities zone;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code Section 15.3.16.160 Public Facilities is hereby amended by amending and/or creating subsections as follows:

**15.3.16.160. Public Facilities (P-F).**

A. Permitted Uses:

31. Wind Power Test Facilities.

D. Development Standards

1. The Maximum height of any building or structure shall be limited to 65 feet, with the exception of wind power test facilities, which may have a combined tower and blade height not to exceed 180 feet (subject to FAA rules and requirements). Heights for wind power test facilities for specific locations will be determined on a case by case basis at the time of site plan approval to protect adjacent properties.

2. Set backs shall be as follows for all main buildings:

A.~D. [unchanged].

E. Set backs for wind power test facilities will be determined on a case by case basis at the time of site plan approval, to protect adjacent properties

3. Anchoring for wind power test facilities towers will be reviewed and approved at the time of site plan approval.

II.

In order to protect the ongoing testing and gathering of data which has been taking place

for many years, in order to protect the health, welfare of the residents of the City, this Ordinance shall take effect immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
G. WAYNE ANDERSEN, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Robinson, City Recorder

ORDINANCE NO. \_\_\_\_\_

**ROLL CALL**

<b>VOTING</b>	<b>YES</b>	<b>NO</b>
<b>MAYOR G. WAYNE ANDERSEN</b> <i>(votes only in case of tie)</i>		
<b>ROD DART</b> <i>Councilmember</i>		
<b>RICHARD M. DAVIS</b> <i>Councilmember</i>		
<b>STEVE LEIFSON</b> <i>Councilmember</i>		
<b>JENS P. NIELSON</b> <i>Councilmember</i>		
<b>KEIR A. SCUBES</b> <i>Councilmember</i>		

I MOVE this ordinance be adopted: \_\_\_\_\_

I SECOND the foregoing motion \_\_\_\_\_

**ORDINANCE No.**

**AN ORDINANCE ESTABLISHING ZONING  
CRITERIA FOR SMALL WIND TOWERS**

WHEREAS, Spanish Fork City has recently adopted net metering standards which may include small wind turbines; and

WHEREAS, the height, noise, and coloring create potential problems for which special regulations are needed to protect adjacent property owners; and

WHEREAS, with the appropriate standards to protect the health, welfare, and general safety of the citizens of the City, a small wind turbines are an acceptable form of alternative energy; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday the 6<sup>th</sup> day of January, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 19<sup>th</sup> day of January, 2010, where additional public comment was received;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code Section 15.3.24.090(H)(C), Small Wind Energy Systems, is hereby enacted as follows:

**15.3.24.090 Supplementary Regulations**

**(H) Wind Turbines**

**C. Small Wind Energy Systems**

1. Customers who have been issued a net metering license agreement pursuant to Spanish Fork Municipal Code §13.44.095(F) may erect small wind turbines producing less than 100kw by meeting the following land use standards:
  - a. The parcel where the tower is to be located must be a minimum of 1 acre in size. If more than one tower is to be constructed, an additional half acre per tower is required.
  - b. The base of the tower must be set back from all property lines a distance equal to the height of the tower, plus the highest point of any blade.

- c. The height of any tower, plus the highest point of any blade, may exceed, by ten feet, the maximum height for a building allowed in a residential or commercial zone where the tower is to be constructed, or a maximum height of 120 feet in an industrial zone. Towers shall also comply with all FAA standards and requirements.
- d. The tower may not encroach upon any recorded easement, nor may any related equipment.
- e. The closest point of the blade sweep shall be at least twenty feet from the ground or an auxiliary building.
- f. The tower shall be constructed so that it is not climbable from the exterior.
- g. The wind tower shall be non-reflective and shall be of a color conducive to the site, as determined by the City planning division.
- h. Sound from the wind turbine, at the property line, shall not exceed 55 decibels in residential zones nor 65 decibels in commercial or industrial zones.
- i. Wind towers may not be roof mounted.
- j. No advertising (signs, logos, etc..) may take place on a tower.
- k. The tower shall be constructed as a monopole and shall be engineered so no guy wires are required.

## II.

This Ordinance shall take effect 20 days passage and publication.

DATED this \_\_\_\_ day of January, 2010.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH  
FORK, UTAH, this \_\_\_\_\_ day of January, 2010.

\_\_\_\_\_  
G. WAYNE ANDERSEN, Mayor

ATTEST:

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Kimberly Robinson, City Recorder



# REPORT TO THE PLANNING COMMISSION

## I-3 ZONE CREATION, I-2 ZONE MODIFICATIONS AND SITE PLAN DEVELOPMENT REQUIREMENTS TEXT AMENDMENT

**Agenda Date:** January 6, 2010 (continued from December 2, 2009)

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee, Planning Commission

**Request:** Spanish Fork City is proposing to modify the requirements for outdoor storage areas.

**Zoning:** City-wide

**General Plan:** City-wide

**Project Size:** City-wide

**Number of lots:** Not applicable

**Location:** Not applicable

### Background Discussion

Staff proposed a portion of the attached amendments in the Commission's December 2, 2009 meeting. The Commission continued the proposal in December.

Since the December meeting, staff has made some significant additions to the proposed changes. These changes include the reestablishment of the I-3 Zoning District and changes to the City's regulations for wind farms.

Relative to the proposed changes to the Site Plan development requirements, specifically changes to the requirements for outdoor storage areas, modifications have been made from what was presented to the Planning Commission.

### Development Review Committee

The Development Review Committee discussed this proposal in their September 23, 2009 and November 11, 2009 meetings. Minutes for the November 11, 2009 meeting read as follows:

#### Zoning Text Amendment

Applicant: Spanish Fork City

General Plan: city-wide

Zoning: city-wide

Location: city-wide

Mr. Anderson explained that there were nuisance problems with storage areas within the City. He said there was a need to define what an outdoor storage area was and how they would need to be improved at construction.

Discussion was held regarding how to word the storage area definitions, the purpose of the language (to make sure that outdoor storage is properly screened), conditions of the outdoor storage area, the acreage of the City shops and whether or not the City would meet this ordinance, and a zone that the City could use as a place to store concrete and other material.

*\*\*Mr. Thompson and Mr. Oyler arrived at 10:38 a.m.*

Mr. Oyler **moved** to **approve** the zoning text amendment to outdoor storage as discussed. Mr. Peterson **seconded** and the motion **passed** all in favor.

### **Budgetary Impact**

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

### **Recommendation**

Staff recommends that the proposed Zoning Text Amendment be approved.

**- PROPOSED ADDITIONS TO DEFINITIONS -**

**Outdoor storage area:** an area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment used in connection with a business located on the same site.

**Outdoor display area:** an area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

**Large wind energy system:** 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 100 kW.

**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.

## - PROPOSED ADDITIONS TO ZONING DISTRICTS -

### C-2 General Commercial

This district is intended to provide for a wide range of commercial uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center.

#### A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Child care centers.
3. Churches.
4. Private clubs.
5. Entertainment uses.
6. Financial institutions.
7. Hotels and motels.
8. Medical and dental laboratories.
9. Office supply, copying, printing businesses.
10. Offices.
11. Personal service businesses.
12. Public utility facilities required for local service.
13. Restaurants.
14. Retail uses.
15. Repair services for small appliances, bicycles, jewelry, and similar items.
16. Instructional Studios.
17. Lube Centers.
18. Tire Centers.
19. Convenience Stores.
20. Car wash (full service)
21. Municipal facilities required for local service.

#### **22. Outdoor display area.**

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such:

1. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

#### B. Uses Subject to Conditions

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

#### C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Outdoor commercial recreation facilities.
2. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
3. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

#### D. Accessory Buildings and Uses (see §15.3.24.090):

1. Caretaker's residence.

#### E. Development Standards (see Table 2).

#### F. Site Plan/Design Review (see §15.4.08.010 et seq.).

#### G. Landscaping, Buffering, Walls (see §15.4.16.130).

#### H. Signs (see §5.36.010 et seq.).

#### I. Parking (see §15.4.16.120).

### S-C Shopping Center

This district is intended to provide retail uses, service oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be five (5) to fifteen (15) acres in size and provide neighborhood or community level destination shopping while incorporating a design which enhances pedestrian orientation within the center.

#### A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Retail uses.
2. Personal service businesses.
3. Offices.
4. Restaurants.
5. Entertainment uses.
6. Office supply, copying, and printing businesses.
7. Child care centers.
8. Art galleries and studios.
9. Instructional Studios.
10. Lube Center.
11. Tire Center.
12. Convenience Store.
13. Car wash (full service).
14. Municipal facilities required for local service.

#### **15. Outdoor display area.**

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such business:

#### B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

#### C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. New automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
2. Hotels and motels.
3. Outdoor commercial recreation facilities.
4. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
5. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

#### D. Accessory Buildings and Uses (see §15.3.24.090).

#### E. Development Standards (see Table 2).15.3.16.120 I-1

### Light Industrial

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water, or noise pollution will not be allowed. Residential uses are not allowed.

#### A. Permitted Uses:

1. The indoor manufacturing, assembly and storage of finished products.
2. Wholesale trade businesses except explosives or

- automobile wrecking or salvage yards.
- 3. Lumber and building material yards.
- 4. Contractor warehouse and storage yards.
- 5. Trucking and warehousing.
- 6. Research, development, and testing services.
- 7. Automotive service, paint and body work, other consumer goods repair.
- 8. Trade or business schools.
- 9. Office supply, copying, printing businesses.
- 10. Offices.
- 11. Restaurants.
- 12. Financial institutions.
- 13. Retail businesses.
- 14. Telecommunication towers not taller than sixty (60) feet.
- 15. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.
- 16. Instructional Studios.
- 17. Veterinary offices for large animals and/or outside boarding of any animals.
- 18. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities and repair services associated with such facilities.
- 19. Car wash (self or full service).
- 20. Automotive repair.
- 21. Lube Centers.
- 22. Tire Care Centers.
- 23. Municipal facilities required for local service.
- 24. Outdoor display area.**
- B. Uses Subject to Conditions:
  - 1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
  - 2. Sexually oriented businesses as defined in Chapter 5.28 of the Spanish Fork Municipal Code
- 3. Outdoor storage areas (see §15.3.24.090(E)).**
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
  - 1. Outdoor commercial recreation facilities.
  - 2. Drive-in theaters.
  - 3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
  - 4. Telecommunication towers taller than sixty (60) feet.

- 5. Jails, county and city.
- 6. Residential Treatment Centers (not owner occupied).
- 7. Rehabilitation treatment facilities.
- 8. Shelter care facilities.
- 9. Publically owned and operated recycling centers.
- 10. Publically owned and operated compost facilities.

**I-2 Medium Industrial**

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit moderate amounts of air, water, or noise pollution may be considered as conditional uses. Residential uses are not allowed.

A. Permitted Uses:

- 1. Manufacturing and assembly of finished products except animal fats and oils, ammunition, and those manufacturing uses listed as conditional uses.
- 2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
- 3. Lumber and building material yards.
- 4. Contractor warehouse and storage yards.
- 5. Trucking and warehousing.
- 6. Research, development, and testing services.
- 7. Automotive repair.
- 8. Lube Centers.
- 9. Tire Care Centers.
- 10. Municipal facilities required for local service.
- 11. Trade or business schools.
- 12. Office supply, copying, printing businesses.
- 13. Offices.
- 14. Restaurants.
- 15. Financial institutions.
- 16. Retail businesses.
- 17. Telecommunication towers not taller sixty (60) feet.
- 18. Car wash (self or full service)
- 19. Impound yard.
- 20. Outdoor display area.**
- B. Uses Subject to Conditions:
  - 1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
  - 2. Outdoor storage areas (see §15.3.24.090(E)).**
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
  - 1. Manufacture of concrete products.

2. Drive-in theaters.
3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
4. Telecommunication towers taller than sixty (60) feet.
5. Self-storage warehouses and/or recreational vehicle storage.

**6. Transfer facilities.**

**I-3 Heavy Industrial**

**This district is intended to provide for employment related uses including heavy manufacturing, assembling, warehousing, and wholesale activities. Residential uses are not allowed.**

**A. Permitted Uses:**

1. **Manufacturing and assembly of finished products.**
2. **Wholesale trade businesses.**
3. **Lumber and building material yards.**
4. **Contractor warehouse and storage yards.**
5. **Trucking and warehousing.**
6. **Research, development, and testing services.**
7. **Municipal facilities required for local service.**
8. **Offices.**
9. **Impound yard.**
10. **Outdoor storage area.**
11. **Manufacture of concrete products.**

**B. Uses Subject to Conditions:**

1. **Rock Crusher with Surface Mining Overlay approval. (see §15.4.20.040)**
2. **Large Wind Energy System. (15.3.24.090 (H))**

**C. Uses Subject to Conditional Use**

**Permit (see §15.3.08.060):**

1. **Telecommunication towers taller than sixty (60) feet.**
2. **Self-storage warehouses and/or recreational vehicle storage.**
3. **Transfer facilities.**

**Public Facilities (P-F)**

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

**A. Permitted Uses:**

1. Child care centers.
2. Offices.
3. Public safety facilities.
4. Court buildings and related facilities.
6. Government owned nurseries and tree farms.

7. Municipal facilities required for local service.
8. Golf courses and related facilities.
9. Public parks and recreational facilities.
10. Libraries.
11. Public art galleries.
12. Transit centers and related facilities.
13. Government maintenance shops and related facilities.
14. Campgrounds.
15. Government storage buildings.
16. Government storage yards.
18. Museums.
19. Theaters.
20. Publicly owned zoos.
21. Temporary office and construction trailers.
22. Cemeteries.
24. Publicly owned stadiums and arenas.
25. Gun clubs and firing ranges.
26. Parking structures.
27. Automotive repair.
28. Lube Centers.
29. Car wash (self or full service).
30. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

**B. Uses Subject to Conditions:**

1. **Outdoor storage areas. (see §15.3.24.090(E))**

**C. Uses Subject to Conditional Use**

**Permit**

**(see §15.3.08.060):**

1. Hospitals.
2. Restaurants.
3. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

**D. Accessory Buildings and Uses (see §15.3.24.090).**

**E. Development Standards.**

1. The maximum height of any building or structure shall be limited to 65 feet.
2. Setbacks shall be as follows for all main buildings:
  - A. Front Yard, 20

feet;

B. Corner side yard,  
20 feet;

C. Interior Side  
Yard, 10 feet;

D. Rear yard, 20 feet.

**F.** Site Plan/Design Review (see  
§15.4.08.010 et seq.).

**G.** Landscaping, Buffering, Walls (see  
§15.4.16.130).

**H.** Signs.

1. Signage shall be permitted  
in accordance with section  
§15.36.010. Substitute or  
additional signage shall be  
permitted if it is deemed  
essential to providing a  
government service.

**I.** Parking (see §15.4.16.120).

**- PROPOSED MODIFICATIONS TO CONSTRUCTION REQUIREMENTS -**

Chapter 24 Uses Subject to Conditions/  
Supplementary Regulations

- 15.3.24.010 Treatment Facilities
- 15.3.24.020 Billboards
- 15.3.24.030 Master Planned Development (PUD)
- 15.3.24.040 Manufactured Homes
- 15.3.24.050 Seasonal Sales and Special Events
- 15.3.24.060 Subdivision Model Home
- 15.3.24.070 Temporary Office or Construction Trailers
- 15.3.24.080 Sexually Oriented Businesses
- 15.3.24.090 Supplementary Regulations

15.3.24.010 Treatment Facilities

A. Residential Facility for Persons with a Disability

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
  - a. provide a copy of such license or certification to the city.
  - b. be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
    - i. persons placed in a level 2 facility shall be deemed non-violent or nonthreatening and shall be permitted with no further requirements.
    - ii. individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., MSW, and based upon professional evaluations 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 mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property or 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.

6. The facility shall comply with all health and safety codes applicable to that type of building and use.

7. The operator of any facility shall be required to provide supervision in accordance with the rules and regulations of the State of Utah Department of Social Services or Department of Health, which care shall be on a twenty-four (24) hour basis if so required by the aforementioned rules and regulations.

8. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents.

9. No facility licensed for the housing of more than eight (8) disabled persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following facilities:

- a. another residential facility for persons with a disability licensed for the housing of more than eight (8) persons;
- b. a residential facility for the elderly with more than eight (8) elderly persons in residence; or
- c. any of the following facilities: shelter care facility, assisted living center, and residential treatment center.

10. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than a residential facility for persons with a disability, or
- b. the license or certification issued has been terminated or revoked, or
3. the facility fails to comply with these conditions.

B. Residential Facility for Elderly Persons

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
  - a. provide a copy of such license or certification to the city and
  - b. certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:

- i. constitute a direct threat to the health or safety of other individuals, or
  - ii. result in substantial physical damage to the property of others.
6. The facility shall comply with all health and safety codes applicable to that type of building and use.
7. No facility licensed for the housing of more than eight (8) elderly persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
- a. another residential facility for elderly persons licensed for the housing of more than eight (8) persons;
  - b. a residential facility for the disabled with more than eight (8) persons in residence; or
  - c. any of the following facilities: shelter care facility, assisted living facility and residential treatment center.
8. The use permitted by this section is nontransferable and shall be terminated if:
- a. the facility is devoted to a use other than a residential facility for elderly persons, or
  - b. the license or certification issued has been terminated or revoked, or
  - c. the facility fails to comply with these conditions.

#### C. Assisted Living Facility

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. Lot Size
  - a. Twenty(20) beds or less - 1,000 square feet per bed ratio (10 beds = 10,000 square foot).
  - b. More than twenty (20) beds - one (1) acre minimum plus 1,000 square feet per bed over the 20.
4. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents for facilities larger than 15 beds.
6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
  - a. provide a copy of such license or certification to the city and
  - b. certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:
    - i. constitute a direct threat to the health or safety of other individuals, or

- ii. result in substantial physical damage to the property of others.
8. The assisted living facility shall comply with all health and safety codes applicable to that type of building and use.

9. No assisted living facility licensed for the housing of more than eight (8) persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. another assisted living facility for more than eight (8) persons;
- b. a residential facility for the disabled with more than eight (8) persons in residence; or
- c. any of the following facilities: shelter care facility and residential treatment center.

10. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than an assisted living facility, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

#### D. Residential Treatment Center

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The facility must be located on at least a two (2) acre parcel or larger.
  - a. Twenty (20) beds or more - two (2) acre parcel minimum plus 1,000 square feet per bed over the 20 to a maximum of forty (40) beds.
4. The building character and landscaping shall be of the same general character of those of other residences/structures and landscaping in the area of the facility.
5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents or met the requirement of the zoning district.
6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility or result in substantial physical damage to the property.
7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
  - a. provide a copy of such license or certification to the city and the facility shall be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
    - i. Persons placed in a level 2 facility shall be deemed non-violent or nonthreatening and shall be permitted with no further requirements.

ii. Individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., M.S.W., and based upon professional evaluations such as 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 mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of 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.

8 The facility shall comply with all health and safety codes applicable to that type of building and use.

9. Must meet the Design and Separation requirements in paragraph E of this section if located in a residential zone.

10. Any residential treatment facility located in a residential zone must be supervised 24 hours a day 7 days a week which shall include, but not necessarily be limited to, house parents who are on site 24 hours a day, and video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.

11. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than a residential treatment center, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

12. Any residential treatment facility shall be 660 feet from any public or private school or church measured from the shortest point from structure to structure.

13. The conditions will be reviewed annually by the Development Review Committee (DRC) to assure conformance.

#### E. Design and Separation

1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center, supervisory care facility, and assisted living facility must meet these requirements.

2. Any new or remodeled facility shall comply with the following design standards:

- a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).

b. The facility shall be constructed in a manner as to blend in and not draw attention.

c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.

d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.

e. The facility shall meet all zoning requirements of the zone in which it is proposed.

f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.

3. No facility listed in subsection 1 may be located within 660 feet from another.

#### E. Outdoor storage areas

**The following conditions must be met:**

**1. The storage area must be paved with asphalt or concrete or be covered with gravel. In situations where gravel is utilized, four (4) inches of gravel shall be installed over eight (8) inches of road base unless additional improvements are required by the City Engineer. Where a paving material other than asphalt or concrete is utilized, a drive apron shall be installed at all points of vehicular access. The drive apron shall be twenty-six feet wide and no less than sixty (60) feet long.**

**2. The outdoor storage area must be screened from surrounding properties with a six-foot tall masonry wall. Where the outdoor storage area abuts a public street, a ten-foot wide landscaped planter shall be installed between the masonry wall and the sidewalk or right-of-way. Landscaping shall be installed and maintained in accordance to the requirements found in section 15.4.16.130.**

**3. Lighting shall be provided in outdoor storage areas. A photometric lighting plan shall be submitted with the Site Plan application. The lighting plan shall demonstrate the capacity of the proposed lighting to uniformly illuminate the storage area without creating undue spillover onto surrounding properties.**

**4. Material kept in an outdoor storage area cannot be stacked or piled to a height that exceeds twelve feet.**

**- PROPOSED MODIFICATIONS TO SUPPLEMENTARY REQUIREMENTS -**

15.3.24.090 Supplementary Regulations

- A. Accessory Buildings, Structures, or Satellite Earth Stations.
- B. Swimming Pools
- C. Yard/Garage Sales
- D. Irregular Lots
- E. Accessory (basement, mother-in-law) Apartments
- F. Awnings or Covered Decks
- G. Animals
- H. Wind Turbines (WT)

H. Wind Turbines (WT)

It is the purpose of this section 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:**

**1. Large wind energy system: 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 100 kW.**

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

**3. Blade sweep: The diameter of the wind turbine blades as determined by the blade rotation.**

**B. Requirements:**

- 1. Minimum parcel size: A large wind energy system consisting of one tower must be located on a parcel that is a minimum of five acres in size. An additional acre of property is required for each additional tower.
- 2. Onsite structures maybe located up to the foundation of the tower.
- 3. Setback from a residential zone or use: The tower base must be setback a minimum of 500 feet from residential zoning districts.
- 4. Distance from rights-of-way and property lines: None; but all tower bases must be located on leased or owned property. The blade sweep cannot encroach upon adjoining properties or rights-of-way without easements providing for their encroachment. The easement must be a recorded document.
- 5. Height: Tower height is not to exceed 270 feet. Provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- 6. Height of Blade (tip at low point of blade sweep from ground): No closer 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 is permitted 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: The system shall not create electromagnetic interference and shall be filtered and/or shielded to prevent

interference with broadcast signals.

11. Compliance with International Building Code (IBC): Building permit applications for large wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower and WT showing compliance with the building code and certified by a professional engineer licensed in the state of Utah shall also be submitted.

12. Compliance with FAA Regulations: Large wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

13. Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.

14. Zoning Districts: Large wind energy systems are permitted only in the **I-3 zoning district. I-1 and I-2 zoning districts which are east of the intersection of State Road 6 and U.S. Highway 89.**

15. Wind Study: A wind or feasibility 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.

16. The tower shall not be climbable from the exterior.



# REPORT TO THE PLANNING COMMISSION ORCHARD VIEW HEIGHTS PRELIMINARY PLAT APPROVAL

**Agenda Date:** January 6, 2010

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee

**Request:** Allen Developments is requesting the approval of the Preliminary Plat for Orchard View Heights.

**Zoning:** R-1-9

**General Plan:** Residential 2.5 to 3.5 units per acre.

**Project Size:** 1.9 Acres

**Number of lots:** 5

**Location:** 820 East 750 South

## Background Discussion

Allan Developments has proposed the Orchard View Heights Preliminary Plat, which contains 5 lots located in the R-1-9 zone at approximately 820 East 750 South.

The proposed development would connect 900 East with 820 East at 750 South.

## Development Review Committee

The Development Review Committee reviewed this request in their December 9, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

### Orchard View Heights

Applicant: Allen Developments

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-9

Location: 820 East 700 South

Mr. Anderson reviewed the proposed plan.

Mr. Thompson said the closest storm drain to the site is to the south. The City's requirement to connect to the existing storm drain would present a hardship on the development due to the long distance away from the project.

Discussion took place regarding the storm drain system options in this area and the storm drain master plan.

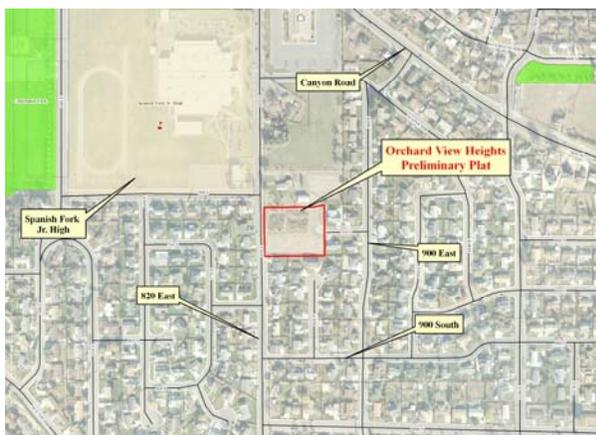
*Mr. Oyler arrived at 10:34 a.m.*

Discussion took place regarding the need for the developer to design a plan and build temporary storm retention.

Mr. Pierce asked if it was an option to use the north property not included in the plat for the retention pond.

Mr. Baker said that it would be okay as long as an offsite easement was in place.

Mr. Johnson said they need to match the existing road on 780 South.



Mr. Johnson asked about the option for a road dedication for the possible road on the north property.

Mr. Thompson is in favor of a road dedication with a contract in place that if the property to the north of Mr. Allen's adjacent property develops, it would require Mr. Allen to construct the road through his property.

Mr. Cooper discussed the issues with the power that would be addressed with a road dedication as well.

Discussion took place regarding the road dedication or a public utility easement through the adjacent property.

Mr. Oyler made a **motion to recommend** approval to the Planning Commission subject to the following conditions:

1. That a public utility easement be recorded for Mr. Allen's property to the north of the proposed development.
2. That the applicant provide a temporary storm drain retention area until the line can be extended by the City to the south.
3. That the applicant adjust the road to match existing street cross section on 780 South.
4. That the applicant follow the construction and development standards.

Mr. Thompson **seconded** and the motion **passed** unanimously.

### **Budgetary Impact**

As proposed, Spanish Fork City acknowledges the potential need for the City to install a storm drain line that would serve the subject property and others in the area. There is currently no plan to install such a line but it has been discussed in connection with this development and would likely cost something between \$30,000 and \$50,000.

### **Recommendation**

Staff recommends that the proposed Preliminary Plat for Orchard View Heights be approved subject to the following conditions:

1. That a public utility easement be recorded for Mr. Allen's property to the north of the proposed development.
2. That the applicant provide a temporary storm drain retention area until the line can be extended by the City to the south.
3. That the applicant adjust the road to match existing street cross section on 780 South.
4. That the applicant follow the construction and development standards.

