



Planning Commission Agenda August 4, 2010

- Planning Commissioners** 5:30 P.M. Agenda Meeting
- Michael Christianson Chairman 6:00 P.M. 1. Preliminary Activities
- Shane Marshall a. Pledge of Allegiance
- David Stroud b. Approval of Minutes: July 7, 2010
- Rick Evans
- Tyler Cope 2. Public Hearing
- a. **Hurst Zone Change**
Applicant: Barbara Beardall
General Plan: Residential 2.5 to 3.5 units per acre
Zoning: Rural Residential existing, R-1-12 requested
Location: 3310 East Canyon Road
- b. **Amendment to Title 15 – Small Windturbines**
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide
3. Other Discussion
- a. Discussion on proposed amendment to the Spanish Highlands North Preliminary Plat.
- b. Discussion on proposed amendment to the Maple Mountain Preliminary Plat.
- c. Discussion on commercial design guidelines.
- d. Update on the 2010 General Plan Revision.

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 at 40 South Main Street, Room 140, Spanish Fork. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

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2 **Draft Minutes**
3 **Spanish Fork City Planning Commission Meeting**
4 **July 7, 2010**

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6 **Commission Members Present:** Mike Christianson, Chairman; David Stroud, Rick
7 Evans, Shane Marshall.

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9 **Staff Present:** Dave Anderson, Community Development Director; Shelley
10 Hendrickson, Planning Secretary; Jered Johnson, City Surveyor; Trapper Burdick,
11 Assistant City Engineer; Jason Sant, Assistant City Attorney.

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13 **Citizens Present:** Milan Malkovich, Roger Knell, Karl M. Francis, Carol Rigdettini,
14 Phyllis Spencer, Calvin Sabin, Julie Sabin, Ross Sabin.

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17 **CALL TO ORDER**

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19 Chairman Christianson called the meeting to order at 6:00 p.m.

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22 **PRELIMINARY ACTIVITIES**

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24 **Pledge**

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26 Commissioner Evans led the Pledge of Allegiance.

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29 **STAFF REPORTS**

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31 **Spanish Highlands Ward Preliminary Plat**

32 Applicant: LDS Church

33 General Plan: 2.5 to 3.5 units per acre

34 Zoning: Rural Residential

35 Location: 2150 East 100 South

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37 Mr. Anderson explained that the proposal was for a three lot subdivision on
38 approximately 6.92 acres that the LDS Church was subdividing in order to
39 construct a church on lot one, a storm drain facility on lot two and that lot three
40 would remain vacant. He said the proposal did meet requirements for the Rural
41 Residential zone.

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43 Chairman Christianson asked about the detention basin and if it was a separate
44 facility from the one in the Maple Mountain Subdivision.

46 Mr. Anderson explained the park in the Maple Mountain Subdivision and that a
47 portion of the park would be used for a regional detention basin.

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49 Chairman Christianson explained that, when the Commission approved the Maple
50 Mountain Master Planned Development, part of the agreement was that there
51 would be a five-acre park and detention basin and that he had not forgotten about
52 that agreement.

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54 Chairman Christianson invited public comment. There was none.

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56 Commissioner Marshall **moved** to recommend that the City Council **approve** the
57 Spanish Highlands Ward Preliminary Plat. Commissioner Evans **seconded** and the
58 motion **passed** all in favor by a roll call vote.

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60 **DFCU Preliminary Plat**

61 Applicant: Calvin Sabin

62 General Plan: General Commercial

63 Zoning: Shopping Center

64 Location: 700 East Kirby Lane

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66 Mr. Anderson gave background on the proposal and what had already been
67 constructed. He said this was a subdivision plat that would create four lots and
68 that the majority of the public infrastructure was already in place. He said that
69 there may need to be pressurized irrigation installed but that the City would
70 address improvement deficiencies when the vacant lot developed. He explained
71 that this proposal would create a document that would legally convey the four lots.

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73 Mr. Burdick addressed any utility issues.

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75 Commissioner Evans clarified the lot lines.

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77 Chairman Christianson asked if signatures would be obtained from all of the
78 property owners. Mr. Anderson concurred.

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80 Chairman Christianson invited public comment. There was none.

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82 Commissioner Evans **moved** to recommend to the City Council **approval** of the
83 DFCU Preliminary Plat. Commissioner Marshall **seconded** and the motion **passed**
84 all in favor by a roll call vote.

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86 **Francis**

87 Applicant: Karl Francis

88 General Plan: Professional Office

89 Zoning: Commercial Office

90 Location: 375 West Center

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92 Mr. Anderson explained that there was currently one parcel with a professional
93 office constructed and that the applicant wanted to subdivide the parcel in order to
94 have two lots. He explained the subdivision application process and that City staff
95 recommended this proposal be approved.

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97 Chairman Christianson asked if parcels would remain Commercial Office. Mr.
98 Anderson concurred.

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100 Commissioner Evans asked if other issues would be addressed at the time that
101 property was sold and developed. Mr. Anderson concurred.

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103 Chairman Christianson asked if they were addressing easements with the
104 proposal. Mr. Anderson referred the Commission to the DRC minutes and the
105 conditions of the approval from City staff.

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107 Chairman Christianson invited public comment.

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109 Joyce Webb

110 Ms. Webb expressed her concern with parking. She said there was already a
111 business (Peak Therapy) that did not have enough off-street parking and that
112 vehicles were parked up and down the street all day long.

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114 Chairman Christianson explained to Ms. Webb that the City ordinance addressed
115 off-street parking along with a Site Plan.

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117 Mr. Anderson explained that he was not aware of what the City's parking
118 requirements were at the time the Peak Therapy building was constructed but that
119 over time parking requirements had evolved into more than in years past.

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121 Commissioner Evans explained to Ms. Webb that he felt the time to appropriately
122 deal with parking was when the proposal for the lot was developed.

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124 Discussion was held regarding the Spanish Fork Medical Clinic and parking.

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126 Karl Francis

127 Mr. Francis addressed the Commission and said that the Peak Therapy was
128 abusing the parking.

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130 Commissioner Marshall **moved** to recommend that the City Council **approve** the
131 Francis Subdivision Waiver subject to the following conditions:

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133 **Conditions**

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135 1. That the applicant provides the needed utility easements around the
136 property.

- 137 2. That that applicant indicate on the plat that there is a lot one and lot two
138 and when lot two is developed that a three phase electric line be looped to
139 the east.
140 3. That the applicant meets the City's construction and development
141 standards.

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143 Commissioner Evans **seconded** and the motion **passed** all in favor by a roll call
144 vote.

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146 **Amherst Meadows**

147 Applicant: Salisbury Homes
148 General Plan: 2.5 to 3.5 units per acre
149 Zoning: R-1-8
150 Location: 1250 South 2300 East

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152 Mr. Anderson explained that this was the third time that a plat for this
153 development had been presented for approval. He said that the public
154 infrastructure had all been installed. He said that City staff recommended that the
155 proposal be approved. He explained that one plat had already been recorded and
156 this would allow for the recordation of the second plat.

157
158 Chairman Christianson asked whether or not there was a warranty bond. Mr.
159 Burdick said there was not a bond. Mr. Christianson asked if a warranty bond
160 would need to be extended or posted. Mr. Anderson said that staff could look into
161 it if the Commission would like.

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163 Commissioner Evans asked if the bond could be included as part of the approval.
164 He clarified that the proposal was going through the process a third time because
165 the developers did not develop within the window that the City was not holding the
166 project up. Mr. Anderson concurred.

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168 Commissioner Evans **moved** to recommend that the City Council **approve** the
169 Amherst Meadows Preliminary Plat subject to the following condition:

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171 **Condition**

- 172
173 1. That City staff look into if there is a need for a warranty bond.

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175 Commissioner Marshall **seconded** and the motion **passed** all in favor by a roll call
176 vote.

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179 **OTHER DISCUSSION**

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181 **Discussion on the commercial design guidelines, the General Plan update and**
182 **Planning Commission chairmanship.**

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Mr. Anderson explained that an application had been turned into the City. He said the application was for the City to adopt some commercial design standards.

***Commissioner Stroud arrived at 6:36 p.m.*

Chairman Christianson explained that he had done some work for Salem City and said that Salem's big concern was how to stop getting warehouse facilities along the highway. He asked if this proposal would help with that. Mr. Anderson explained that one way to address steel buildings would be design guidelines.

Commissioner Evans explained he felt a classic example was the discussion they had during the work session meeting regarding Main Street.

Discussion was held regarding Wal-Mart buildings and design guidelines in Heber and Cedar Hills.

Brent Overson addressed the Commission and explained his proposal.

Commissioner Evans asked if the guidelines are compartmentalized or citywide. Mr. Overson said he felt the majority were citywide.

Chairman Christianson asked how you deal with not excluding specific materials. Mr. Overson said that you could exclude and explained how.

Commissioner Evans asked what Mr. Overson's intend was proposing design guidelines to Spanish Fork City when he was not a Spanish Fork City resident. Mr. Overson said that it was personal as well as that he had clients that had an interest in design guidelines.

Mr. Anderson asked the Commission to take time to go over the proposal. He said he had collected a variety of design standards that they were welcome to come in and review. He said he would like for the Commission to give him feedback.

Commissioner Marshall asked if the Commission could agree to have comments to Mr. Anderson by the 24th of the month.

Mr. Anderson thanked Mr. Overson for getting the ball rolling with regard to commercial design guidelines.

Mr. Anderson told the Commission that in August he would have refined land use designations for the General Plan. He said that the mayor was still working to get a replacement for the Commission. He then asked the Commission what kind of a schedule they would like to be on by way of Chairman appointments.

Commissioner Evans said he remembered discussing that appointments be on an annual basis and that he felt they should discuss it when the new appointed Commissioner was on board.

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ADJOURNMENT

Commissioner Marshall **moved** to **adjourn**. Commissioner Evans **seconded** and the motion **passed** all in favor at 7:17 p.m.

Adopted:

Shelley Hendrickson, Planning Secretary

DRAFT



MAP AMENDMENT

REPORT TO THE PLANNING COMMISSION HURST ZOING MAP AMENDMENT

- Agenda Date:** August 4, 2010
- Staff Contacts:** Dave Munson, Planning Intern
- Reviewed By:** Development Review Committee
- Request:** The applicant, Barbara Beardall, is requested a Zone Change to change the zoning of five parcels. The properties are currently zoned Rural Residential and the proposed zone is R-1-12. The Development Review Committee added an adjacent parcel to the proposal for a total of six parcels.
- Zoning:** Rural Residential existing, R-1-12 proposed.
- General Plan:** Residential 2.5 to 3.5 units per acre.
- Project Size:** 8.42 acres.
- Number of lots:** 6.
- Location:** Approximately 3400 East Canyon Road.

Background Discussion

The subject property is currently zoned Rural Residential. Although there has been no formal application to do so, the applicant did include with their application a CD with files on it showing that one of the lots is to be subdivided and that an existing barn will be demolished to make room for a new home.

The five original properties that were part of the application are all owned by the Hurst family, of which Ms. Beardall is a member. However, only changing these five properties would leave one adjacent property zoned Rural Residential; therefore, the Development Review Committee recommended that the Loveless property to the East be included in the proposal.

Development Review Committee

The Development Review Committee reviewed this request in their July 21, 2010 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Hurst

Applicant: Barbara Beardall
 General Plan: Residential 2.5 to 3.5 units per acre
 Zoning: Rural Residential existing, R-1-12 requested
 Location: 3310 East Canyon

Mr. Baker asked the applicant why the parcel at 3450 East was not included in the proposed change. Barbara Beardall said that her family did not own the parcel and that it was owned by Stephanie Loveless. She said she had spoken with Ms. Loveless but that Ms. Loveless did not get back to her regarding the change.

Mr. Baker **moved** to recommend **approval** of the Hurst Zone Change and to also include the Loveless parcel at 3450 East Canyon Road. Mr. Oyler **seconded** and the motion **passed** all in favor.

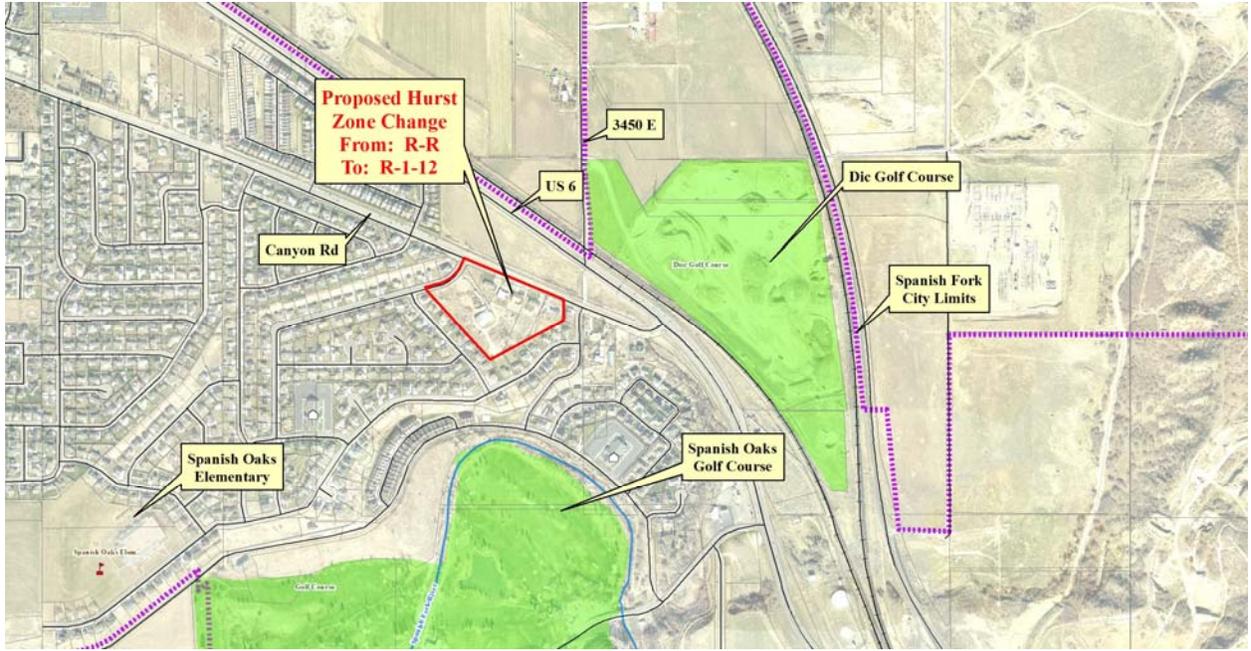


Budgetary Impact

There is no immediate budgetary impact anticipated with the proposed Zone Change.

Recommendation

Staff recommends that the proposed Zone Change be approved.





TEXT AMENDMENT

REPORT TO THE PLANNING COMMISSION SMALL WIND TURBINE TEXT AMENDMENT

Agenda Date: August 4, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: The attached ordinance would permit the construction and operation of privately-owned wind turbines.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposed text amendment would permit the construction and operation of small privately-owned wind turbines in Spanish Fork City.

This ordinance would also establish provisions to regulate the construction of such wind turbines. The attached ordinance contains the details relative to the proposed regulations for each of those facilities.

This draft ordinance has been modified substantially from a draft that was presented to the Planning Commission earlier this year. Concepts from a handful of cities have been incorporated into this draft.

The Development Review Committee reviewed this proposal, but was unable to even reach enough consensus for a motion to receive a second.

Development Review Committee

The Development Review Committee reviewed this latest proposal on July 28, 2010 and made no recommendation. Draft minutes from that meeting read as follows:

Wind Power Test Facilities and Small Wind Turbine Development Requirements

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

Mr. Anderson explained the discussion between himself and Mr. Baker regarding wind towers. Mr. Baker said that he had a few items of discussion. He said that Alpine's ordinance set the height limit at 55 feet to the top of the blade, but that the individuals who had presented at the City Council had said that they could make it work at 45 feet, which is what is in Mr. Baker's ordinance. Mr. Anderson drew on the board indicating how a tower could theoretically be

built on 9,000 square-foot lots. Mr. Baker said that roof mounted units were currently not allowed but that this could be addressed when someone makes an application. Mr. Oyler asked why they weren't being considered. Aesthetics, safety and HOA regulations were discussed.

Mr. Oyler asked if, after someone had built a wind tower, a neighbor could later build a garage within the setback of the tower. Mr. Baker suggested striking garages from the ordinance. Mr. Thompson said to set towers back from neighboring building footprints so that it wouldn't restrict neighboring development. Mr. Perrins said to make the setback 30 feet from property lines. Net metering was discussed. Mr. Perrins suggested that towers should be a solid color. Additional discussion ensued relative to the visual impact wind turbines would have and the potential danger that may be associated with turbines.

Mr. Anderson **moved** to recommend to the City Council **approval** of the proposed changes to Title 15, with the following conditions:

Conditions

1. That §15.3.24.090(B.7) be changed read "solid, earth tone colors".
2. That §15.3.24.090(B.1) be changed to include language regarding the plans being stamped by a structural engineer licensed in the State of Utah.
3. That §15.3.24.090(B.2) be changed to read "and 25 feet from all property lines."

The motion died due to lack of a second.

Mr. Baker **moved** to send it to the Planning Commission without a recommendation due to the issues related to aesthetics and safety. Mr. Anderson **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.

ORDINANCE NO. _____

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor</i> <i>(votes only in case of tie)</i>		
ROD DART <i>Council member</i>		
RICHARD M. DAVIS <i>Council member</i>		
STEVE LEIFSON <i>Council member</i>		
JENS P. NIELSON <i>Council member</i>		
KEIR A. SCUBES <i>Council member</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, 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 4th day of August, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 17th day of August, 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 §15.3.24.090 is amended and subparagraph (B), Small Wind Energy Systems, is hereby enacted as follows:

15.3.24.090 Supplementary Regulations

(H) Wind Turbines (WT)

It is the purpose of this section to promote the safe, effective, and efficient use of wind energy systems installed to provide electricity to utilities and consumers and to promote renewable energy resources.

A. Large Wind Energy Systems

1. ~ 16. [no change]

B. Small Wind Energy Systems

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:

1. Pole mounted wind turbines are permitted in all zones upon issuance of a building permit and compliance with all applicable regulations, including

the Spanish Fork City net metering standards (Municipal Code §13.44.095). An application must be accompanied by stamped plans from a structural engineer licensed in the State of Utah. No more than two (2) wind towers are permitted per parcel.

2. The base of the tower must be set back from all property lines a minimum distance of thirty (30) feet and from overhead utility lines a distance equal to 110% of the height of the tower, plus the highest point of any blade.
3. The height of any tower, plus the highest point of any blade, may be a maximum height of forty-five (45) feet in a residential or commercial zone, or a maximum height of 120 feet in an industrial zone. Towers shall also comply with all FAA standards and requirements.
4. The tower may not encroach upon any recorded easement, nor any related equipment.
5. The closest point of the blade sweep shall be at least twenty feet from the ground, an accessory building, fence, or wall.
6. The tower shall be constructed so that it is not climbable from the exterior.
7. The wind tower shall be non-reflective and shall be of a solid earth tone color, as determined by the Community Development Department.
8. 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.
9. Wind towers may not be roof mounted.

10. No advertising (signs, logos, etc..) may take place on a tower.
11. The tower shall be constructed as a monopole and shall be engineered so no guy wires are required.
12. No part of the wind tower shall be located in the area between the front of a residential structure and the front property line.
13. No wind tower shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, or excessive pressure on the tower structure, rotor blades, or turbine components.
14. If a small wind tower facility is not functional, operational, or maintained for a period of one (1) year, it shall be deemed abandoned. The owner, upon notification, shall immediately dismantle the wind tower.

II.

This Ordinance shall take effect 20 days passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 17th day of August, 2010.

G. WAYNE ANDERSEN, Mayor

Attest:

Kent R. Clark, City Recorder