

**Adopted Minutes**  
**Spanish Fork City Planning Commission Meeting**  
**January 6, 2010**

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

**Staff Present:** Dave Anderson, Community Development Director; Dave Munson, Planning Intern; Kirk Nord, Assistant City Attorney; Chris Thompson, Assistant Public Works Director.

**Citizens Present:** J.P. Hughes, Randy C. Giboney, Steve Broadbent, Jeff Byers, Russ Berry, Ken Larsen, David Berky, John Taylor, Lucille Taylor, Jenna Hughes Tew, Brenna Tew, Morgan Tew, JJ Tew, Elaine Hughes, Steve Painter, Julie Carter, Allen Carter, Katie Simmons, Abraham N. Allan, Mary Allan, Duane illegible, Gabriel Fossat, Brandon Ralphs, Dalton Grant, Dallas Smith, Nathan Otterstrom, Kaden Nelson, Trenton Teasdale, Jacob Olson, Hayden LeBaron, Bruce Hall, Scott Duke, Logan Christensen, Tucker Williams, Jake Monsen, Myles Monsen, Taylor Dunn, Curtis Rex, Mitchell Martin, Christian Anglesey, Michael A. Carpenter, Greg Magleby, Sam Hansbrow, Riley Mercado, River Woods.

**CALL TO ORDER**

Chairman Christianson called the meeting to order at 5:57 p.m.

**PRELIMINARY ACTIVITIES**

**Pledge**

Commissioner Stroud led the Pledge of Allegiance.

**Adoption of Minutes: December 2, 2009**

Commissioner Evans **moved** to **approve** the minutes of December 2, 2009, with the noted corrections. Commissioner Stroud **seconded** and the motion **passed** all in favor.

Commissioner Evans **moved** to **open** into public hearing. Commissioner Stroud **seconded** and the motion **passed** all in favor at 5:59 p.m.

## **PUBLIC HEARING**

### **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

Mr. Anderson explained that the proposal was continued from last month and explained the nature of the use. He explained that staff had recommended that the proposed building have distinct coloring on the roof and sides. The roof would be darker than the sides and the trim would match the roof. Staff also recommended that the applicant plant trees south of the building, including Chandelier Pear and Columnar English Oak. He said these species were picked because they were unlikely to grow into the overhead power lines.

Commissioner Marshall asked if these were in addition to previous conditions. Mr. Anderson answered that they are the only conditions.

Mr. Anderson confirmed that the building would be set back from the property line by ten feet.

Commissioner Marshall asked if Mr. Anderson felt that the previous conditions had been met. Mr. Anderson explained that they had been on the Site Plan.

Chairman Christianson asked if the information presented addressed the Commission's concerns. Commissioner Robins said that he was still somewhat concerned about whether the conditions related to colors would work to break up the mass of the building.

Chairman Christianson opened the meeting up for public comment.

### **Lucille Taylor**

Ms. Taylor said that the proposed building was still a barn that would be lovely on a farm, but may not be so on a block so close to the heart of Spanish Fork City.

Commissioner Robins asked what issues Ms. Taylor felt weren't addressed.

Ms. Taylor said that she was concerned about the landscaping being xeriscape. She asked that trees be placed between the building and her property. Commissioner Robins answered that such was the plan. She suggested a number of pavilions instead of a barn.

### **Jennifer Hughes Tew**

Ms. Tew said that she was the sixth generation of Hughes in Spanish Fork. She said that the building was not a barn, but a symbol of working with neighbors to preserve the past while working toward the future. She said that this would help children understand that there were once farms on Main Street.

Chairman Christianson closed the meeting for public comment.

Commissioner Marshall **moved** that the Commission **approve** the proposed Conditional Use with the following conditions:

### **Conditions**

1. That distinct coloration be applied to the roof and sides; that the trim match the roof;
2. That four (4) trees of the species recommended by the City be planted south of the proposed building.

Commissioner Robins said that he would be more comfortable with a specific number of trees.

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

### **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

Mr. Anderson explained that the City has specific design requirements for certain buildings in Spanish Fork City. He explained that, while reviewing the proposed Spanish Fork Assisted Living Site Plan, it became apparent that such a facility could not be built based on the current standards. He said that he felt that such was not the original intent and asked that certain verbiage be struck from the code. He brought up a PowerPoint showing what was intended to be struck. He explained that buildings of this type are required to look like surrounding homes. While this works for small facilities, larger facilities such as the one proposed are needed in the City and could be accommodated in the community. He said that staff recommended that the change be approved. He explained that other sections than the one in question already regulate this type of development to a sufficient degree. He also pointed out that all non-residential zones do not allow such development.

Commissioner Robins asked, if someone wanted to build a smaller facility, what would they be able to do in a residential neighborhood if the language was struck?

Mr. Anderson explained that there is other language in the code that would regulate such development. He explained that it would remain a Conditional Use and that individual issues could be addressed as part of that approval.

Commissioner Evans asked how the existing facilities were built. He said that he lives less than a half mile from one and said it was one of the most unobtrusive neighbors he has. He said that this is exactly where you would want these facilities (in residential neighborhoods). He said he felt that the size of the facility may be an issue.

Mr. Anderson explained that the City's legal counsel advised that it would be most appropriate not to take action on the following Conditional Use until the text amendment is reviewed by the City Council.

Commissioner Marshall said that he did not want to get the issues of the text amendment and the Conditional Use confused.

Chairman Christianson opened the meeting up for public comment. There was none.

Commissioner Evans **moved** that the Commission recommend to the City Council **approval** of the text amendment. Commissioner Robins **seconded** and the motion **passed** all in favor.

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

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

Chairman Christianson noted that this item was discussed as part of the previous item.

Mr. Anderson explained the proposal.

*Tyler Cope arrived at 6:34 pm.*

Mr. Anderson explained that this was the first functional proposal for the property that he has seen. He explained the landscaping, lighting and parking of the proposal. He explained how the proposal had been modified to remove a cul-de-sac on 100 South.

Commissioner Evans asked where the proposed masonry walls would be. Mr. Anderson explained that one was proposed along the Highway 6 boundary, that it would be six feet tall and that this would be somewhat shorter than the existing wall along Highway 6. A wall would be constructed between the residences and the proposal to the West. He said that in some ways the proposal fulfilled a function similar to that of schools and churches in a residential neighborhood. He said that, at the end of the day, this is a residential use, and doesn't belong in commercial or industrial settings. However, it is not a single-family use, and some effects would need to be mitigated. He said that the applicants have taken significant steps to mitigate the negative impacts of having a facility like this in the community. He said that there would be deliveries, visitors and employees that would generate some traffic, but that it would be comparable to that which would be generated by the fifteen or so single-family homes that could be built in its place. He said that staff feels comfortable recommending that this proposal be approved.

Commissioner Marshall asked if the General Plan would be amended if this were approved. Mr. Anderson explained that it would be changed to 2.5 to 3.5 units per acre, which is the designation of the surrounding area.

Chairman Christianson invited the applicant to comment.

**Steve Broadbent**

Mr. Broadbent with Rockworth added that all delivery vehicles would come through the shopping center to the North. He said that it was his intent to have employees also come through this entrance.

Commissioner Stroud asked if the applicants had met with the neighbors. Mr. Broadbent said that they had, and that many were enthusiastic about the project but concerned about traffic. He said that they seemed comfortable with the proposed traffic. He said that there had been concerns about the property going vacant, and said that they have had a lot of experience and that it would stay in business.

Commissioner Stroud asked about the mass of the western building. He said he was concerned about the impact on the homes to the West of the project. He said that, if the wing was a single story, he would have no problem with it. Mr. Broadbent said that there was enough demand to warrant the two story development.

Chairman Christianson proposed that the Commission allow the public to comment so that they can be addressed in the next meeting.

Commissioner Evans asked how the immediate neighbors felt about the development. Mr. Broadbent said that some issues had been mitigated with landscaping.

Commissioner Christiansen opened the meeting for public comment and requested that concerns not be repeated. He asked them to limit their comments to three or four minutes.

**David Burky**

Mr. Burky said that he was concerned about the height, lighting and density.

**Ken Larsen**

Mr. Larsen said that he was concerned about deliveries but that this concern had been addressed. He asked how vehicles would turn around at the terminus of 100 South. He said that 29 feet was a lot higher than the surrounding homes.

**Allen Carter**

Mr. Carter said that he was concerned with the density and height. He asked if the Alzheimer's unit would have a lockdown. He said that the lack of a turn around would make it hard for garbage trucks and snow plows to turn around. He asked Commissioners Evans and Robins what their opinion was living near Hearthstone. Commissioner Robins said that he was grateful for the opportunities to serve and teach his children that were presented. Commissioner Evans repeated that the facility may have less of an impact on the neighborhood than an individual home.

Commissioner Evans **moved to continue** this till the next meeting contingent on what happens with the City Council. Commissioner Robins **seconded** and the motion **passed** all in favor.

**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

Chairman Christianson welcomed the boy scouts that had joined the meeting.

Mr. Anderson explained the background of the proposal relative to the wind testing facility at the mouth of Spanish Fork Canyon. He said that staff cannot see any harmful impact from that use at that location.

Commissioner Stroud asked if there was any potential for residential development in the vicinity. Mr. Anderson said that he did not feel so.

Commissioner Evans asked if it would still be possible to say no to this type of development if it were appropriate. He said that he had talked to an industry representative and was told that Spanish Fork Canyon is an ideal location to test turbines. He asked if turbines would have to meet setback requirements. Mr. Anderson said it would.

Chairman Christiansen opened the meeting up for public comment. There was none.

Commissioner Stroud recommended **approval** to the City Council as submitted to the Commission. Mr. Marshall **seconded** and the motion **passed** all in favor.

Mr. Anderson explained that this proposal was related to small, privately-owned wind turbines. He said that this was related to the recent decision to allow net metering. He also said that, at this point, solar is not being considered. In most residential districts, the height of turbines would be limited to 40 feet, or 120 feet in industrial districts. He said that this would allow wind turbines in every residential district and that staff recommends that this proposal be adopted.

Commissioner Evans had concerns about the one-acre size. He said that it was related to setbacks and safety. He said he was comfortable removing size requirements or setting the limit at a half acre. Commissioner Marshall agreed and said that a setback from buildings should be added. He suggested that it be changed to read "from property lines and inhabited structures." Commissioner Evans suggested restricting how far apart turbines could be instead of restricting based on acreage.

Chairman Christianson said that he felt that the requirement that a turbine be engineered would address safety concerns. Mr. Anderson said that aesthetics were also an issue.

Commissioner Cope asked why staff recommended that there not be guide wires. Mr. Anderson said that it was related to aesthetics and industry standards. Commissioner Evans said that he felt that not allowing guide wires would require that the engineering be better.

Commissioner Christianson opened the meeting up for public comment.

### **Steve Painter**

Mr. Painter said that other cities he had worked with initially had acreage requirements but that they were changing to setbacks, as the Commission proposed. He commented on the structural capabilities of his turbines. He said that he had not had a city say no to 45-foot towers.

Commissioner Evans asked about setbacks. Mr. Painter said that many cities were changing to half-the-tower-height setbacks. Commissioner Evans asked if the height requirements were sufficient. Mr. Painter said that most of his sales are 45-foot turbines.

Commissioner Stroud commented that cell towers aren't held to as stringent requirements as wind turbines.

Commissioner Evans asked if Mr. Painter would recommend a greater height limit. He said that he felt that the existing limit prevented people from building taller, more efficient towers. Mr. Painter said that he usually won't put buildings closer than 30 feet and said that many cities' net metering agreements wouldn't allow much of a wind farm. That being said, he has had people put in multiple turbines. He explained net metering.

### **Randy Giboney**

Mr. Giboney agreed with removing the one-acre limit. He emphasized that he does not sell turbines, he simply wants to use them for his home and business. He asked if a business was considered a habited structure. He suggested that it be listed as a provision.

### **Michael A. Carpenter**

Mr. Carpenter asked if neighbors could share a turbine. Mr. Painter said that net metering wouldn't allow that.

Chairman Christianson asked if the Commission wanted to act on this tonight or send it back to staff. Mr. Anderson said that he would appreciate another month to work on it.

Commissioner Evans suggested that the acreage requirement be removed and that the setback language be modified to address distance to structures. Mr. Painter referred to Highland's ordinance. Commissioner Evans suggested changing the height requirement to 55 feet or higher.

Commissioner Robins said that he was concerned about opening the skies over people's neighborhoods and said that there were aesthetic and noise issues to address. He suggested that it be made a Conditional Use. Commissioner Cope suggested that it be made subject to certain conditions including lot size. Commissioner Robins asked how we evaluate other types of towers.

Commissioner Cope suggested considering front yard setbacks. Commissioner Stroud suggested listing this as an accessory structure, which would make it illegal to build one in a front yard.

Commissioner Cope asked how much a 45-foot tower would cost. Mr. Painter said roughly \$13,400 and that there are state and federal funding mechanisms that could assist people in buying a tower.

Commissioner Stroud asked about ice throw and other weather issues. Mr. Painter said that they have a special coating that prevents it.

Commissioner Marshall suggested getting more public input and participation to see how the community feels. Mr. Painter said that, in his experience, there are a few people who are opposed, but many are supportive. He said that most issues are with noise.

Commissioner Evans **moved** to **continue** the proposal. Commissioner Marshall **seconded** and the motion **passed** all in favor.

Commissioner Evans **moved** to **close** the public hearing. Commissioner Marshall **seconded** and the motion **passed** all in favor.

## **STAFF REPORTS**

### **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

Commissioner Evans asked if there was a way to move items up on the agenda. Mr. Anderson explained the logic behind how items are scheduled and said that people could be moved.

Mr. Anderson explained the proposal and recommended that it be approved.

Chairman Christianson asked about the storm drain system. Mr. Thompson explained that, eventually, the City will put in storm drain on the street, but until then the applicants need to plan for retention. Chairman Christianson said that he was concerned about transferring the storm drain burden to the property owner to the North. The property owner, Abraham Allan, explained that the tree farm in the front yard of the property to the North would be used for retention. Discussion was held regarding storm drain easements.

Commissioner Marshall asked about the stub on the north side of the property. Mr. Thompson explained how the property owners had agreed on how to develop the area.

Commissioner Marshall **moved** to recommend **approval** subject to the conditions in the staff agenda. Commissioner Robins **seconded** and the motion **passed** all in favor.

### **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 the proposal.

Commissioner Evans asked if the previous action on this project negated this proposal. Mr. Anderson explained that that was up to the applicant. He explained that they were remedying a previous lot division.

Commissioner Stroud pointed out that the plan did not include a number of pieces of required information. Mr. Anderson explained that the applicant would be required to submit a final plat which included the information.

Commissioner Evans said that he felt that, instead of fixing problems that have already happened, we should tell people “no” when they don’t submit a complete application. Mr. Anderson said that it would be reasonable to deny or continue an incomplete application.

Commissioner Marshall **moved** to **deny** the proposal because the applicants have not submitted a complete proposal. Commissioner Evans **seconded** and the motion **passed** by a roll call vote. Commissioner Robins voted nay.

### **OTHER DISCUSSION**

Mr. Anderson introduced a presentation on the Legacy Farms project.

#### **Duane Hutchins**

Mr. Hutchins explained the proposal. He turned the time over to Greg Magleby to present a PowerPoint presentation on the project. He addressed the current layout and design guidelines.

Commissioner Evans asked about the incentive for the architectural committee to stay involved. Mr. Magleby explained that they would be paid for their work.

Mr. Magleby explained the architectural and character standards. He asked the Commission for their input. Commissioner Robins asked about the area to the

Southeast of legacy farms. Mr. Magelby explained that it is planned for commercial development.

Commissioner Robins mentioned the 35-foot height limit proposed for the development, which is above the existing height limit for the proposed zone. He suggested that the developers consult with Mr. Anderson.

Chairman Christianson asked about the power line corridor. Mr. Magleby explained that they would not allow them to landscape it unless they purchased a perpetual easement. Mr. Anderson explained that Rocky Mountain Power is willing to work with the developers but only if they are willing to purchase the easement.

Discussion was held on impact fees.

Commissioner Marshall asked about the phasing plan. Mr. Magleby explained the plan. Chairman Christianson asked about storm drain. Mr. Magleby explained the series of ponds in the parks that would be used to handle the storm water.

Commissioner Robins asked what density bonus would be requested. Mr. Magleby answered that it would be determined based on utilities.

Commissioner Marshall asked if the developers had consulted with the school district. Mr. Magleby answered that children from this area would go to Reese Elementary and that other children would go to the new school across from Salisbury's townhomes.

Commissioner Robins said that he would like to see the sort of amenities that go along with a master planned development.

Chairman Christianson asked how the architectural committee would work. Mr. Magleby said that homeowners would be charged a fee to hire the necessary consultants.

### **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

Commissioner Marshall asked about including small energy systems definition.

Commissioner Evans **moved** to **re-open** the public hearing. Commissioner Marshall **seconded** and the motion **passed** all in favor.

Commissioner Evans **moved** to **continue** the proposal. Commissioner Marshall **seconded** and the motion **passed** all in favor.

Commissioner Evans **moved** to **close** the public hearing. Commissioner Marshall **seconded** and the motion **passed** all in favor.

### **Discussion on Planning Commission work program**

Mr. Anderson asked for a list of things that the Commission would want to see discussed as part of the 2010 General Plan Update. Commissioner Marshall asked Mr. Anderson to put together a timeline.

### **ADJOURNMENT**

Commissioner Stroud **moved** to **adjourn**. Commissioner Marshall **seconded** and the motion **passed** all in favor at 9:23 p.m.

**Adopted: February 3, 2010**

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Dave Munson, Planning Intern