

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
November 3, 2010**

Commission Members Present: Mike Christianson, Chairman; Brad Gonzales, Rick Evans, Tyler Cope, Shane Marshall.

Staff Present: Dave Anderson, Community Development Director; Shelley Hendrickson, Planning Secretary; Richard Heap, Public Works Director; Jason Sant, Assistant City Attorney.

Citizens Present: Rich Harris, Todd Jensen, Merrell Jolley, Leah Jaramillo.

Chairman Christianson called the meeting to order at 6:03 p.m.

1. Preliminary Activities

a. Pledge

Commissioner Marshall led the Pledge of Allegiance.

b. Approval of Minutes: September 22, 2010

2. I-Core Presentation

Mr. Todd Jensen introduced Merrill Jolley, Leah Jaramillo and himself. He explained their affiliation with the I-Core Construction project and gave an update about what is being done with the Highway 6 and Main Street interchange and the project's schedule.

**Commissioner Cope arrived at 6:11 p.m.*

3. Ordinance Amendments

Title 15 Amendment – Accessory Structures

Applicant: Spanish Fork City and Byron Wann

General Plan: City Wide

Zoning: City Wide

Location: City Wide

Mr. Anderson explained that the proposed changes to the Accessory Structure section of the Municipal Code were extensive and asked the Commission what changes they would like him to focus on.

Chairman Christianson asked if there would be inspections involved no matter what the size of the Accessory Structure was. Mr. Anderson explained that the City had never permitted structures less than 200 square feet and the problem that was causing throughout Spanish Fork City.

Commissioner Evans expressed that he felt that it was heavy handed to require someone to obtain a permit and asked if language could be included to explain the logic or reason behind the permit. Mr. Anderson said that he could speak to Junior Baker, the City Attorney.

Commissioner Cope said that he felt the place for language concerning the reason for obtaining a Building Permit could be on the City's website.

Commissioner Marshall asked what the change 'architecturally compatible' meant. Mr. Anderson explained that there was a lot of discussion on what 'architecturally compatible' meant and told the Commission if they had any input that they felt would be better, then he was open for it.

Mr. Anderson said that currently the code does not allow for an Accessory Structure to be built behind the front plane of the principle structure, or within 20 feet of a public right-of-way on corner lots. He said that a resident had applied to have this portion of the ordinance changed and that staff found no reason not to recommend that the change be approved.

Commissioner Marshall explained what language he felt could be removed from Section F.

Commissioner Gonzales asked if there was any language in the code that distinguished permanent Accessory Structures versus moveable Accessory Structures because he thought there was. Mr. Anderson said that if there had ever been language in the code distinguishing permanent versus moveable, it had not been in the Code for several years and explained that he felt all structures needed to be anchored.

Commissioner Gonzales expressed that he felt that if a person purchased some kind of a pre-made Accessory Structure there should be something in the code that addresses pre-made Accessory Structures and they should not need a permit and asked what was driving the proposed changes.

Mr. Anderson said most of the changes are proposed to help residents avoid the problems created when they build something that does not meet the City's setback requirements.

Discussion was held regarding building structures on public utility easements.

Mr. Anderson explained that City Staff tried to lump all Accessory Structures under the same umbrella and that he feels it is important to keep the regulations as uniform and simple as possible.

Commissioner Gonzales explained that he felt timing would be an issue for him in obtaining a permit. He said he felt that the process was restrictive and asked how long the process of obtaining a permit would be. Mr. Anderson said, in speaking for the two City employees that would be in charge of issuing permits, that a lot of permits could be issued over the counter. Structures over 200 square feet could take some more time, that he could not envision a structure such as Commissioner Gonzales described taking more than one day to obtain a permit.

Chairman Christianson asked if there were any checks in the inspector's inspections for utilities. Mr. Anderson responded that inherently they do.

Mr. Anderson explained that staff was not interested in issuing fines but just to have people comply with the ordinance.

Commissioner Gonzales suggested that a permit be able to be obtained within a few hours online.

Mr. Anderson said that there are people who have contacted the City and requested to be able to obtain a permit via the internet. He explained to the Commission that the City is not ready to issue permits online.

Commissioner Evans asked if the applications were available online. Mr. Anderson said that they were. Commissioner Evans suggested that some of the language in 3a be removed (obtain a Building Permit). He felt it was redundant.

Chairman Christianson invited public comment. There was none.

Commissioner Marshall **moved** to recommend that the City Council **approve** the proposed Zoning Text Amendment with the following change: that the language in 15.3.24.090 section A #3(a) 'obtain a Building Permit and' be removed. Chairman Christianson **seconded** and the motion **passed** all in favor.

Title 15 Amendment – Fence and Clear Vision requirements

Applicant: Spanish Fork City

General Plan: City Wide

Zoning: City Wide
Location: City Wide

Mr. Anderson said he felt the changes spoke for themselves but explained that the ordinance did not currently cover setbacks for utility boxes with regard to fencing. Commissioner Marshall suggested that the word 'clearance' be changed to 'setback'.

Commissioner Gonzales asked where the language for five feet on the utility setbacks came from. Mr. Heap explained that different utilities need different setbacks.

Commission discussion was held regarding the setback of five feet being too much.

Commissioner Gonzales asked why a permit needed to be obtained for a fence over 3 feet in height. Mr. Anderson explained that there are requirements for fences taller than three feet that need to be met.

Commissioner Cope agreed that current City staff was great to work with but that heavy handed government was a problem.

Commissioner Evans explained that he felt the rationale that it is easy to get a permit was not appropriate.

Mr. Anderson explained that Staff felt there was a benefit in having residents obtain a permit before constructing a fence and wanted to make that goal easy to achieve, hence no fee. He said he felt that Spanish Fork City had a very passive code enforcement program.

Discussion was held regarding what the setback distance should be from utilities and defining each one with a different distance.

Commissioner Cope said that he felt the setbacks need only apply to a fence that was not easy to remove, such as masonry.

Discussion was held amongst the Commission.

Commissioner Gonzales asked why the height of a fence was a concern. Mr. Anderson explained that it was vision. He explained the need for vision and clarifying where someone can place a fence. He explained numerous situations where line of sight was an issue relative to fencing.

Mr. Anderson said that he should have identified Section A in red as it was new language. He used the white board to draw an example of the clear vision language and discussion was held regarding clear vision.

Commissioner Evans explained what he had observed throughout town with regard to clear vision.

Chairman Christianson asked for input on the proposal with regard to the setbacks.

Commissioner Gonzales **moved** to recommend that the City Council **approve** the proposed Zone Text Amendment and reduce the clearance to 3 feet around utilities add the language in the clear vision area to any obstruction and not just shrubs excluding power poles. Commissioner Evans voted **nay**. Commissioner Cope voted **nay** because of the idea of a permit and the clear vision area from a driveway from 20 feet down to 10 feet. Motion passed by a role call vote.

Title 15 Amendment – Setback Requirements

Applicant: Jose Ferreyros

General Plan: City Wide

Zoning: City Wide

Location: City Wide

Mr. Anderson explained the proposed change would allow someone to have structures attached to their home and be as close as 5 feet to the property line. He explained what the current ordinance was relative to the changes and that they would loosen the restrictions for structures open on three sides. As staff looked at what the applicant would like to do they felt that this was an appropriate change and that a number of structures that are currently in violation throughout the City would be brought into compliance.

Chairman Christianson invited public comment.

Commissioner Cope **moved** to recommend that the City Council **approve** the Zone Text Amendment. Commissioner Marshall **seconded** and the motion **passed** all in favor.

OTHER DISCUSSION

Discussion on the General Plan Update

Mr. Anderson said that he had finished up his assignment and said he would like to take time with the City Council the second week in January during their training

and told the Commission he would like a recommendation from them to take at that time.

Discussion was held regarding the Commission's thoughts on a work meeting.

Chairman Christianson asked for an update on the windturbine ordinance. Mr. Anderson said that the City Council denied the ordinance.

Commissioner Evans **moved** to recommend that the City Council revisit the windmill issue. Chairman Christianson **seconded** and the motion **passed** by a roll call vote. Commissioner Gonzales voted **nay**, he did not want to pursue it further.

Chairman Christianson explained that one year ago the Commission decided that the Chairman seat would be one year and asked if the Commission would like to appoint a new Chairman. Commissioner Evans **moved** to recommend that it remain the same. The motion passed.

ADJOURNMENT

Commissioner Gonzales **moved** to **adjourn** and Commissioner Cope **seconded**. The motion passed. The meeting adjourned at 8:42 p.m.

Adopted: November 18, 2010

Shelley Hendrickson, Planning Secretary