

Adopted Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, Utah 84660
July 6, 2022

Commission Members Present: Chairman Jesse Cardon, Commissioners John Mendenhall, Shauna Warnick, Joseph Earnest, Todd Mitchell. Absent: Commissioner Michelle Carroll.

Staff Members Present: Dave Anderson, Community Development Director: Brandon Snyder, City Planner: Michael Clark, Staff Engineering: Jackson Dille, Planning Intern.

Citizens Present: Dan Davis, Haley Davis, Jade Anderson, Wayne Anderson, Lou Ann Talbot, James Eaton, Sherry Eaton, Jenny Baadsgaard, Kevin Baadsgaard, Bill Ferre, Amber Ferre, Gary Larson, Susan Larson, Jackie Larson, Dean Ingram, Brent Larson, Tom Silva, Mike McDonald.

WORK SESSION

Chairman Cardon called the meeting to order at 6:00 PM.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Commissioner Earnest led the pledge.

MINUTES

May 4, 2022

June 1, 2022

Commissioner Mitchell moved to approve the minutes from May 4, 2022, and June 1, 2022 subject to the June 1, 2022 minutes being amended to mark him as present for that meeting.

Commissioner Earnest seconded and the motion passed all in favor.

Chairman Cardon announced that the Leland Meadows Subdivision agenda item will be continued.

CONDITIONAL USE PERMIT (Public Hearing)

AT&T at Hunters Crossing (Canyon Road Substation)

Brandon Snyder said that AT&T is building a second tower on an existing site. He explained the location of the proposed tower. The tower would be 80 feet tall.

Commissioner Earnest asked about access to the site.

Brandon Snyder said there is a 20—foot access road.

Commissioner Mendenhall asked if 80 feet is taller than normal.

Brandon Snyder said that is the same as the tower currently on the site.

Chairman Cardon laid out ground rules for public hearings. He asked that comments be no longer than three minutes and that citizens refrain from repeating already stated concerns.

Chairman Cardon opened the public hearing at 6:06 PM.

There was no public comment.

Chairman Cardon closed the public hearing at 6:06 PM.

Commissioner Earnest moved to recommend to approve the AT&T at Hunters Crossing (Canyon Road Substation) to the City Council based on the following findings and conditions.

Findings:

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant notifies the Water and Power Departments a minimum of 48 hours prior to work commencing.
3. That work hours will be limited to 8 AM to 6 PM.
4. That the applicant addresses any redlines.

5. That the applicant finalizes and executes the lease agreement that was approved by the City Council.

Commissioner Mitchell seconded and the motion passed all in favor.

Due to the presence of multiple citizens for the Title 15 Agricultural Protection Area Amendment, it was decided to move to that agenda item next.

TITLE 15 AMENDMENTS (Public Hearing)

Agricultural Protection Areas

Dave Anderson said this is partly to add legal protection to farming operations against nuisance lawsuits. Spanish fork has an agricultural history. These types of protections are not uncommon in the area. This is the first time this type of protection has been proposed in Spanish Fork.

Vaughn Pickell gave a presentation. This will have no impact on existing greenbelt status. Under these protections the City would not be able to do anything to restrict farming practice or zone protected land for other uses. This would also protect landowners against the use of eminent domain as long as there is a reasonable alternative. The Agricultural Protection would offer legal protections against nuisance lawsuits. New subdivisions have notice if within 300 feet on agricultural protections from eminent domain. The City would only be able to preserve these sites for highway extension and waste disposal facilities.

Commissioner Mitchell asked who determines if there is a reasonable alternative to eminent domain.

Vaughn Pickell said both parties must come to an agreement and if they don't then there is no deal.

Commissioner Warnick asked about the legal approval process.

Vaughn Pickell said the first step in the process is the property owner creates a proposal to create an agricultural protected area. That proposal must then be signed by a majority of land owners as well as the owners of a majority of land in the area. He then stated that there are 15 days for anyone to object to the proposal. The proposal then needs a statement from the County Advisory Board and the Planning Commission. The City Council is the final approving body and is required to have a public hearing on the matter. He then clarified that a

landowner in the proposed protection area who did not support the proposal may leave the protection area at any time and the City Council is required to allow them to leave.

Commissioner Mendenhall asked what it looks like for landowners not part of the 51% of landowners who supported the proposal.

Vaughn Pickell said they can get out the next day.

Commissioner Mendenhall asked what the minimum acreage for a protection area would be.

Vaughn Pickell said the minimum acreage is proposed to be 40 acres.

Commissioner Earnest asked what happens if the land transitions to non—agricultural uses.

Vaughn Pickell said it is up to landowners what they want to do with the land.

Commissioner Warnick asked if landowners would be unable to change the zoning of their property.

Vaughn Pickell said they can if they opt out of the agricultural protection area. He also clarified that the minimum 40-acre requirement is an aggregate of all properties proposed to be in the area. It could be reached through ten four-acre properties creating a proposal.

Commissioner Earnest asked if it is good practice for the City to have its own ordinance even though the state already has one.

Vaughn Pickell said yes, the State Code leaves multiple items up to the discretion of cities and the code proposed tonight is more flexible than the state code.

Commissioner Mendenhall asked if there are any existing agricultural protection areas by the City.

Vaughn Pickell said yes, the J6 annexation properties were part of a larger agricultural protection area before they joined the City.

Commissioner Earnest asked if the City is in approval of this proposal.

Vaughn Pickell said yes, the City supports this proposal because it empowers landowners.

Commissioner Mendenhall asked if the City has received any complaints of agricultural activity.

Vaughn Pickell said he is not aware of any.

Commissioner Warnick asked if every owner has to sign the proposal to be part of the protected area.

Vaughn Pickell said no, 51% of landowners in the proposed area need to sign, but other 49% can opt out.

Commissioner Warnick asked why 40 acres is the proposed minimum.

Vaughn Pickell said the legal protections provided by this designation are unique, and they can't be applied to any and every one-acre lot.

Commissioner Mitchell asked how many advisory boards there are.

Vaughn Pickell said there is just one for Utah County.

Commissioner Warnick asked if agricultural protection areas are common in the area.

Vaughn Pickell said they are not uncommon.

Chairman Cardon opened the public hearing at 6:28 PM.

Dan Davis stated that he doesn't understand why the minimum should be 40 acres. The greenbelt conservation area requires 5 acres. He thinks that's better than 40. He has a piece that is 5 acres and a road will go through it eventually. He thinks the agricultural protection area protects him and his rights. He thinks 5 acres is better than 40 because it's more empowering to the landowners. 5 acres facilitates more options, and he believes it would be hard to get 40 acres worth of land together.

Jackie Larson stated that she also thinks the minimum should be 5 acres. She stated that option F on the evaluation criteria for the proposal is added from state code. She reiterated that not many people have 40 acres. She asked if the city would want to have a more efficient process than having neighbors sign proposals only to later opt out of them.

Brent Larson said he did not know about this proposal until Friday. He is a landowner and did not know until Friday and wants to be involved. He wants the City to be aware that there are multiple owners of the Seven Bar Ranch properties.

Dave Anderson clarified that the proposal being discussed tonight is a citywide proposal and that proposals specific to his property may be brought up in the August or September Planning Commission meetings.

David Isaac asked if the agriculture protection area can be expanded to include an agricultural industrial feed mill.

Chairman Cardon closed the public hearing at 6:38 PM.

Commissioner Warnick asked what the county has as the minimum acreage for their agricultural protection area.

Vaughn Pickell said their minimum is also 40 acres.

Commissioner Mendenhall reminded everyone that aggregate area has to be 40 acres, and there does not need to be a 40-acre piece of land.

Vaughn Pickell said that is true as long as the 40 acres of land are contiguous.

Commissioner Mitchell said the concern is that there are many 5-acre parcels and it is worth considering moving the minimum requirement down.

Chairman Cardon asked about an agricultural industrial feed mill.

Vaughn Pickell said that use would be protected under this proposal.

Commissioner Mendenhall asked how to remedy Brent Larson's issue of not being notified.

Chairman Cardon asked if a notice was posted on the website.

Vaughn Pickell said yes.

Commissioner Mendenhall asked if the notice actions affecting land that's part of a trust is sent to the trust or the trustees.

Dave Anderson said the notice is sent to the owners of record. There was no notice sent tonight because it was a citywide text amendment. However, it was listed on the website. For a proposal to create an agricultural protected area, notices would be sent to people within 1000 feet of the area and there would be a public hearing with the City Council. That process is forthcoming.

There was discussion regarding the notification process for LLC members.

Commissioner Mendenhall clarified that tonight we are only discussing the Title 15 amendment.

Commissioner Warnick asked if there is a reason to not approve the agricultural protection area.

Vaughn Pickell said no, it limits the City but not in a drastic way.

Commissioner Mitchell brought up concerns about the 40-acre minimum. He thinks it makes sense to have a smaller area as the minimum.

Commissioner Warnick said that because of the majority rule there really only needs to be 20 acres of property signed on to the proposal.

Commissioner Mendenhall said 5 acres is a small percentage of the entire area. You already have greenbelt protection with that. He said a patchwork of legal protections would be troublesome for the City.

Dan Davis said he wants the protection from eminent domain in a lawsuit that would be provided by the agricultural protection area.

Jackie Larson said it makes more sense to have a proposal that represents true intent, rather than have neighbors sign a proposal just to later withdraw.

Commissioner Mendenhall said they don't want to have to do a patchwork of small protected areas.

Commissioner Earnest said 40 acres seems reasonable, especially because the County has 40 as their minimum. He would rather follow known precedent and adjust if needed.

Chairman Cardon said he agrees we should start with 40 and then this could be changed like any other part of Title 15 if we run into issues. He also clarified that this only applies to city land and county land still needs to go through the county for agricultural protection.

Commissioner Warnick said she sympathizes with the point that the City doesn't have many large parcels of land and would be comfortable with a smaller requirement, but not quite five acres.

Chairman Cardon said they could look into examples from other cities rather than the County because cities deal with smaller tracts of land.

Commissioner Mendenhall said he agrees with Commissioner Earnest's comments about the 40-acre minimum.

Commissioner Earnest read a portion of the proposed code that says that city land can piggyback onto county land to be counted as a protected area.

Commissioner Warnick moved to recommend to approve the Agricultural Protection Areas to the City Council.

Commissioner Mitchell said he is for the ordinance but wants the minimum acreage to be smaller.

Commissioner Earnest said he thought it would be good to do more research on what other cities have done.

Brandon Snyder said the Commissioners can vote no and list the reasons why.

Commissioner Mendenhall seconded the motion and they proceeded with a roll call vote.

Commissioner Earnest: Aye

Commissioner Warnick: Aye

Commissioner Mendenhall: Aye

Commissioner Mitchell: No. He thinks the minimum acreage should consider best practices from other cities.

Chairman Cardon: No. Chairman Cardon concurs that more research should be done on what other cities have done regarding minimum acreages before this goes before the City Council.

PRELIMINARY PLAT

SF North Airport Industrial

Dave Anderson said this proposal is simple. This site is north of the airport runway. There is a masterplan for the airport that includes lengthening the runway to the north. There is work with the FAA to change the City's masterplan to remove any indication that the City will ever lengthen the runway. People who run the airport are advocating that the runway not be lengthened. There is an issue with approving something that contradicts the current airport masterplan.

Commissioner Mendenhall asked who approves or denies any changes to the airport masterplan.

Dave Anderson said the City and the FAA both approve.

Commissioner Mendenhall said there was some concern about the alignment with Provo's airway if the Spanish Fork Airport were to expand.

Dave Anderson said that is what he has heard the airport manager say.

There was discussion of the phasing of the project and land ownership of the site.

Commissioner Mendenhall asked if lots already have potential buyers.

Dave Anderson said there is interest in them.

Commissioner Earnest asked what this land is zoned.

Brandon Snyder said it is zoned I-1.

Commissioner Earnest asked about maximum building height here and if FAA approval is necessary.

Dave Anderson said properties closest to the runway are limited to 50 feet.

Commissioner Earnest asked if we know who the users will be.

Dave Anderson said not yet.

Commissioner Mitchell moved to approve the SF North Airport Industrial based on the following findings and conditions.

Findings:

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That the applicant provides a phasing plan to avoid any conflicts with the current Airport Master Plan and pending amendment to the Airport Master Plan.
4. That the applicant updates the plans to show all of the power poles, power lines and power easements that are within and adjacent to the development to avoid any conflicts, and to make road alignment adjustments as needed to avoid said conflicts with power and infrastructure.

Commissioner Warnick seconded and the motion passed all in favor.

A temporary recess was taken at 7:16 PM.

The meeting resumed at 7:20 PM.

ZONE CHANGE (Public Hearing) AND PRELIMINARY PLAT

Leland Meadows Subdivision

This item was continued.

ZONE CHANGE (Public Hearing) AND PRELIMINARY PLAT

Juniper Ridge Townhomes

Dave Anderson said he had stated before that staff would not recommend for approval a project with townhomes. However, townhomes are a good fit for the odd configuration of this lot. The applicant has reconfigured this multiple times. For multiple reasons they believe this corner will be an ideal site for commercial use.

Commissioner Earnest asked if the General Plan for this site is Commercial.

Dave Anderson said yes.

Commissioner Earnest asked if the site is zoned for commercial use.

Dave Anderson said it is currently zoned as Rural Residential. This site will likely be adjacent to commercial use and it makes sense to flank commercial uses with townhomes. The applicant has a presentation on the development.

Commissioner Earnest asked what property to the west is flanked by this site.

Brandon Snyder said that property is occupied by two homes and is used for agriculture.

Commissioner Mendenhall asked Mike McDonald if he owns the site that is expected to develop commercially.

Mike McDonald said yes.

Commissioner Mendenhall asked what the vision for the neighboring property is. He asked if it will be a higher density or transition to medium then low density.

Dean Ingram said Scott Peterson owns the property to the north. He said Mike McDonald owns both sides of the road and will develop both sides as commercial. Dean Ingram gave a quick background on Arive Homes, they do a lot of specialization. They have diversified to be able to offer lower cost products such as garden homes.

Commissioner Earnest asked Mike McDonald if he lives here.

Mike McDonald said no.

Discussion ensued regarding property lines and zoning in the area.

Commissioner Earnest asked what the neighbor to the northeast thinks.

Brandon Snyder said that neighbor called with concerns about dust. Due to proposed setbacks and a proposed wall, he is not concerned about this development.

Dean Ingram said this development will be the same product as the Del Monte Townhomes. He gave a presentation with elevations and flythrough of the proposed site.

Commissioner Earnest asked who will maintain the open space planned for the development.

Dean Ingram said an HOA will maintain it.

Discussion ensued regarding square footage and number of bedrooms. There will be extra storage space added to preserve the garage for vehicle storage.

Commissioner Earnest asked if each unit is for sale.

Dean Ingram said yes.

Commissioner Warnick said she is concerned about guest parking. She does not think a lot is provided.

Dean Ingram said they have 27 spots and they are spaced around the development.

Commissioner Warnick said that is more than she originally thought.

Commissioner Mitchell asked about a roadway turnaround in the north of the development.

Dean Ingram said it is for fire trucks to turn around in. The street layout is a traffic calming measure and there are sidewalks throughout.

Mike McDonald asked how this proposal connects to the commercial site.

Dean Ingram said that is to be determined but they will ensure it is connected.

Discussion ensued regarding the Sunroc Development and how this proposal ties into the surrounding area.

Commissioner Earnest asked about the condition regarding nuisance strips.

Michael Clark explained the reason behind the nuisance strip condition.

Chairman Cardon opened the public hearing at 7:51 PM.

Tom Silva said the same problems from Del Monte are being created here. He is concerned about traffic flow. He said the City Council referred to the Del Monte public hearings as a mob and he takes offense to that. He said the officials are voted in by the people and need to represent them. He said the garage will not be large enough to fit 3 cars.

Commissioner Warnick clarified that the Planning Commission is appointed not elected.

Dan Davis asked what percent of these properties will be rented and thinks 15% rental should be the maximum. He agrees with Dean Ingram that things are too expensive these days, but he thinks the market will adjust due to high prices. He is concerned that these lots are not large enough to grow a garden in.

Scott Peterson rose to say that even though he doesn't always agree with the Planning Commission, he appreciates their time and good management. He thinks that a monolithic neighborhood can be toxic. He would not have been able to rent these townhomes when he was younger. He thinks a mixed income neighborhood has benefits.

Jackie Larson asked Commissioner Mendenhall where the water will come from and how many shares are needed.

Chairman Cardon closed the public hearing at 8:01 PM.

Michael Clark said water usage depends on how many shares are attached and the City has a bank that they can buy into.

Chairman Cardon asked about the quantity of water available.

Michael Clark said the City has 40 years' worth of water rights for growth. This will accommodate projected growth and existing capacity.

Commissioner Earnest asked how much the City will need.

Dave Anderson said that previous City Councils did a great job of securing water rights and we will never reach the limit because there is more than enough water available.

Chairman Cardon asked about the width of parades in the development.

Dean Ingram said he has always tried to respect the public. He said the parades 8.08. Dean Ingram said the street layout is what the county requested.

Tom Silva asked the distance between development entrances and nearby intersections both here and at Del Monte.

Michael Clark said at this development it is 260 feet and at Del Monte it is 150 feet. He said that distance is not ideal for staff, but it is needed because of the curvature of the road.

Commissioner Warnick asked if it would be possible to have a right-in, right-out entrance.

Michael Clark said the county said they may put in a median for that.

Tom Silva asked the difference in expected traffic between here and Del Monte.

Commissioner Mendenhall said that some degree of traffic increase is inevitable, but it will not be as bad here because Del Monte is near ALA.

Commissioner Mendenhall said Tom brings up a good point that this isn't the only corner that will develop. As Salem develops this area will become more congested.

Commissioner Warnick asked if there was any other configuration that would be better for the site.

Commissioner Earnest said with the number of units he doesn't see traffic as a huge risk. With growth, more traffic lights will be added.

Dan Davis said he worries about the City needing to foot the bill for road improvements.

Commissioner Earnest said new developments involve fees to cover long term maintenance.

Commissioner Mitchell said developers will be shouldering the cost of development.

Dave Anderson said the cost to maintain this type of development is a fraction of the cost to maintain simple—family homes on large lots.

Chairman Cardon asked about the 15% maximum rental question.

Dean Ingram said 15% would likely be the maximum.

Commissioner Warnick asked if they could have the HOA enforce that.

Commissioner Earnest said he struggles with a Government entity telling a landowner how to manage their properties.

Dean Ingram said he is also concerned that rental requirements will cause undue burden.

Mike McDonald said he works at a bank. The market will dictate when there are rentals and condos. He thinks there shouldn't be restrictions placed on the number of rentals on a property.

Commissioner Mitchell moved to recommend to approve the Juniper Ridge Townhomes to the City Council based on the following findings and conditions.

Findings:

1. That having commercial uses adjacent to the corner and the proposed townhomes by simple family dwellings is an appropriate land use pattern.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That the applicant provides a street tree plan, landscape plan and specific details for other improvements in the development.
4. That the applicant provides improved playground drawings that are equal to the previously provided 3D rendering.
5. That the applicant dedicates the west side of Street 2 to avoid a nuisance strip.

Commissioner Earnest seconded and the motion passed all in favor.

TITLE 15 AMENDMENTS (Public Hearing)

Reimbursable Projects

Michael Clark said the city tries to be cognizant of what fees it requires and have them be tied to specific reasoning. There are changes proposed to make the fees more fair and accurately reflect growth.

Chairman Cardon opened the public hearing at 8:25 PM.

There was no public comment.

Chairman Cardon closed the public hearing at 8:25 PM.

Commissioner Warnick moved to recommend to approve the Reimbursable Projects to the City Council.

Commissioner Mendenhall seconded and the motion passed all in favor.

GENERAL PLAN AMENDMENT (Public Hearing)

2022 Mid-Year Transportation Element of the General Plan

Michael Clark said there have been changes in the proposed jurisdiction for some planned roads around the future commuter rail station. There are proposed changes to trails around 900 S. A trail was added near Anella Townhomes and Quick Quack Car Wash.

Chairman Cardon opened the public hearing at 8:30 PM.

There was no public comment.

Chairman Cardon closed the public hearing at 8.30 PM.

Commissioner Earnest moved to recommend to approve the 2022 Mid-Year Transportation Element of the General Plan to the City Council based on the following findings and conditions.

Commissioner Warnick seconded and the motion passed all in favor.

CONSTRUCTION STANDARDS (Public Hearing)

Construction Standards 22.02.

Commissioner Earnest said he would like everything in section 4.39.20.030 be deleted after sentence one. He wants the City to not defer to the railroad.

Commissioner Warnick asked if deferring to the railroad in these matters is a legal requirement. Vaughn Pickell said he is not aware of a requirement.

Commissioner Earnest said point 4 should be listed as point 3A if they are talking about the railroad.

Chairman Cardon opened the public hearing at 8:33 PM.

There was no public comment.

Chairman Cardon closed the public hearing at 8:33 PM.

Commissioner Mendenhall said the railroad is hard to deal with.

Commissioner Earnest again stated that point 4 should be listed as point 3A.

Vaughn Pickell said it could all be written under point 3.

Commissioner Earnest moved to recommend to approve the Construction Standards 22.02. to the City Council with the caveat that City staff and attorneys look at subsection 4.29.30.30.

Commissioner Mitchell seconded and the motion passed all in favor.

OTHER BUSINESS

Dave Anderson said they hosted a training last summer with other Planning Commissions. Payson is hosting the meeting this year and there are two proposed dates for it. The City is wanting to start a General Plan process around the end of the year.

Title 5 is where sign amendments are located. In current code a developer could put a very animated sign on their development. Staff is suggesting tightening what is allowed in the code to avoid those situations. It is suggested that the code be tightened for monument signs and wall signs.

Commissioner Mitchell asked about programmable eve lights.

Dave Anderson said they had not been considered.

The Commissioners said they like the proposed changes to the City's code regarding residential signs.

Chairman Cardon moved to adjourn the meeting at 8:51 PM.

Adopted:

Jackson Dille
Planning Intern