

Adopted Minutes
Spanish Fork Special Joint City Council and Planning Commission Meeting
November 9, 2021
40 South Main Street
Spanish Fork, UT 84660

Elected Officials Present: Mayor Steve Leifson, Councilmembers Mike Mendenhall, Brandon Gordon, Stacy Beck, Chad Argyle, Shane Marshall

Planning Commission: Kevin Oyler, John Mendenhall, Shauna Warnick, Joseph Earnest, Jesse Cardon

Elected Officials Absent: None

Planning Commission Absent: None

Staff Present: Vaughn Pickell - City Attorney; Jered Johnson- Engineer Division Manager; Dave Anderson - Community Development Director; Steve Adams - Public Safety Director; Division Manager; Tara Silver - City Recorder; Nick Porter - Public Information Officer; Jordan Hales - Finance Director; Director; Seth Perrins - City Manager; Brandon Snyder - Community Director Senior Planner

Staff Absent: Tyler Jacobson - Assistant City Manager

Citizens Present: John Wollenzien, Barbara McKell, Kent McKell, Fred Vincent, John Partridge, DeAnn Terry, Bonner Gillies, Wayne Stone, Lynn Swenson, Jeff Vincent, David Ellsworth, Chris Ellsworth, Morgan Abbott Karen Payne, Brent McKell, Steve Wilson, Allen Bird, Lynn Leifson, Scott Nichols, Karri Smith, Paul Pryor, Ed Roberts, Liz Ryskamp, Shad Swenson, Jackie Smith, Stacy Roberts, Paul Burgon, Raul Christensen, Bob Halverson, Brad Horrocks, Michael Davis, Nick Smith, Matt Taylor, Scott Taylor, Darlene Taylor, Amy Whetten, Kara Wheeten, Mike Clayson, Linda Bartholomew, Kathryn Jones, Matt Sumsion

5:15 WORK SESSION:

- a. Open House to talk with City staff about establishing a TDR Program in the River Bottoms

Discussion took place regarding the item(s) listed above; no formal actions are taken in a work session.

6:00 pm CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION:

Mayor Leifson called the meeting to order at 6:32 pm

Mayor Leifson expressed his appreciation to all those who had come and for the time and effort of those who made the public hearing possible.

Prayer/Motivation/Inspirational Message by Planning Commissioner Shauna Warnick

Shauna Warnick expressed her appreciation for being reminded of some lessons she learned on a challenging hike she took recently that she correlated with the community of Spanish Fork.

1. Surround yourself with amazing people who have diverse strengths, personalities, and perspectives. People who inspire you to be your best self and listen to people. She related this reminded her of people in Spanish Fork. She explained that at first, she did not want to go because of how challenging it was. Shauna told us as she thought about it she decided to take the challenge and she went on the hike.
2. The second thing she learned that we also do here in Spanish Fork is we do hard things one step at a time. She felt this made us wise in how we do them. She explained that two-thirds into the hike she was tired and nervous for the last one-third as it was the hardest part of the hike. She let us know when the last part got hard they turned on music and sang at the top of their lungs and focused on the few steps in front of them and they made it to the top. She related how we do the same things in Spanish Fork when we want to be wise we do things one step at a time.
3. Shauna told us the third thing she learned was the most important to her. She stated it was to keep looking around in gratitude. She expressed how it is easy to get lost in the difficulty of the journey and the pain we experience, and as they would pause and comment on the awe and beauty in gratitude and the ability to go on the hike was important. Shauna conveyed how we do these things in Spanish Fork by looking around and noticing the good people here in Spanish Fork, that we have a vision for our community, and our lives.

Shauna wrapped up by summarizing each lesson and how it applies here in Spanish Fork.

Planning Commissioner John Mendenhall led the congregation in the pledge of allegiance.

Mayor Leifson gave appreciation to SF17 being here and expressed to the residents that this type of public hearing has never been done before and together we are participating in a groundbreaking moment.

PUBLIC COMMENTS:

PUBLIC HEARING:

A. Public Hearing on Amendment to Title 15 and the Land Use Element of the General Plan Establishing a TDR Program for the Area Commonly Known as the River Bottoms

Welcome:

Seth Perrins indicated this was a unique opportunity to help in reviewing the next steps for the project as it has been studied for the last couple of years. He explained the decision to have a joint City Council and Planning Commission meeting was to make it so everyone didn't need to attend each meeting separately. Seth expressed this public hearing is part of the formal process and a forum to get feedback. He advised the City Council, Planning Commission members, and residents to pull the microphone toward them so the audio is heard by all. Seth gave an overview of the agenda with a review by Dave Anderson, the purpose and possible next steps by Vaughn Pickell, then Seth would give the format of the meeting to make it efficient and give more people the opportunity to be heard, then both bodies would need to move to go into the public hearing.

History:

Dave Anderson felt the most important thing is to thank the people who are here tonight. Dave sketched out there were people here who they had spent many hours within their pursuit to learn about the project and sharing their concerns with staff is something they appreciated and wanted to hear tonight. He reminded everyone the information for this project is on the spanishfork.org website River Bottoms Vision and more information will be added throughout the process. Dave invited us to watch a 7-minute video concerning the River Bottoms Vision.

Video: [Vision of the River Bottoms' Future](#)

Dave Anderson explained the information they gathered from talking to people inspired the content of the video they watched. He addressed some of the most common concerns and feedback they have received over the formal process of the project which helped draft the proposal's current direction.

1. It would be zoned 40-acre minimum lot size or 5-acre minimum lot size; this could be updated with the feedback from tonight and future input.
2. A property owner would receive 2 transferable development right for non-floodplain land and 1 transferable development rights for land in the floodplain. Dave let us know this has been discussed in length and some

wondered if 2 rights are sufficient, He let us know they will get with a consultant in the future to see if that is the best formula to use in the program.

3. The prospect of the city buying the river bottoms has been a suggested option. This would be the City issuing a bond to purchase the land and the TDR program would probably go away.

4. Allow more of the City to be receiving zones or a larger area in Spanish Fork given the opportunity to be a receiving zone to increase development intensity.

5. The City owns property in the River Bottoms and some have asked what the cities intentions are with the property. Dave Anderson told us this would be a decision for the City Council to decide the best use of the property.

6. The city has overvalued rights, undervalued River Bottoms land. Dave explained this would fall in line with what is the proper value for the rights of those who participate in the program. Dave told us they are committed to studying that.

7. The city should not force property owners to annex into the City. Dave indicated that is something they can't answer today, but currently, municipalities can't force property owners to annex with a few exceptions. Dave reiterated that would not happen because participation to annex is voluntary.

8. Can the program be changed in the future? Dave pointed out that some things in the program would be hard to change once it was implemented, however future City Councils have legislative power that can't be restricted by Councils that are in office today, so the opportunity for change is there. Hard to do. Dave mentioned he felt that with community involvement would make it hard to do sweeping changes in the future. Dave reminded us that the intent of the project is to limit development in the River Bottoms.

9. What happens if people stop farming in the River Bottoms? Dave conveyed there has been no indication that this will happen in Utah County to date but is something to think through and consider. He further added it is not uncommon for large areas to be left open and not used as working farms but natural open space that doesn't have to be tied to working farms, orchards, or pasture land.

Dave concluded that the origin of the program tied back to consistent input the City received to do something to preserve beauty in the River Bottoms and to gain open space and preserve space for farming.

Purpose and Possible next steps:

Vaughn Pickell updated the Councils on the purpose of the public hearing is to gather input from the public and required by state law to amend ordinances or the general plan. Vaughn stated because he is the drafter of the ordinance he needs the input of the public and that is why he was here tonight, and hopefully that is why they are here as well. He stated tonight would not be a dialogue, but a way to get comments on the records, voice concerns, suggestions for zoning maps, and suggestions for the ordinance.

Vaughn added the joint hearing was out of convenience to everyone who could come once to be heard and not need to come at separate times. Vaughn let us know going forward from tonight they would gather the input, listen to the recording, make notes, look at the minutes and make them available to the public. He told us after this gathering of information there would be future conversations with the Planning Commission and the City Council. Vaughn pointed out the Planning Commission would make a recommendation on the draft ordinance and the general plan. He then said the next step would be for it to go to the City Council to make a decision based on the public hearing, the Planning Commission recommendations, and staff input. At a later date, a revised draft ordinance would be made and approved by the City Council.

Vaughn restated the purpose of the public hearing was to get public comments on the record, move forward with those comments, and make tweaks to the ordinance as needed.

Instructions on the hearing:

Seth Perrins reviewed the format for the night. He let us know a public hearing usually would have a decision made right after the hearing, but because of the expected volume of comments that will be made tonight it was decided it would be good to simply listen at this public hearing to allow time to digest the information.

1. The purpose is to receive formal comments, no decision will be made tonight.
2. There will not be any debate or formal answer session, Seth referred to the draft that has been available for review for some time and the open

houses we have had in the past was a way to gain answers, so this forum will be a way to get comments from the public.

3. If you wish to speak during the hearing, you need to sign up now. Seth let us know there were 30 people who had signed up so far and directed anyone else who wanted the opportunity to go to Ashlin Tursanski to sign up.
4. The Mayor will invite you up to speak, in order. Seth explained like the great ball community that has the State Baseball and Softball champions there would be an “on deck” and “in the hole” for those who speak to speed up the process.

Seth mentioned that the comments would be limited to 3 minutes and with 30 people that would be an hour and a half so far. He reiterated that is why we have people “on deck” to speak to make it efficient.

Seth encouraged people to respect and use decorum in the room and advised people not to clap or jeer as it could cause some to be intimidated to not speak freely. He further added that the room should be calm and respectful. Seth reminded those in the room that if you ask a question, this isn't a forum to answer the questions. He invited these people to apply the draft to their circumstances or talk to staff. Seth asked that they address their concerns directly and not in the form of a question.

Mayor Leifson repeated they would have 3 minutes to speak and he would stop those who went over their time. He wanted to make sure the residents didn't think he was picking on them and he apologized in advance for cutting people off. He revealed there would be a timer on the screen to let you know your time is up. He specified that if someone had already expressed a concern that it not be repeated. Mayor Leifson explained that the City Council would motion to go into a public hearing and then the Planning Commission would follow and make a motion as well.

Councilman Gordon **Moved** to go into a public hearing.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor with a roll call vote at 7:06 pm.

Commissioner Warnick **Moved** to go into a public hearing.

Commissioner Earnest **Seconded** and the motion **Passed** all in favor at 7:06 pm.

Mayor Leifson welcomed public comment.

1. John Wollenzien stated he has 55-acres in the river bottoms and he realizes everyone who walks the trail wants to keep the ground open and keep the beautiful view. He pointed out they are not invested in the land like he has and it won't always be farmed. John let us know his children some day will inherit the farm and they will want to sell it, develop it, or do whatever they want with it. He felt he was better off staying in the county and not in the city. He felt the TDR devalued his property and he had no desire to annex into the city. John didn't want his property purchased through a TDR but bought outright the day he wanted to sell it.
2. Barbara McKell felt strongly the property owner should be able to keep the value in their property and keep the land in their families. She didn't believe the TDR would work because of the financial value. Barbara figured that if you found out the collective value of the properties it would burden our town with exceptional debt with the bonds. She felt people deserve to be able to keep the land in their families and have them decide what to do with it. She also stated she didn't think people who walked the trails had the right to tell the landowners what to do with their property.
3. Kent McKell began by saying he has appreciated all of the Councils and what they have done. He stated he had a great connection with most of them and it would be a great loss for those who will be moving on because he thinks the world of them. Kent let us know he agreed with what has already been said. He told us he felt part city and part the River Bottoms. Kent explained that the land becomes an appendage like an arm or leg because you are attached to it. He stated he understands what they are doing and called it honorable, but it works for some and not for others. Kent relayed he doesn't think what they are trying to do is unfair, but he is not interested in the program. He gave an example of how hard this decision is by telling us that his cousin owns the land on the other side of the road from him and he isn't able to develop it. Kent let us know he was able to develop on the other side of the road. He felt his cousin can't get the fair market value because they can't annex into the city. He believes this is a great program but he doesn't agree with it for the sake of his cousin.
4. Fred Vincent felt like at the last meeting Dave Anderson and staff stated they have got to get this done and they can't go any longer. He said he appreciates what they do but when they complain this has gone on for 4 years he stated he has been on his land for 70 years so he doesn't think that is fair. He let us know he is going to turn 85 this month and he didn't think he would be down here arguing with Spanish Fork City over what should happen to my farm.

Fred indicated the River Bottoms is there because he and others have dug the ditches, dug the wells, leveled the ground, got it to where it produces and paid for it, and had done the work and he felt they should be entitled to get full payment on the ground. He further conveyed he should be the one who decides when he is done and when that time comes he should be able to sell that ground for the going price. He told us if Spanish Fork City wanted his ground they should pay the going price, so he will not participate. He added he has over 80-acres in the River Bottoms is his retirement and what should be going to his family. Fred let us know if he dies his kids will have to sell the land and he hoped they would get full value. He felt the city was not trying to work with him that way.

5. John Partridge thanked Mr. Vincent and stated that it was a hard one to follow. He told us he owns land in the River Bottoms and the receiving area, but he doesn't care for the TDR and he doesn't want to follow them. He felt there was a disconnect between the City Council and the City, in general, they don't care for their disconnect with the City Council and residents. He stated they had worked the ground and been there for generations and felt it would have been better if the City had talked to them first and gotten ideas on what was best before making a plan without their input.
6. DeAnn Terry let us know her husband and she had owned their property in the River Bottom for over 30 years and the reason they bought it was to have a home there themselves or if or when it may be annexed into the city their children may be able to live there as well. She asked a couple of questions. One out of the 1800 acres how much does Spanish Fork City currently own. DeAnn felt this knowledge would help them know what the city was thinking and if the part was substantial it could be a different motive than she thought. She asked the two councils to raise their hands if they owned land in the River Bottoms. When she didn't see any raised hands she felt that the Councils then had no right to tell them what to do with their property. Deann went on to say she only owns a small piece but she cares what the Vincents do and what the Swensons do with their property and she felt it wasn't anyone else's business. She went on to say she felt in our country many people were going around looking at other people's property and telling them what to do with it. She felt if they want to tell people what to do with their property then they should purchase the land at a fair market value like she did to have a say. She asked who came up with this program? She felt maybe it would work in Chicago or New York City because she doesn't think we need a Central Park in Utah County. Deann asked how much money has been spent on research, development, and time in putting it together with taxpayers' dollars. She felt there was not one person in the River Bottoms who wanted to participate in

the program, so she felt it wasn't justified to spend money for the program. DeAnn thinks it is a joke and is greatly opposed to it.

7. Bonner Gillies told us he has 22-acres off of Vincent Ridge. He stated he would like to see two things happen. One, He wanted the junk put there by others on his property removed. He stated he had called over a dozen times and was told to call the Deputy Sheriff and they would take care of it. He alleged the city ran a storm drain across his property and a 300 lb. television set was dumped there, He asked the city to take care of it and was told to get a hold of the county. He then said he told the city that they better come take care of the television or he was going to tell on them about the illegal storm drain across his property, they came and got it. Bonner stated he would love to have the property down there owned by the city to see if they could clean it up, so the River Bottoms stays pristine. He told us a man came down last year and put up a sign to keep the River Bottoms pristine and nothing was dumped this year until last week when he felt the city took a tree that fell on the city side and took it down and dumped two loads of leaves on his property. He is not in favor of the TDR because he wants his kids to decide what happens with his property.
8. Wayne Stone let us know he is a small property owner in the River Bottoms for hobby farmers and would like to keep it the way so he can raise a sheep or a pig to feed his family. He stated he is totally against taking away his property rights.
9. Lynn Swenson said he is the guilty one who called everyone to come down here and tell how they feel. He appreciated everyone coming down. He stated he has about 100-acres and he said he has been to a lot of meetings about this and he is 100 percent against it. He wanted to speak for Katherine Jones because she had to leave with some eye problems and stated she was against it as well.
10. Jeff Vincent let the Council know they own property in the River Bottoms and he was against it too.
11. David Ellsworth told us he is a property owner in the River Bottoms and let us know he is against the TDR. He wanted the Councils to take a note of "preserve". He asked if we are preserving the River Bottoms or the town. He felt like if they were thinking of putting high density in town we need to consider that as well when considering preserving things.

12. Chris Ellsworth told us she is a small property owner in the River Bottoms with 15 and a half acres. She stated her problem is she is against TDR's because on 3 sides of her property there is a development and she is not allowed to develop. He added there are 300 homes across the street and she had heard the city owns the land on one side. She said when she asked what the city would do there they stated they may put in a park, a fire station, or a recreation center and she considered that development, but next door she isn't allowed to develop. Chris went on to say her dad bought the property 50 years ago as a legacy for his family to do what they wanted with it. She stated they can't afford to farm it because it doesn't make you any money. Chris talked about the possibility of 40-acre estates with no water, equipment, and desire it would go to a wasteland. She felt that it would be turned into a wasteland if a TDR was used.
13. Morgan Abbott told us she is a botanist, owner of Botanical Assessment in Spanish Fork, a board member of the Utah Native Plant Society, and a long-time native of Spanish Fork. She gave her professional disapproval for the plan. Morgan stated she can see that a lot of time, thought, and research had gone into it, but she felt it didn't meet the goals he states it does. She felt the receiving areas on the east, north, and west still encroach on wetlands, agricultural areas, and green space. She went on to say the blue polygons ([Handout](#)) within the city center east of Main north of Center would impact low-income families, retirees, and others who do not benefit from high housing costs and gentrification. Morgan felt this measure did little to protect the River Bottoms, the surrounding wetlands, or provide affordable housing for citizens. She stated there is biodiversity in the wetlands of Spanish Fork and surrounding areas. She listed some of the animals and plants from this area including native orchids. Morgan asked the crowd if they knew about the native orchids and went on to tell us about the conditions they require and where they possibly would grow. Morgan told us that a co-worker stated that the string orchid is vanishing because of development and limited stream systems. She went on to identify other rare plant species in the River Bottoms and how these plants are needed to help species of insects that are rapidly disappearing due to encroachment of wild spaces in our community. Morgan's final thought was to encourage the City Council to reach out to neighbors and teachers at the Timpanogos Tribe. She told us indigenous communities protect over 80% of the world's biodiversity. She felt they would be valuable assets and stewards of this land that we call home. Morgan felt they would protect the land from importunity so everyone could experience the beauty of the land without the threat of development.

14. Karen Payne told us she felt like a fish out of water because she doesn't own any land in the River Bottoms, but since she moved here over 45 years ago they have loved the River Bottom feel and all the green space between her and neighboring areas. She stated she would love to see it kept the way it has been. Karen realized someday the farmers would need to sell and would like to see partnerships worked out with the nature conservancy or the American Farmland group that does legacy farming. Karen stated they protect the land and pass it to people who want to do that kind of work, or somehow make it benefit the whole society. She gave the example of making property into a schoolroom where children came to see how chickens lay eggs, how cows give milk, and where we get our bacon from or as a future farmers market so it could stay farmland, wetlands, wildlands that would enhance the beauty of Spanish Fork. that she loves.
15. Brent McKell let us know he owns 25-acres along South Lane, He stated he didn't think we would want to participate in the TDR's. He thought everyone must be aware of what South Lane currently looks like. He added he is on the west side and the east side is high-density housing which may make it so he will not be able to farm in the future if he wanted to. He reported there had been a fire in a haystack from fireworks. He conveyed his concern with so many houses across the street that there is a danger to his haystacks on his property, open ditches making him legally liable if someone gets in them, and people interacting with his livestock causes more liability. Brent stated these items make it so he may not be able to farm even if he wanted to, so he probably won't participate in the program.
16. Steve Wilson mentioned he knows the City Council pretty well and he had been involved in the discussions for the last 3 and a half years. He let us know he owns the piece of land across from the city's property where they had put the parking in. Steve pointed out some may have seen for sale signs for 5 acre lots on his property. He stated they were asked to not pursue it by the county and wait and see how this came out, and they did wait. Steve explained in the last couple of weeks the for sale sign has had some foul language written on it. Steve expressed he is trying to be a good partner with the city and asked the city to come up with a design that works. He can't come up with any formula that would give landowners in the River Bottoms value with the TDR program. He challenged the city to come up with a formula that would give landowners value for their land. Steve referred to the city spending several hundred thousand hundred dollars on reports and studies over the last 3 years and he felt they got just what they wanted out of the reports rather than an independent opinion. Steve felt they had taken away the independent opinions from the consultants. He let us know he has 88-acres and he would

not be someone who would put 300 townhomes on his property, 200-acre lots on his property, 150 half-acre lots, but he wants development on his property that the city is proud of and reflects the beauty there. Steve stated he can't see a way the TDR's would work and he has voiced that to everyone he has talked to and Dave Anderson. He agreed with some others who stated don't take away our property rights and ability to benefit from the market. He added he would never say to the people on the bench that they could not sell their home because the value has doubled in the last 2 years. Steve thanked the Councils for their time and commitment to the city and the decision to make. He stated the owners have other options to pursue as well.

17. Allen Bird agreed with the others who are against the TDR's because he felt it would rob them of rights to their property. He stated his experience started with Spanish Fork more than 20 years ago with the City Council and staff and he felt he had presented many ideas in trying to work with them. He gave an example of him getting a phone call from the Engineering department wanting to buy his first 7-acres along the road going to Salem. He stated they said it was critical they have it and he received phone calls almost every day and they were able to agree with a 14-page contract. He thought they said they wanted to make that land the crown jewel of Spanish Fork with no moss ponds, a trail around it, and showed him a landscaping plat map of what it would look like. Allen communicated that he paid an extra 80,000 to run a sewer line under it for future development of the property and now he is being told it can't be built on. He indicated that originally when he purchased the land it was zoned 10-acres of medium residential and 10-acres commercial on the master plan. He invited us to drive down the road to Salem and see if the pond looks like the crown jewel of Spanish Fork. He stated he was promised that a road would be built and split half and half with a parking lot. That did not happen even though the contract had the Mayors and his signature on it. He let us know this made him nervous that Spanish Fork City would treat him right on TDR's.
18. Lynn Leifson lightheartedly expressed he would be brief so the Mayor wouldn't cut him off. He told us he is a property owner in the River Bottoms and he is against this proposal and doesn't want to sell his property development rights.
19. Karri Smith told us she is the proud daughter of Fred Vincent and farmer. She indicated there had been a lot of talk about heroes in this country like teachers and EMS. She felt he have a neglected hero in this country, the American farmers who put in 60-80-100 hours a week. She added the Vincent family farm had been in their family for over 100-years and she doesn't

understand why someone wants to come in and tell them what they have to do with it. Karri told us of her childhood as she roamed the fields, before paved trails, the bench having 3 orchards, the Pioneer cemetery. Lakeshore and Benjamin. She wanted to know where the vision was to keep the green space before these areas developed. She felt this land had been targeted and not able to do what other farmers had done all along in these other areas. She implored the Councils to consider the hours and everything they have put in and not tell them how to use their heritage.

20. Paul Pryor humorously stated if they started his time when he stood up he would have to sit down. He related that he thought Covey had stated 'begin with the end in mind'. He mentioned the question of what happens when the farmers stop farming? He stated he is a prime example where he is not physically able to work the land anymore and his son had seen him go through so many cycles that they would not farm it. He told us he has worked hard and invested in the land. He referred to his upbringing in Denver where he saw what would happen to the land. He pointed out that Disneyland and Knotts Berry Farms used to be farmland. He wanted everyone to think about 50 to 100 years from now how half of that is to preserve farming. He told us he is lucky if he gets a \$100 rental price per acre. He stated he can't do it for that. Paul pointed out the big picture to him is mother nature. He has 1,800 acres and compared it to Central Park he thinks has 800-acres, so it is less than half. Paul talked about the big flood in the 1950s and 1980s with the common denominator of mother nature. He stated his land is as valuable as the land west of the road and in Provo River Bottoms because you just need to do it, He compared TDR's to legal stealing using monopoly money. He told us he likes eminent domain. If you want the land, pay for it. He reiterated he can't farm the land and let us know he had essentially invested to develop it. He referred to coming from Colorado in Durango where he agrees with wilderness areas and wetlands. He felt the best use for this 100 years from now is another golf course with agricultural use in the meantime. He liked the concept of cluster housing so we don't run out of room to put million-dollar homes. He suggested it be cluster homes with a 27-hole golf course in the floodplain areas. Paul stated he was unsure if TDR's were legal because he thinks they use funny money. He gave the example that it would take money from them and give it to Partridge in the receiving area and they will say they can't sell because they have to buy TDR rights.

21. Ed Roberts wanted to say he is opposed to using TDR's at the River Bottoms.

22. Liz Ryskamp let us know she is not a landowner in the River Bottoms but is further down the river. She appreciates the beauty, access residents have to it, and all that has been done by the farmers to keep it pristine and lovely for the community. Liz expressed her thoughts about too much high-density as she doesn't think that is what everybody wants. She prefers our beautiful single-family lots where they are and she would love to keep the area in the River Bottoms not developed. She felt there would be a domino effect with development. She gave an example of Pat Sorenson that once she lost her view she sold to go find a home with a beautiful view. She felt there are other ways to generate money than putting in high-density housing for a tax base or TDR's. Liz is unsure if the TDR's would be a loss for the property owners but suggested putting a sales tax of .8% on anything bought in Spanish Fork with all the new retail coming in, so it would allow us to buy the property. She is for doing everything we can to keep the land beautiful. She told us as she walks the trail further down the view is people's backyards so they don't use that part of the trail but go the other direction to enjoy the beauty. She felt keeping this green space was the heritage of Spanish Fork.
23. Shad Swenson thanked the Councils for having him. He let us know his family owns 100-acres in the River Bottoms and has watched his grandpa farm it many summers as he would go to help him. He stated his intention would be to have it farmed, but personally is against the TDR's. He would like the ability to do what he wished with the land. Shad reiterated he is against the TDR's and they intend to continue farming it.
24. Jackie Smith stated she had hoped she would get up and say she agreed with everyone and sit down. However, she let us know she has read the ordinance multiple times and pointed out she understood it to say that her dad would not be able to develop on part of his ground that he has owned for 60 years because he is not a second-generation owner of the ground. She pointed out that Dave said perhaps they could let the ground fallow when people gave up farming. She indicated in the Spanish Fork easement it states "the right to periodically inspect said property for violations of the easement property and if upon 60-days advanced written notice the grantor has not eliminated said violations Spanish Fork City may remove or eliminate at the expense of the landowner any violation by grantor of the easement. A Spanish Fork City authorized representative may enter upon said land for the purpose of inspection with 48-hour notice", so Jackie felt it didn't sound like they can get up tomorrow and decide to not farm, because if they participate in the TDR program we have rules we need to follow or the city could fine them for the violations so she doesn't think the land could be not farmed.

She stated she was one of the people who asked if a TDR can be undone? She felt she was unable to get a clear answer so she reached out to the State Property Rights Ombudsman and received an answer while the meeting was in progress. She read "A conservation easement is similar to any other easement which like a contract could be amended or extinguished if there is a mutual agreement by both the property owner and the easement holder, in this case, Spanish Fork City, so yes to the extent the city and property owner agree in the future to eliminate or amend the easement that is technically possible. Jackie felt this was investing in a sunk cost fallacy where we have put so much money and time into this plan and maybe not admit it is the best step.

She mentioned she had a couple of people want her to say if the city wants the ground, the City needs to step up and pay fair market value for it. She indicated it is not their responsibility to provide open space. Jackie added residents needed to understand it is not open space people can walk through because you are requiring someone to work to give you a green field to look at. She referred to her dad whispering in her ear that we need to respect the farmers because they are the ones providing our food so make sure we are not making this impossible for them. She asserted it may mean they need to sell land to farm somewhere else but not to take away the value of their ground. She stated personally she is not in favor of the TDR program and should not be able to encourage her dad, brothers, or sisters to participate.

25. Stacy Roberts is against the TDR. Her dad was Ryon Swenson and he farmed the land forever and they want to keep it as a farm.
26. Paul Burgon let us know he lives in the River Bottoms and owns a farm. He stated his appreciation for the Council's willingness to listen and thanked them for the surveys and work they have done. He indicated there had been some cost but he appreciated they were willing to listen. He told us he lives in River Bottoms across from the BYU Dairy Farm and told of his experience with trying to talk to the Salem City Council for 2 years. He felt they didn't listen and could care less about what they had to say so a referendum came about regarding the BYU farm. Paul stated he appreciated the TDR because he felt it was a compromise and everyone would not be able to get everything they want in a city. He went on to say he respects the rights of property owners, as he is a farmer who owns land here in the River Bottoms. He was unsure that in a growing city they are all going to be able to get what they want so he appreciated the TDR compromise. Paul indicated if it could work as it is intended where it gave material value to people who still want to have a farm and don't want to develop their property he would be in favor of it. He felt

another good compromise would be conservation development which is approved by the Utah League of Cities and Towns. He explained if you don't know how it works it meant farmers could sell their land to developers, but it would be zoned for a certain type of development that is more open. He felt landowners could put almost as many houses on it as they would otherwise. with small lots in clusters with open space in the middle. He felt the houses could be on small lots because they would have 50 to 100 acres of open ground in the middle that the community would share. He reiterated that farmers could sell their land and it would be given a certain zone called conservation development and it was approved by the State of Utah as a way out of the situation. He felt it gave most people what they want, but still, not everyone will get what they want. He added he respects everyone's right to sell their land for the maximum price. He stated he expected that as he is one of them, but there is also another side as a property owner I have a right to enjoy what I bought and live in a rural area.

27. Raul Christensen declared he did not have property in the River Bottoms, but he does have property within the city limits that he farms. He announced he didn't know how the TDR would work with what he had investigated. He wondered on the back end when these deeds or certificates are willed over to the developer if they go towards the receiving end of the property. He elaborated that it would make it so the developer who wants land would be able to up the ante and maybe upset the city or the people in the area. He wanted to know if it would make the city liable to keep that density zone. He wondered if the developer had thought that far ahead about liability that could be there and asked the Councils to consider it. He doesn't know if he likes the TDR situation because he has property too that someday will be sold. He indicated he knows everyone has something at stake here and he hopes it comes out as the best.

28. Bob Halverson stated he appreciates the work the Councils do. He let us know he is representing his dad Gail Halverson who just turned 101 so he's not farming. He told us none of Gail's kids farm but they have great neighbors Paul Pryer and Lynn Swenson that help them out a lot and for this purpose, he and his family are against the TDR's. He went on to say he didn't feel it was right for a few landowners to provide green space for a community. He felt if the community wants green space then the community should pay for it because it puts a financial burden on landowners so they are not in favor of the TDR's.

Mayor Leifson let everyone know they appreciated all the comments and told them everyone's going to be heard because it was written down and recorded.

Councilman Gordon **Moved** to go out of public hearing.

Councilman Argyle **Seconded** and the motion **Passed** all in favor with a roll call vote at 7:53 pm.

Commissioner Cardon **Moved** to go out a public hearing.

Commissioner Earnst **Seconded** and the motion **Passed** all in favor at 7:54 pm.

Mayor Leifson invited Dave Anderson to come up and tell us about the next steps in the process, but no dates.

Dave Anderson addressed the Councils and expressed the next step would be additional direction from them in the next couple of months as it would take that long to present them something in a formal manner until January as an estimate. He explained the next step of staff would be to take what they heard tonight and refine the draft to improve it with what they have been hearing for the last several weeks. Dave stated he hopes to have an improvement on what they have now and will work which he believes are his marching orders from staff to come up with a program to limit development in the River Bottoms that works. He stated this is a loose definition and invited other city staff to add to his thoughts.

He let us know he heard some things tonight he hadn't heard before and a lot of the items have been mentioned before and as he mentioned earlier there are certain aspects that will need improvement but he will continue to emphasize the underlying goal and premise of everything they're doing here is to come up with something that works. He wanted to make sure everyone knew he appreciated people's patience and the intent of staff to be methodical and deliberate as they have thought about all the different consequences that would come with each option. He indicated there are land-use regulations in the River Bottoms and he appreciates the time the Council has given them to be deliberate and thoughtful and gain this input.

Mayor Leifson wanted to thank all those who made comments and that we could come together and have discussions and stay respectful and calm with a hot topic. He again expressed his appreciation for their concerns and reassured them it would be taken into consideration and try to come up with what is best. Mayor Liefson stated he didn't know what was best yet and he didn't think anyone else did either, so until they do they will keep looking at it and studying it to see what they can come up with. He thanked the City Council, Commissioners, residents, and people's concerns.

Councilman Gordon Made a **Motion** to ADJOURN

Councilwoman Beck **Seconded** the Motion **Passed** all in favor at 7:58 pm.

Commissioner Cardon **Moved** to ADJOURN.

Commissioner Earnest **Seconded** and the motion **Passed** all in favor at 7:58 pm.

ADJOURN:

ATTEST: November 9, 2021

Tara Silver, City Recorder