



# SPANISH FORK

PRIDE & PROGRESS

## Wednesday, October 4, 2023 Planning Commission

### Planning Commission Agenda

**PUBLIC NOTICE** is hereby given that the Planning Commission of Spanish Fork, Utah, will hold a meeting at the City Council Chambers at Library Hall, on the second floor, 80 South Main Street, Spanish Fork, Utah, with a work session commencing at 5:15 p.m., and Planning Commission Meeting commencing at 6:00 p.m. on October 4, 2023.

### Planning Commissioners

Todd Mitchell  
John Mendenhall  
Shauna Warnick  
Joseph Earnest  
Michelle Carroll  
Michael Clayson

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### **1. 5:15pm WORK SESSION - No formal actions are taken in a work session.**

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### **2. 6:00 Agenda Items**

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### **3. Minutes**

A. April 6, 2022

B. August 2, 2023

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### **4. Preliminary Plat and Zone Change (Public Hearing)**

A. LOTZ CONSTRUCTION PRELIMINARY PLAT AND ZONE CHANGE. This proposal involves changing the current zone from R-R to R-1-15 and to approve a Preliminary Plat to subdivide one 6.2 acre property into 12, 15,000 square foot residential lots located at approximately 1082 West 1900 South.

B. THE ORCHARD PRELIMINARY PLAT AND ZONE CHANGE. This proposal involves changing the current zone from R-R to R-1-15 and to approve a Preliminary Plat to subdivide one 7.5 acre property into 14, 15,000 square foot residential lots located at approximately 911 South 3400 East.

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### **5. Zone Change (Public Hearing)**

A. SIP'N. This proposal involves changing the existing zoning from R-1-6 to C-2 General Commercial with the Development Enhancement Overlay to allow for modification of the site located at 111 East 300 South.

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### **6. Amended Preliminary Plat**

A. EAGLE HAVEN SUBDIVISION AMENDED. The proposal involves the re-approval of a Preliminary Plat in order to add 7 additional single-family homes in a Master Planned Development located at 263 South Spanish Fork Parkway.

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### **7. Title 15 Amendment. (Public Hearing)**

A. HILLSIDE STANDARDS.

B. HAM RADIO.

C. FENCING STANDARDS.

**8. Adjourn**

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**Draft Minutes**  
**Spanish Fork City Planning Commission**  
**40 South Main Street**  
**Spanish Fork, UT 84660**  
**April 6, 2022**

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

**Staff Members Present:** Dave Anderson, Community Development Director; James Darling, SWMPA; Vaughn Pickell, City Attorney; Jackson Dille, Planning Intern.

**Citizens Present:** Nick Patterson, Brian Brown, Jordan Brown, David A. Cloward, Sandra J Nielsen, Blake Nielson, Garrett Seely, Liv Garrett Seely, Clint Garner, Lisa Burdsol, Nate Burdsol, Jackie Larson, Lucy Bauerfiend, Olivia Peterson, Scott Peterson, Rex Larsen, Sherrie Larsen, Clinton Harris, Laura, Daniel, Shawn Elliot, Shandra Morrison.

**WORK SESSION**

Chairman Pro Tem Mendenhall called the meeting to order at 6:05 p.m.

**PRELIMINARY ACTIVITIES**

**Pledge of Allegiance**

Commissioner Warnick led the pledge.

**MINUTES**

MARCH 2, 2022

Commissioner Earnest moved to approve the minutes from March 2, 2022.

Commissioner Carroll seconded and the motion passed all in favor.

**BYU Transportation Presentation**

Laura and Daniel, students from BYU, were at the meeting to present on what Mountainland Association of Governments (MAG) has found regarding county level planning. MAG began this study four years ago. The study is nearing completion, they are looking for feedback from cities. They spoke of the ideal road grid for the county. They demonstrated using a mapping tool found on connectingutahroads.com how much the improved grids could improve travel times.

Commissioner Carroll illustrated the problem with the current street system by giving an example of needing to use I-15 to get dinner in Springville.

Commissioner Earnest asked if their findings have gotten any pushback from local City engineers.

Shawn Elliott rose to speak about how cities in the area have grown on their own and not in a cohesive way. These are all suggestions and are meant to be the starting point of the discussion. The website is 90% done but they wish to continue working with cities on this.

Commissioner Earnest thanked them for their time.

Commissioner Mitchell asked how MAG facilitates coordination between cities.

Shawn Elliot gave the example of a connection between Provo and Springville near Provo Bay. He mentioned their efforts to get cities to think regionally.

Chairman Pro Tem Mendenhall said he likes that MAG takes the lead on the plans. Does MAG help with the funding of the projects?

Shawn Elliot said yes, they give out \$50 MM in funds every year, it goes to stuff like north main.

Commissioner Earnest asked where the funding comes from.

Shawn Elliot said federal and county governments provide funding.

Commissioner Warnick asked if developers look at City or MAG street plans when they are building.

Dave Anderson said MAG and the Spanish Fork City transportation plans fit very well together.

#### **CONDITIONAL USE PERMIT (Public Hearing)** **SUVSWD ENVIRONMENTAL RECOVERY AND TRANSFER CENTER**

Dave Anderson gave a brief background on the need for this new facility and where it would be located.

Nick Patterson is the program manager for this project. He gave a background of the history of the South Utah Valley Solid Waste District (SUVSWD). There is currently a need to expand their current facilities. In 2014 they proposed that a new facility be built on what is currently the Swenson Property, but it was not recommended for approval at that time. Since then, they have examined best practices in other transfer stations around the Western United States. They have added more entrances to the layout to ensure smooth traffic flow to and from the facility. He spoke of the high-tech sound and smell mitigation features of the facility that are conditions of the permit. There will also be an education room that overlooks the tipping floor and can be used for meetings.

Commissioner Mitchell mentioned that the current facility has some trash outside, and asked if this new facility will also have trash on the outside of it.

Nick Patterson said everything will be inside. This design is about 3 times bigger than the current facility, so everything can be inside.

Commissioner Mitchell asked how many years forward this facility is planned to last.

Nick Patterson said it is anticipated to have 40 years of operating capacity.

Chairman Pro Tem Mendenhall said he was fortunate to go on the trip to other facilities around the country. In Seattle they had a spot to clean the tires of delivery vehicles. Will this plan have a similar facility?

Nick Patterson said those features are sometimes finicky and they are not needed in a climate as dry as ours.

Chairman Pro Tem Mendenhall said he is very impressed with all the features combined into this facility.

Nick Patterson said this facility is the first of its kind in the state. He showed renderings of it on the screen.

Commissioner Warnick asked if they forecast prices changing to fund the new facility.

Nick Patterson said no, with bonds they should be able to cover the cost.

Commissioner Warnick asked if any recycling will be included at the facility.

Nick Patterson said they bale recyclable materials and take them to a full-blown recycling facility.

Commissioner Mitchell asked staff what power the City has if they notice trash building up along the street or other ways in which they may be noncompliant.

Dave Anderson said they want to keep options open for addressing future problems. Because they are on the board as a City, they believe it should operate without issue.

James Darling mentioned that the state has regulations they enforce regarding the issue.

Chairman Pro Tem Mendenhall opened the public hearing at 7:01 p.m.

Rex Larsen asked if there will be any facilities that allow for the processing of deceased animals.

Chairman Pro Tem Mendenhall closed the public hearing at 7:02 p.m.

Nick Patterson said it is accepted now and has not been discussed as something that would be removed.

Commissioner Earnest moved to approve the SUVSWD Environmental Recovery and Transfer Center based on the following findings and conditions.

Finding:

1. That with the proposed conditions, the use will not have an adverse impact on other properties in the area.

Conditions:

1. That the applicant follows the Operations Plan in order to best address subjects such as the equipment that will be employed to reduce odors, regulations pertaining to uncovered loads, truck routes, hours of operation and information about how long garbage will be kept on-site.
2. That the applicant annually reviews the Plan with the City to make potential modifications or improvements to the Plan to best address or mitigate impacts of the use.
3. That trucks, equipment and trailers be cleaned on a regular basis to reduce potential odors.
4. Provided that all operating aspects of the facility, and any trash of any kind, are fully enclosed within a building and the grounds are completely fenced.
5. That the applicant addresses the Site Plan conditions of approval and any red-lines.

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

Commissioner Earnest clarified that condition 4 of his motions includes any trash of any kind being enclosed within a building.

**ZONE CHANGE AND PRELIMINARY PLAT**

## MODERA

Dave Anderson spoke to the need of getting the details right on a project of this size. Much time has been spent looking for the right model for good density to form the City's requirements on high density developments. The requirements the City has for the R-4 zone are a high bar. He thinks the applicant is very close. The DRC had some suggestions on how to improve the proposal and get it from 90% to 100%. As far as Dave Anderson is aware, there are no other interchanges along the Wasatch Front with empty land all around them. This property will be flanking some major retail in the future.

Garrett Seely mentioned they were here in January and got some good feedback from the Commission. He said they have taken a long time to meet the high expectations that Dave Anderson has for development in the City. He showed an overview of where the property is located. He showed how they conform to the City's general plan. He outlined the tweaks to parking and building design that have been changed since the last presentation. More architectural elements have been added to the buildings. There is now a design distinction between for sale units and for the rent units. Renderings of the apartments and amenity areas were shown.

Commissioner Mitchell sought to clarify where in the property the 4 story buildings are.

Garrett Seely said they are on the west side of the property.

Commissioner Warnick asked if these will be for sale or for rent units.

Garrett Seely said the west side units will be for sale, while the rest of the units will be rented. The units for sale will be 2 and 3-bedroom units. The units for rent comprise of 1, 2, and 3-bedroom units.

Discussion ensued regarding other design features of the buildings and amenities.

Commissioner Warnick asked if the 3-story buildings have entrances in the middle.

Garrett Seely said the entrances are on the end of those buildings.

Commissioner Earnest asked about the length of the 3-story buildings.

Garrett Seely said they will be 234 feet long.

Discussion ensued regarding placement of garages.

Garrett Seely gave density calculations. The total acreage is 37.34, the number of units is 668, and the density is 17.89 units per acre.

Commissioner Earnest asked what the square footage for the different apartment styles is proposed.

Garrett Seely stated that the 1-bedroom apartments will be 800 square feet, the 2-bedroom apartments will be 1,096 square feet, and the 3-bedroom apartments will be from 1,045-1,260 square feet. These calculations do not include balcony space. Garrett Seely stated 43% of the units will be one-bedroom apartments, 45% will be two-bedroom apartments, and 12% will be three-bedroom apartments. The parking required of the development is 1,670 stalls, and the parking provided is 1,671 stalls. On street parking is not included in that calculation, but there are 289 spots for on street parking.

Commissioner Earnest said the new elevations are much better than what they saw in January.

Garrett Seely emphasized that there are fences around this proposal and they do not intend to disrupt the actions of the surrounding farmers.

Commissioner Warnick asked what the timetable for development was.

Garrett Seely said 24 months for all phases.

Dave Anderson said they need to go over the phasing plan in greater detail. City staff is concerned about traffic on the state road. They want the traffic signal to be operational before any certificates of occupancy are granted. Dave Anderson mentioned there are only a handful of R-4 projects under development in the City. Projects like this have a high propensity to be sold to other developers so he wants every detail of the development in writing.

Commissioner Earnest asked if a development agreement could be used.

Dave Anderson said the DRC thought that could be a good option.

Vaughn Pickell said a detailed set of plans would also work because the City is not receiving anything in terms of dedications.

Commissioner Earnest said he is indifferent to which mode is used.

Dave Anderson agreed and said they just want to get it in writing. He said the free-standing garages could have a more interesting design that better matches the rest of the development. He explained where walls would be required on the property and where they wouldn't be.

Commissioner Warnick asked if there is a paved trail there.

Dave Anderson said yes, it will be put in by the developer.

Commissioner Warnick asked if a percent of for sale units will be rented by their owners.

Garrett Seely said they are anticipating that.

Commissioner Mitchell asked what governing body would look at that.

Dave Anderson told the Planning Commission that if they approve this proposal tonight, it will not come back before them. CC&R's are the tools that are able to regulate how many of the for-sale units could be rented out.

Discussion ensued regarding what percent of the units should be owner occupied. The for-sale portion needs to be at least 50% owner occupied.

Dave Anderson said if the Planning Commission has another number in mind, they should suggest it.

Commissioner Warnick brought back the issue of the middle entrances for the three-story buildings.

Dave Anderson said the developer could incorporate a change to their plans before the City Council meeting.

Garrett Seely agreed.

Chairman Pro Tem Mendenhall opened the public hearing at 7:48 p.m.

Rex Larsen lives in Leland. He thanked the Planning Commission for their service. He gave a brief history of Leland. He said that the area has some of the best soil in the state of Utah. They run Glenn Ray's Corn Maze and view it as a service to the community. He is concerned the tall buildings may shade the cropland. He views the apartments in Payson as an example of bad high-density development. He asked the Planning Commission to not take their farming away from them.

Nate Burdsol is in opposition of the project. He lives in estate homes near the project. He mentioned that the General Plan is not binding. He said the General Plan suggests zonings and densities and then the zoning can change. There are townhomes going in next to his house. This project is of unprecedented size and scope and he doesn't believe it is right for the area. He is concerned about enforcement of CC&R's. He does not like the idea of garages for rent because he is concerned that parking will happen on the street. He does not think the City code is adequate for parking due to recreational vehicles. He mentioned negative Facebook comments to point to public unhappiness with the project. He encouraged the Planning Commission to find the right project for the area.

Clinton Harris lives up the street. He said 8000 South is already a congested road. He said if the project goes forward the road should be widened. He is concerned about how the smell of the farm to the north might negatively affect the development. He is concerned about the generation of more traffic.

Dave Cloward has lived in this area for 73 years. He is the one who sold this property. He said he did not sell to the highest bidder. He sold based on who would develop in line with the needs of the City. He believes this is a project that the City needs. He has 16 grandkids, and said that we need to build somewhere for our grandkids to live. It is very, very difficult and expensive to find a place for young families to live. This project will provide housing for them. Single family homes are no longer starter homes. He spent a lot of time finding the right developer. They have a development in American Fork that he has examined and it is an excellent development.

Clayton Gardner is a resident of Spanish Fork. He has 7 kids. He is from a 400-acre farm in Idaho and understands that perspective. He is involved with property management and knows that CC&R's are not suggestions but are enforceable. The Facebook comments came from about 40 people which is a small number of people to represent Spanish Fork. He supports the project.

Jordan Brown lives in Leland and is concerned about development going on a road that was given a D rating. Is the rating acceptable for this level of development? Will the City be able to make it better if this is passed?

Sandra Nielson lives nearby and lived in a 4-story building in Lindon. It had elevators, and she believes it would be very hard to live in a 4-story building without elevators.

Brian Brown said townhomes are not affordable. He said he never thought to live where his parents lived and we should not have to plan for people to live near their families. He thinks it's disingenuous to start the R-4 zone with a maximum of 12 units to the acre and then move to 20 units to the acre. He wants a General Plan that lasts longer than 2 years. Everything around this development is a 2-lane road which will be tough with traffic.

Shandra Morrison owns ranchland to the east of the City. She said this area has an important agricultural history. She is concerned about reduction in property values and an increase of traffic. Farms run 24 hours a day which she believes would not be a good neighbor to the development. She asked if anyone has received federal approval to potentially affect endangered species in the area. How will the development affect surrounding water usage? She is also concerned about quicksand in the area and the removal of irrigation ditches.

Chairman Pro Tem Mendenhall closed the public hearing at 8:13 p.m.

Dave Anderson stated that Michael Clark is gone tonight and would be best suited to answer questions regarding traffic.

Commissioner Earnest mentioned that the R-4 zone promotes smoother traffic flow due to its requirements regarding building layout.

Discussion ensued regarding the status of roads in the area. Dave Anderson said the organically created roads in the area have not been able to support traffic, and the City is always talking about road improvement. There will be needed improvements on the roads, but a benefit of this project is that it is near big transportation corridors. Dave Anderson's biggest concern is that volume does not matter on the state road, any additional trips that don't incur improvements could be disastrous. That is why they have included conditions about road safety. There will be deceleration lanes, acceleration lanes, turn lanes, lighted intersections, etc.

Scott Peterson stated that he is a neighbor of some of the people who have spoken. The roads are already in poor condition and will only be improved with development. The road is currently not acceptable but is the best available. UDOT has strict standards and due to spacing with other planned roads they are limited in what they can do. They got an exemption to be able to put a signal in. All left turns will be directed to where lights are. There will be traffic calming features in the development.

Discussion ensued regarding where roads will be widened and where they will not be.

Scott Peterson said the only ditches removed will be surface laterals. The rest will be serviced by a 30" pipe.

Commissioner Mitchell asked about the soil/quicksand concern.

Scott Peterson said it is correct that the soil is not the ideal choice of ground to build on. There will be additional expenses to ensure the buildings are engineered to meet seismic code.

Clinton Harris asked where water and gas lines will enter the development from.

Scott Peterson said those utilities will loop to existing lands in the north.

Discussion ensued regarding wells. This development will draw from other sources and not affect nearby wells.

Commissioner Warnick asked about designation for wildlife.

Dave Anderson said they are not aware of any laws concerning raptors here. There are wetlands in the area and steps have been taken for mitigation.

Vaughn Pickell said this area is not a protected habitat.

Commissioner Warnick mentioned that a citizen had emailed them with a concern about how culinary water use for this area will be impacted by the drought.

Chairman Pro Tem Mendenhall said Spanish Fork is one of the leaders, if not the leader, for acquiring water rights within the State. There are a number of springs and wells as well as other sources of water. Growth has been foreseen and planned for. The reservoir the City accesses is in better condition than those in other areas around the state. Spanish Fork is in above average shape concerning the drought. Denser developments such as this proposal, end up with much less water use than typical developments. These projects are good for conservation of water and are encouraged by Water Conservation Boards. He said that it's probably not true that people will live in these units forever. He also has grandkids looking for homes, and these units are cheaper than new single-family homes. He said that everyone needs a place and appreciates the inclusion of one-bedroom units. He said that if built, the development will have to contend with the smell of cattle. It is good to build high density housing near transportation corridors. He said that many developers claim that the fourth floor is the first to sell, even when there are no elevators.

Commissioner Earnest said zone changes from agricultural use to high density residential use will likely cause an exponential increase in land value.

Discussion ensued regarding square footage of units. The units meet City requirements.

Commissioner Mitchell asked about provisions to ensure garages are used for parking.

Garrett Seely said they are happy to include those.

Dave Anderson said the development will have professional management and that is the best way to ensure CC&R's are enforced.

Shandra Morrison brought up a question about what the purpose of zoning is if not to avoid contention between neighbors.

Commissioner Earnest said he believes zoning exists to define property rights. There is a balance required in examining how the proposal affects neighbors. He mentioned that there has been a back and forth for over a year and the current plans offer a lower impact on the surrounding area. With the placement of buildings, shade should not be an issue for neighbors.

Dave Anderson said the City Council wants people to continue to farm and is not trying to stop that. He says the City could do a deep dive on best means for preservation of agricultural use.

Blake Nielson stated a concern that the development would stop his ability to irrigate his land. He also expressed a desire to see more commercial development in the area.

Chairman Pro Tem Mendenhall stated that the City does not control who buys the land and what they do with it. Commercial is part of the General Plan for this area.

Dave Anderson said they've downplayed the commercial aspect of this proposal. The proposed zone change also includes space for commercial use.

Commissioner Warnick mentioned the concern that the General Plan affects what is done in an area. The General Plan ensures smart development when it happens, it does not cause or force development. She mentioned the actions Mr. Cloward took to ensure a quality development.

Jordan Brown stated his concern about the General Plan is the precedent on changing zoning requirements.

Commissioner Warnick said she understands the concern and they only change zoning with good reasons.

Chairman Pro Tem Mendenhall said he also understands the concern. This development is being proposed here and not other areas under development because it makes more sense here than other areas.

Commissioner Earnest said he would like to address the concern of Blake Nielson not being able to water his fields.

Scott Peterson said there will be a storm drain system involved that will ensure he can still drain. The developer will use their own money to ensure neighbors can tie into their storm drain plans and not be negatively affected. He suggests the Planning Commission make that a condition.

Commissioner Earnest stated that he likes the general plan and his vote will be consistent with it.

Commissioner Earnest **moved** to recommend to approve the Modera Zone Change from R-R to R-4 and C-2 and moved to recommend to approved the Preliminary Plat to the City Council based on the following findings and conditions.

Findings:

1. That the Zone Change conforms to the City's General Plan Designation.
2. That the proposed Preliminary Plat is consistent with the R-4 zone

Conditions:

1. That Preliminary Plat approval is contingent upon approval of the Zone Change.
2. That the applicant meets the City's Zoning requirements and Construction Standards.
3. That the applicant addresses any redlines, including to but not limited to, those that will be forthcoming.
4. That the applicant enters into a development agreement with the City, and that the development agreement be subject to the discretion of City staff
5. That the development agreement includes HOA and CC&R requirements that garages must only be used for vehicular storage, and that condos within the development never be less than 50% owner occupied.
6. That all buildings within the development feature a means of resident access in their center.
7. That the development ensures no change to the flow of water to its immediate neighbors, and that development covers any cost necessary to ensure this.
8. That the applicant provides for the development agreement items such as a detailed phasing plan identifying when key improvements will be installed, final plans for all amenities in the projects, architecture and floorplans of the buildings, and a fencing plan.
9. That the applicant provides with the final plat application a landscape plan to be approved by Staff.

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

Chairman Pro Tem Mendenhall thanked the neighbors for their presence and comments.

## **ANNEXATION** **3400 EAST ANNEXATION**

Dave Anderson explained the location of the proposed annexation.

Commissioner Earnest asked if landowners or the City were the applicant.

Dave Anderson said landowners are initiating it, but the City has helped.

Commissioner Earnest asked if staff is in favor of the annexation.

Dave Anderson said yes. He said pressurized irrigation is already in place for the area.

Commissioner Earnest asked how big the proposed annexation is.

Dave Anderson said 26 acres.

Commissioner Warnick asked how many homes are currently on the proposed annexation property.

Dave Anderson said four homes are currently within the proposed annexation property.

Commissioner Warnick **moved** to recommend to approve the 3400 East Annexation to the City Council based on the following findings and conditions.

### Findings:

1. That the subject property is located within the City's Annexation Policy Boundary.
2. That the property is within the City's Growth Boundary.
3. That the General Plan Land Use Designation is Estate Density Residential.

### Conditions:

1. That the boundary be adjusted to include the current Utah County road dedication accepting out the west sliver.
2. That the plat boundary be coterminous with the Stewart Farms parcel on 3400 East.
3. That the property be annexed into the City under Rural Residential zoning.

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

## **GENERAL PLAN AMENDMENT (Public Hearing)**

### **TRANSPORTATION MASTER PLAN**

Dave Anderson asked the Planning Commission to continue this item due to the absence of City staff who could credibly explain the proposals.

Vaughn Pickell said they can hold the public hearing for the item, and then continue approval until the next meeting.

Chairman Pro Tem Mendenhall opened the public hearing at 9:16 P.M.

There was no public comment.

Chairman Pro Tem Mendenhall closed the public hearing at 9:16 P.M.

Commissioner Carroll **moved** to continue the Transportation Master Plan.

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

Adopted:

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Jackson Dille  
Planning Intern

**Draft Minutes**  
**Spanish Fork City Planning Commission**  
**80 South Main Street**  
**Spanish Fork, Utah**  
August 2, 2023

**Commission Members Present:** Chairman Todd Mitchell, Commissioners John Mendenhall, Shauna Warnick, Joseph Earnest, Michelle Carroll, Mike Clayson.

**Staff Members Present:** Dave Anderson, Community Development Director; Brandon Snyder, Senior Planner; Byron Haslam, Senior Engineering; Ana Burgi, Assistant City Attorney.

**Citizens Present:** Jeremy Draper, Jessica Tuttle, Jo Ryan, Tom Worthen, Tyler Heran, Brad Gordman, Matt Loveland.

**WORK SESSION**

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

**PRELIMINARY ACTIVITIES**

**Pledge of Allegiance**

Commissioner Earnest led the pledge.

**MINUTES**

July 5, 2023

Commissioner Earnest moved to approve the minutes from July 5, 2023.

Commissioner Clayson seconded and the motion passed all in favor.

## DEVELOPMENT AGREEMENT (Public Hearing)

### WASATCH PALLET DEVELOPMENT AGREEMENT

Dave Anderson gave a brief explanation of the development agreement and stated this will be going for City Council action soon.

Commissioner Mitchell asked for the deviations to be described.

Dave Anderson stated the three items are parking lot landscaping including parking islands and landscaping trees in the islands, having exterior walls stained on both sides, and he stated there are a couple other minor landscaping issues as well.

Commissioner Mitchell asked the applicant for the reason for deviation from the requirements.

Tom Worthen, who is representing Wasatch Pallet, gave the following reasons for wanting to deviate from the City Code. He stated it is from a maintenance standpoint. He stated he has a large snow plow, and that the landscaping islands become a nuisance during winter. He stated his employees consistently hit the landscaping islands as well and he feels it is just hard for larger vehicles to maneuver around them. He feels overall that it is a safety concern.

Commissioner Mitchell asked the applicant if they just have employees or if there are patrons that visit the site?

Tom Worthen stated there is no walkin traffic, just employees. He states that he is not a retail location, strictly industrial.

Commissioner Earnest asked Dave Anderson what are the other minor landscaping items he was referring to earlier.

Dave Anderson stated it is less plant material than the City standard requires. He stated there has not been a direct count of trees at this point, but he stated there are fewer trees and less shrubs than is required.

Commissioner Warnick asked what would be the standard then be for all applicants if this exception was given to Wasatch Pallet?

Dave Anderson stated this is something that needs to be considered with the recommendation tonight. He stated as a general rule, the City does not like to treat parties differently and give exceptions to any applicant. He stated the City wants to be able to provide equal protection for all things as the City administers regulations uniformly. He states the property is zoned I-2.

Commissioner Mitchell stated the property is surrounded by trees and fencing, and as a neighbor looking in, the property is very well screened.

Commissioner Warnick asked what is the reasoning for the wall staining requirements? She wonders if it's related to the looks alone or if it serves the purpose of sealing in the stain to help wear and tear.

Dave Anderson stated that it is easier to remove graffiti if the concrete is sealed. But he also stated that it is partly aesthetic as well to keep a certain look.

Commissioner Mendenhall stated he can see the applicant's side and how the planter islands can interfere with certain larger vehicles and emergency services trying to maneuver throughout the parking lot. But he stated that he also sees the City's side of the reasoning for these standards. He feels that if this is passed with the City Council, that more and more applicants will want this exception as well.

Chairman Mitchell opened the public hearing at 6:14 pm.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:14 pm.

Commissioner Earnest **moved** to approve the Wasatch Pallet Development Agreement based on the following findings and conditions.

Findings:

1. That the boundary line agreement and grantor issue with Utah County be resolved.

Conditions:

1. That the boundary line agreement and grantor issue with Utah County be resolved.

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

TITLE 15 (Public Hearing)

NOTICE OF PIONEERING INTENT

Dave Anderson stated the City has a mechanism that allows developers that install infrastructure that help support the development of other properties, to get reimbursed for delivering utilities and facilities to another area that otherwise might not get that development. He then gave a brief explanation of how the process works and what makes them enforceable. He stated this is an effort to make things more clear and fair for all those involved. He stated if the Commissioners wish to take a deeper look into the process, he suggested continuing this agenda item to a later date so that staff can take additional time to review the process and become more familiar with it.

Byron Haslam stated more specifically, this change to the Title 15 is discussing the inclusion of requiring developers to now fill out a notice of intent prior to the start of development or when they are intending to do a pioneering agreement. This gives clear language that they are now required to fill out the notice of intent before they start construction.

Commissioner Earnest asked if developers are still able to do a pioneering agreement if they fail to fill out the notice of intent prior to the start of construction.

Byron Haslam stated that no, the language does not specifically state this. And he agrees that going back to amend this language to include this is needed as the current language precludes this. He stated that it's intended to be that if the developer does not complete the notice of intent prior to the start of construction, they would not be able to obtain a pioneering agreement for reimbursement. He states this also states that the notice needs to be recorded and signed by the Public Works Director.

Commissioner Warnick asked if the pioneering agreement was filed before or after the development was finished and it was stated that it should be filed after as that is the only way to know the cost.

Commissioner Earnest stated that the reason this ordinance is filed prior is that it is a notice of intent. He feels the sooner you put something on notice, the more fair you are being to those involved.

There was discussion regarding the process Spanish Fork has for this.

Commissioner Mitchell asked Dave Anderson if he is suggesting this be continued or if he is recommending approval?

Dave Anderson stated he has had discussion on this with the City Attorney and moving this forward as soon as possible. He also stated that this is a change to the City code and that it should be considered thoroughly.

Commissioner Mendenhall does not have anything to add.

Commissioner Mitchell agrees with Commissioner Mendenhall, that he also does not have anything to change.

Commissioner Warnick feels comfortable with recommending this approval to the City Council.

Commissioner Earnest also feels comfortable with this being approved.

Chairman Mitchell opened the public hearing at 6:26 pm

Tyler Heran stated he is here for an unrelated item, but states that with Pioneering Agreements, the state is unclear about how enforceable they actually are. He feels that this uncertainty then falls back to the City. He feels that clear and concise language would be beneficial to the developers.

Commissioner Mendenhall asked if he is in favor of how the language is currently written.

Tyler Heran stated yes he is in favor of how this proposal is written and feels this is a helpful modification for developers. He acknowledges that each municipality is different with that regard and having it spelled out that Spanish Fork requires this prior to the pioneering agreement helps clear any confusion.

Commissioner Earnest feels this is ready to move forward and agrees with Mr. Heran.

Chairman Mitchell closed the public hearing at 6:28 pm

Commissioner Warnick moved to recommend to approve the Notice of Pioneering Intent Amendments to the City Council.

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

#### CONCEPT REVIEW

#### THOMPSON THRIFT RESIDENTIAL - CANYON CREEK PARKWAY

Dave Anderson stated the last two items on the agenda are concept reviews. He stated he is going to turn this over to the applicants. He stated there were good conversations with the Development Review Committee. He is very anxious to hear the feedback from the commissioners on this proposal.

Commissioner Mitchell stated he wants to be mindful of the Commissioner's time. He asked the applicants to please keep the discussions brief.

Jo Ryan, who is representing Thompson Thrift, introduced her associates, and then gave a brief history of Thompson Thrift. She stated they started doing residential developments in 2008 and they build and manage all their communities. She stated their mission is to positively impact the neighboring communities and stated they work with non profit organizations to help serve the communities as well. She said their pull to Spanish Fork is how fast it is growing. She then went through the criteria of the areas where they have chosen to build and she stated that Spanish Fork meets all this criteria. She stated they are very concerned with the community outlook and

stated they have received many awards for the communities they have developed. She stated their communities have a very low turnover and that residents tend to want to stay long term in these developments. She stated one item she wants to touch on is the City's parking requirements. She stated they have never seen such a high parking requirement. She stated Thompson Thrift typically provides one parking stall per room in each unit. She stated they have reviewed the parking study that was performed by the BYU students that Dave Anderson has provided to them.

Jessica Tuttle stated she has been in contact with Dave Anderson and she feels that he is an excellent City Planner. She stated they have reviewed the parking study that was provided to them. She then described some of the amenities that they have added to their design. She stated they are very confident that their proposed parking plan will work, as on all their other properties this 1.8 plan has been proven to be successful without any problems. She stated they manage their own parking lots themselves and they do not want a parking problem either. She stated they do not allow any recreational vehicle parking on the site. She stated their concern is that adding the additional parking stalls will result in losing valuable green space to provide those additional amenities to their residents. She stated that if they built with their proposed parking plan of 1.8 spaces, and if it proved to be insufficient to the needs of the development, they do have the area to the north east corner of the development as a backup area they can build an additional parking lot. But she feels that this won't be necessary but it will help add to the parking count on site.

Commissioner Earnest asked if the portion of the development that doesn't include this excess site, is showing with the parking count of 1.8 and it was stated that yes this design features the parking count at 1.8. He then asked if they are meeting the requirements of the R-4 Zone as it pertains to amenities?

Jessica Tuttle stated that she was unsure of that but states that they are willing to go above and beyond with onsite amenities. But she is very confident that they can meet the amenity requirements for the R-4 zone. She stated they meet the public road requirement, but that they did not add a public road down the center of the design as it took away valuable green space for the amenities.

Commissioner Earnest calls back to an earlier comment from Jo Ryan that these developments are not successful with less than 1 parking stalls per bedroom, he then asks if they wouldn't be just as successful with more parking stalls?

Jessica Tuttle states that they do not want to add more parking spaces to the design as it would detract from the open space available for their amenities.

Commissioner Earnest understands their desire to not have additional unneeded parking space and would like to come to a middle ground where the appropriate amount of parking can be agreed upon. He feels this is a great design and location and he appreciates what the developers are trying to bring to the City.

Commissioner Warnick asked if they have encountered any parking issues with guest parking.

Jessica Tuttle stated the 1 per bedroom includes guest parking.

Commissioner Warner then asked if there are any designated spaces for those guests.

Jessica Tuttle stated that no, they do not have designated spaces to each unit. She stated that historically they have gated their communities due to the public roads, but she stated that with the 1 per bed ratio, there should be parking available for guests.

Commissioner Warnick asked if the residents will have assigned parking spaces.

Jessica Tuttle stated that no, they do not have assigned parking at this point and if the need arose to build and use the additional parking lot in the north east corner, then they would revisit assigned parking spaces for residents. She stated that with the 1 per bedroom ratio, each build should have enough spaces to accommodate the residents and guests.

There was a discussion regarding the mix of bedroom numbers and if those guest parking numbers may be skewed with the variation of bedroom numbers.

Commissioner Mendenhall stated that Utah County as a whole, has a culture that invites family and friends into homes quite often and he feels that they will want to reconfigure to allow for the guest parking to be more accessible to those residents so that guests are not forced to park further away from the resident they are visiting.

Commissioner Earnest stated the BYU students that performed the study came back with the potential need for more parking.

Commissioner Mitchell stated that the City has spent years studying the parking needs of the community and they are confident of what is needed and he personally is not in favor of lowering the parking requirements at this time. He just wants his stance to be known.

Jessica Tuttle understands his stance. She stated that they are initially proposing to build their design with the 1 per bedroom ratio and evaluate if additional parking is needed, then they can build the additional parking lot.

Commissioner Earnest feels this is a terrible position to place the City in.

Jessica Tuttle stated that if they added the additional parking, it takes away the space available for amenities. She stated the draw for their communities are the open private yards, but if they have to provide detached garages it takes away.

There was discussion that part of the culture of Spanish Fork is that residents typically own larger trucks and ATVs and with that there is the need for the additional parking. It was stated this is something that developers have had trouble understanding the reasoning behind this requirement. It was asked if the product is 3 or 4-story and it was stated this is a 3-story product.

Commissioner Earnest stated they should go with the 4-story product and Jessica Tuttle stated it is much more expensive to go with the 4-story product and they are trying to provide a more affordable product to the residents.

Commissioner Earnest asked if they are able to provide the cost of rent difference to the residents, going from a 3-story to a 4-story product.

Jessica Tuttle stated she does not have that information available right now but she will be able to provide that information later.

Commissioner Earnest suggested the applicants configure their design to conform with the R-4 Zone and resubmit those designs for further review.

Commissioner Mitchell stated his opinion is the same as Commissioner Earnest and would like the applicants to redesign to conform with the R-4 zoning requirements.

Commissioner Warnick agrees that this would be the best course of action. She does like that the applicant does manage and enforce the parking of their developments.

Dave Anderson stated there is a reluctance on the part of staff and City Administration. He stated if the city can conduct a study of the 2.5 parking space per unit requirement. He feels this is something that the City is not going to change their stance on. He appreciates the proposal that applicants have brought forward and the location, but states it is unfortunate that the design cannot meet the parking requirements for the R-4 zone.

## CONCEPT REVIEW

### PETERSON PROPERTY CONCEPT

Brandon Snyder presented the revised proposal and stated this has come to the Planning Commissioners previously. He then gave the location of the property and a

brief description of the changes that were made on the revised plans. He stated this was presented to the Development Review Committee earlier today, and stated they are seeking to get the feedback from the Planning Commission. .

Commissioner Earnest asked what the zoning of the proposal is and it was stated it is R-3. He then asked if this meets the requirements of the R-3 Zone and it was stated that yes it does meet the requirements of the zone.

Matt Loveland, who is representing Whitehorse Developers, gave a brief explanation of the proposal and stated he wants to explore a couple points with the Commissioners. He stated there are a few items he wished to discuss with the Planning Commissioners.

Commissioner Earnest asked if they designed the layout and it was stated that yes they designed it. He then asked what the acreage is of the property and it was stated the acreage is 18.21.

Matt Loveland stated they are exceeding parking requirements and are under the 12 units per acre zoning requirement. He stated they are here to gather intel from the Commissioners. He presented the previous design and the revised design they are bringing today. He stated they are looking for answers to three things. He stated they are providing adequate parking for guests as well. He stated they will be policing these guest parking spaces through their HOA and will not be allowing 24-hour parking or hobby car parking allowed with this development.

Commissioner Mendenhall asked if the applicants will phase this development and it was stated this will likely be completed in 2 phases. He stated there is a possibility of the need for three phases to completion, but they are looking to be completed in two phases.

Commissioner Warnick stated she likes that the redesign removed the barrack styled units.

Matt Loveland agreed and stated they are more in favor of the 3-story units over the previous design.

Commissioner Mendenhall stated he likes the color scheme of the design and stated the updated architecture is a better look. He encouraged the applicants to use more variety in the color schemes.

Commissioner Mitchell feels this design meets all the requirements of the R-4 zone and the parking requirements as well. He is in favor of this proposal.

Matt Loveland asked if it is a fair assumption to say that Commissioner Mendenhall is saying he wants a more colorful design and it was stated that yes this is a fair assumption.

Commissioner Mendenhall asked the City staff if there are any reasons that the City would have access to the parking lot or that the parking lot would have access through the neighborhood.

Brandon Snyder wanted to clarify that this is not a parking lot, that it is an east-west road to the north of the development.

Commissioner Warnick stated if the units do not have driveways there will need to be additional parking stalls for the visitors.

Matt Loveland stated this is something they can add.

Commissioner Mendenhall is in favor of this design.

## DISCUSSION

Dave Anderson wanted to discuss dates for a field trip for the commissioners.

Mitchell asked if the original plan was for August 30th.

Warnick stated she will be unavailable for that date.

Several dates were discussed and it was decided that the 31st of August would work.

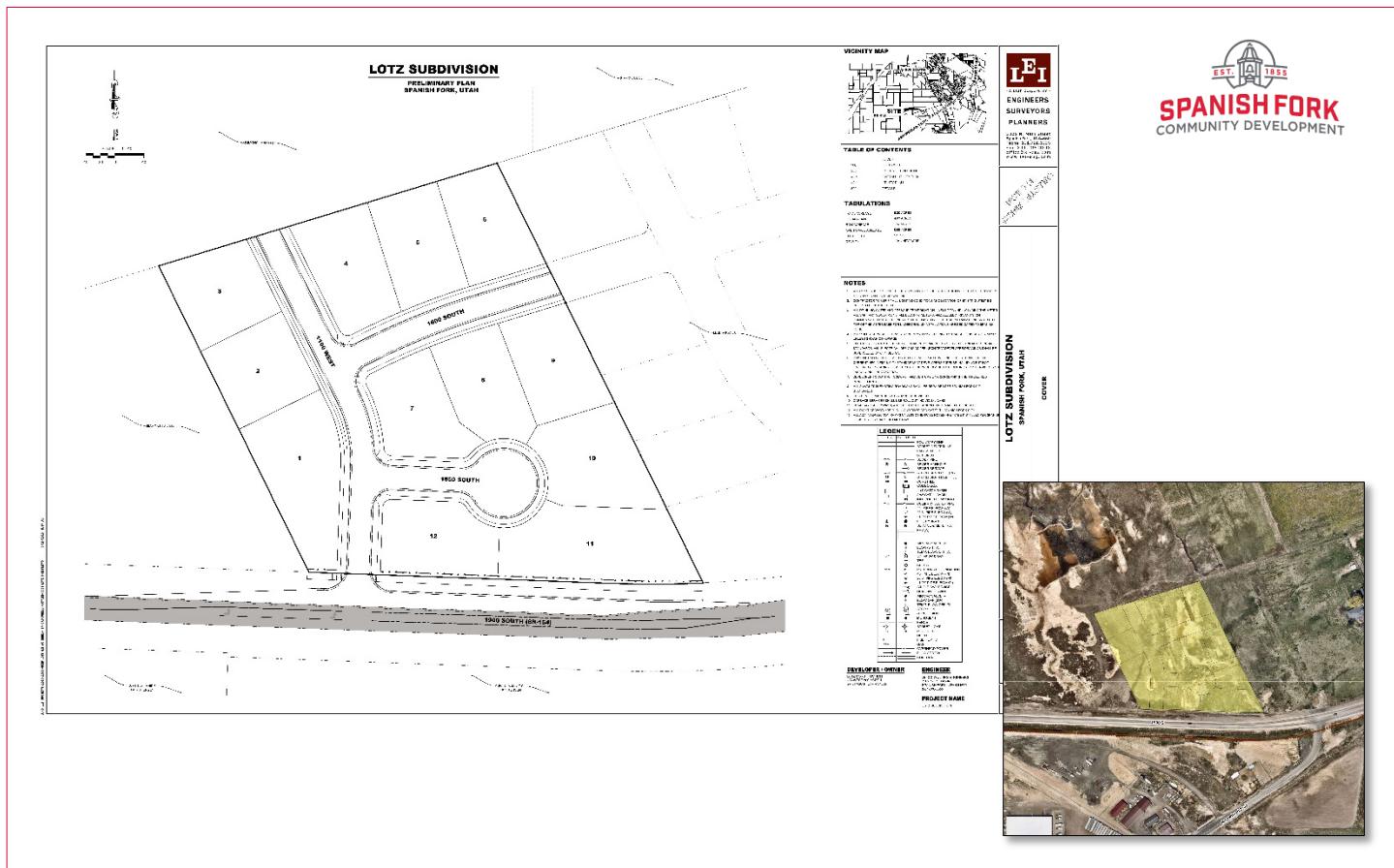
Dave Anderson stated that he would like to start at 5 p.m. He stated it will be about four hours.

Clayson moved to adjourn the meeting at 7:50 p.m.

Adopted:

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Kasey Woodard  
Community Development  
Division Secretary



## Lotz Construction Preliminary Plat and Zone Change Approval Request

October 4, 2023, Planning Commission meeting.

Located at 1082 West 1900 South, including 6.19 acres.

The subject property is zoned R-R. The General Plan designation is Estate Density Residential.

The applicant has requested that a Preliminary Plat for a standard subdivision and Zone Change to R-1-15 be approved.

## Key Issues

1. Easements.
2. Utilities.
3. Power
4. Improvements.
5. Landscaping.
6. Access.

## Recommendation

That the proposed Preliminary Plat and Zone Change be recommended for approval based on the following finding and subject to the following conditions.

### Finding

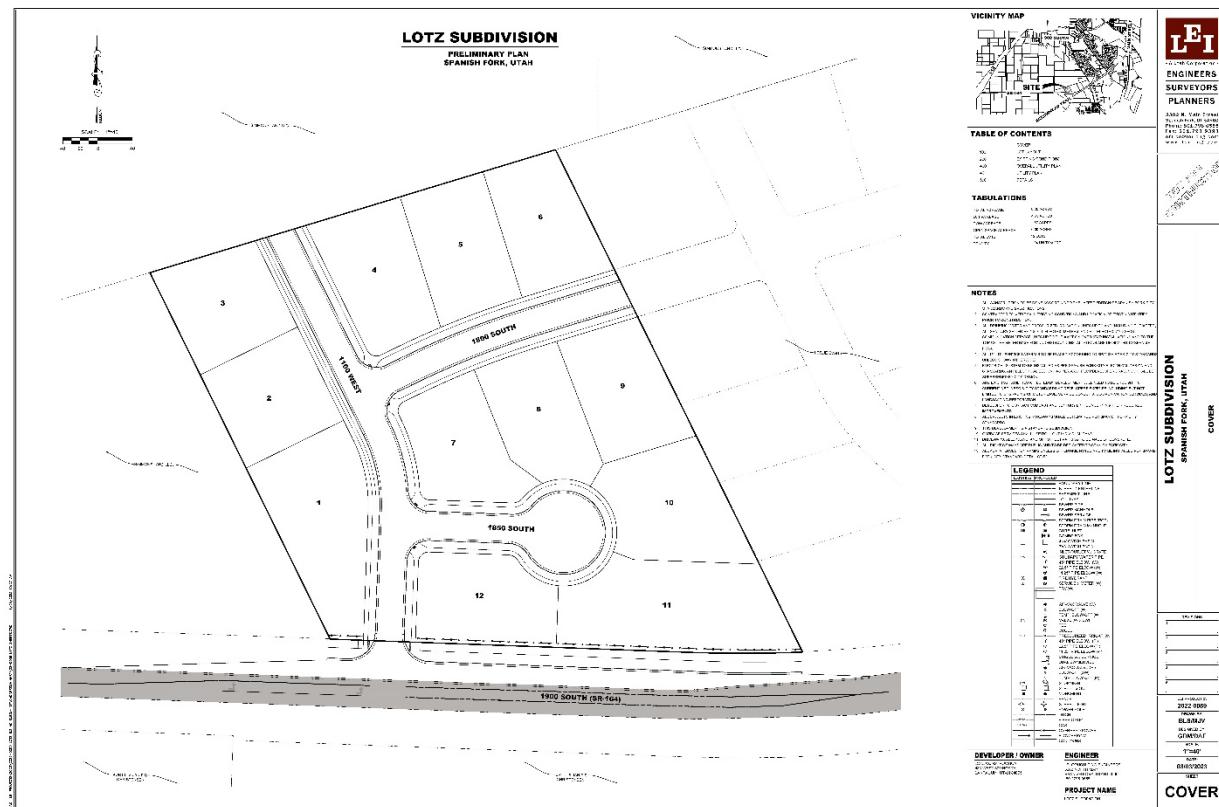
1. That the proposal conforms to the City's General Plan Designation.

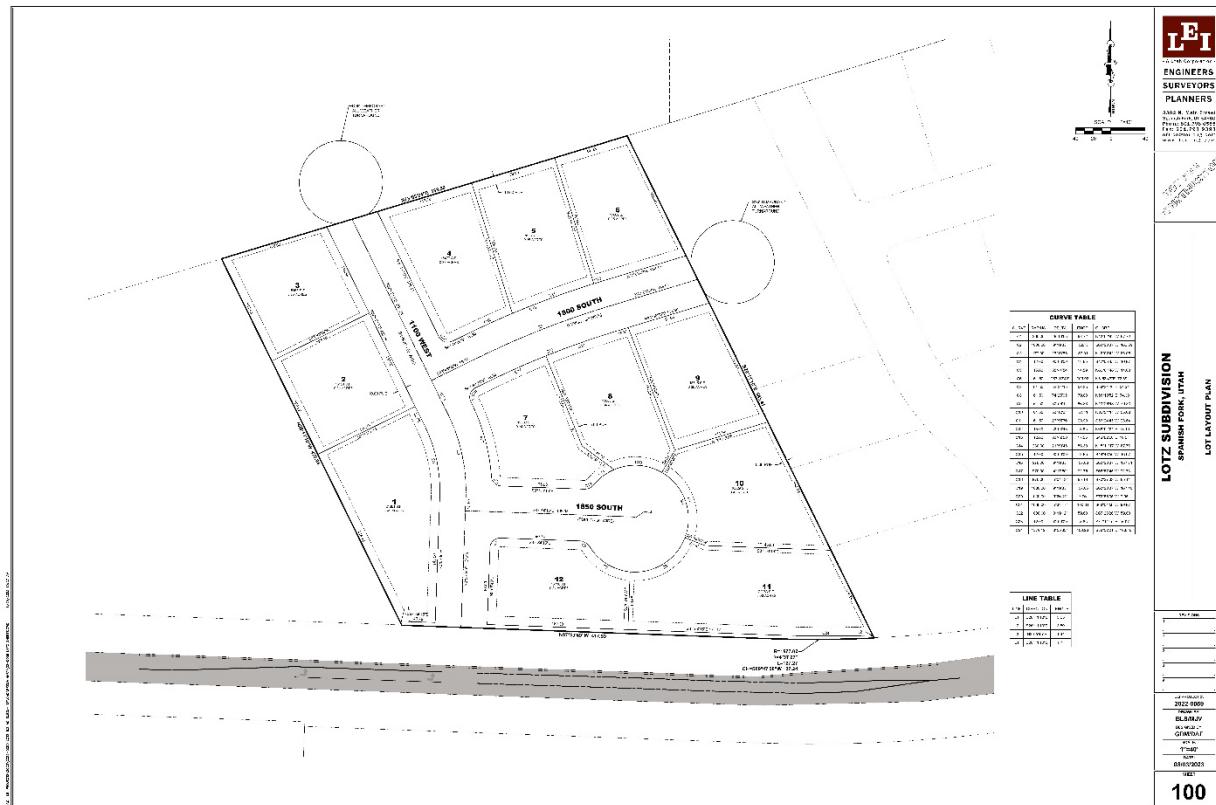
### Conditions

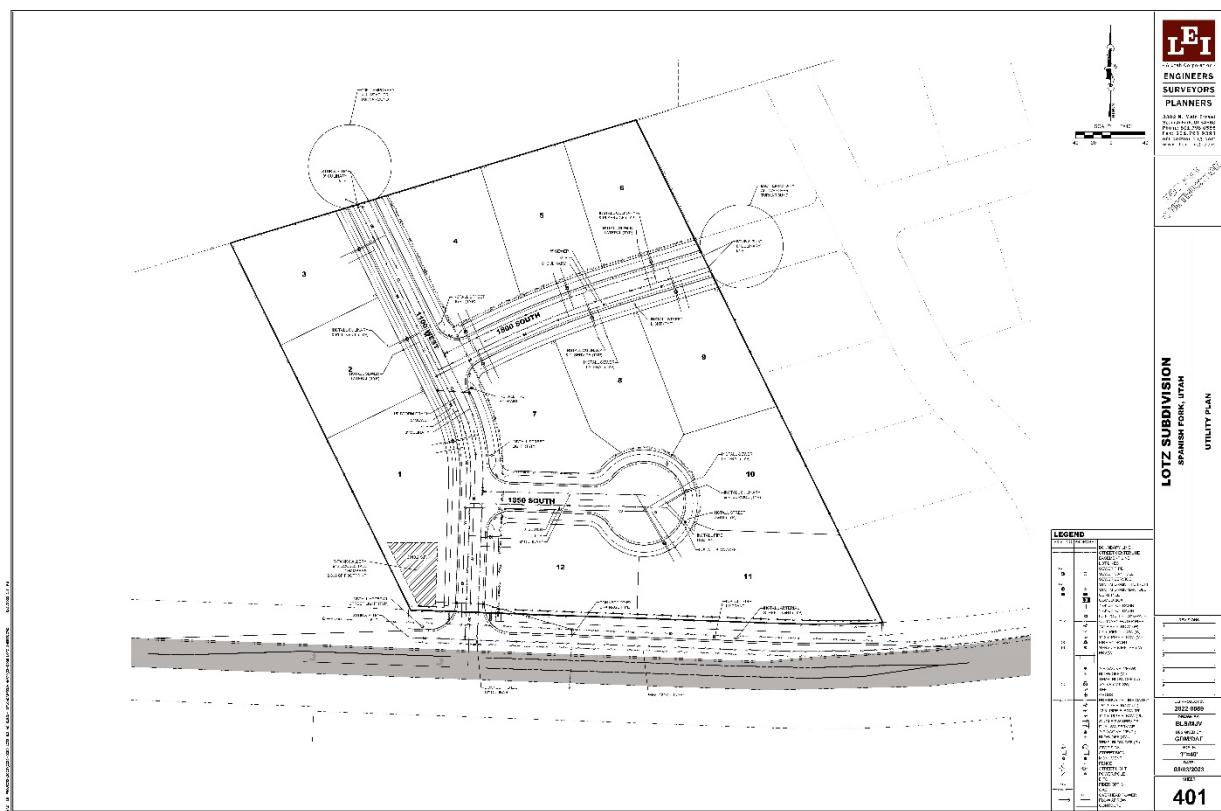
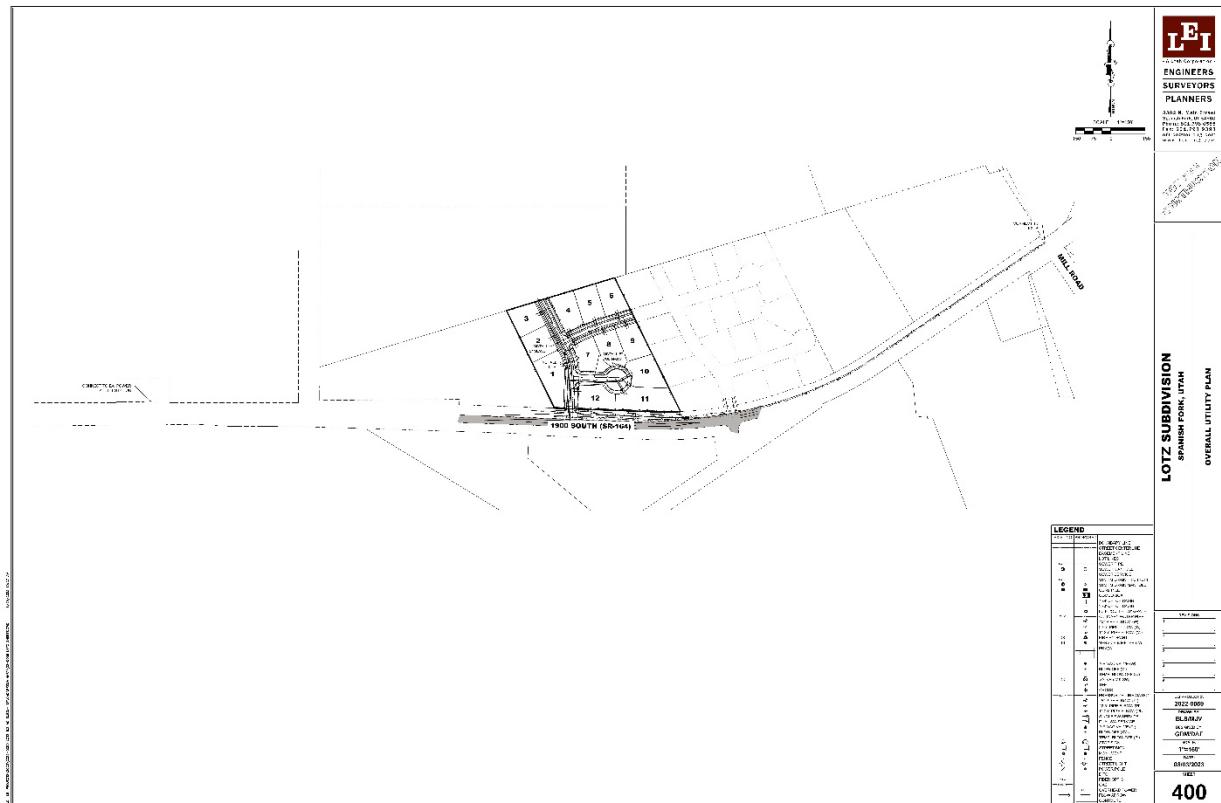
1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.

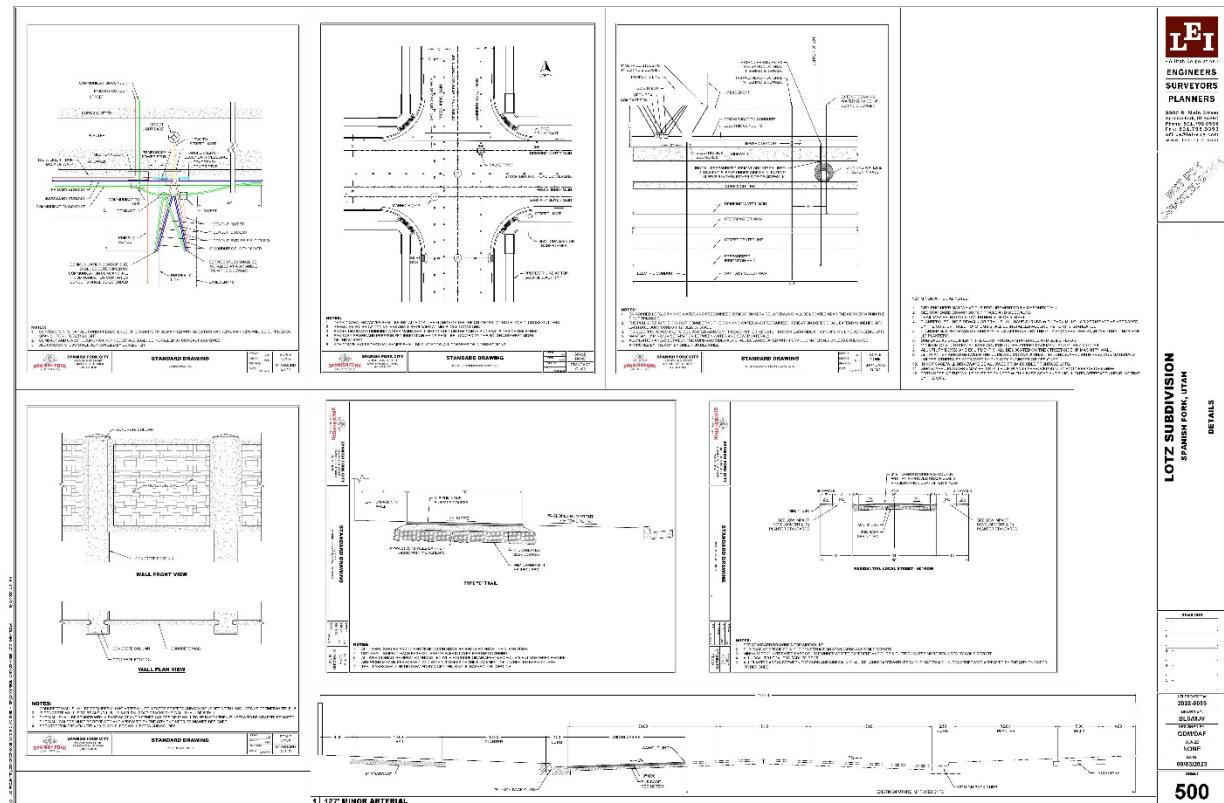
## Exhibits

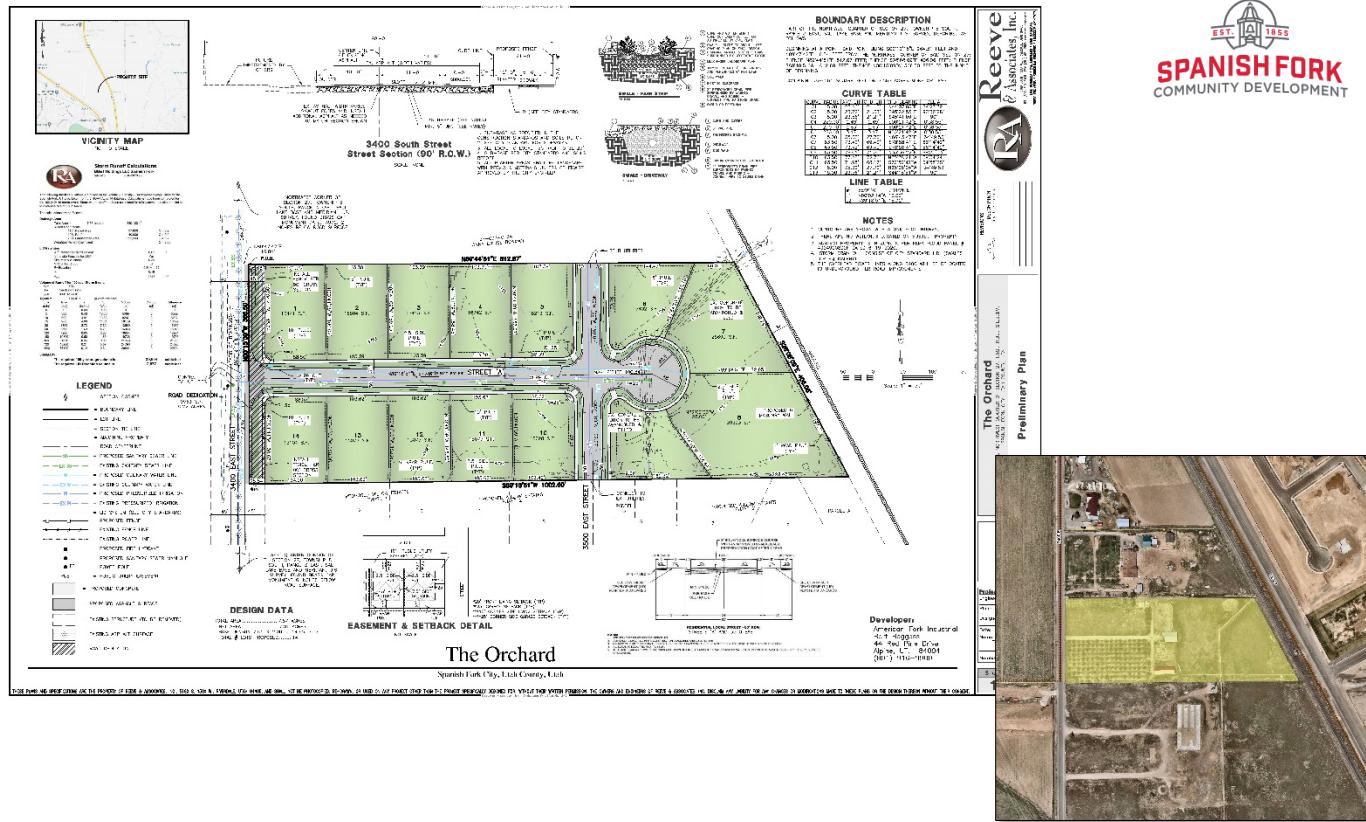
1. Preliminary Plat.

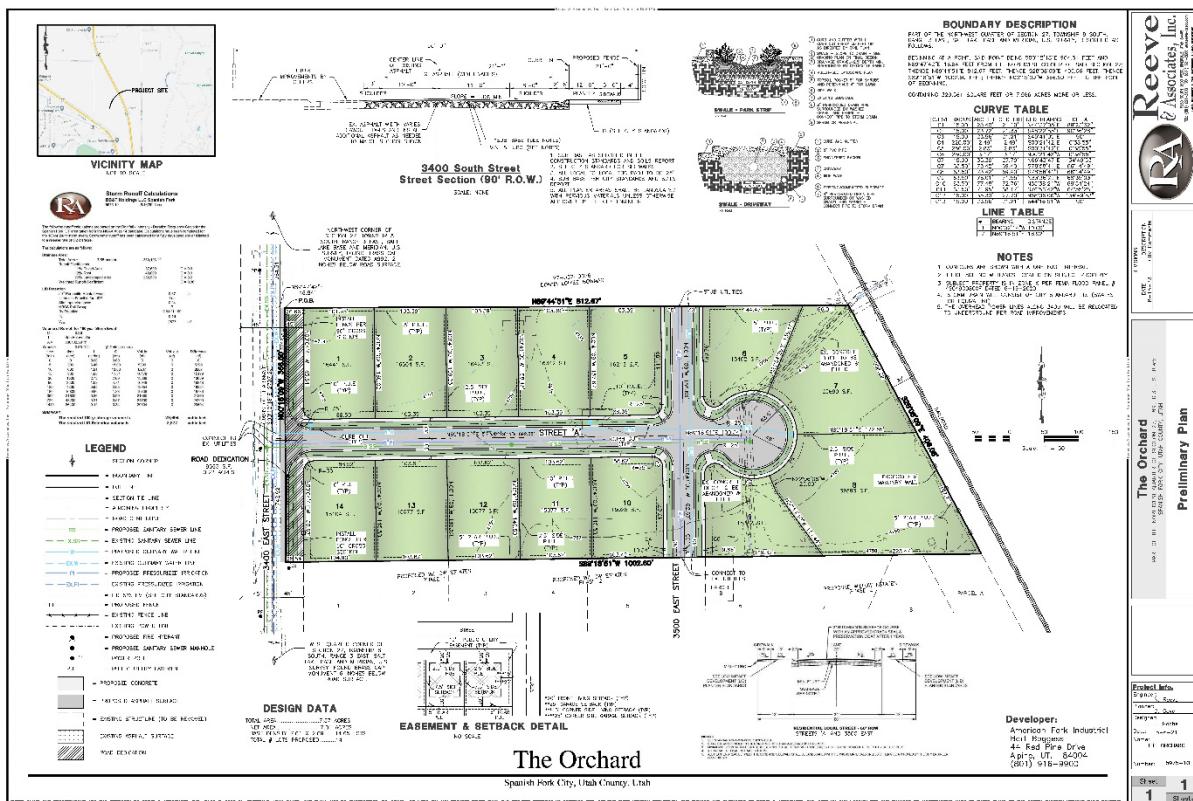


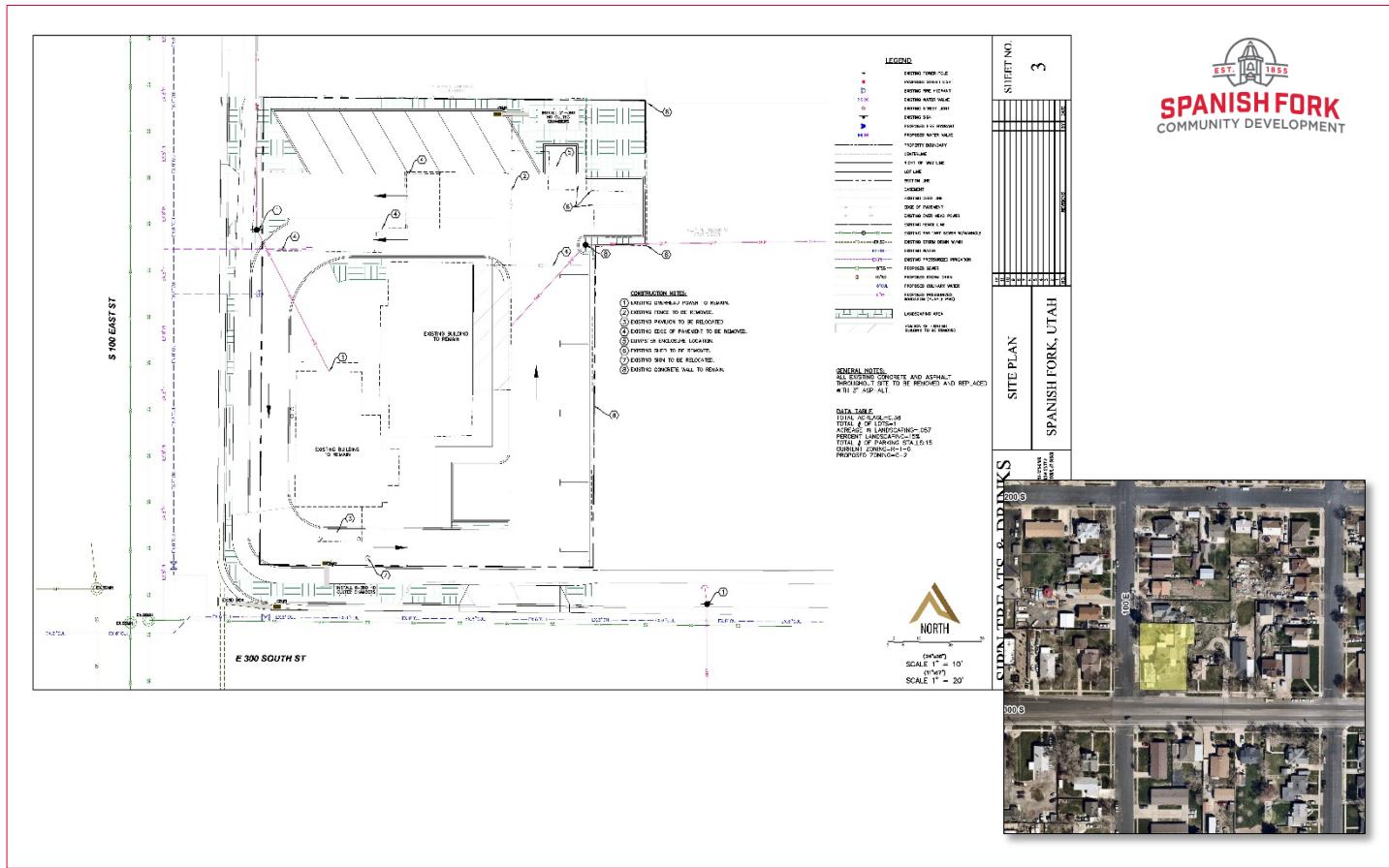












## **Sip'N Drinks and Treats Zone Change and Site Plan Approval Request**

October 4, 2023, Planning Commission meeting.

Located at 111 East 300 South, including 0.38 acres.

The subject property is zoned R-1-6. The General Plan designation is Mixed Use.

The applicant has requested that a Site Plan and Zone Change to C-2 with the Development Enhancement Overlay be approved.

## Key Issues

1. Circulation.
2. Landscaping.
3. Building Improvements.
4. Signage.

## Recommendation

That the proposed Site Plan and Zone Change be recommended for approval based on the following findings and subject to the following conditions.

## Findings

1. That the proposal conforms to the City's General Plan Designation and Zoning Map.
2. That the proposal conforms to the intent of the Development Enhancement Overlay by improving site circulation, enhancing the site's appearance, and improving screening between land uses.

## 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 addresses any building and site improvements before the proposal is reviewed by City Council.

## Exhibits

## 1. Site Plan.

**SIP'N TREATS & DRINKS**  
A COMMERCIAL SUBDIVISION  
SPANISH FORK, UTAH  
FINAL PLAN SET  
JULY 2023

**-SHEET INDEX-**

<b>SHEET</b>	<b>SHEET NAME</b>
1	COVER
2	OVERALL BOUNDARY
3	SITE PLAN
4	EXISTING TOPOGRAPHY
5	TBC PLAN
6	DRAINAGE PLAN
7	AUTO TURN EXHIBIT
DT-01	DETAIL SHEET
R.O.S	RECORD OF SURVEY

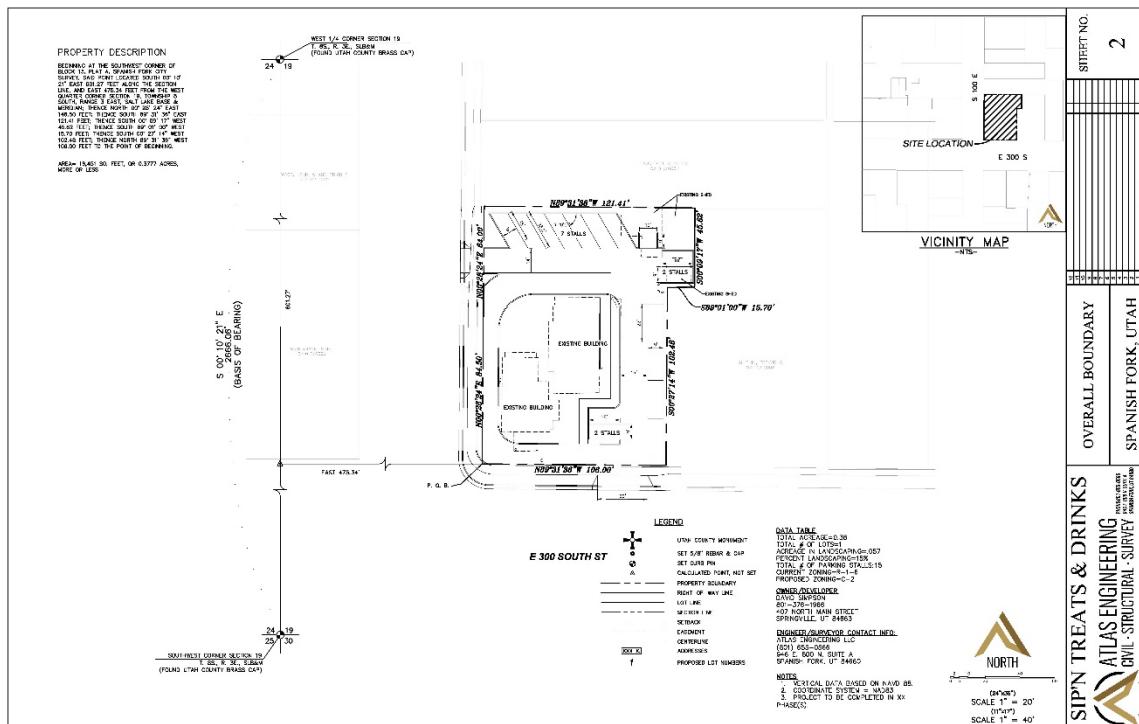
**CONTRACTOR'S NOTE:**  
THE SIZE, ELEVATION & LOCATIONS OF EXISTING IMPROVEMENTS AND UTILITIES SHOWN HEREIN ARE ASSUMED AN APPROXIMATELY SWORN BASED UPON THE FIELD DATA FROM THE SURVEY. ALL SIZES, LOCATIONS & TYPES TO BE APPROXIMATE. IF THERE ARE DIFFERENCES OR DISCREPANCIES, AT ANY PLACES, IN THE CONTRACTS TO DESIGN, CONSTRUCT, OR INSTALL THE IMPROVEMENTS, THE CONTRACTS ARE TO BE FOLLOWED. NO CHANGES IN THE DESIGN, CONSTRUCTION, OR INSTALLATION OF IMPROVEMENTS THAT ARE NOT IN ACCORDANCE WITH THE CONTRACTS MADE WITH THE OWNER OR WITH THE ENGINEER, ARE TO BE MADE. NO CHANGES IN THE DESIGN, CONSTRUCTION, OR INSTALLATION OF IMPROVEMENTS ARE TO BE MADE UNLESS THE CONTRACTOR IS ADVISED AND RESPONSIBILITY FOR ANY AND ALL EXISTING UTILITIES NOT SHOWN ON THE PLAN AND ASSESSED NO LIABILITY FOR FAILURE TO EXACTLY LOCATE ALL EXISTING UTILITIES, SHOULD THERE BE NONE.

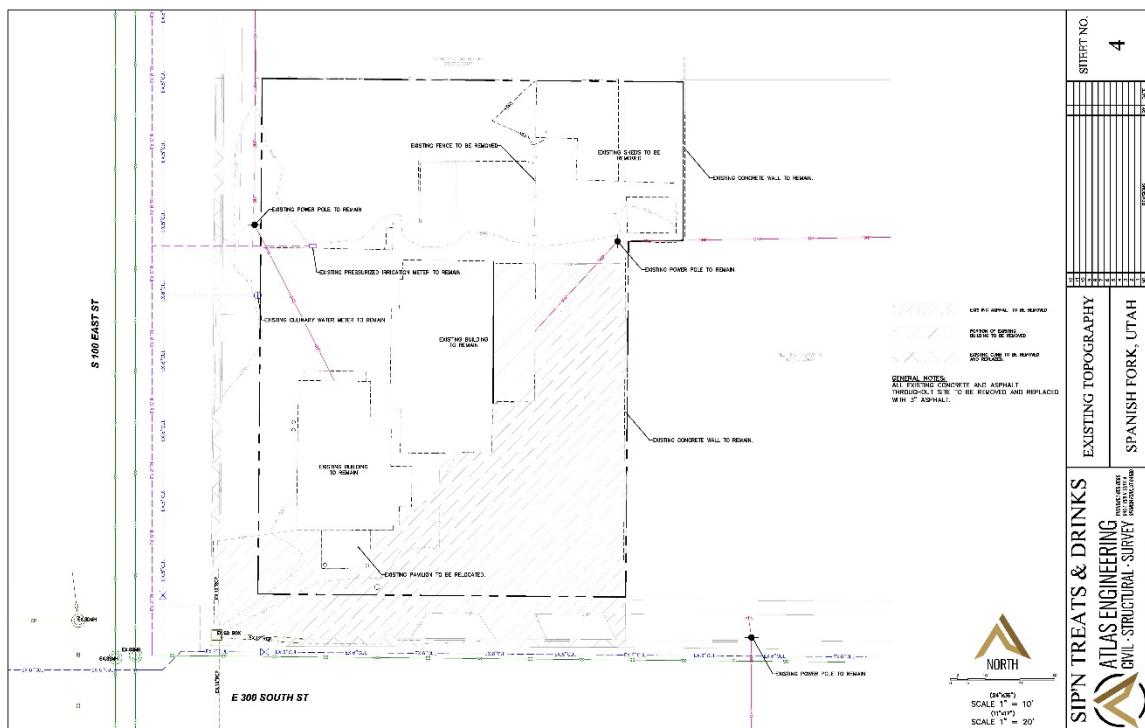
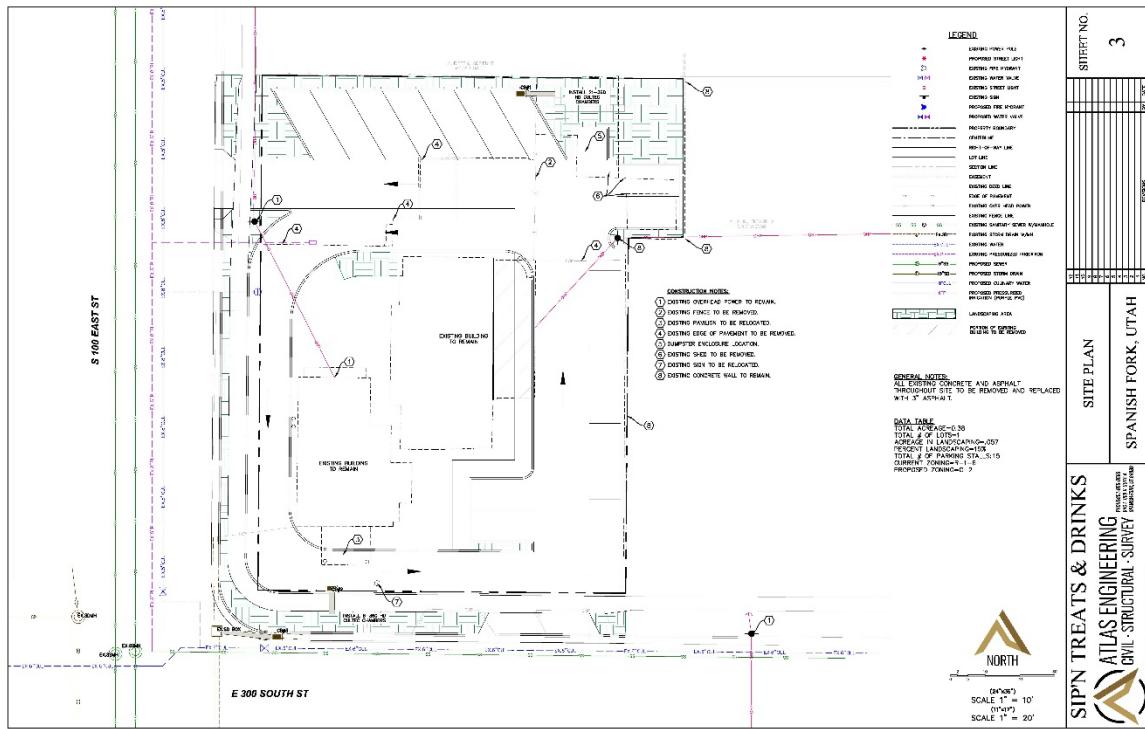
ENGINEER/SURVEYOR CONTACT INFO.: ATLAS ENGINEERING, LLC  
(812) 653-7466  
945 E. BODI N. SUITE A  
SPANISH FORK, UT 84660

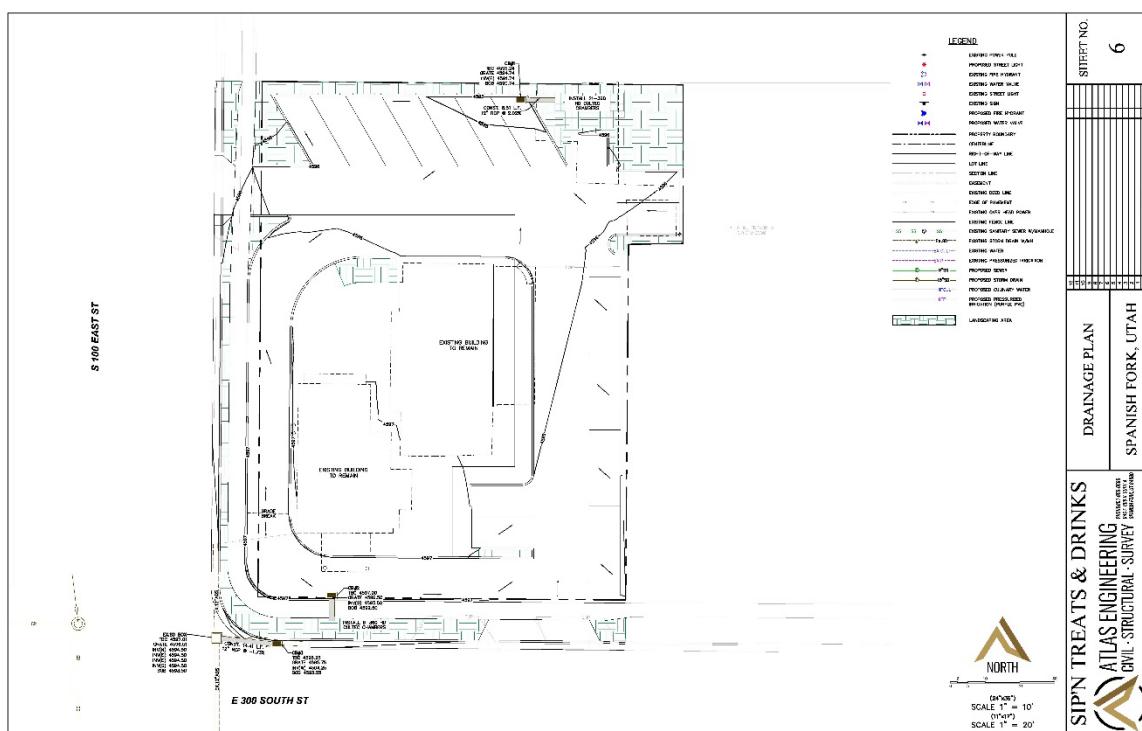
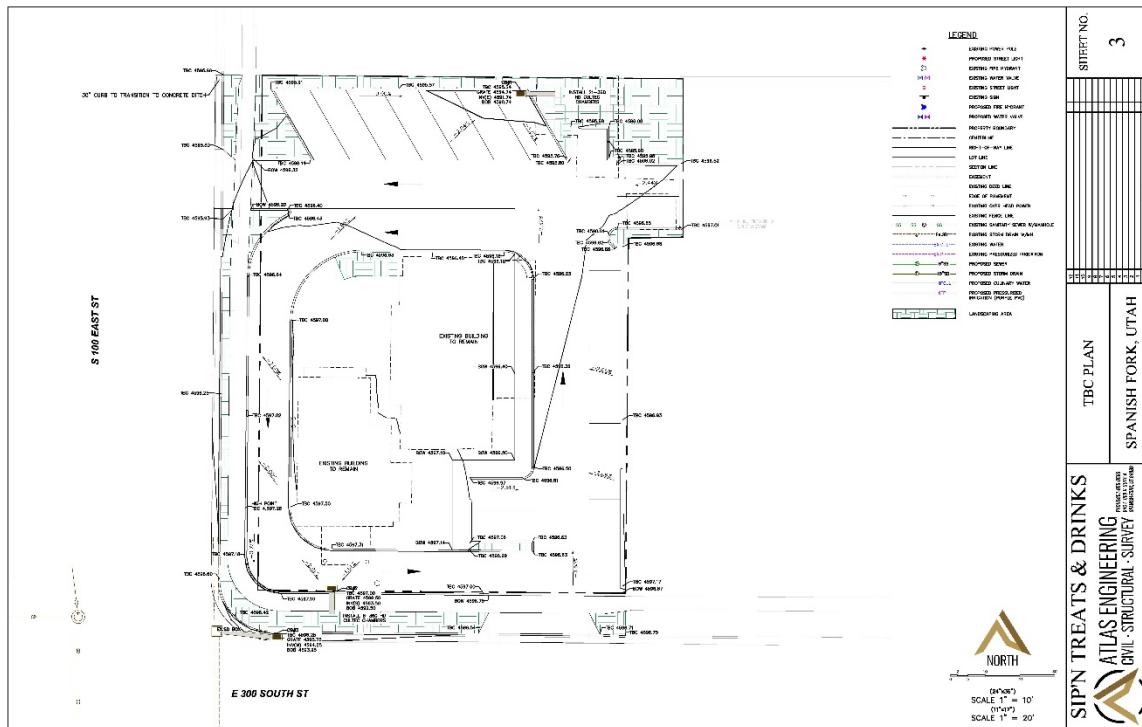
OWNER/DEVELOPER: DAVID W. PISON  
801-376-1965  
407 NORTH MAIN STREET  
SPRINGVILLE, UT 84663

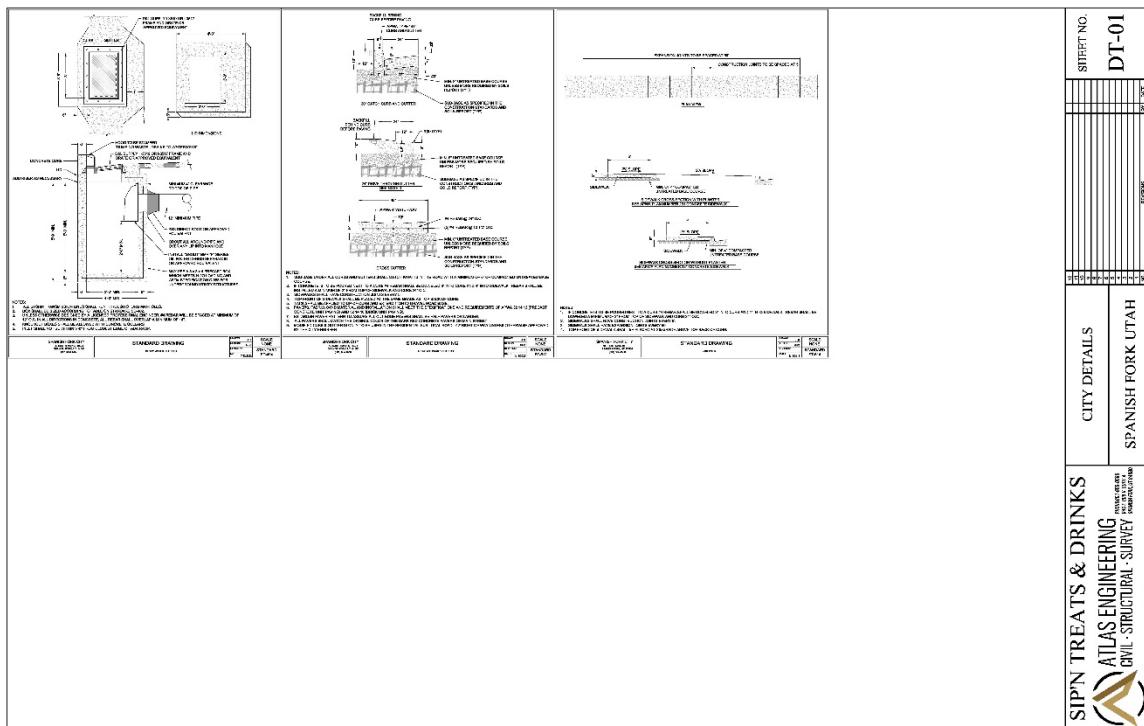
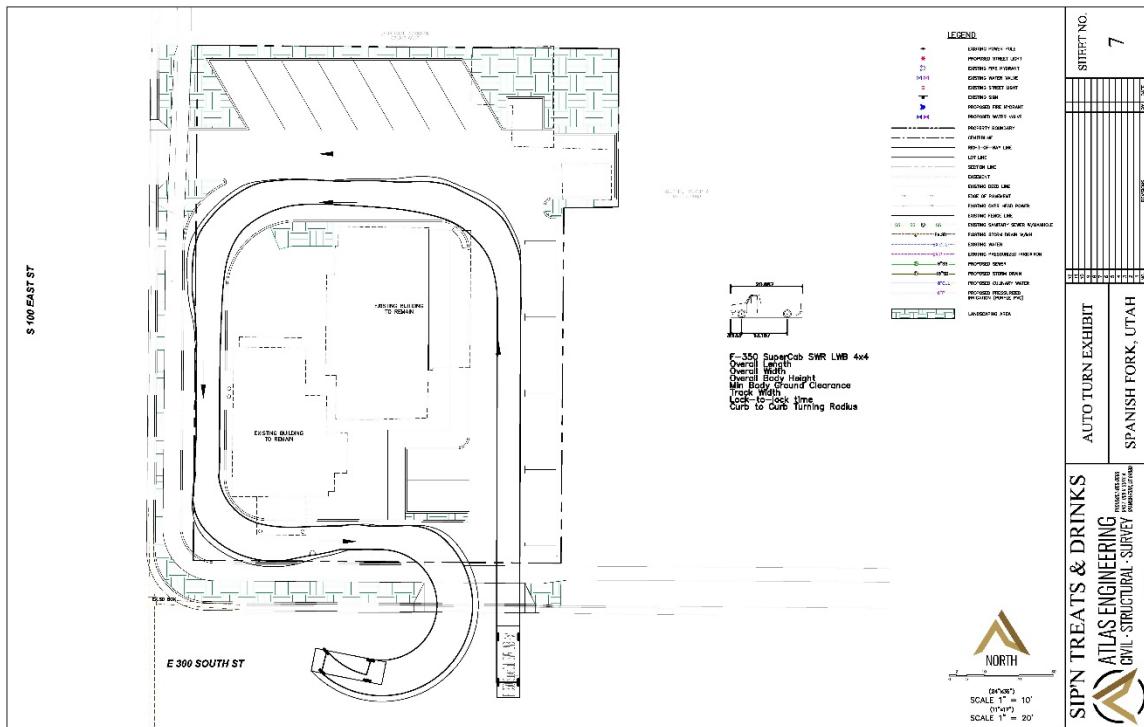
A map showing the site location (marked with a hatched rectangle) and surrounding landmarks. The landmarks include 'S 100 E', 'E 300 S', 'MURKIN', and 'VICINITY MAP'.

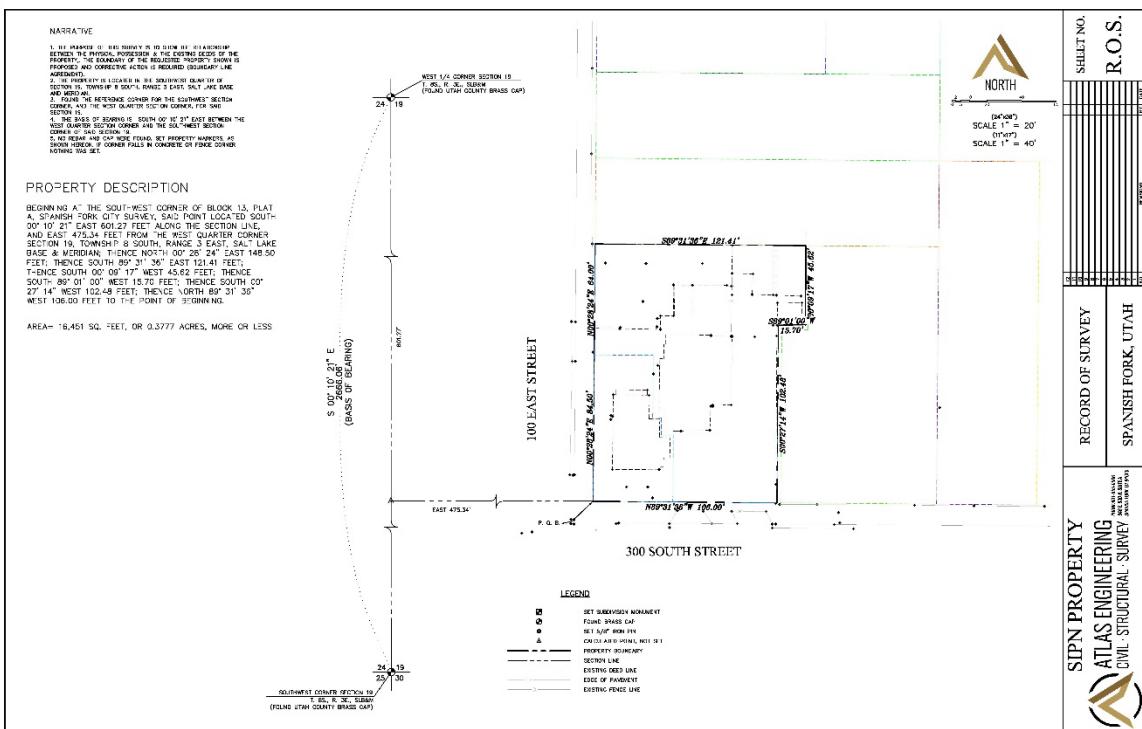
## SIP'N TREATS & DRINKS

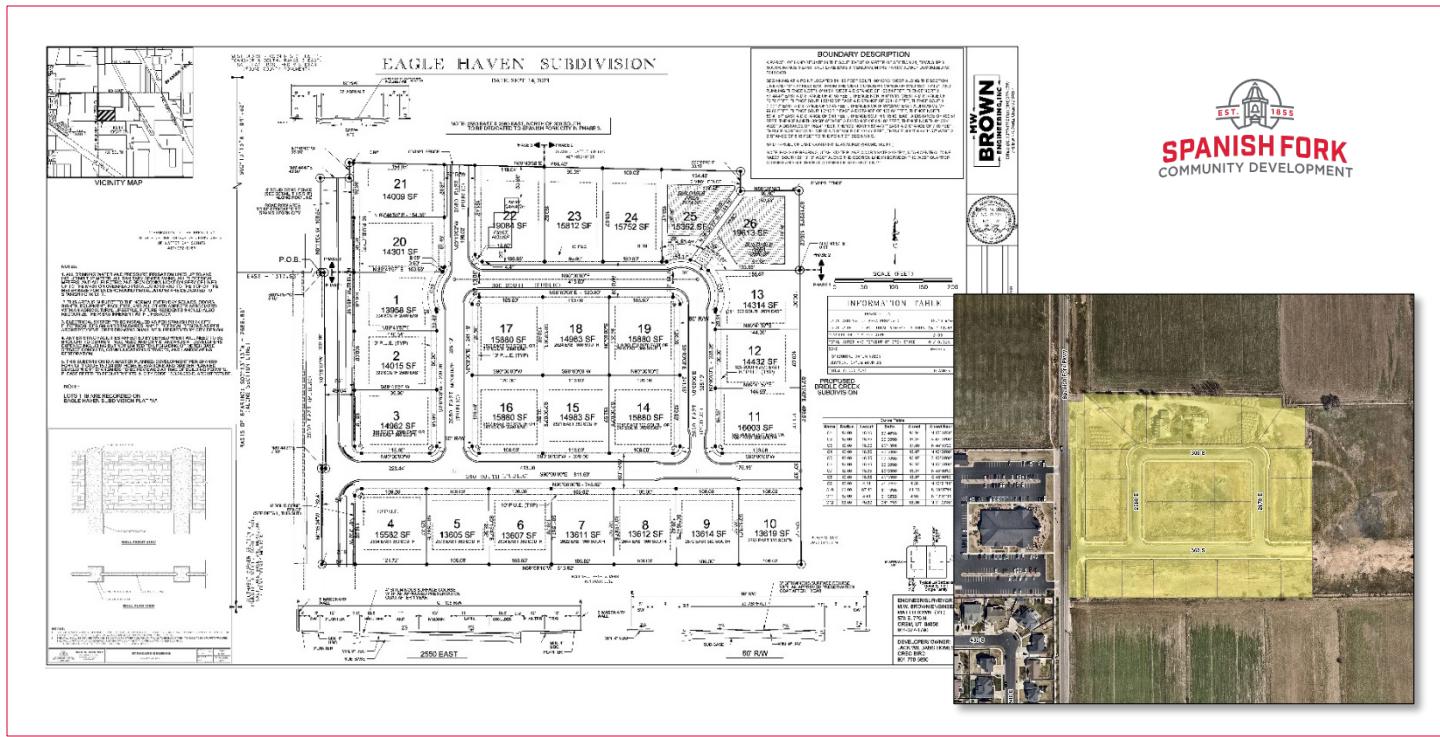












### Eagle Haven Amended Preliminary Plat Reapproval Request

October 4, 2023, Planning Commission meeting.

Located at 263 South Spanish Fork Parkway, including 12.43 acres.

The subject property is zoned R-1-15.

The applicant has requested that an Amended Preliminary Plat for a Master Planned Development be reapproved.

### Key Issues

1. Phasing.
2. Connectivity.
3. Utilities.
4. Road dedications.
5. Driveway Improvements.

### Recommendation

That the proposed Preliminary Plat Amendment for a Master Planned Development be recommended for reapproval based on the following finding and subject to the following conditions.

#### Finding

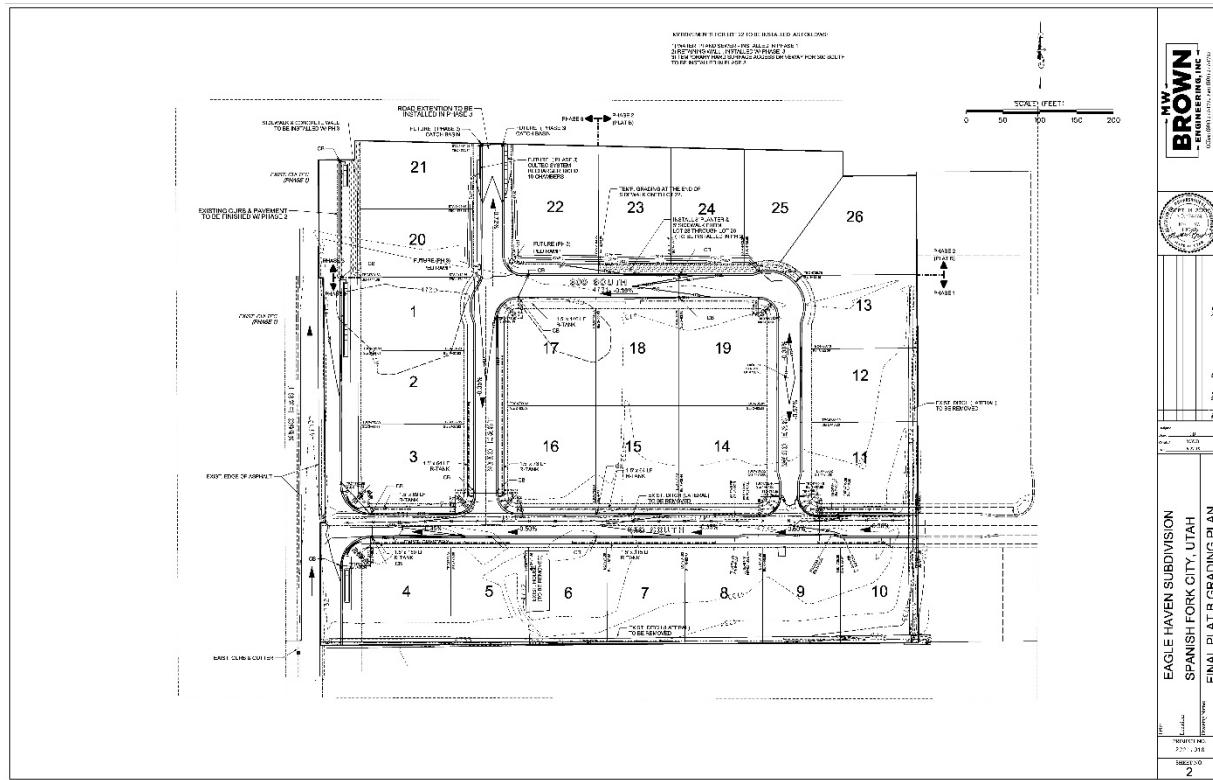
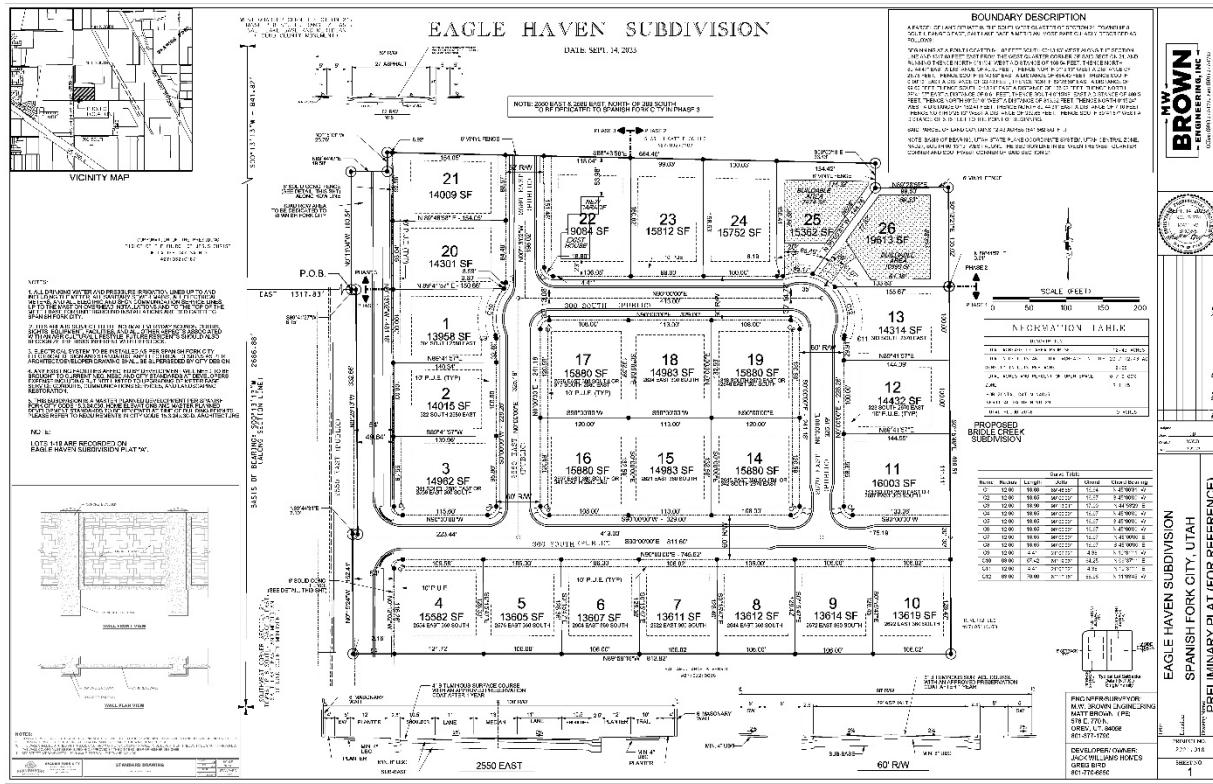
1. That the proposal conforms to the City's General Plan Designation and Zoning Map.

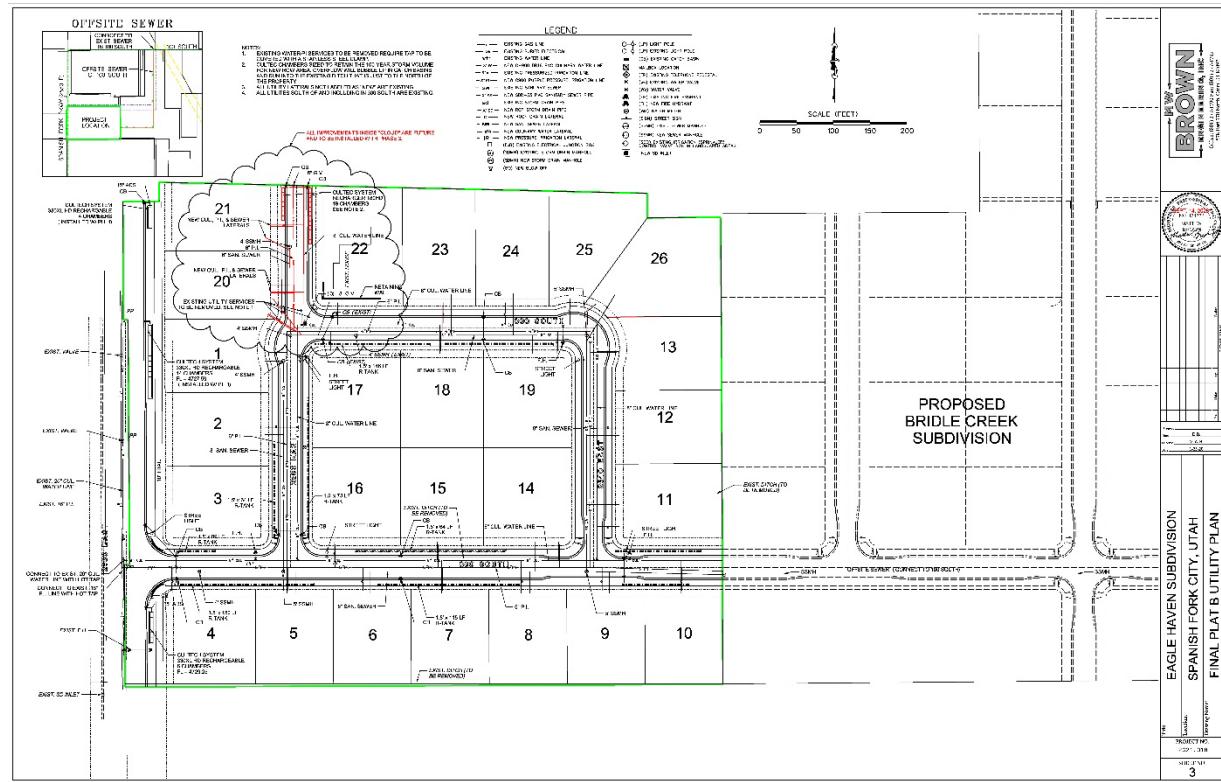
#### Conditions

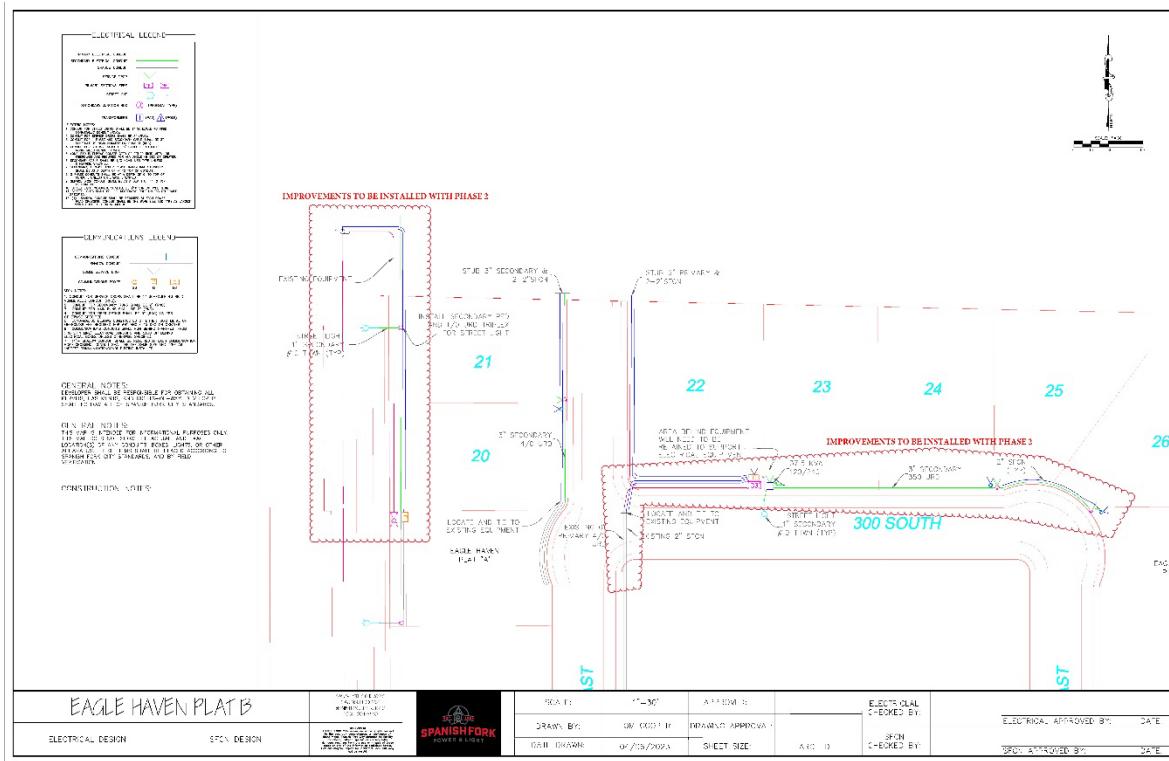
1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That the applicant complies with the standard setback requirements of the R-1-15 Zone.
4. That the applicant dedicates the right of way for Spanish Fork Parkway and dedicates a public easement for future 2580 East for roadway and utilities, which will bisect the property as it goes north, and that a notice of development obligations be placed on the remaining property which is shown as future lots 20, 21, and 22, which would indicate an approved Preliminary Plat for the property and that there are development obligations including building that street.

### Exhibits

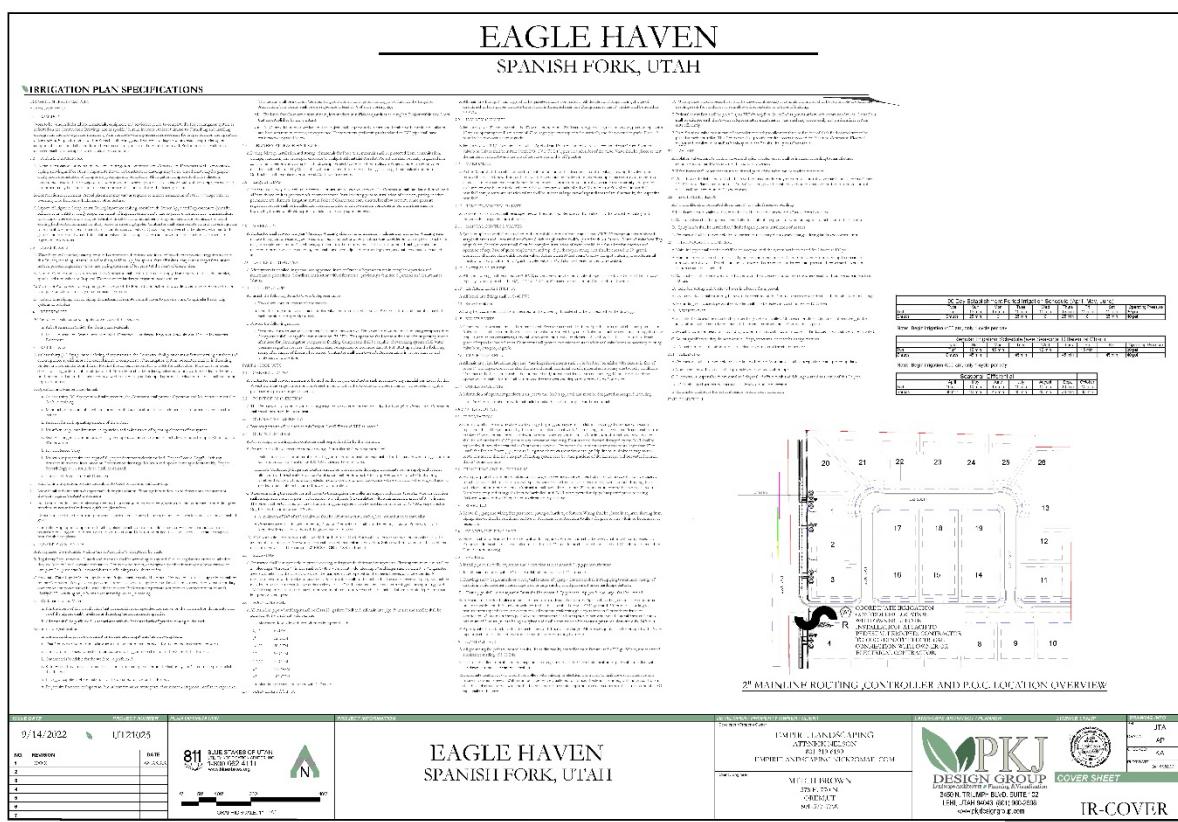
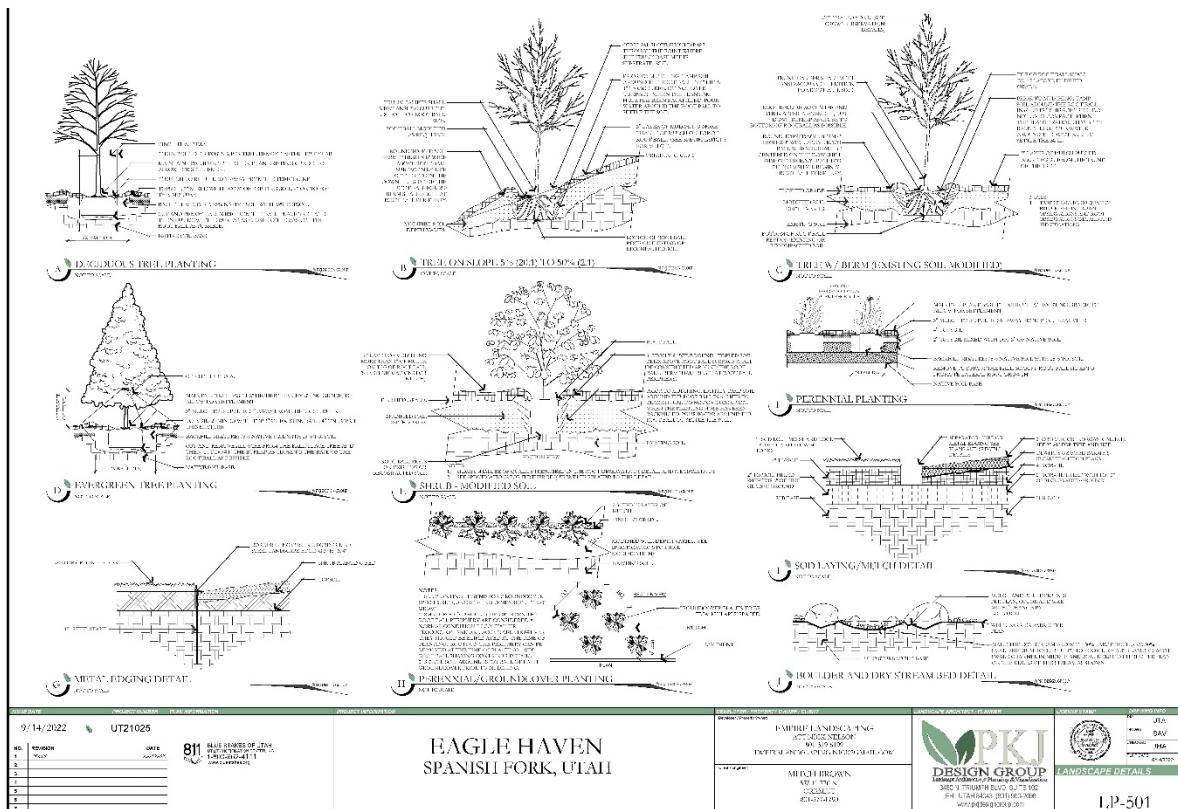
1. Preliminary Plat.
2. Landscaping Plan.

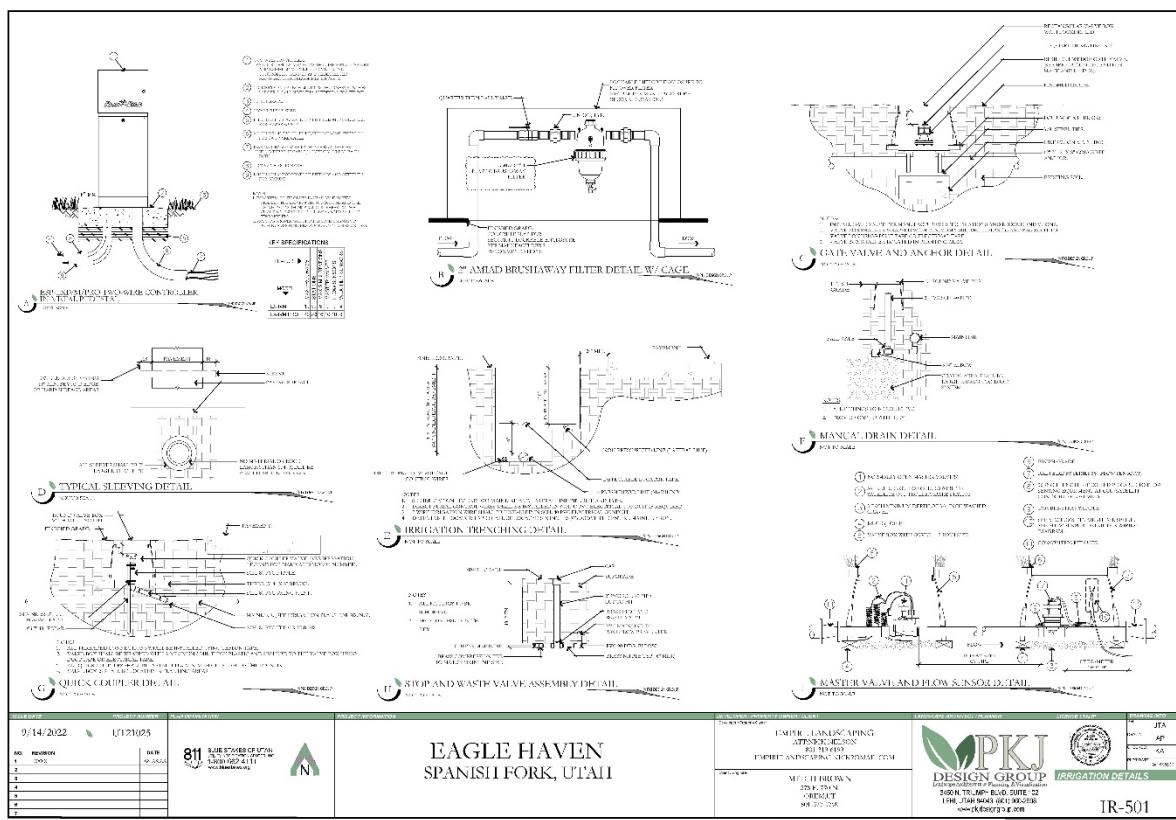
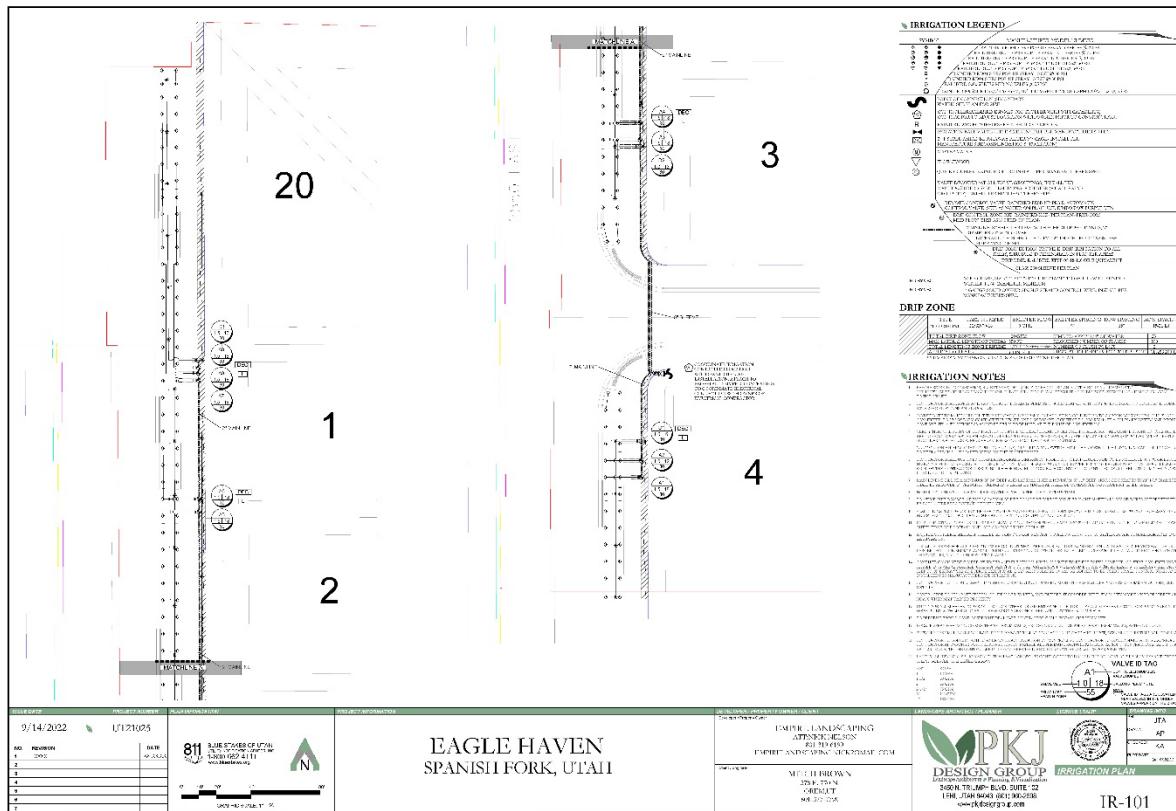


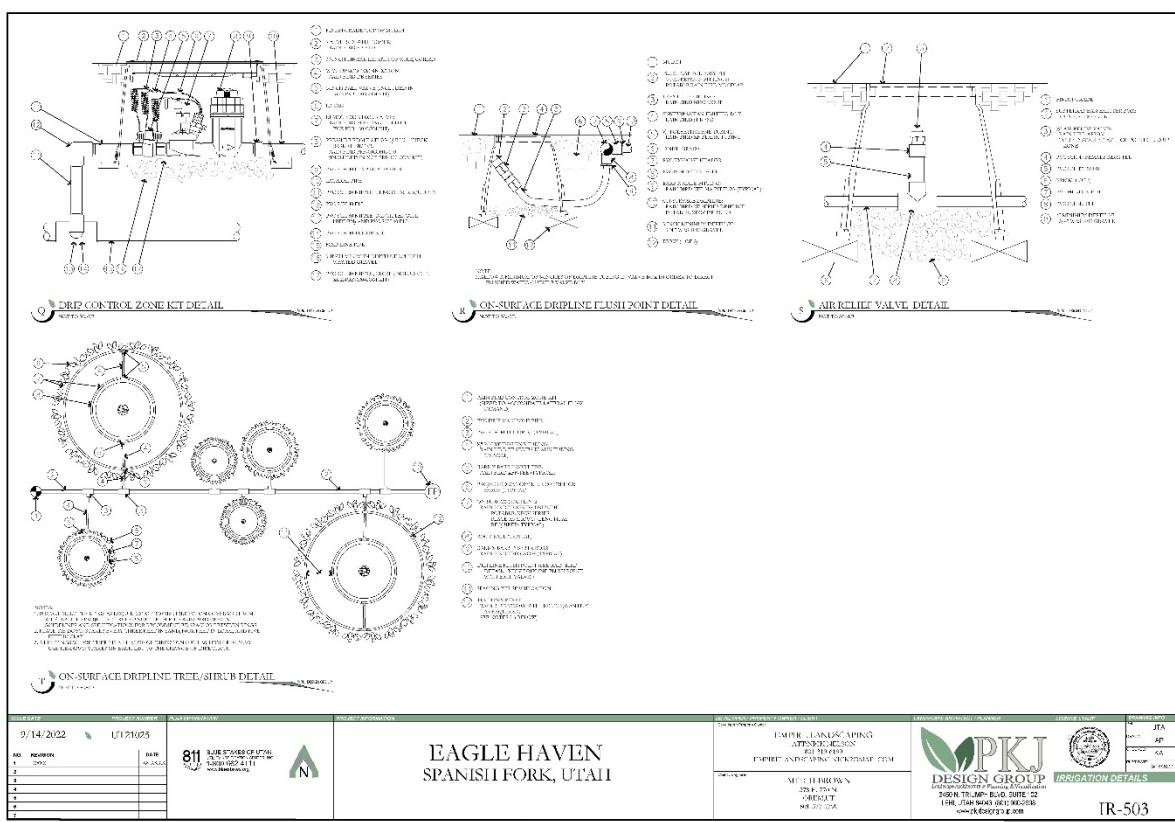
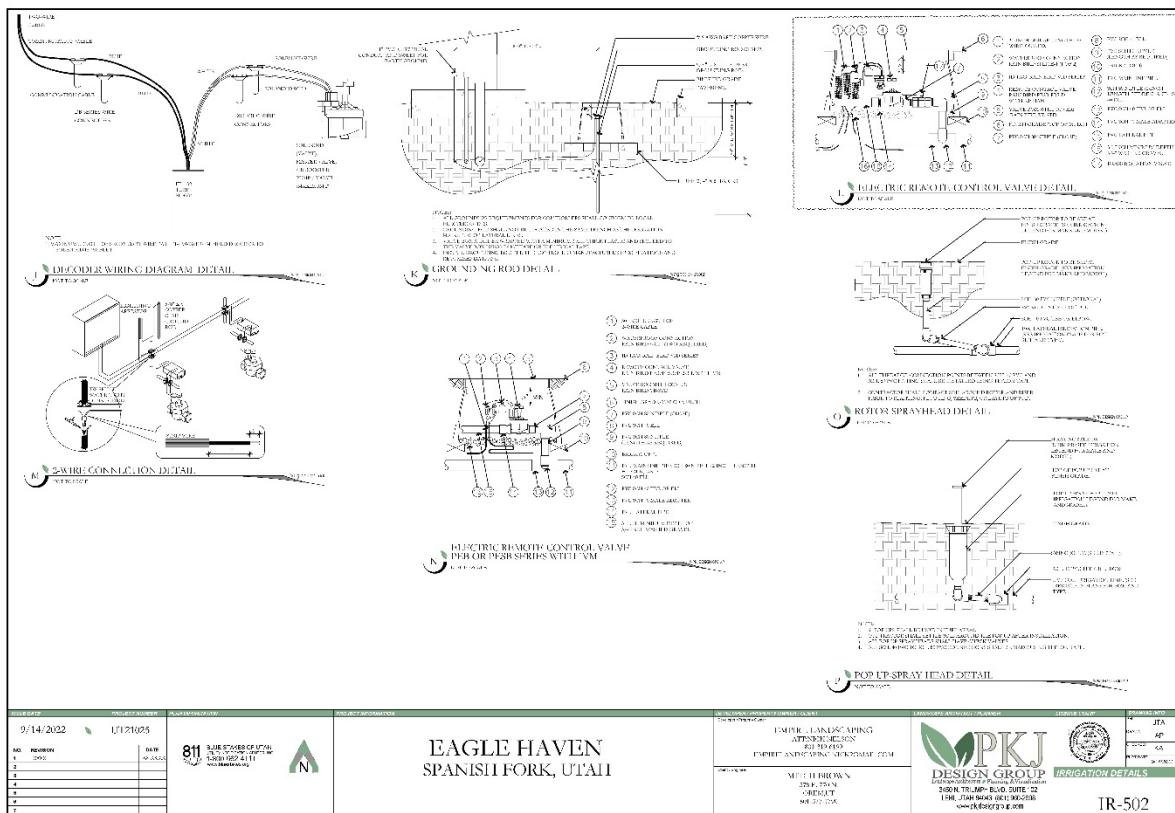












**TO:** Spanish Fork City Planning Commission

**FROM:** Community Development

**DATE:** October 4, 2023

**RE:** Proposed Changes to Title 15. Hillside Development

This correspondence contains proposed changes to Title 15. The applicant's proposed changes are attached as Exhibit "A". Related materials provided by the applicant are attached as Exhibit "B". The proposed changes are found below.

The changes proposed by the applicant would allow for further hillside development activity than currently permitted. The Development Review Committee reviewed the proposed changes on September 27, 2023, and recommended that no changes be made to the Municipal Code(s).

**Current Municipal Codes (with section proposed to be amended underlined and highlighted below):**

**15.4.16.170 Hillside Development**

- A. **Introduction.** The procedures contained in this section are provided to give direction to consultants as to when slope stability analysis should be completed and minimum general guidelines for completing the analysis. Additional effort above and beyond these requirements may be required based on site specific constraints and characteristics.
- B. **Purpose and Intent.** The standards, guidelines and criteria of this section are intended to:
  1. Protect the public from flooding, erosion and other environmental hazards that may result from the development of sensitive hillsides;
  2. Minimize the threat and consequential damage of fire in hillside areas;
  3. Preserve natural vegetation, geologic features, wildlife habitat and open space;
  4. Minimize the amount of grading and earthwork, including street excavation and site grading;
  5. Design and construct roads, where necessary, in such a way as to minimize scars from cuts and fills and to avoid permanent scarring of hillsides and other sensitive land areas, and to make them easily accessible for fire protection, snow removal, school buses, and emergency vehicles; and
  6. Preserve and enhance visual and environmental quality.

C. **Slopes.** Any land or parcel having a slope greater than or equal to 3H:1V shall be deemed to be land having a "steep slope" within the meaning of this section. Close proximity to a steep slope shall be defined as the horizontal distance from the slope which is less than or equal to the vertical distance from the crest of the slope to the toe of the slope. No person shall be permitted to grade, excavate, fill, erect any structure, or otherwise disturb an undisturbed hillside area that exceeds a 3H:1V slope. Any person proposing to grade, excavate, fill or to erect any structure on any slope or hillside with a slope between 4H:1V and 3H:1V or within close proximity to a slope greater than or equal to 4H:1V, shall be required to submit a site-specific geotechnical report with a slope stability analysis. Other areas that require a slope stability analysis are discussed in paragraph H below. The City will have that report reviewed by its own geotechnical engineer. The cost of that review will be borne by the applicant.

Prior to any excavation, cutting, or filling on slopes in excess of 10H:1V, a land disturbance permit shall be obtained from the City. Prior to issuing the permit, the City will have qualified professionals review the plans to ensure public safety and to take precautions against potential slides. The type and number of professionals will be determined by the City Engineer on a case by case basis. The cost of the professional review will be borne by the applicant. In no case will construction be allowed in, above, below, or laterally within 200 feet of a landslide, debris flow, or potential debris flow.

Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible, as determined in the sole discretion of the City Engineer. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Maintenance of cut and fill slopes outside of street rights-of-way are the responsibility of the individual property owner. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot. Cut and fill slopes shall not be allowed to disrupt existing drainage channels.

The current version of the Building Code adopted by the Utah Uniform Building Code Commission regulating excavation and grading shall be complied with.

D. **Building Sites.** Each building lot shall contain a buildable area of not less than 4,000 square feet with a natural slope that is less than 3H:1V. The buildable area shall have minimum length and depth dimensions of 50 feet.

No structure, primary or accessory, shall be located within 20 feet of a 3H:1V slope. No slope in excess of 10H:1V shall be disrupted without first obtaining a land disturbance permit, described in paragraph D.

An exception to these building site requirements is granted for existing building lots in platted and recorded subdivisions, provided that each lot, prior to construction, provide the

geotechnical report required in paragraph A, and as described in more detail in the Construction Standards.

E. **Drainage.** Required storm water runoff collection facilities shall be designed so as to retain storm water runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods. Retainage amounts and times shall mirror historical amounts and times.

Required storm water runoff collection facilities shall be so designed as to divert surface water away from natural slopes, cut faces, or sloping surfaces of a fill. French drains are not acceptable.

Storm water detention or retention facilities should not be placed near the crest of natural or manmade slopes.

Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.

Natural drainage shall be rip-rapped or otherwise stabilized to the satisfaction of the City Engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.

Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

F. **Vegetation and Revegetation.** Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.

Areas not contained within lot boundaries shall be protected with adapted, fire-resistant species of perennial vegetation cover after all construction is completed. New planting shall be protected with organic cover.

All disturbed soil surfaces shall be stabilized before final acceptance of the development by the City. The developer shall be fully responsible for any destruction of native vegetation which is required to be retained in all areas under the ownership and control of the developer. The developer shall carry the responsibility for such areas both for the developer's own employees and for all subcontractors from the first day of construction until final acceptance of the development by the City. The developer shall be responsible for replacing such destroyed vegetation.

Prior to the termination of the development improvements bond, any dead plant materials required to be installed by the developer shall be replaced and a new bond issued to assure establishment of the replaced materials.

**G. Areas Requiring Slope Stability Analysis.** Slope stability analysis shall be performed for all sites meeting the following criteria:

1. Cut or fill slopes at or steeper than 3H:1V and 20 feet or taller in vertical height.
2. Natural slopes at or greater than 4H:1V but less than 3H:1V, and 20 feet or taller in vertical height. Natural slopes at or steeper than 3H:1V shall not be disturbed without the Development Review Committee's approval. A slope exceeding 3H:1V may be disturbed if the hillside is determined to have existing, potentially adverse geologic conditions, in which case the City Engineer or his/her designee may approve remediation efforts.
3. Natural and cut slopes with potentially adverse geologic conditions such as bedding, foliation, or other features that could present slope stability issues.
4. Natural and engineered slopes that are potentially impacted by a geologic hazard such as a landslide, irrespective of the slope height or gradient.
5. Buttresses and stability fills.
6. Cut, fill or natural slopes for water retention basins or flood-control channels.

**H. Slope Stability Analysis Requirements.**

1. Slope stability analyses should consider off-property conditions above and below the slope being evaluated. Analysis should demonstrate that the proposed hillside development will not affect adjacent sites or limit adjacent property owner's ability to develop their site.
2. A licensed, experienced geotechnical engineer and licensed, experienced geologist should be used to complete all slope stability analyses. The geologist and geotechnical engineer should collaborate their efforts to develop a rational subsurface model, ground motion parameters and soil strengths. The geotechnical engineer should perform the stability calculations, the geologist shall interpret geologic data and prepare the subsurface model (geologic cross section), and both shall stamp the final report.
3. Except for the derivation of the input ground motion for pseudo-static and seismic deformation analyses, slope stability analysis and evaluations should be performed in general accordance with Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California (Blake et al. 2002).
4. Static and pseudo-static slope stability should be completed using limit-equilibrium software such as SLIDE, SLOPE/W or another similar program. Analysis method chosen (circular, block, etc.) should be best suited toward the specific site and geologic conditions. Subsurface conditions in the model should represent worst-case anticipated conditions with regards to groundwater elevation and moisture content characteristics of the soil.

5. Design ground motions for use in the pseudo-static and seismic deformation analysis should be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the currently adopted IBC. Seismic analysis of a slope may be performed using the pseudo-approach. An appropriate seismic coefficient should be selected based on a rational approach, such as Blake et. al 2002, Hynes and Franklin 1984, or a similar published and generally accepted procedure. A rational basis for selection of seismic coefficient (e.g. probabilistic ground motion, Site Class, etc.) shall be clearly presented in the final report.
6. For situations where unacceptable factors of safety are determined or when the site contains other constraints such as long shallow failures, a permanent slope deformation analysis should be performed. Estimates of permanent seismic displacement should be performed using the procedures outlined in Bray and Travesarou (2007). For this and other screening procedures, the calculated seismic displacements shall be 5 cm or less for a slope or proposed mitigation measure.
7. The minimum acceptable factor of safety for static slope stability is 1.5. The minimum acceptable factor of safety for pseudo-static slope stability is 1.0. These are the minimums required by the City; based on actual conditions and the uncertainties associated with the site, the Geotechnical Engineer may select higher factors of safety, as deemed appropriate.
8. Adequate evaluation of slope stability for a given site requires a thorough and comprehensive geologic and geotechnical engineering investigation. The investigation should include but may not be limited to the following: review of available published geologic information (including maps, reports, and historic air photos), geologic field mapping, subsurface exploration, groundwater elevation determination and accurate soil profile characterization. Borings should extend to a depth of at least  $\frac{3}{4}$  of the height of the slope at a minimum and preferably the full height of the slope (this requirement may be waived if the geology is clearly exposed on the slope face). Deeper borings may be required based on the site conditions and proposed construction. Test pits may be allowed, particularly for shorter slopes, if access can be obtained to allow placement of the test pits near the top, bottom and middle of the slope so as to provide an accurate characterization of the soil profile, and geologic conditions allow a reasonable geologic interpretation of the entire slope based on the earth materials exposed in the test pits.
9. Accurate soil parameters are critical to providing a reliable slope stability analysis. Samples should be obtained from each soil strata of reasonably different engineering characteristics and appropriate laboratory tests completed to determine parameters for shear strength (friction angle and cohesion) and unit weight for each layer. In the case of landslide deposits tests to assess residual shear strengths should be performed in suspected shear zones to obtain accurate soil information. Direct shear, ring shear, simple shear, or triaxial shear tests (as appropriate) should be completed to obtain shear strength parameters. For unconsolidated granular soils, in-situ testing (e.g. SPT, CPT) may also be used to develop soil strength profiles.

- I. **Streets and Driveways.** All streets within a hillside area shall be designed to meet the standards required for streets in all other areas of the City. Street and driveway grades shall not exceed 8%, unless authorized by the City Engineer. The City Engineer may not authorize street or driveway grades in excess of 12%.
- J. **Submittals.** Submittals for review shall include report text that should contain a summary of the analysis along with conclusions and recommendations based on the data presented. As a minimum, all reports should include the following element:
  1. Slope stability modeling – basis for model, input data, and graphic output.
  2. Boring and/or test pit logs.
  3. Geologic cross sections prepared by a licensed geologist (graphic output from a limit equilibrium software will not be accepted as a substitute for a geologic cross section). Subsurface geologic and groundwater conditions must be illustrated on geologic cross sections and must be utilized by the Geotechnical Engineer for the slope stability analyses.
  4. A local geology map presenting the results of field mapping and literature review. The map should be prepared at an appropriate scale (generally no smaller than 1"=100', larger is preferred), and should show geologic units, geologic structures/orientations, proposed and existing grades, and the location of the geologic cross-sections.
  5. Laboratory data including shear strength plots.
  6. Computer input and output files for the slope stability analysis.

- K. **Fire Protection.** Lot size and potential placement of buildings thereon shall be such that adequate clearance from combustible materials is provided, as determined by the City's Fire Marshal.

All easements for firebreaks for safety of built-up areas shall encompass access for firefighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded with the plat, or by easement if there is no plat.

The inability to provide water pressure at fire hydrants consistent with the standards set by the Insurance Service Organization for fighting fires shall be justification for denial of a development request.

**Exhibit "A"****15.4.16.170 Hillside Development**

Proposed additions / changes to current ordinance:

**Current ordinance:**

No person shall be permitted to grade, excavate, fill, erect any structure or otherwise disturb an undisturbed hillside area that exceeds a 3H:1V slope.

**Proposed change:**

Grading, excavating, placing fill, erecting any structure, or otherwise disturbing an undisturbed hillside area that exceeds a 3H:1V slope will only be allowed if the following conditions are provided to and approved by the City Engineer:

1. Site Plan performed by a licensed civil engineer in the State of Utah. The Site Plan must include the following:
  - a. Recommendations listed in the Geotechnical Report (see below)
  - b. Location(s) of existing and proposed structures
  - c. Slope protection (areas to remain undisturbed)
  - d. Existing and proposed topography using contours at 2-foot intervals
  - e. Grading & drainage
  - f. Retaining walls
2. Geotechnical Report performed by a licensed geotechnical engineer in the State of Utah. The geotechnical report must include the following:
  - a. Strength of existing soils
  - b. Global slope stability for elements of the proposed project
  - c. Identification of any areas of deformation with respect to active faults and/or mass movements of soil or rock
  - d. Identification of areas with debris and flood flow hazards, including alluvial fans
  - e. Identification of anomalies in geological materials of the site that would have a potentially negative impact to the proposed development of the site
  - f. Recommendations for proposed site construction to mitigate the geotechnical hazards identified above
3. Any subdivision that has been approved by the City, having steeper slopes than 3H:1V, shall have a note on the approved plat stating that "the approved buildable lots have steep slopes and an individual lot Site Plan will be required as part of any building permit issued for these lots"
4. Compaction is measured as a percentage of optimum consolidation of backfill material being utilized behind a structural retaining wall for excessive sloped property stabilization. Foundation and infill soils shall require compaction of a minimum of 90% proctor of the soil's maximum density. The most important step in achieving proper compaction is the placement of backfill soil in lifts. A minimum of 2-foot lifts incorporated with sufficient moisture content will ensure that the maximum 90% proctor density shall be achieved. A minimum of 6 inches of gravel backfill behind the retaining wall is required for drainage. Compaction equipment must be sized according to the type and quantity of backfill material being compacted. The internal and external stability shall be the responsibility of the Project Contractor. The global stability and design of the retaining wall shall

be the responsibility of the Project's Licensed Structural Engineer. The Contractor shall use the information supplied in the contract documents including but not limited to the plans and geotechnical report when constructing the retaining wall and backfill compaction. The design for internal retaining wall stability by the Project Structural Engineer shall include connection strength design. Retaining wall design shall present maximum tension capacity, soil overburden pressure, and horizontal pressure at each reinforcement level, pullout capacity at each reinforcement level, the length of embedment in the resisting zone, and the total length of reinforcement at each level. The design for the external stability shall include applied bearing pressure, overturning, sliding, and stability of temporary construction slopes.

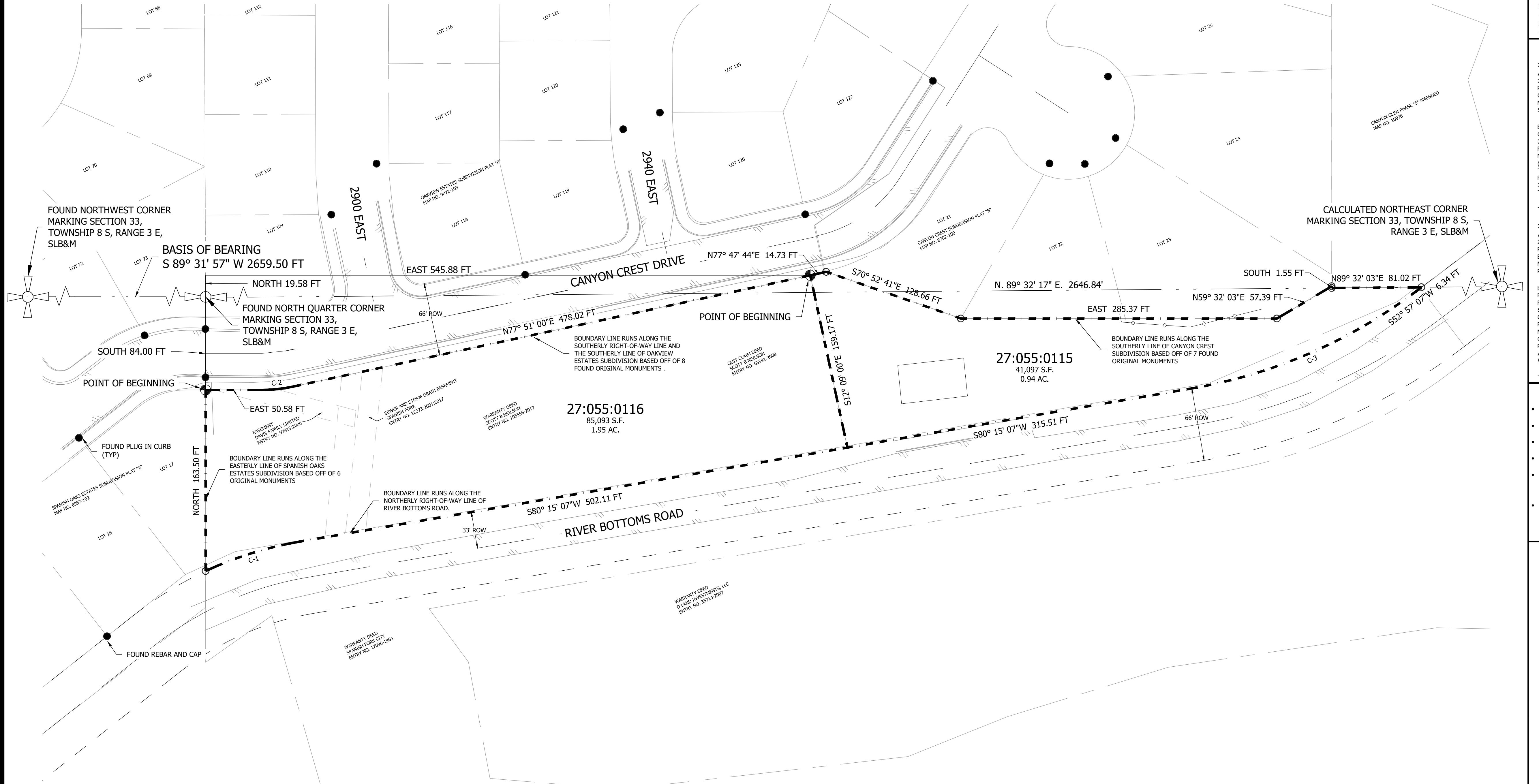
**Exhibit "B"**

**15.4.16.170 Hillside Development**

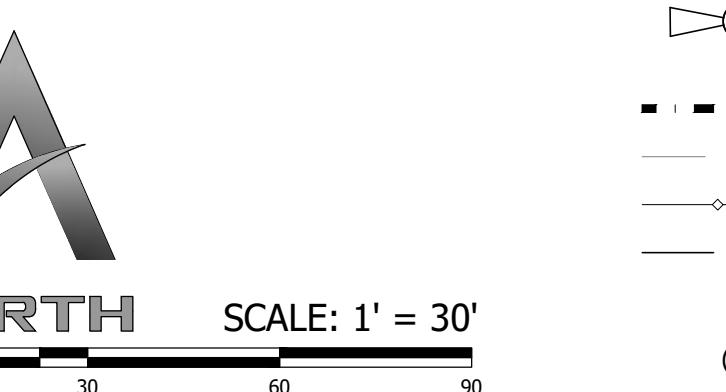
(Attached documents and images provided by the applicant.)

# BOUNDARY SURVEY

E $\frac{1}{4}$  OF SECTION 28 AND NE $\frac{1}{4}$  OF SECTION 33,  
TOWNSHIP 8 SOUTH, RANGE 3 EAST,  
SALT LAKE BASE AND MERIDIAN



## END



Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C1	88.84	333.00	15.29	88.58	S72° 36' 33"W
C2	28.20	133.00	12.15	28.15	N83° 55' 30"E
C3	222.51	467.00	27.30	220.42	S66° 36' 07"W

# SURVEYOR'S NARRATIVE

THE INTENT OF THIS PLAT AND THE SURVEY ON WHICH IT IS BASED TO CORRECTLY REPRESENT THE BOUNDARY LINES PROPERTY CORNERS OF THE SURVEYED PARCEL AND TO SHOW EXISTING IMPROVEMENTS OF THE SUBJECT PARCEL AS TESTED BY SCOTT NEILSON. THE BASIS OF BEARING FOR THIS SURVEY IS S. 89°31'57" E 2659.50 FEET BETWEEN THE NORTH CENTER CORNER AND THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MOUNTAIN. THE FIELD DATA WAS COLLECTED 06-04-2021 WITH A TRIMBLE R-8 RECEIVER CONNECTED VIA CELLULAR DEVICE TO THE TRIMBLE VIRTUAL REFERENCE NETWORK OF GPS BASE STATIONS, A TRIMBLE PIVOT VIRTUAL REFERENCE SYSTEM MANAGED BY THE A.G.R.C. (AUTOMATED GEOGRAPHIC REFERENCE CENTER). FOUND EVIDENCES AND MONUMENTS ARE REPRESENTED ON.

SOUTHERLY LINES ARE HELD ALONG THE SOUTHERLY LINE OF A 66 FOOT RIGHT-OF-WAY ON CANYON CREST DRIVE. SAID LINES ARE COINCIDENT TO THE SOUTHERLY LINE OF OAKVIEW ESTATES SUBDIVISION. SAID SUBDIVISION WAS BOUND BY HOLDING 8 ORIGINAL MONUMENTS FOUND IN THE CURB MARKING THE EXTENSION LINES.

7 PLUGS FOUND ON EXTENSION LINES ON VARIOUS LOT LINES.  
NHERLY LINES WERE HELD ALONG THE NORTHERLY LINE OF A 66 FOOT RIGHT-OF-WAY ON RIVER BOTTOMS ROAD.  
NE WAS HELD ALONG THE EXISTING ASPHALT MORE OR LESS MONUMENTING THE CENTERLINE OF SAID ROAD.

TERLY LINE IS COINCIDENT WITH THE EASTERLY LINE OF SPANISH OAKS ESTATES SUBDIVISION AS ESTABLISHED BY  
5 ORIGINAL PLUGS IN THE CURB AND A FOUND REBAR AND CAP.

VEYOR'S PROFESSIONAL OPINION IS RENDERED UPON THIS RECORD OF SURVEY DRAWING AND THE PROPERTY HAS  
WORKED ON THE GROUND WITH A 5/8'S REBAR AND CAP MARKED WITH LICENCE NUMBER 10719099. THERE MAY EXIST  
EVIDENCE, MONUMENTS, OR DOCUMENTS THAT COULD AFFECT THIS SURVEY. ANY NEW EVIDENCE, MONUMENTS, OR  
ITS CONTRADICTORY TO THIS SURVEY SHOULD BE PRESENTED TO THE SURVEYOR FOR HIS REVIEW AND  
RATION.

## SURVEYED BOUNDARY DESCRIPTION

6  
OF LAND THAT LIES FULLY WITHIN THE NORTHEAST QUARTER OF SECTION 33 AND THE SOUTHEAST QUARTER OF SECTION  
SHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SUBJECT PARCEL CONTAINS 1.95 ACRES OF THAT  
AR PARCEL OF LAND FOUND IN WARRANTY DEED ENTRY NO 105556:2017 IN THE UTAH COUNTY RECORDER'S OFFICE. BASIS  
IG IS NORTH AS DETERMINED BY GPS OR S 89° 31' 57" W. 2659.50 FEET, MEASURED, BETWEEN THE TWO BRASS CAP  
TS MONUMENTING THE NORTH LINE BETWEEN THE NORTH QUARTER AND THE NORTHWEST CORNER OF SAID SECTION 33.  
ARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AT THE NORTHEAST CORNER OF LOT 17 OF THE SPANISH OAKS ESTATES SUBDIVISION PLAT "A" AS RECORDED IN THE UTAH RECORDER'S OFFICE MAP NO. 8957-102, SAID CORNER LIES 84.00 FEET SOUTH OF THE NORTH QUARTER CORNER OF SECTION 16, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE SOUTHERLY LINE OF A 66 FOOT RIGHT-OF-WAY LINE OF CANYON CREST DRIVE THE FOLLOWING (3) THREE COURSES: (1) EAST 50.58 FEET TO A POINT ON A CURVE, (2) WEST 28.20 FEET ALONG THE ARC OF A 133.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF  $12^{\circ} 08' 59''$  (NOTE: CHORD BEARS N  $83^{\circ} 55' 30''$  E 28.15 FEET), (2) N  $77^{\circ} 51' 00''$  E 478.02 FEET; THENCE S  $12^{\circ} 09' 00''$  E A DISTANCE OF 159.17 FEET TO THE SOUTHERLY LINE OF A 66 FOOT RIGHT-OF-WAY LINE OF RIVER BOTTOMS ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING (2) TWO COURSES: (1) S  $80^{\circ} 15' 07''$  W 502.11 FEET TO A POINT ON A CURVE, (2) WESTERLY 88.84 FEET ALONG THE ARC OF A 133.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF  $15^{\circ} 17' 08''$  (NOTE: CHORD BEARS S  $72^{\circ} 36' 33''$  W 88.58 FEET); WEST 163.50 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL OF LAND CONTAINS 85,093 SQUARE FEET OR 1.954 ACRES.

OF LAND THAT LIES FULLY WITHIN THE NORTHEAST QUARTER OF SECTION 33 AND THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SUBJECT PARCEL CONTAINS 0.94 OF AN ACRE OF THAT PART OF THE NAMED PARCEL OF LAND FOUND IN QUIT CLAIM DEED ENTRY NO 63591:2008 IN THE UTAH COUNTY RECORDER'S OFFICE. BASIS OF MEASURE IS NORTH AS DETERMINED BY GPS OR S 89° 31' 57" W. 2659.50 FEET, MEASURED, BETWEEN THE TWO BRASS CAP MONUMENTS LOCATED AT THE POINTS MARKING THE NORTH LINE BETWEEN THE NORTH QUARTER AND THE NORTHWEST CORNER OF SAID SECTION 33. SUBJECT PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AT A POINT ON THE 66 FOOT RIGHT-OF-WAY LINE OF CANYON CREST DRIVE, SAID POINT LIES 19.58 NORTH AND 545.88 FEET FROM THE NORTH QUARTER CORNER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N 77° 47' 44" E 14.73 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE SOUTHERLY LINE OF CANYON CREST SUBDIVISION AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE MAP NO. 8702-100; THENCE ALONG THE SOUTHERLY LINE OF CANYON GLEN SUBDIVISION THE FOLLOWING (3) THREE COURSES: (1) S 70° 52' 41" E 128.66 FEET, (2) EAST 285.37 FEET, (3) N 59° 32' 03" E 57.39 FEET; THENCE ALONG THE WESTERLY LINE OF CANYON GLEN SUBDIVISION PHASE "5" AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE MAP NO. 8702-100; THENCE ALONG SAID CANYON GLEN SUBDIVISION THE FOLLOWING (2) TWO COURSES: (1) SOUTH 1.55 FEET, (2) N 89° 32' 02" FEET TO THE NORTHERLY LINE OF A 66 FOOT RIGHT-OF-WAY OF RIVER BOTTOMS ROAD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING (3) THREE COURSES: (1) S 52° 57' 07" W 6.34 FEET TO A POINT ON A CURVE, (2) WESTERLY 222.51 FEET AS THE ARC OF A 467.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH AN ANGLE OF 27° 18' 00" (NOTE: CHORD BEARS S 66° 36' 07" E), (3) S 80° 15' 07" W A DISTANCE OF 315.51 FEET; THENCE N 12° 09' 00" W 159.17 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL OF LAND CONTAINS 41,097 SQUARE FEET OR 0.944 OF AN ACRE.

## SURVEYOR'S NOTES

DOES REGULATIONS AND CURRENT ZONING REQUIREMENTS OR RESTRICTIONS HAVE NOT BEEN DETERMINED AND ARE NOT A  
PART OF THIS SURVEY

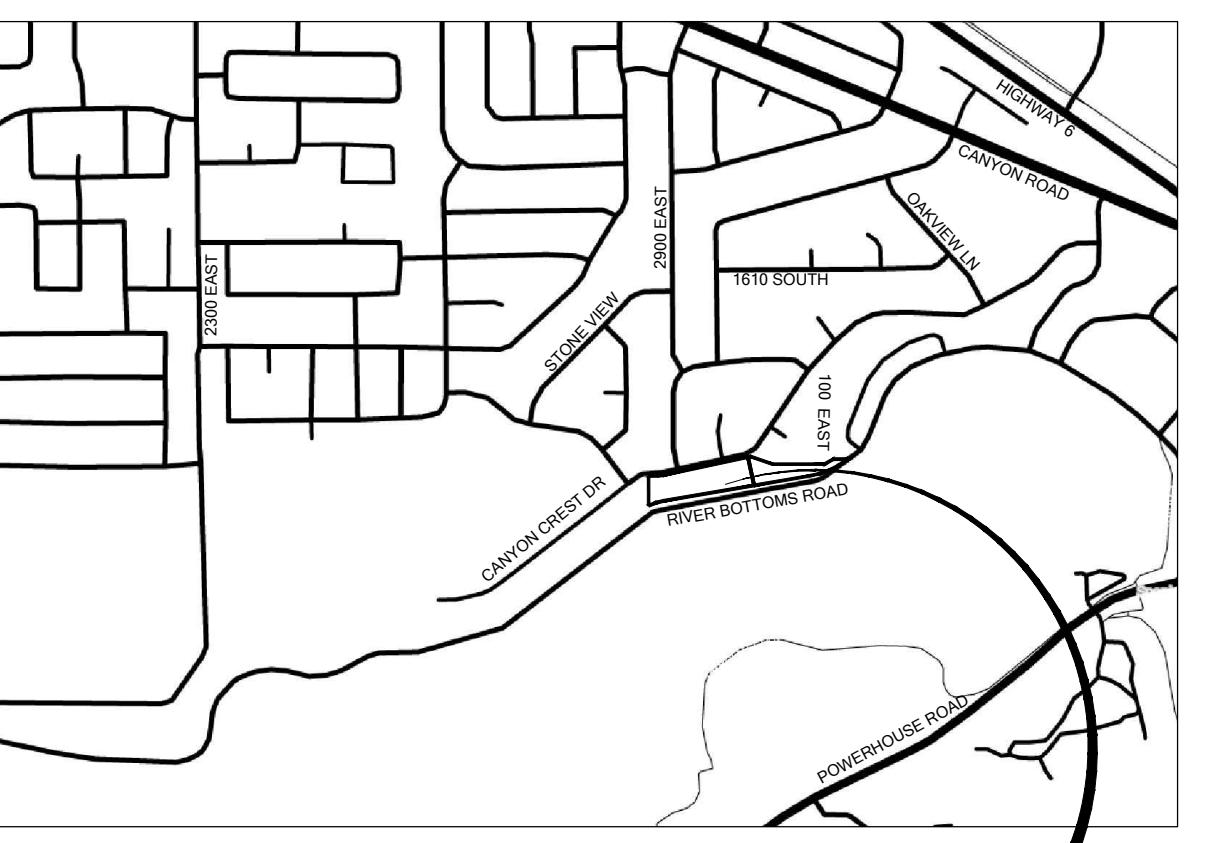
THE PLAT AND THE SURVEY ON WHICH IT IS BASED IS VALID ONLY IF THE SURVEYOR'S SEAL AND SIGNATURE IS PRESENT. THE  
ORIGINAL PLAT WAS SIGNED AND DATED IN BLUE INK

ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING THE EXISTENCE, SIZE, DEPTH,  
DIRECTION, OR LOCATION OF ANY SURFACE OR SUBSURFACE UTILITY OR SERVICE UNLESS SHOWN ON THIS PLAT

THE WORDS "CERTIFY" AND "CERTIFICATE" AS SHOWN AND USED HERON MEANS A PROFESSIONAL OPINION REGARDING THE  
EXISTENCE OF BOUNDARY LINES, THIS DOES NOT MEAN A WARRANT OR GUARANTEE OF LEGAL OWNERSHIP, EXPRESS OR IMPLIED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE  
FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, BUILDING SETBACK LINES OR LIMITS;  
RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; PERMITTING ISSUES, ZONING OR OTHER LAND USE REGULATIONS; AND  
OTHER FACTS THAT A CURRENT TITLE COMMITMENT AND REPORT MAY DISCLOSE.

THIS SURVEY DISCLOSES BOUNDARY LINES AND PROPERTY CORNER LOCATIONS ONLY. OTHER THAN SHOWN ON THIS PLAT, NO  
EXEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO SHOW THE EXISTENCE OF ANY BUILDING, STRUCTURE, DRIVE, WALK,  
WALKWAY, CONCRETE, OR ANY OTHER SURFACE OR SUBSURFACE STRUCTURE OR IMPROVEMENT



## SPANISH VICINITY MAP

## VICINITY

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**SURVEYOR'S CERTIFICATE**

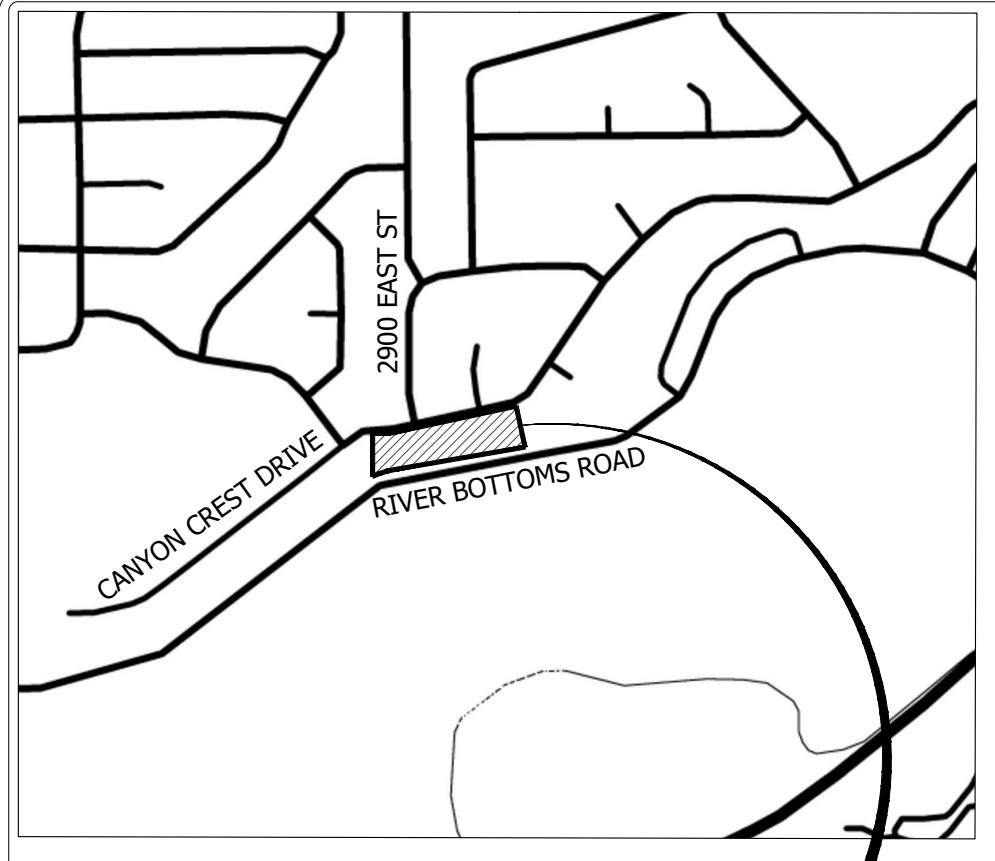
## SURVEYOR'S CERTIFICATE

ENCER J MCCUTCHEON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I  
D LICENSE NO. 10719099, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY  
T BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT  
DESCRIBED THEREON, AND HAVE SUPERVISED A SURVEY OF THE PARCELS OF LAND REPRESENTED  
EON AND HAVE HAD STAKED ON THE GROUND THE BOUNDARY CORNERS AS SHOWN ON THIS PLAT  
SEAL BELOW:

PROJECT NAME			COPYRIGHT		SURVEYOR SEAL		
SCOTT NEILSON			ALL REPORTS, DESIGNS, FIELD DATA, FIELD NOTES, DRAWINGS, SPECIFICATIONS, CALCULATIONS, ESTIMATES OR ANY REPRESENTATION CONTAINED HEREON ARE THE SOLE PROPERTY OF APEX ENGINEERING UNLESS PREVIOUSLY ESTABLISHED BY PRECEDENCE OR AGREEMENT		No. 10719099 Spencer J. McCutcheon 6-16-2021		
REVISIONS		BY					DATE
SJM	CHECKED	RH					
ED	SJM	DATE	6-16-2021				







**VICINITY MAP**  
NORTH  
SCALE: N.T.S.

PROJECT  
LOCATION

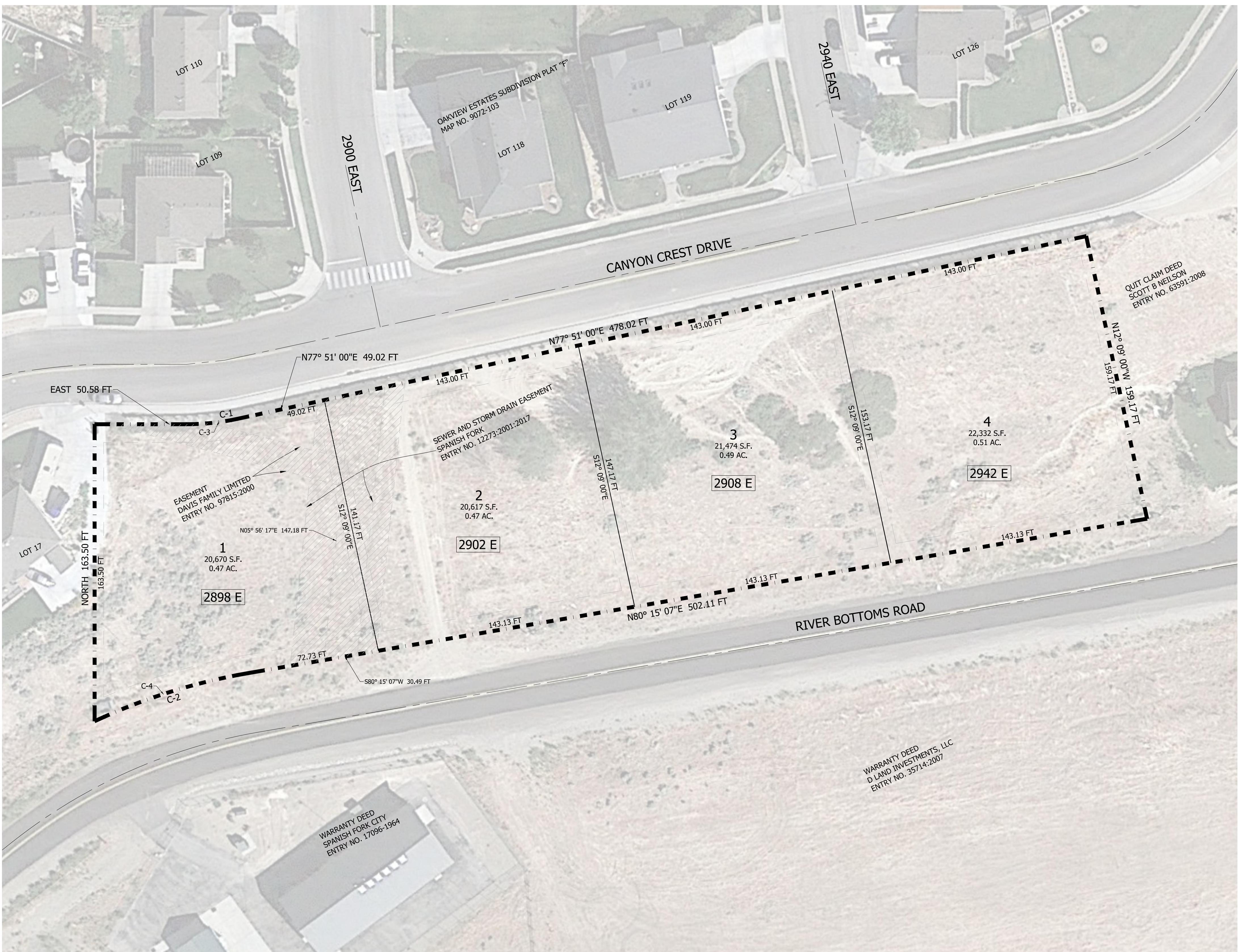
**SHEET INDEX**

- C-1 COVER SHEET
- C-2 DEMOLITION PLAN
- C-3 UTILITY PLAN
- C-4 STORM WATER & GRADING PLAN
- D-1 DETAIL SHEET

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEAR
C1	28.20	133.00	12.15	28.15	N83° 55' 30"E
C2	88.84	333.00	15.29	88.58	S72° 36' 33"V
C3	28.20	133.00	12.15	28.15	S83° 55' 30"V
C4	88.84	333.00	15.29	88.58	S72° 36' 33"V

# RIVER BOTTOMS SUBDIVISION

SCOTT NEILSON  
SPANISH FORK, UT



## COVER SHEET

SCALE: 1" = 30' 0 30 60

REVISIONS

DATE

BY

REMARKS



DATE:

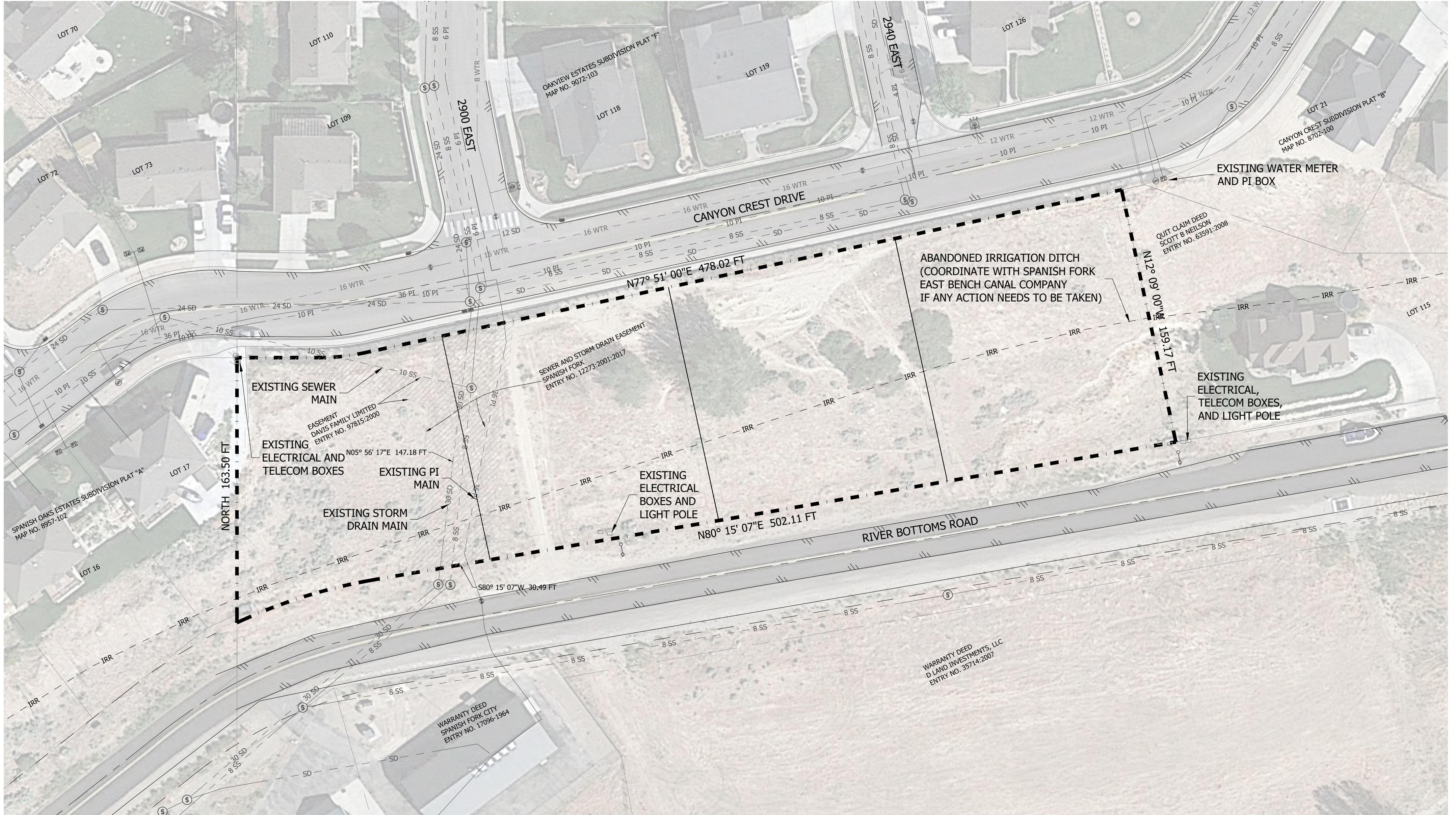
3-1-2022

LOCATION:

SPANISH FORK, UT

DRAWING:

C-1



**DEMOLITION PLAN**  
NORTH  
SCALE: 1" = 40' 0 40 80

**RIVER BOTTOMS SUBDIVISION  
DEMOLITION PLAN**

FOR: SCOTT NEILSON

LOCATION: SPANISH FORK, UT

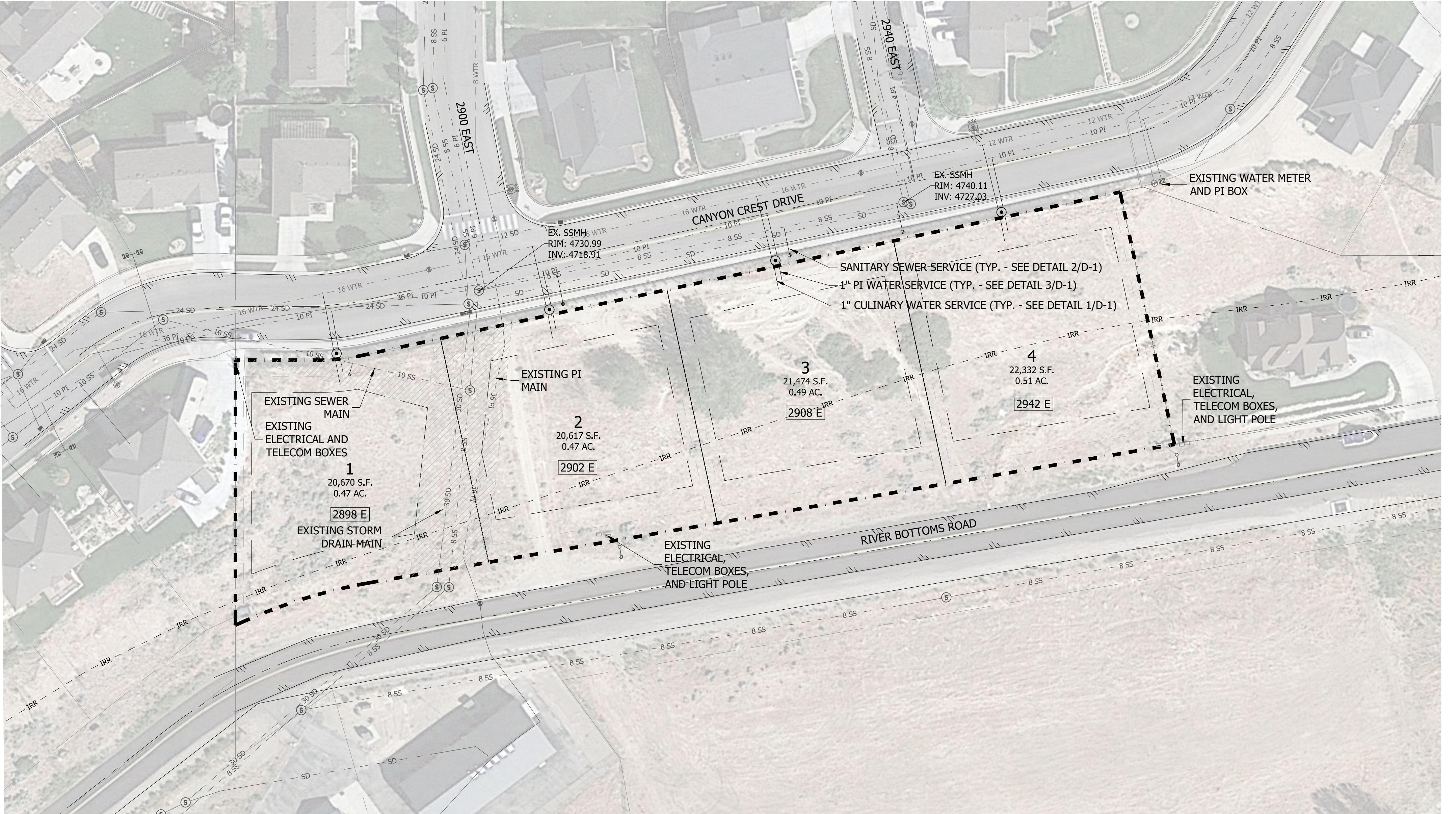
DATE: 3-1-2022

REVISIONS

DATE BY

REMARKS

*REVISIONS*  
Richard A. Hatfield  
3-1-2022  
2774512  
LIC# 2774512  
STATE OF UTAH



NOTE: COVER OVER EXISTING UTILITIES WITHIN THE LOTS IS NOT TO BE DISTURBED.

**UTILITY PLAN**

SCALE: 1" = 40' 0 40 80

NORTH

**RIVER BOTTOMS SUBDIVISION**  
**UTILITY PLAN**

LOCATION: SPANISH FORK, UT

DATE: 3-1-2022

DRAWING: C-3

Richard A. Hatfield  
3-1-2022  
2774512

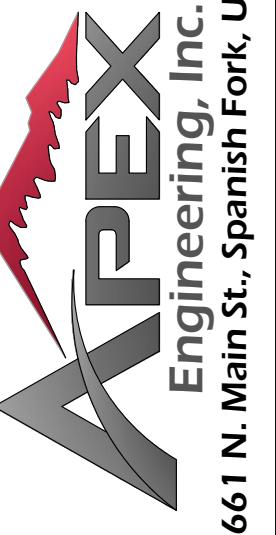
LIC# 2774512  
STATE OF UTAH

REVISIONS

DATE

BY

REMARKS



11 of 11

11 of 11



# STORM WATER & GRADING PLAN

SCALE: 1" = 40'  0 40 80

RIVER BOTTOMS SUBDIVISION		LOCATION: SPANISH FORK, UT	DATE: 3-1-2022
STORM WATER & GRADING PLAN		FOR: SCOTT NEILSON	
C-4		DRAWING:	

RIVER BOTTOMS SUBDIVISION  
STOP WATE & CAVING DRAIN

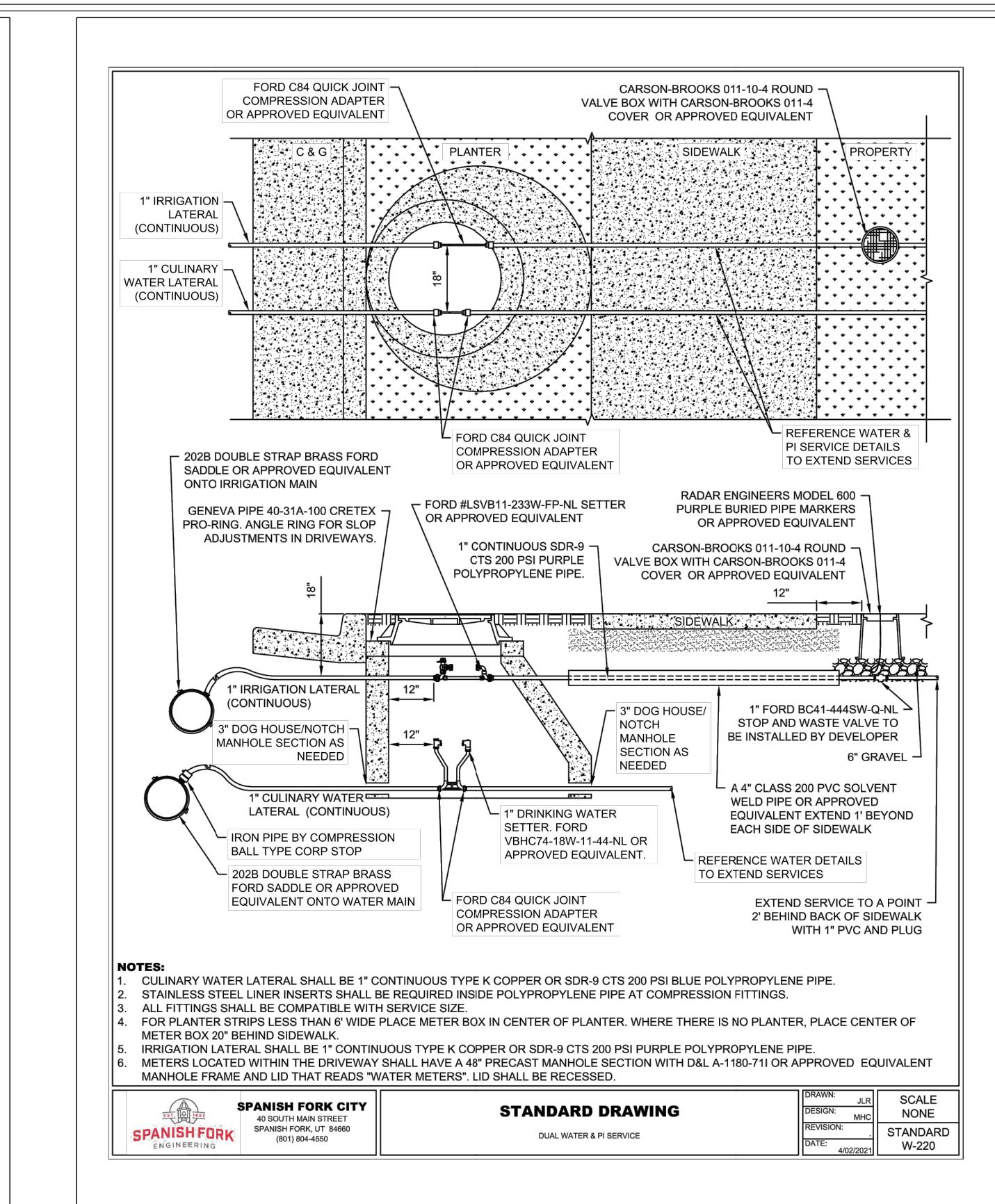
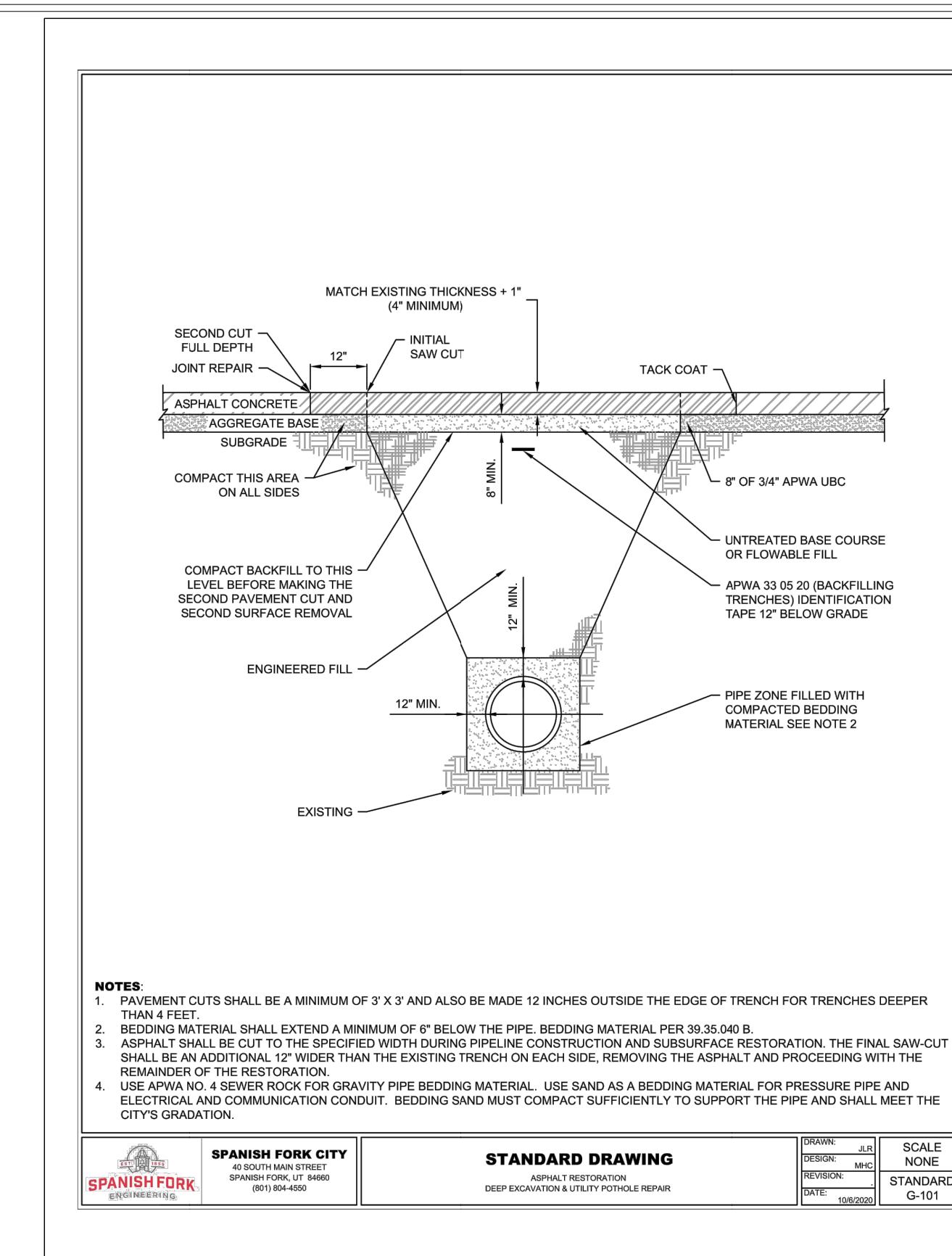
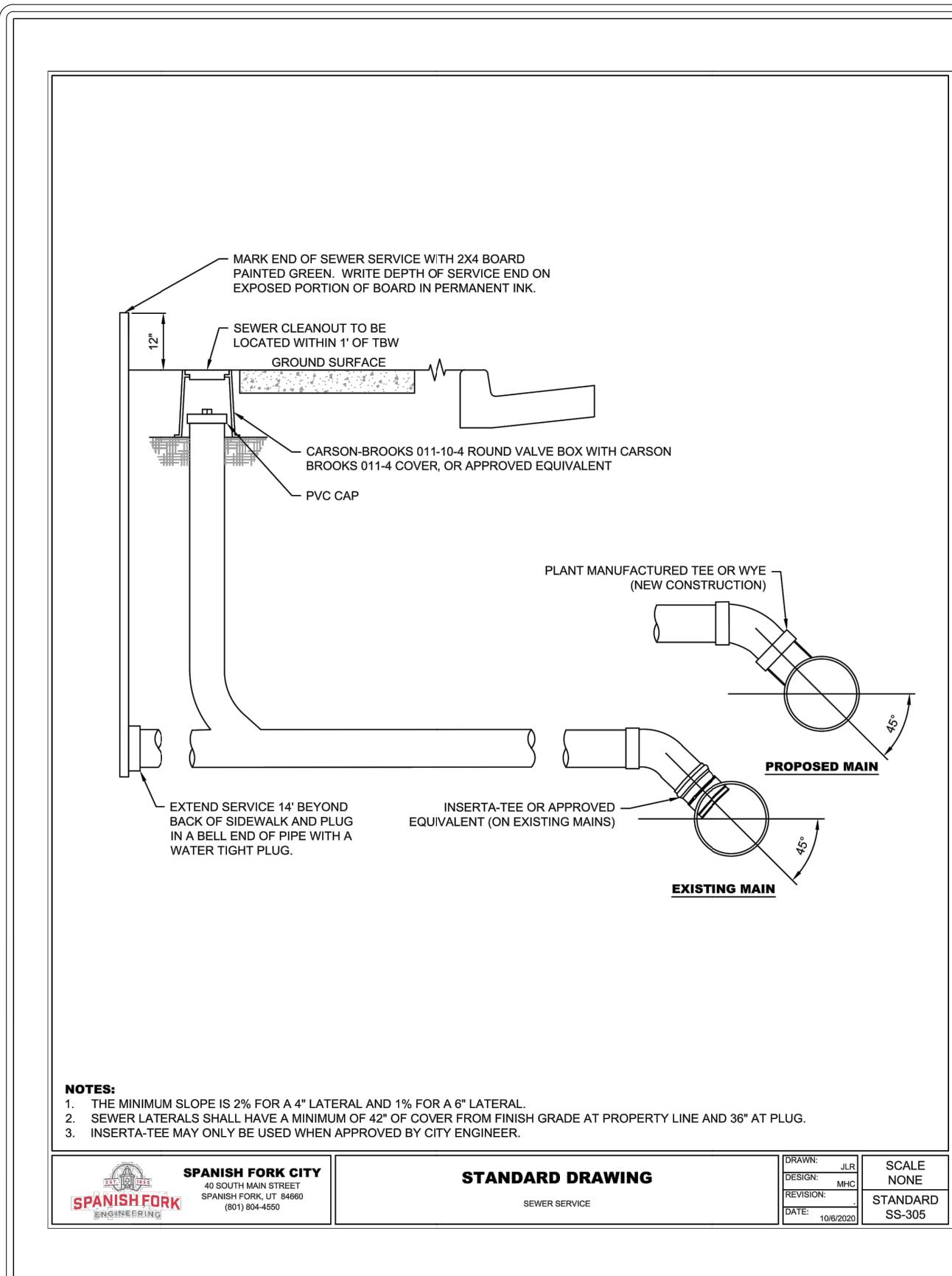
# SIUNI WAIEN & GADING LAW

LOCATION: SPANISH WORK UNIT DATE: 2/20/20

WUD

FOR: SCOTT NEILL SON

ING:



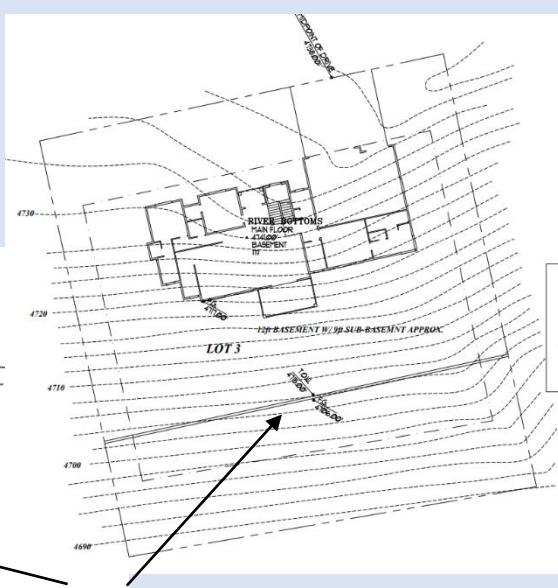
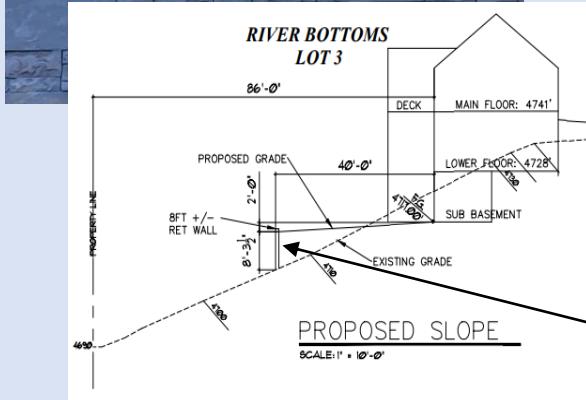
## 1 SEWER SERVICE

## 2 ASPHALT RESTORATION

## 3 DUAL WATER & PI SERVICE

# *Proposed Additions/Changes to Current Hillside Slope Ordinance*

SPANISH FORK



**Proposed Back Retaining Wall that  
will span the total width of Lots 1-4**

# RIVER BOTTOMS ESTATES

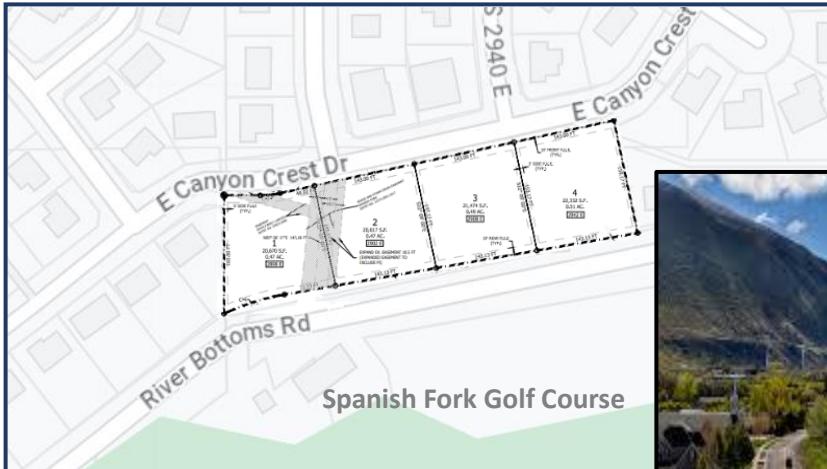
SPANISH FORK



Main Floor Plan	2,283 Sq. Ft.
Upper Bonus Floor Plan	934 Sq. Ft.
Lower Basement Floor Plan (Finished)	2,283 Sq. Ft.
<hr/>	
Total Finished Home Square Footage	5,500 Sq. Ft.
Lower Sub-Basement (Finish Optional)	1,500 Sq. Ft.
<hr/>	
Total Home Square Footage	7,000 Sq. Ft.

- ✓ Beautiful Custom Home – Choose Your Own Finishes
- ✓ Large Back Picture Windows – Overlooks Spanish Fork Golf Course and the Mouth of Spanish Fork Canyon
- ✓ Official Size Pickleball Court Included
- ✓ And So Much More

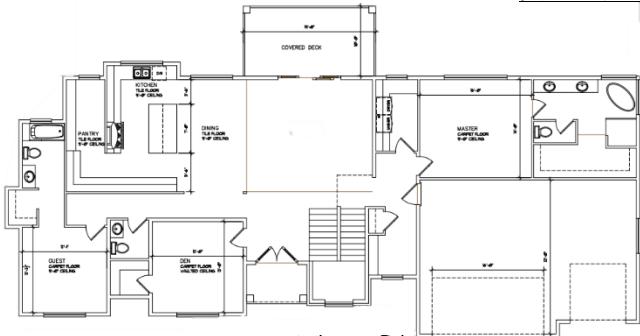
Contact:  
Scott Neilson  
801-834-5228



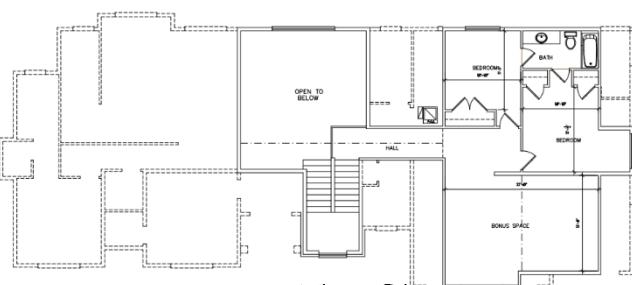
Location Map



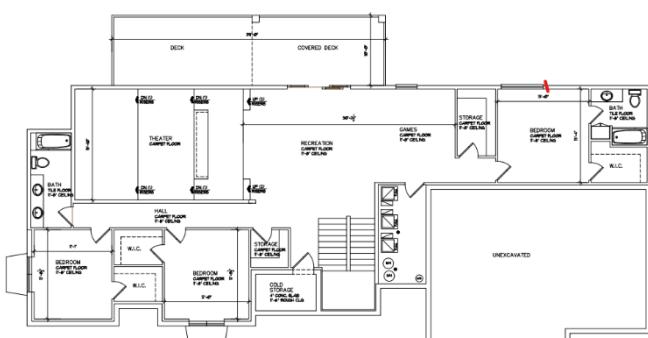
Rear Home Elevation



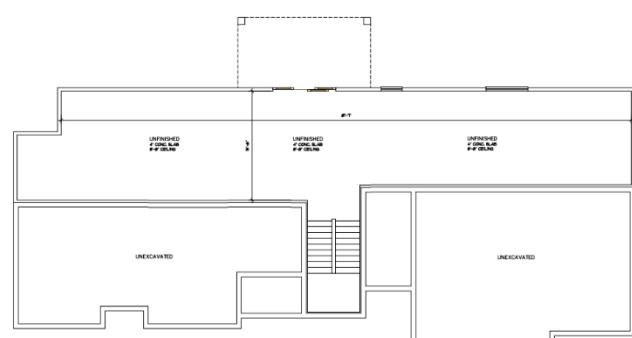
Main Floor Plan



Upper Floor Plan



Lower Basement Floor Plan



Lower Sub-Basement (Unfinished)

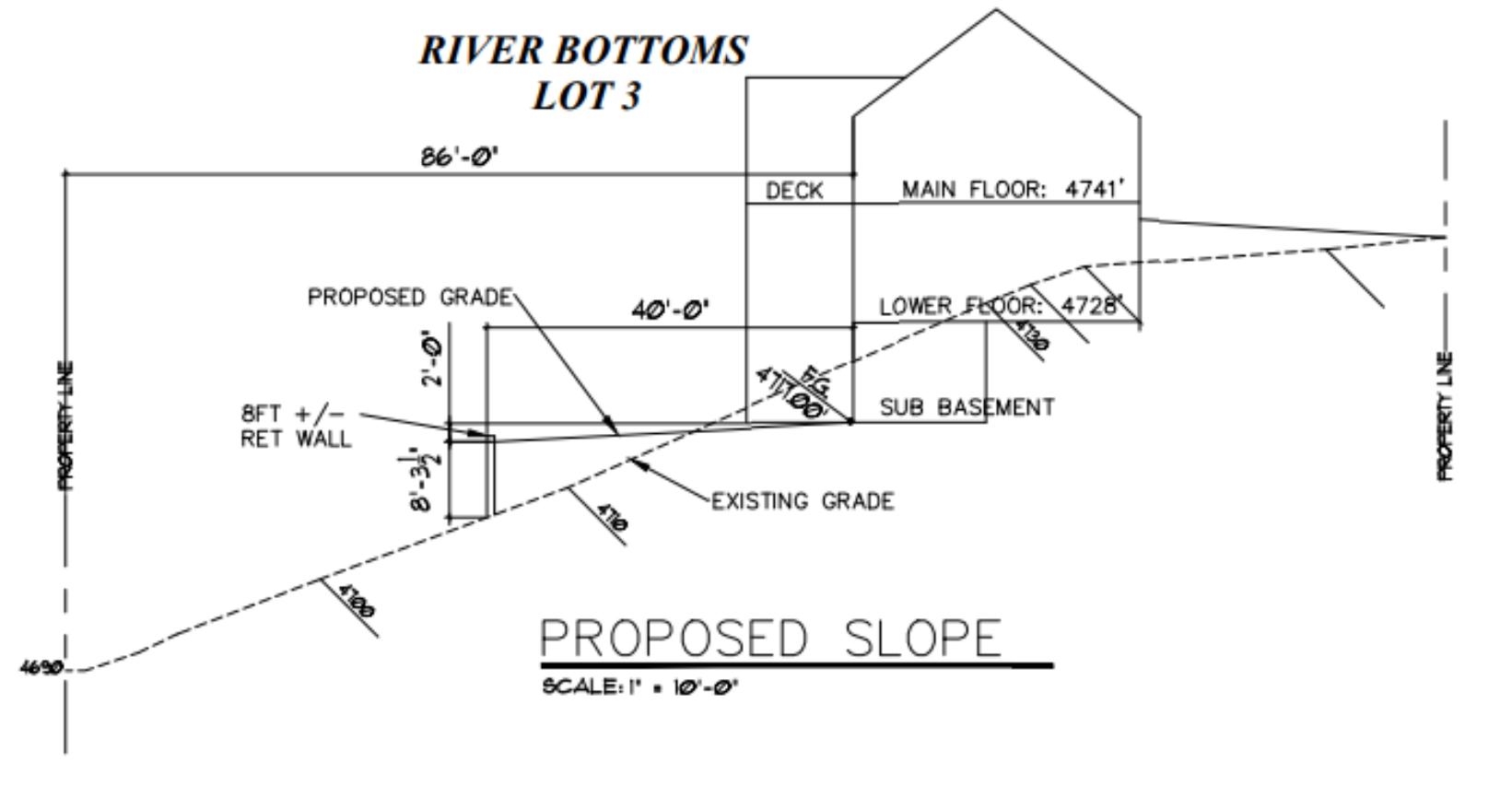


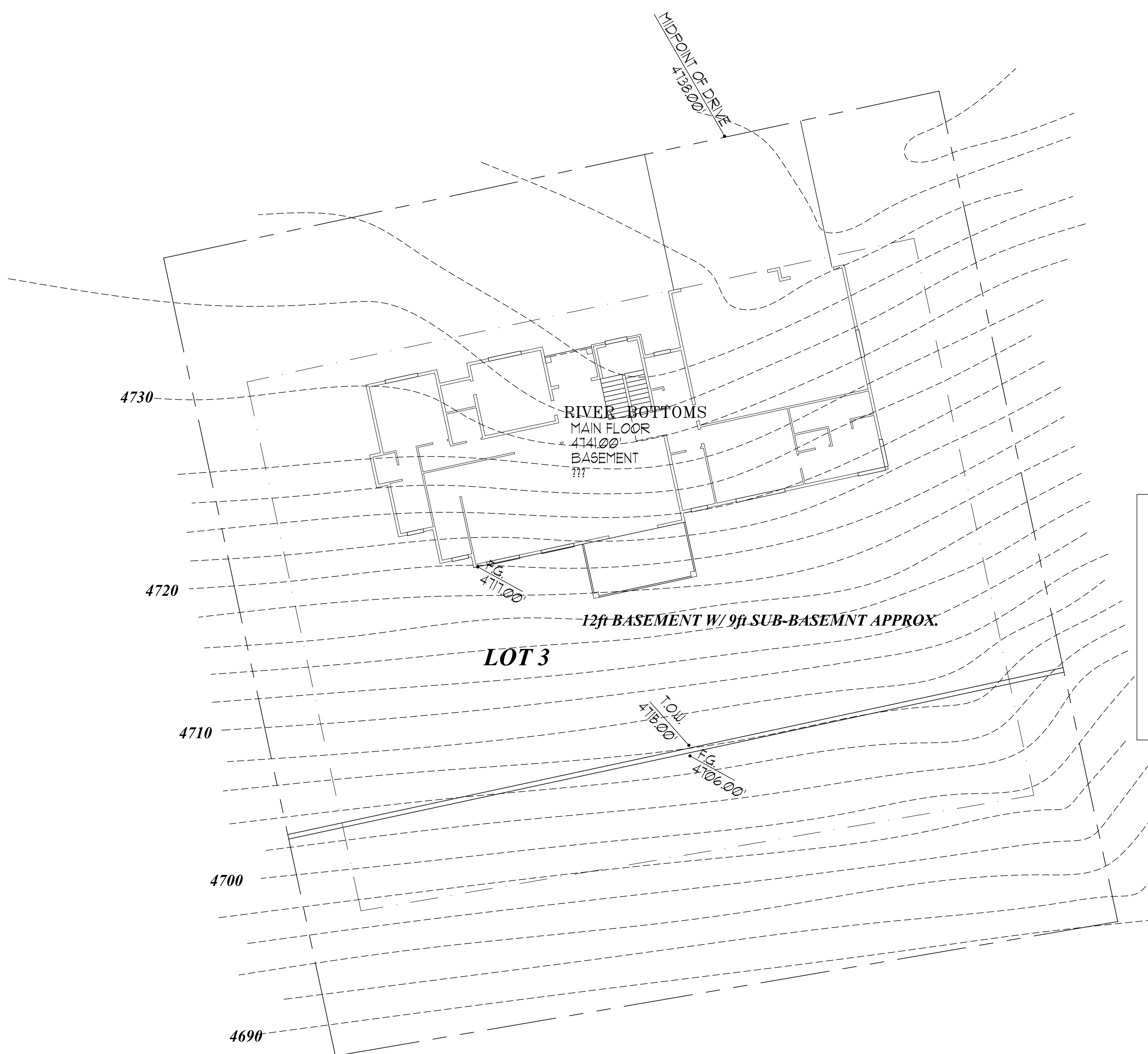
**Hillside Slope Engineered Retaining Wall Finish**  
**(Lots 1-4 total length of 4 properties = 500 ft. x 8 ft. high)**



**The Entire Length of the 500 ft. Retaining Wall will be coated with an  
Anti-Graffiti Coating which is easily cleaned with a power washer**

**RIVER BOTTOMS  
LOT 3**





SITE PLAN GENERAL NOTES

- DUST, MUD AND EROSION SHALL BE CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS, AT ALL TIMES.
- BUILDER/ OWNER SHALL SECURE AN EXCAVATION PERMIT PRIOR TO DOING ANY WORK IN THE PUBLIC RIGHT-OF-WAY. TRAFFIC PLAN, BONDING AND INSURANCE WILL BE REQUIRED.
- PROVIDE FINISH GRADING AWAY FROM THE HOUSE ON ALL SIDES AT A MINIMUM OF 6' IN FIRST 10'-0" HORIZONTAL SLOPE IN LANDSCAPED AREAS. THEN MAINTAIN 2% MIN. HORIZONTAL SLOPE IN GRADE THEREAFTER TO APPROVED DRAINAGE AREAS.
- PROVIDE ON SITE RETENTION OF ALL STORM RUN OFF, BY WHATEVER MEANS NECESSARY DURING CONSTRUCTION.
- SHOULD GROUND WATER BE INCURRED DURING EXCAVATION, A QUALIFIED SOILS ENGINEER SHALL BE RETAINED TO DESIGN AND APPROVE A CONTINUOUS FRENCH DRAIN AT FOUNDATION, ON SITE.
- MAINTAIN NATURAL EXISTING GRADE AT REAR AND SIDES OF LOT WHERE POSSIBLE TO RETAIN STORM WATER NO RUNOFF ONTO ADJACENT PROPERTIES.
- EXCAVATOR AND CONTRACTOR TO VERIFY ALL EXISTING UTILITIES- CALL BLUE STAKES!

LINE LEGEND

—	LOT BOUNDARY
—	BUILDING PAD
—	PUBLIC UTILITY EASEMENT
—	EXISTING GRADE
—	PROPOSED GRADE

414.00'  
-13ft ±  
412.00'  
-10ft ±  
411.00'

410.00'

409.00'

408.00'

407.00'

406.00'

405.00'

404.00'

403.00'

402.00'

401.00'

400.00'

399.00'

398.00'

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392.00'

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303.00'

302.00'

301.00'

300.00'

299.00'

298.00'

297.00'

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295.00'

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268.00'

267.00'

266.00'

265.00'

264.00'

263.00'

262.00'

261.00'

260.00'

259.00'

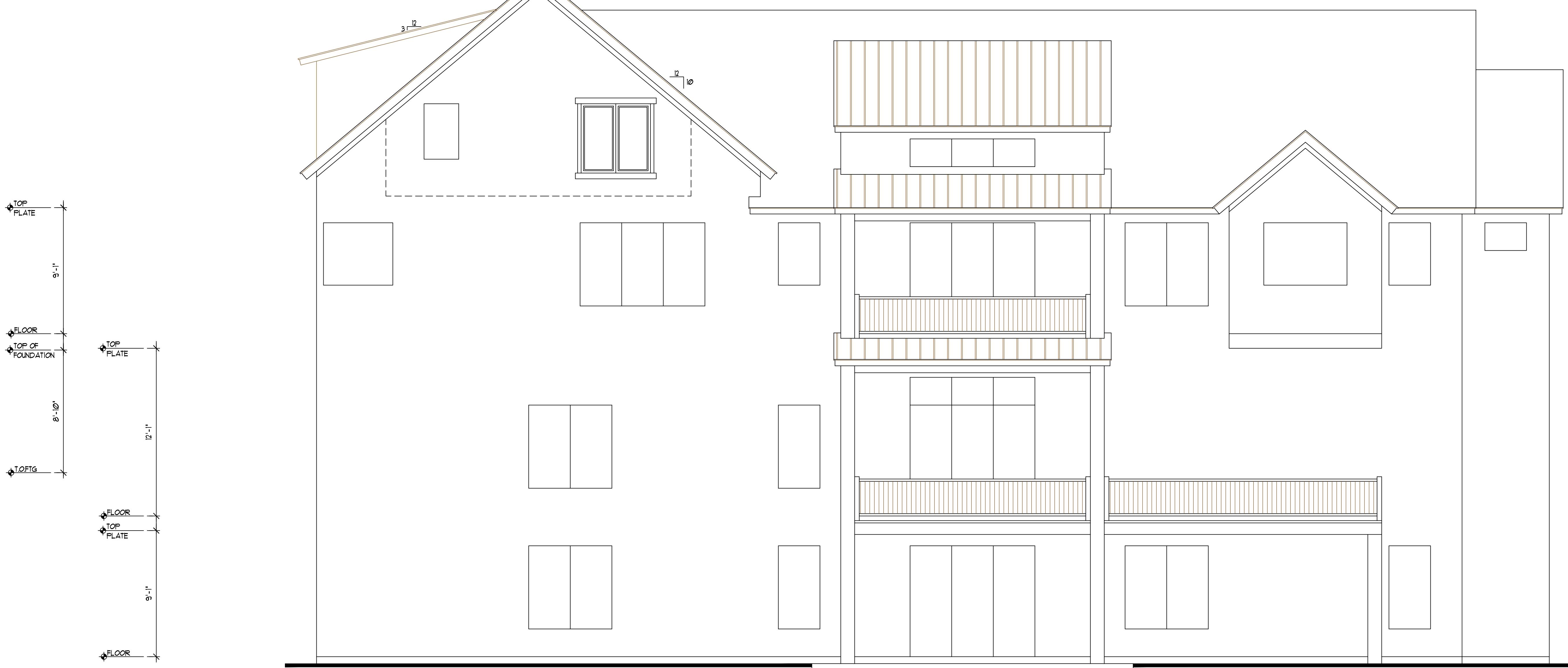
258.00'

257.00'

256.00'

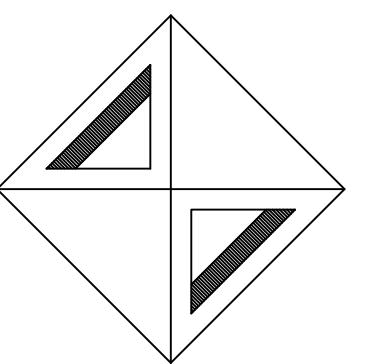
255.00'

254.00'



RIVER BOTTOMS  
LOT 3 RIVER BOTTOMS SUBDIVISION  
CUSTOM HOME  
LEHI, UTAH  
8/21/23

dddrafting



RIGHT AND LEFT ELEVATION

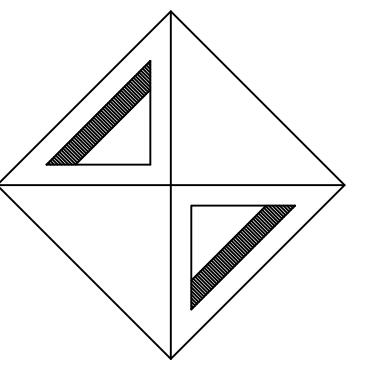
A6



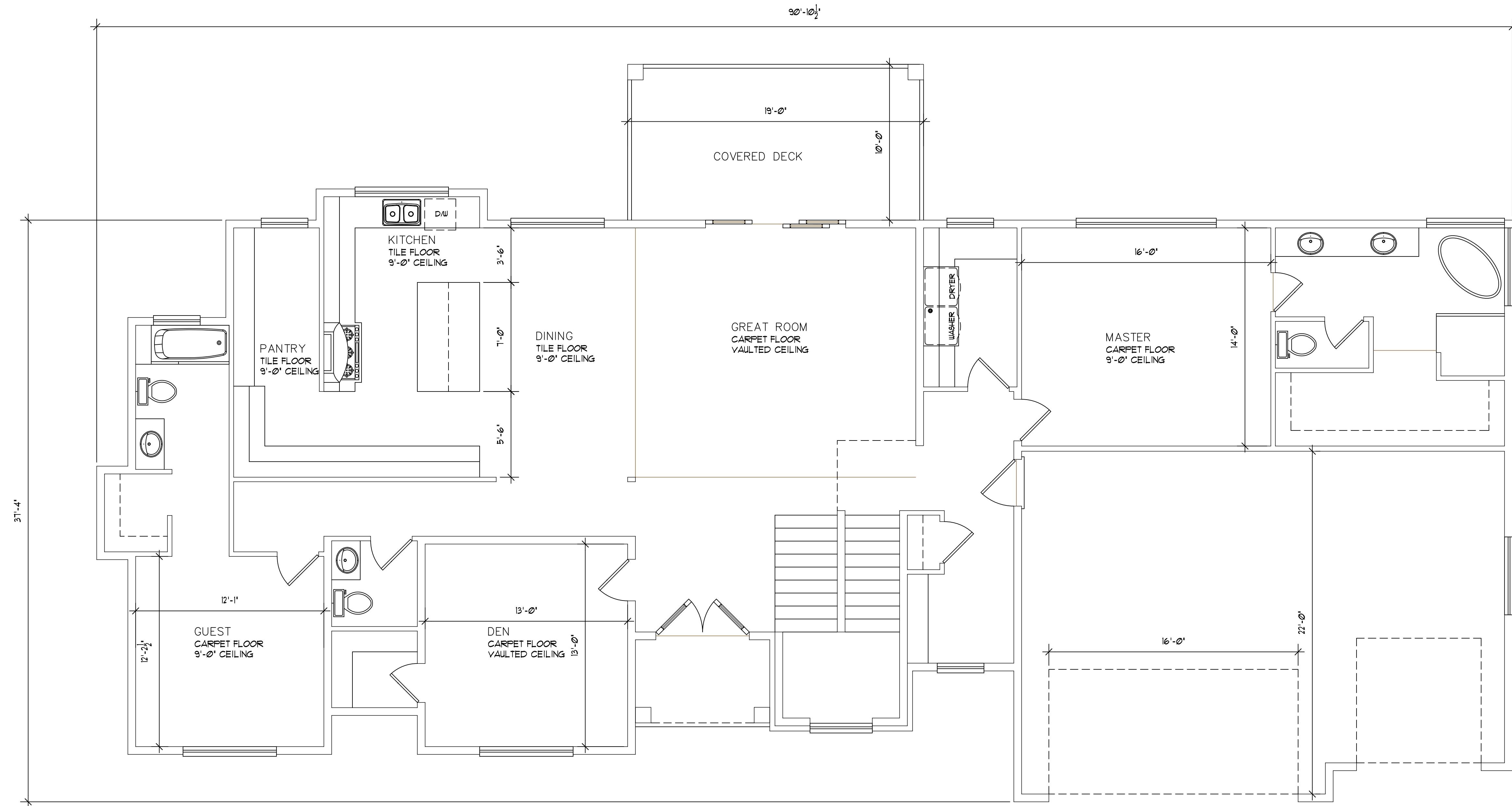
LEFT ELEVATION

SCALE: 1/4" = 1'-0"

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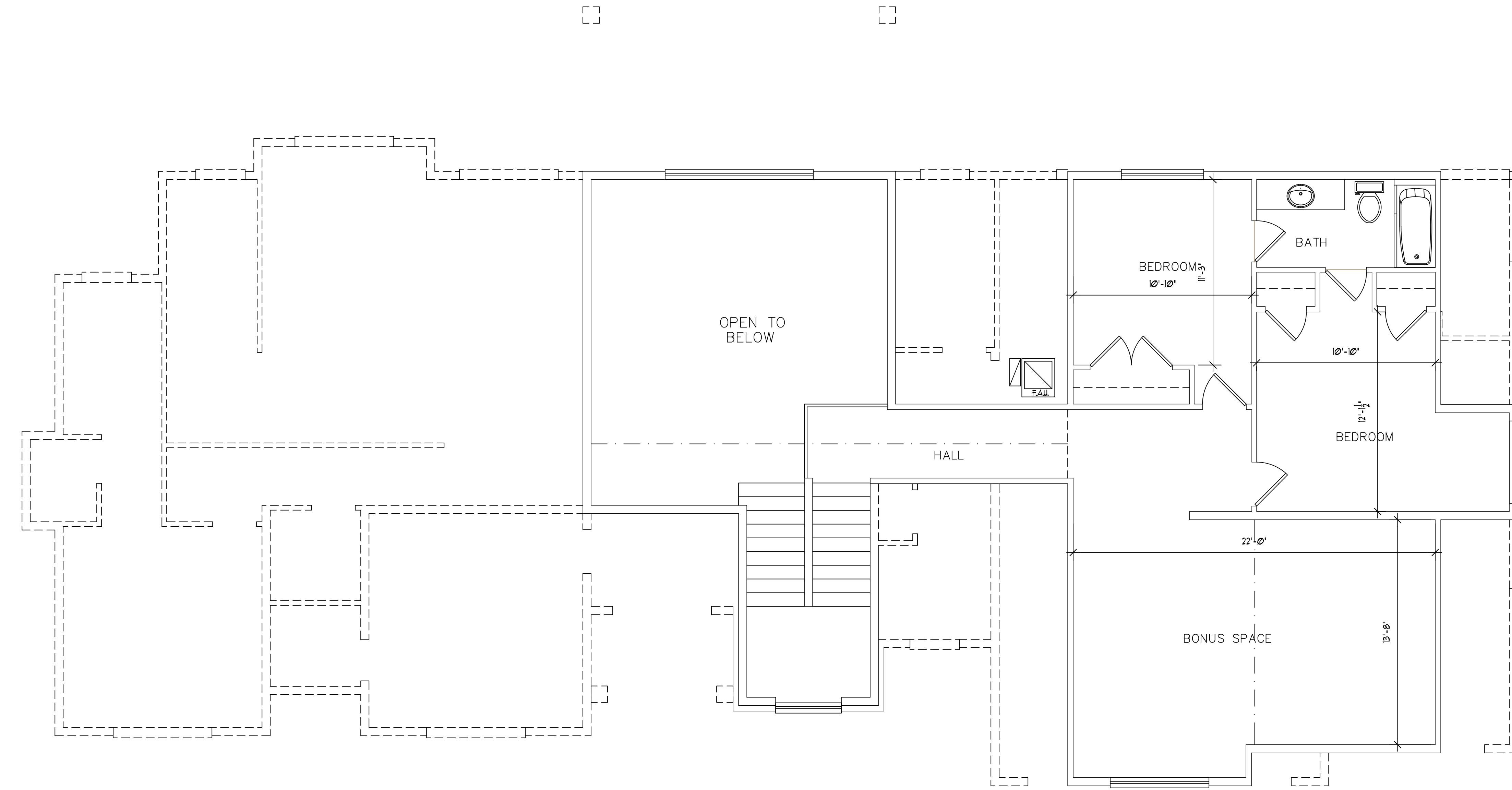
MAIN FLOOR PLAN



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

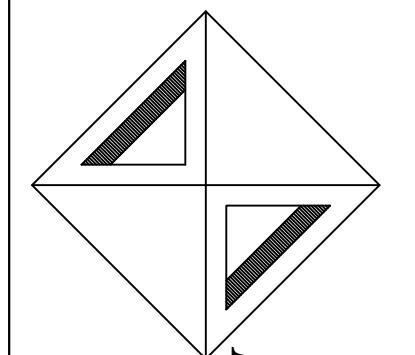
2283 SQ. FT.



**BONUS FLOOR PLAN**

SCALE: 1/4" = 1'-0"

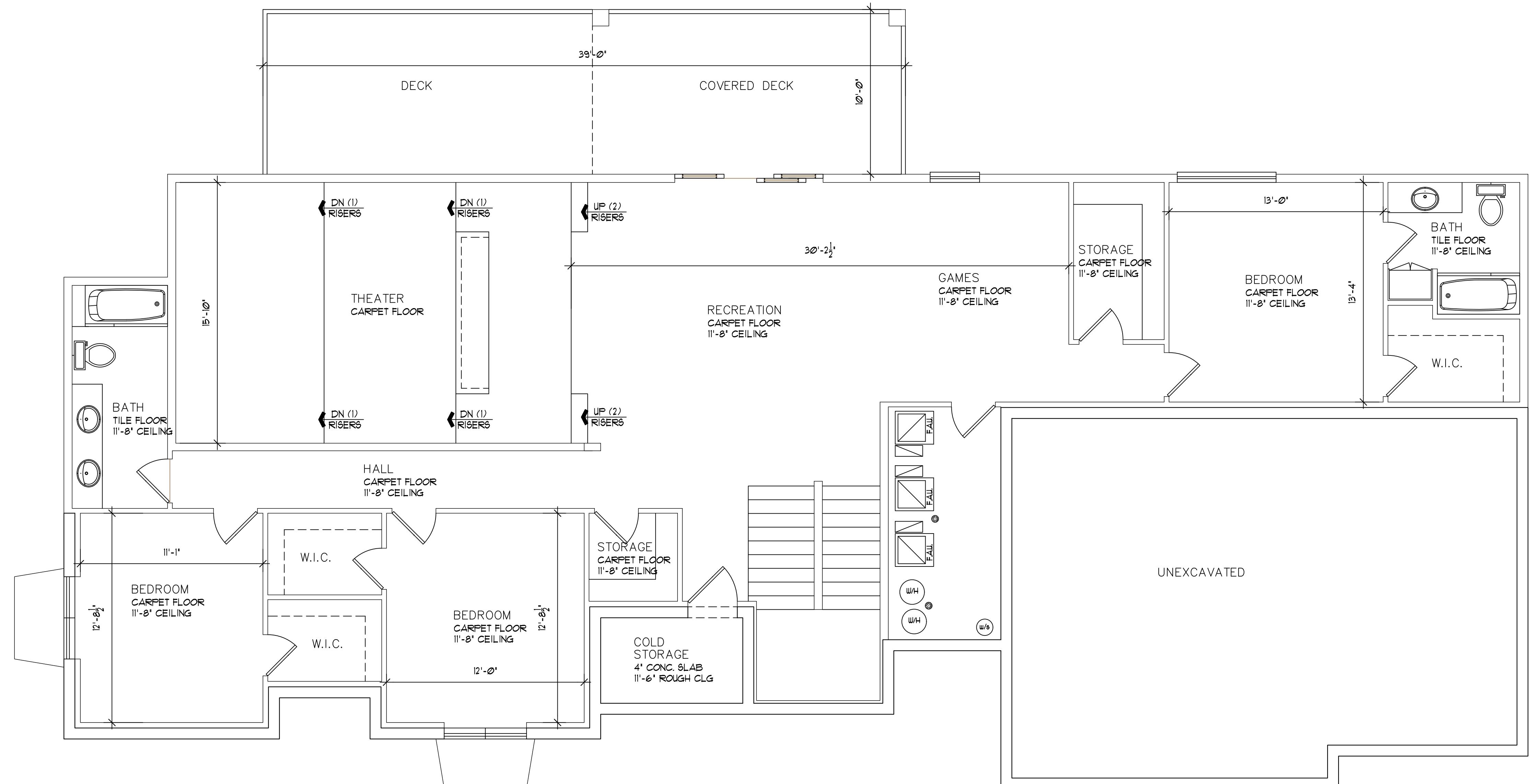
933 SQ. FT.



dd drafting

BASEMENT FLOOR PLAN

A2

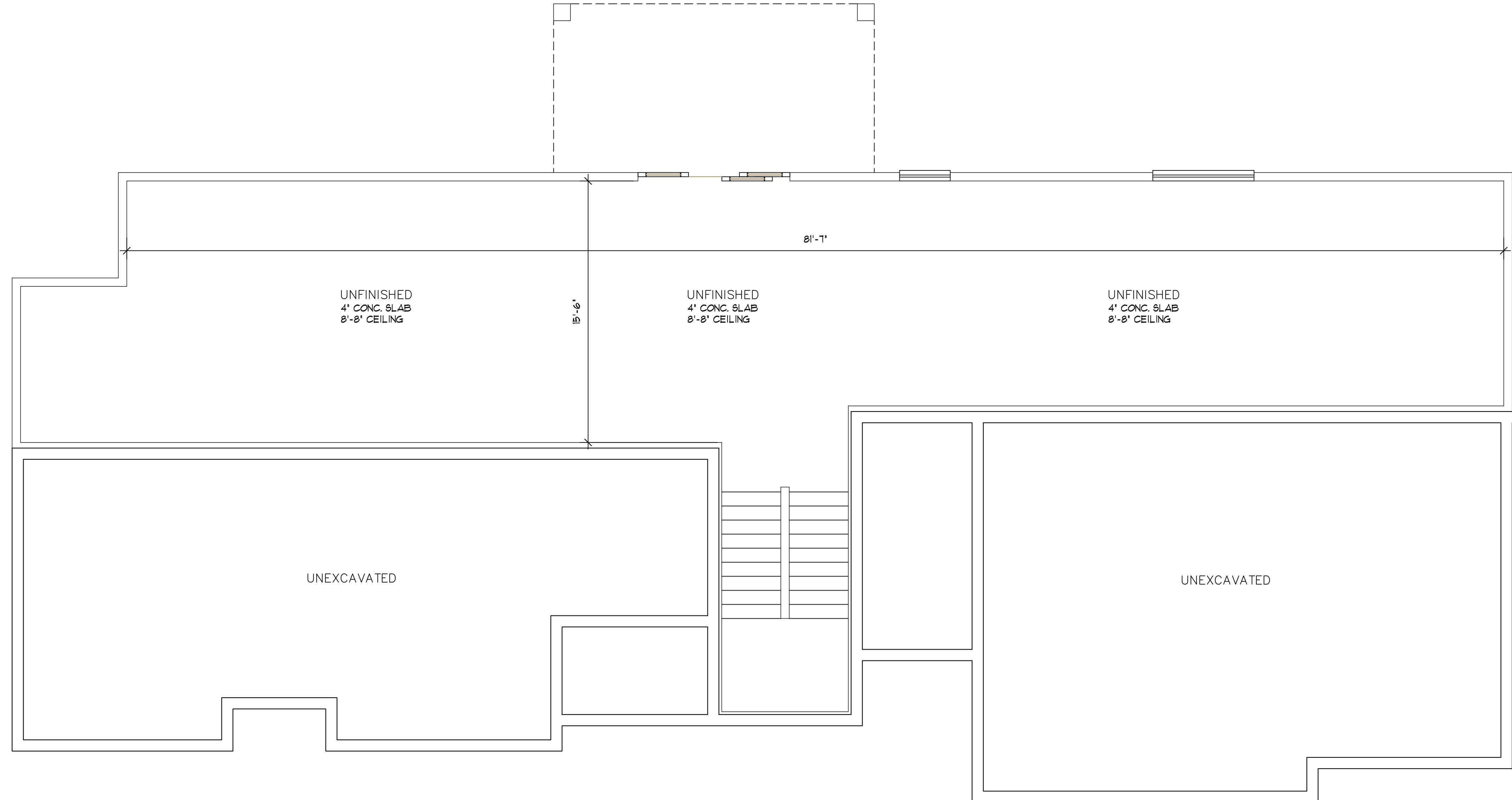
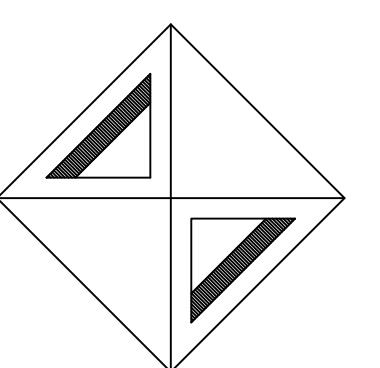


BASEMENT, FOOTING & FOUNDATION PLAN

NOTE: ALL FOOTING/ FOUNDATION STEPS TO BE FIELD VERIFIED FOR SPECIFIC SITE CONDITIONS

(801) 589-6768

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SUB-BASEMENT, FOOTING & FOUNDATION PLAN

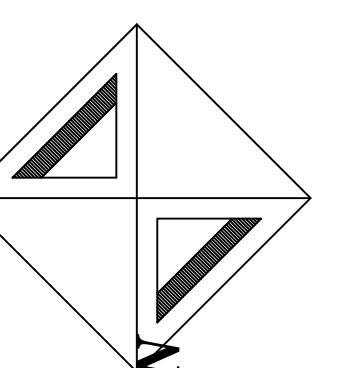
SCALE: 1/4" = 1'-0"

1451 SQFT.

NOTE: ALL FOOTING/FOUNDATION  
STEPS TO BE FIELD VERIFIED FOR  
SPECIFIC SITE CONDITIONS

RIVER BOTTOMS  
LOT 3 RIVER BOTTOMS SUBDIVISION  
CUSTOM HOME  
LEHI, UTAH  
8/28/23

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A4

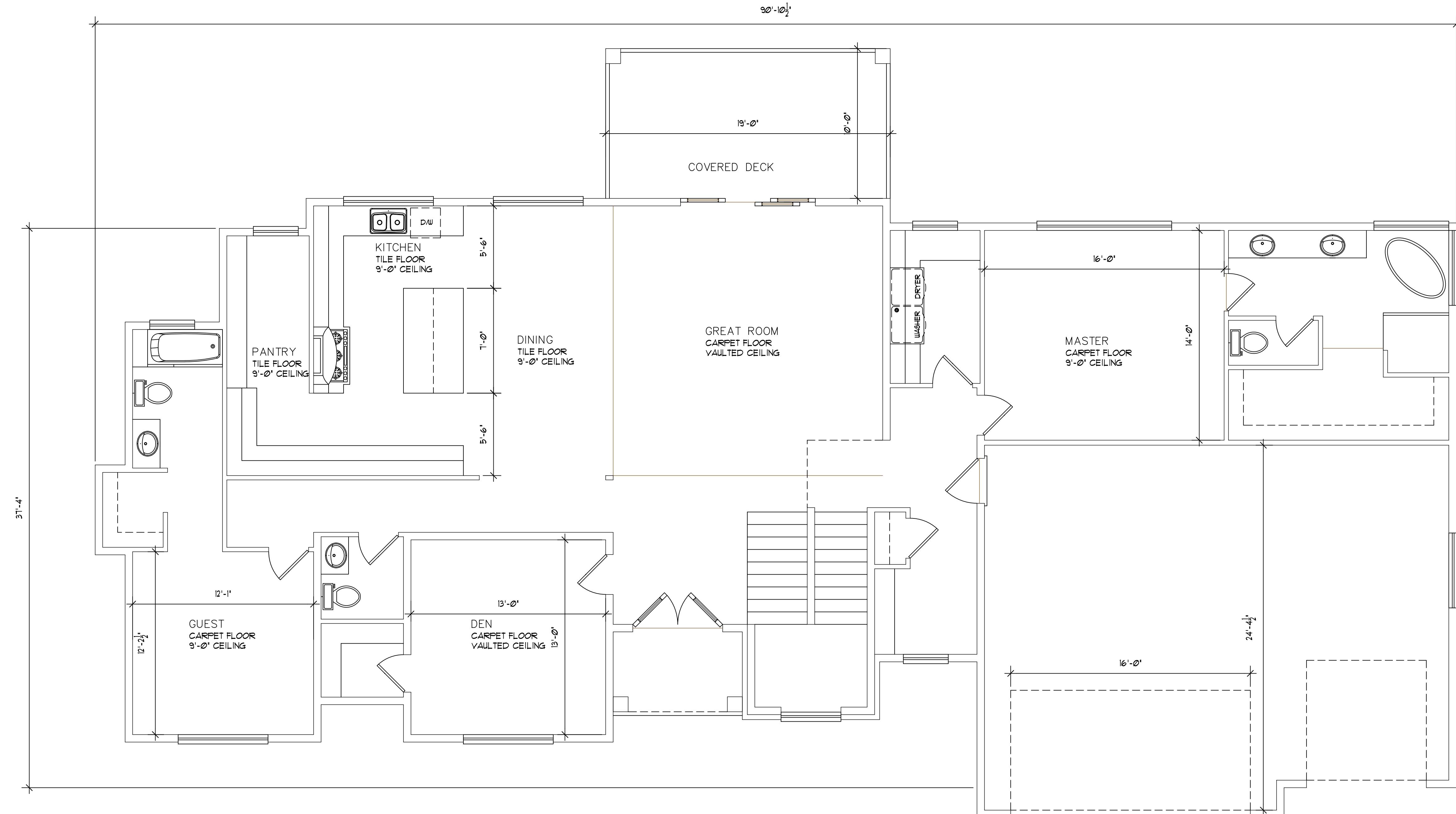


RIVER BOTTOMS  
LOT 3 RIVER BOTTOMS SUBDIVISION  
LEHI, UTAH  
8/28/23

dd drafting

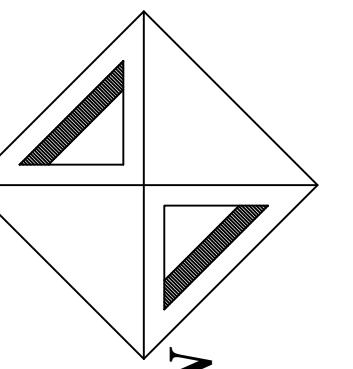
MAIN FLOOR PLAN

A3  
REV 8/14/23

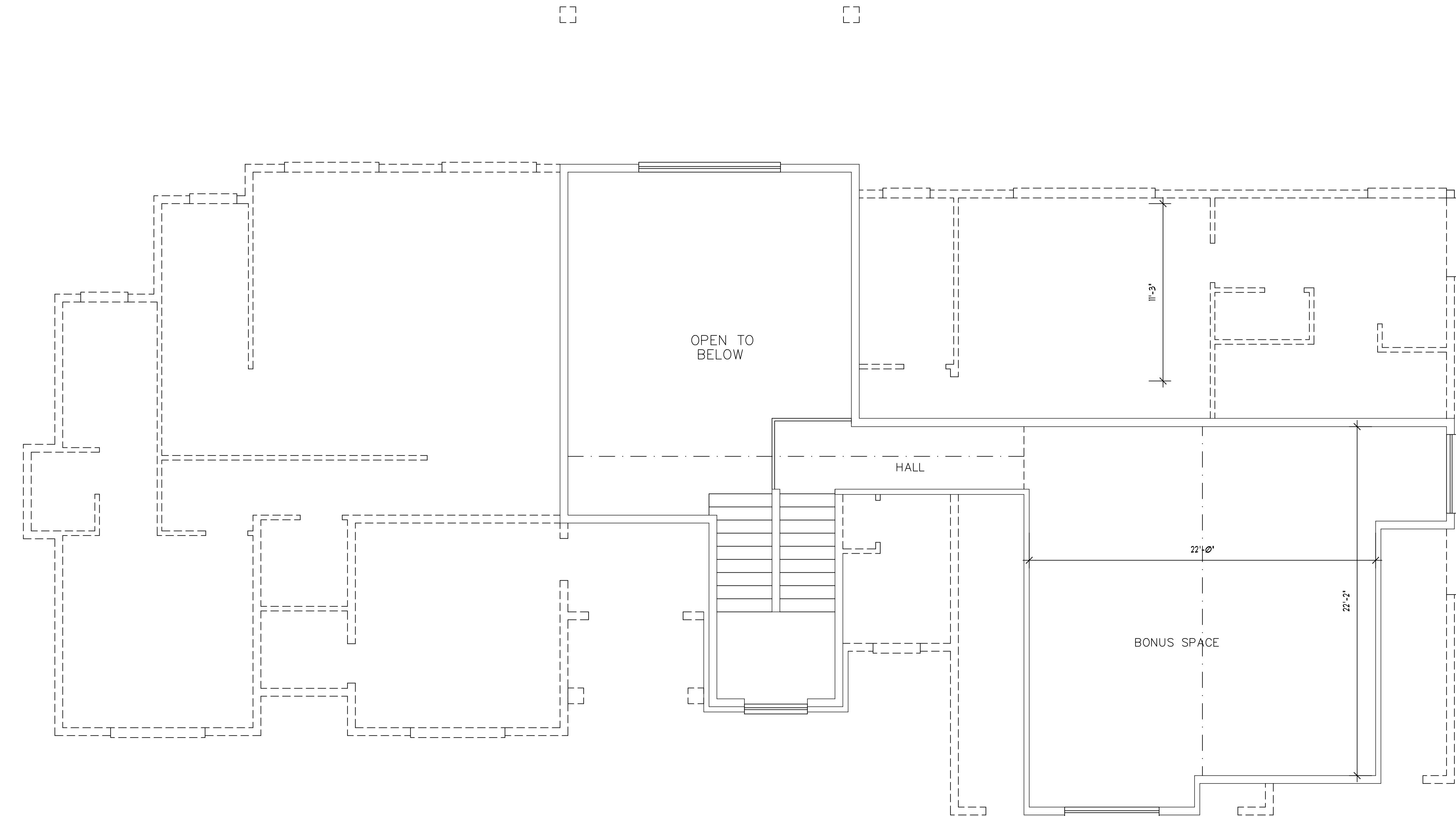


RIVER BOTTOMS  
LOT 3 RIVER BOTTOMS SUBDIVISION  
CUSTOM HOME  
LEHI, UTAH  
8/28/23

dddrafting



**BONUS FLOOR PLAN**



**BONUS FLOOR PLAN**

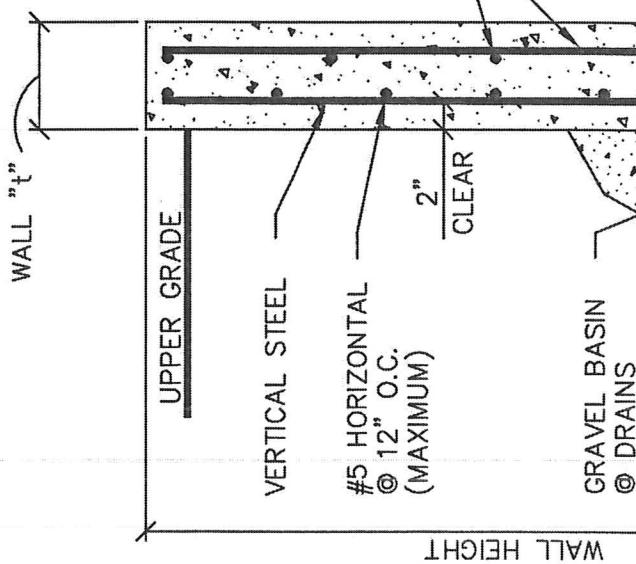
SCALE: 1/4" = 1'-0"

658 SQ. FT.

HEIGHT	WALL "t"	VERTICAL STEEL	FTG "w"	FOOTING STEEL
20'-0"	2'-0"	DOUBLE #8 BARS @ 5" O.C.	13'-6"	DOUBLE #8 BARS @ 5" O.C.

DATA:  
CONCRETE:  
REINFORCING STEEL:

3,000 PSI  
60,000 PSI



#5 BARS @ 12" O.C. IN BOTH DIRECTIONS

2" ~ SCREENED DRAINS  
@ 10'-0" O.C.

BACKFILLED SOIL  
LOWER GRADE

GRAVEL BASIN  
@ DRAINS

1'-6"

2"

2"

2"

2"

2"

2"

FOOTING STEEL  
#5 BARS @ 12" O.C.

UNDISTURBED SOIL  
OR BEDROCK  
UNDER FOOTING

SECTION THRU RETAINING WALL

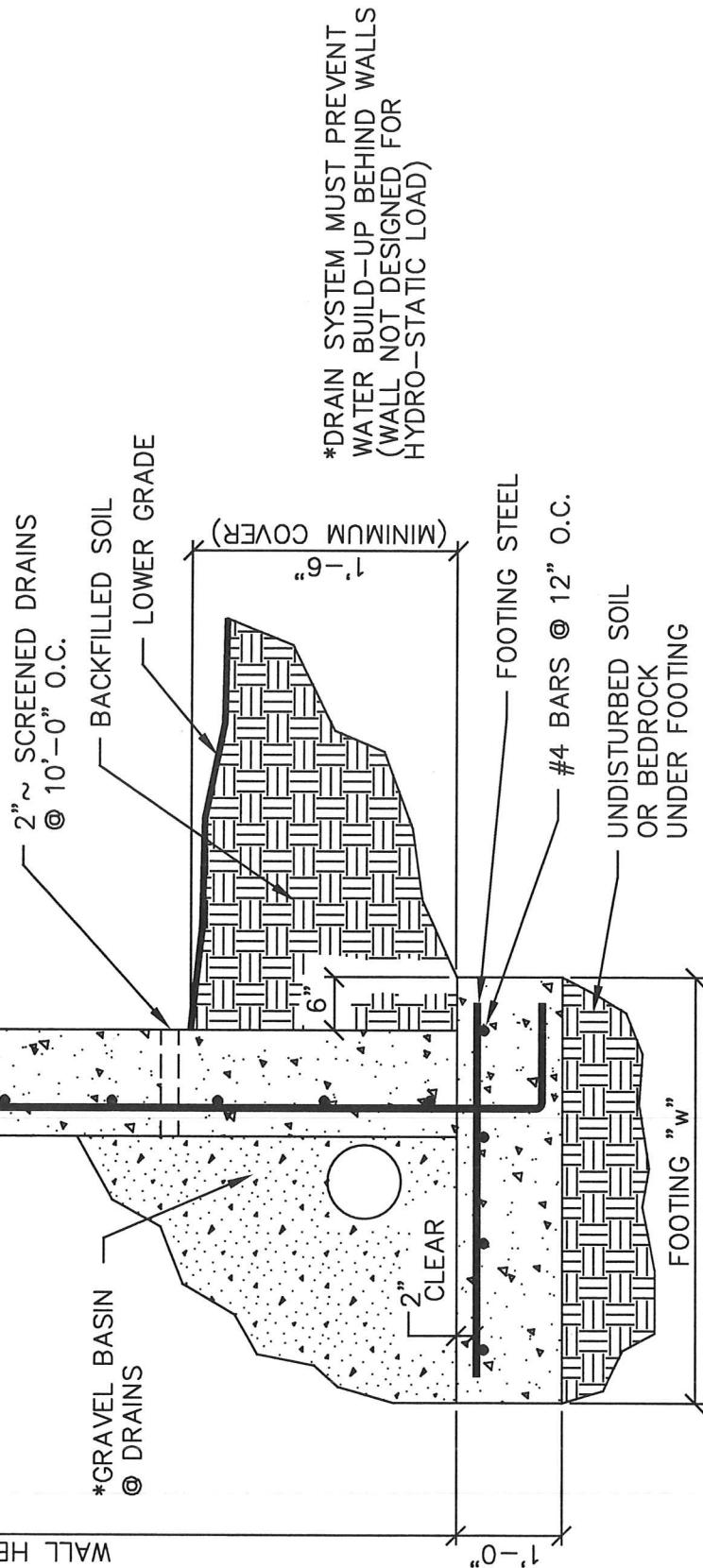
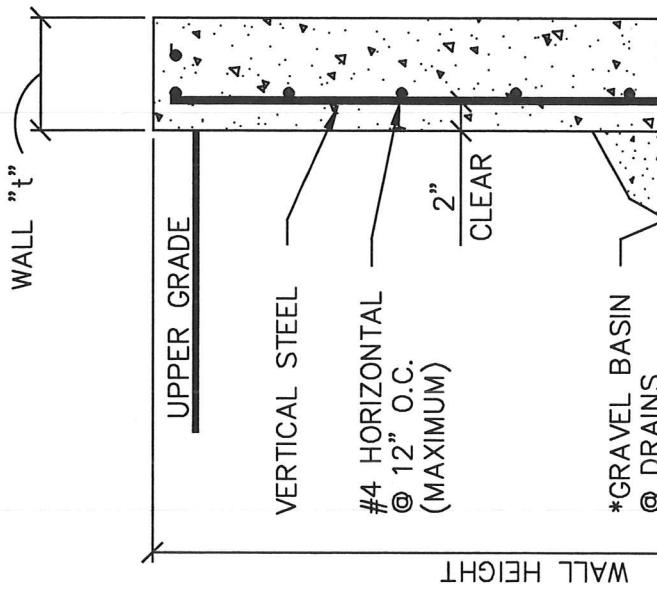
S-1

SCALE: NONE

HEIGHT	WALL "t"	VERTICAL STEEL	FTG "w"	FOOTING STEEL
4'-0"	8"	#4 BARS @ 18" O.C.	2'-9"	#4 BARS @ 18" O.C.
6'-0"	8"	#4 BARS @ 12" O.C.	3'-6"	#4 BARS @ 12" O.C.
8'-0"	8"	#4 BARS @ 9" O.C.	4'-6"	#4 BARS @ 9" O.C.
10'-0"	8"	#5 BARS @ 10" O.C.	5'-6"	#5 BARS @ 10" O.C.

DATA:

CONCRETE: 3,000 PSI  
REINFORCING STEEL: 60,000 PSI



F1

SECTION THRU RETAINING WALL

SCALE: NONE

## Zolo FOUNDATION / RETAINING

FOOTING

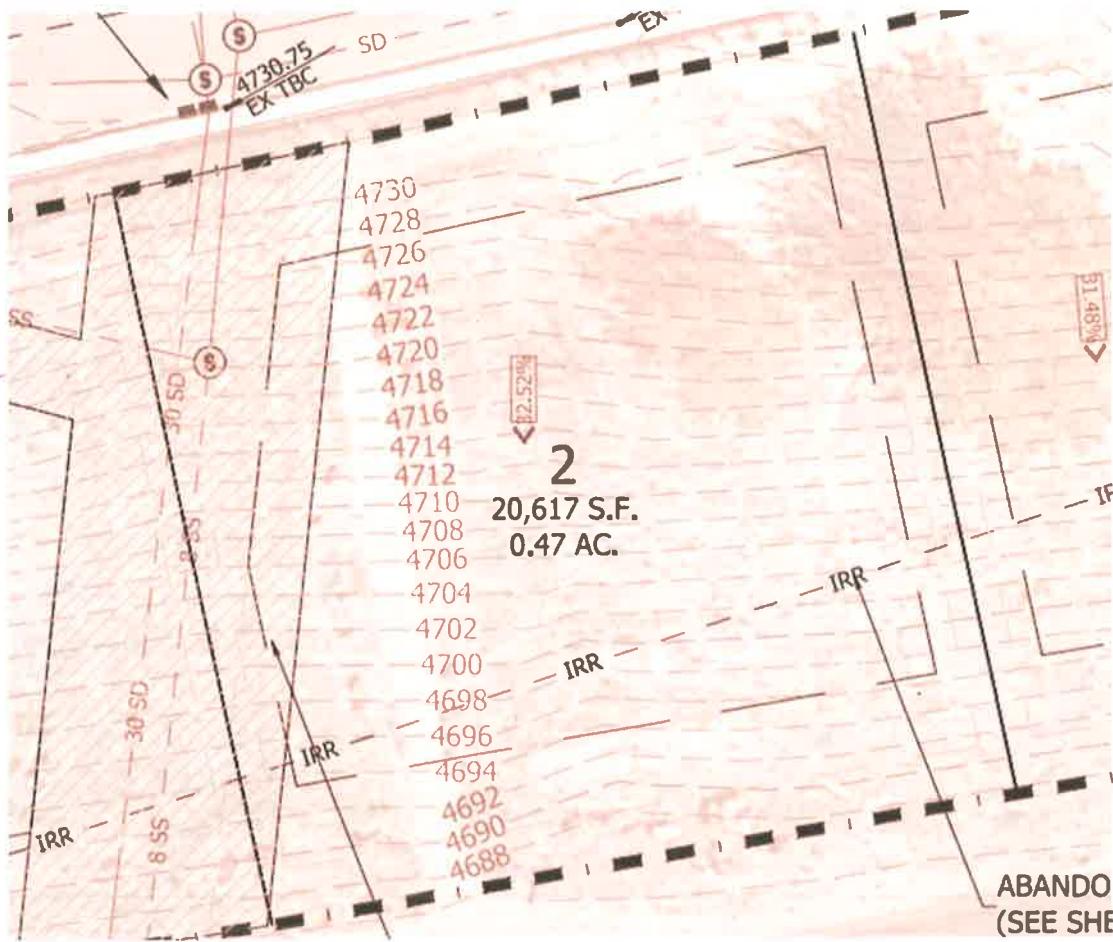
$$\frac{2(13.5) + 2(20)}{27} = 2.177 \text{ kips/ft}$$

2177 kips for 100 ft

## 10Lo FOUNDATION / RETAINING

$$\frac{5.47(1.0) + 9(\frac{e}{12})}{27} = 0.4112 \text{ kips/ft}$$

SAVKE ~ 4200 kips



# A STORM WATER & GRADING PLAN

SCALE: 1" = 40' 

**NORTH**

***Current Spanish Fork Hillside Slope Ordinance:***

***No person shall be permitted to grade, excavate, fill, erect any structure or otherwise disturb an undisturbed hillside area that exceeds a 3H:1V slope (H-Horizon, V-Vertical).***

Currently, the above surveyed topographical map shows the 4 Lots are within the 3H:1V SF Hillside requirement (i.e. 4730' – 4710' = 20'V and horizontal distance = 59.8'H >> 59.8H:20V = 3H:1V)

**\*Note – We still intend to build the back slope stabilization retaining wall to ensure that the homeowner will have a large backyard and pickleball court.**

ORDINANCE NO. \_\_

ROLL CALL

VOTING	YES	NO	ABSENT	ABSTAIN
MIKE MENDENHALL <i>Mayor (votes only in case of tie)</i>				
CHAD ARGYLE <i>Councilmember</i>				
STACY BECK <i>Councilmember</i>				
JESSE CARDON <i>Councilmember</i>				
SHANE MARSHALL <i>Councilmember</i>				
KEVIN OYLER <i>Councilmember</i>				

I MOVE this ordinance be adopted: Councilmember \_\_\_\_\_

I SECOND the foregoing motion: Councilmember \_\_\_\_\_

ORDINANCE No. \_\_

ORDINANCE AMENDING TITLE 15 OF THE SPANISH FORK MUNICIPAL CODE  
REGARDING AMATEUR RADIO ANTENNAS

WHEREAS Spanish Fork City ("City") recognizes the importance of effectively regulating land uses to promote a safe and desirable community;

WHEREAS the City Council recognizes the important federal interest in promoting amateur radio communications;

WHEREAS the City Council has a legitimate interest in regulating public safety, height, and a desire to promote desirable residential neighborhoods;

WHEREAS the City Council finds that a wind storm occurred on July 3, 2023, and wind speeds reached 79 mph;

WHEREAS during that wind storm an amateur radio antenna and support structure toppled to the ground, falling across property lines and into the public street;

WHEREAS the City finds that it is in the best interest of public health and safety that amateur radio antennas should be set back a reasonable distance from property lines and that towers and antennas should be engineered and constructed to withstand the structural load imposed by windspeeds of 80 mph;

WHEREAS the City Council desires to comply with the ruling of the Federal Communications Commission in Amateur Radio Preemption, 101 FCC 2nd 952 (1985) ("PRB-1") or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97 ("Federal Regulations")

WHEREAS the City Council desires to amend the Spanish Fork Municipal Code to adopt regulations pertaining to amateur radio antennas;

WHEREAS a public hearing was held before the Planning Commission on October 4, 2023, after which the Planning Commission made a recommendation on the proposed ordinance to the City Council; and

WHEREAS the City Council finds that making the proposed amendment will further the public health, safety, and general welfare, while still allowing amateur radio communications within the City, consistent with PRB-1 and Federal Regulations;

NOW, THEREFORE, be it ordained by the Spanish Fork City Council as follows:

Section 1. Amendment of Municipal Code. The Spanish Fork Municipal Code is hereby amended as set forth in Exhibit A attached hereto and incorporated herein. Only the sections listed herein are amended. All other sections remain unchanged.

Section 2. Effective Date. This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

DATED: \_\_\_\_\_, 2023.

---

MIKE MENDENHALL, Mayor

ATTEST:

---

Tara Silver, City Recorder

## **EXHIBIT A**

### **AMENDMENTS TO THE SPANISH FORK MUNICIPAL CODE**

#### **15.1.04.020 Definitions**

...  
"Support Structure": A pole, tower, or other structure used to support an amateur radio antenna.

#### **15.3.24.090 Supplementary Regulations**

Accessory Buildings, Structures, or Satellite Earth Stations.

Swimming Pools

Yard/Garage Sales

Irregular Lots

Accessory Dwelling Units (ADUs)

Awnings, Carports or Covered Decks

Animals

Wind Turbines (WT)

Outdoor Storage Areas

Public Rights-of-Way

Temporary Uses

Amateur Radio Antennas

...

#### L. Amateur Radio Antennas:

1. This section shall apply to amateur radio, also known as HAM radio, antennas and support structures.
2. General Regulations. Amateur radio antennas and support structures are allowed as a permitted use in all zones up to a height of forty-five (45) feet, subject to the conditions of this section. All amateur radio antennas and support structures shall comply with the following requirements.
  - a. All facilities shall comply with any pertinent regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

- b. A building permit is required for any antenna and support structure with a combined height over twelve (12) feet. The design and construction of the antenna, as demonstrated by manufacturer specifications or by certification of a design professional (architect, professional engineer, or structural engineer) and support structure must be able to withstand wind loads of at least 80 mph.
- c. No more than one amateur radio support structure per lot or parcel may be installed. A support structure may only be located in the rear yard of a home or primary structure. A roof-mounted antenna shall be allowed provided that the height of the antenna and support structure does not exceed twelve (12) feet above the roof.
- d. Setbacks for all amateur radio support structures shall be at least twenty feet (20') from neighboring property lines and a minimum of thirty feet (30') from any public right of way.
- e. Support structures and all antennas, including when such antennas are fully extended, shall be located entirely upon and within the owner's private property. No part of a support structure or antenna may extend beyond the boundaries of the lot or parcel upon which it is located, including into the right-of-way of any public or private street. No part of an antenna or support structure may be closer than 15 feet from an electric distribution conductor or 30 feet from an electric transmission conductor.
- f. A support structure shall be composed of non-reflective galvanized steel or aluminum and shall be a neutral color or a color to match the background against which it will be most commonly seen.
- g. Antennas are to be installed on a building or property in the least conspicuous location possible.
- h. A support structure in a residential zone may not make use of guy wires.
- i. Antennas shall be retracted, lowered, nested, or otherwise moved to a resting position when they are not being actively used for transmitting and receiving signals.

3. Conditional Use for Additional Height, Lesser Setbacks. The City desires to provide reasonable accommodations for antennas and support structures.

where appropriate, to ensure the standards contained in this section represent the minimum practicable regulation to accomplish the City's legitimate safety and aesthetic purposes. A conditional use permit shall be granted by the Planning Commission to allow amateur radio antennas and support structures to exceed 45 feet in height or to be setback less than the distance required by this section if it finds that the additional height or lesser setback will not create any negative impact or if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the additional height or lesser setback in accordance with applicable standards. It is the intent of the City to reasonably accommodate antennas and support structures to the greatest extent practicable without negatively impacting public safety or the aesthetic quality of the neighborhood in which they are located. Antennas and support structures will generally not be allowed at a greater height or lesser setback to the extent the greater height or lesser setback negatively impacts the public safety or aesthetics of the neighborhood in which they are located. In determining whether amateur radio antennas and support structures should be allowed to exceed 45 feet in height or have a lesser setback, the Planning Commission shall consider the following factors:

- a. The potential negative impact on public safety, especially the safety of life and property in the public rights-of-way or on adjacent properties.
- b. The potential negative impact that the structure will have on the views of properties in the neighborhood. Special consideration shall be given to the impact on the views of attractive natural features such as the Wasatch Mountains and Utah Lake.
- c. The potential negative impact that the structure will have on the overall aesthetic quality of the neighborhood in which the structure is located.
- d. The potential impact the structure may have on property values in the neighborhood in which the structure is located as demonstrated by a market analysis or appraisal. Speculative testimony is insufficient to establish any impact upon property values.
- e. The need of the owner/operator for an antenna and support structure in excess of 45 feet or for a lesser setback distance.

f. The extent to which any reasonably anticipated detrimental effects of the structure can be mitigated. Factors that may reduce the negative impact that a structure will have on the aesthetic quality of a neighborhood and which may be made a condition(s) for the allowance of a height greater than 45 feet or lesser setback include but are not limited to the following:

- (1) For additional height, setbacks from adjoining property that significantly exceed the required setbacks listed in subsection (1)(d) above.
- (2) The current existence and use of trees or other means to screen or camouflage the structure.
- (3) The use of a retractable support structure, which is retracted when not in use or which is fully extended only during limited hours so long as the antenna, when extended, does not cross property lines.
- (4) The location of a support structure adjacent to land that is undeveloped and not likely to be developed due to topography or other characteristics. Streets may not be considered as undeveloped land.
- (5) The location of a support structure in or adjacent to commercial property, churches, schools, parks, or similar property such that the support structure will not unreasonably impair the views of residential property owners.
- (6) Any other factor that could reasonably mitigate the negative impact of the structure.

The existence of one or more of the conditions listed above does not create a presumption that the negative impacts of an antenna or antenna support structure are adequately mitigated.

4. Abandonment. An antenna or support structure shall be deemed to be abandoned and must be removed if the antenna is not used for a period of two (2) years or more. However, this two-year period shall not run during any time when the owner is away on a temporary leave of absence due to military service, a volunteer service assignment, ecclesiastical assignment, or other similar absence.

**Formatted:** Line spacing: Multiple 1.15 li, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

**TO:** Spanish Fork City Planning Commission

**FROM:** Mary Martin

**DATE:** October 4, 2023

**RE:** Proposed Changes to Title 15, Fencing and Master Planned Developments

This correspondence contains proposed changes to Title 15. The DRC recently recommended the proposed changes for approval on August 23, 2023. The changes are noted in red boldface text.

Some of the changes would allow for six-foot tall fencing in front yards, if certain criteria are met, where fences of the height are currently not permitted.

The other changes would slightly modify the City's requirements for Master Planned Developments.

The proposed changes are found below.

**15.4.16.150 Fencing and Clear Vision Area**

**A. General Fencing Requirements**

1. A Building Permit is required for all fences that are taller than three (3) feet. No fee is charged for Fence Permits unless the Permit is required by the Building Code.
2. The maximum height of a fence is six (6) feet in all zoning districts; fence pillars are not to exceed six and one-half (6 1/2) feet in height. The Council may waive the height requirement at its sole discretion.
3. The maximum height of a solid fence within the front yard setback area is three (3) feet. Substantially open fences such as chain link, or wrought iron may be four (4) feet high.
  - a. A residential lot with over two hundred (200) feet of frontage and that is a minimum of twenty thousand (20,000) square feet in area, may obtain permission from the Community Development Director to locate a solid six (6) foot tall fence within a front yard. The fence must maintain a minimum setback of ten (10) feet from the front property line.
    - i. A fence located within the front yard setback shall not be located in front of the residence, but must be to the sides of the residence. Clear vision requirements shall still apply.
    - ii. No more than fifty (50) percent of the lot frontage shall have said fencing within the front yard setback.

- ii. The area between said fencing and the property line shall be landscaped within one (1) year of installing said fencing.
- b. An irregular shaped residential lot with over two hundred (200) feet of frontage and that is a minimum of fifteen thousand (15,000) square feet in area, may obtain permission from the Community Development Director to locate a solid six (6) foot tall fence within a front yard.
  - i. A fence located within the front yard setback shall not be located in front of the residence, but must be to the sides of the residence. Clear vision requirements shall still apply.
  - ii. No more than sixty (60) percent of the lot frontage shall have said fencing within the front yard setback.
- 4. Barbed wire fencing is allowed in A-E, R-R, I-1 and I-2 districts.
- 5. Razor wire and other similar type fencing are allowed in C-2, I-1 and I-2 districts when located above a height of six (6) feet, subject to DRC approval. Additional screening of any such fence with plant materials may be required.
- 6. Fences must be built with a minimum setback of three (3) feet around the following utilities: fire hydrants, water meters (culinary and irrigation), telephone pedestals, power boxes and cable boxes.

#### B. Restrictions for Clear Vision Area

- 1. The clear vision area is formed by extending lines from each curb face to the point that the lines intersect, measuring back 45 feet along each curb face and connecting those points. Fencing, planting and other obstacles are restricted within this area as follows:
  - a. No solid fence shall exceed a height of three (3) feet, measured from the curb. Open fences such as chain link and wrought iron may be as tall as four (4) feet in the clear vision area, measured from the curb.
  - b. Trees in park strips shall be pruned to maintain a clear area below 14 feet in height.
  - c. Trees on private property must be pruned to maintain a clear area below eight (8) feet in height.
  - d. Other site obscuring obstacles of that are three (3) feet or taller may not be placed in the clear vision area.
- 2. A second clear vision area is also required at each driveway or where the rear of a corner lot adjoins an interior lot's driveway. This clear vision area is formed by extending lines from the point that the driveway or property line intersects the sidewalk, measuring back twenty (20) feet along the sidewalk and the driveway or property line and connecting those points. The same restrictions for landscaping, fencing and obstacles apply in this area.

#### 15.3.20.080 Master Planned Development Overlay District

This district is an alternative to developing property by strict adherence to standard zoning and development requirements, which may only be approved as a Zoning Map Amendment as provided in this section. The Master Planned Development (MDP) Overlay District is not a replacement for a standard subdivision but serves as an option. It is intended to provide **an a voluntary** option for

**applicants** in order to create residential neighborhoods that will increase in value over time by doing the following:

- allowing for efficient designs that provide needed public infrastructure,
- allowing for deviations from typical zoning standards in order to permit uniquely configured or situated properties to be developed in a functional manner that enhances the City,
- allowing developments to include a total number of units up to the maximum density found in the underlying zone as identified in Table 1 - Residential Development Standards of Title 15,
- establishing residential neighborhoods with a distinct character and sense of unity, and
- allowing for the development of neighborhoods with multi-family homes and a mixture of housing types.

#### A. Application

1. Applications to establish a Master Planned Development Overlay District shall be processed in the same manner as that for other zoning map amendments. The application shall be accompanied by a complete Preliminary

Plat or Site Plan application which includes the following information:

- a complete description of the intended nature and character of the development,
- a description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions,
- a proposed project phasing,
- plans representing proposed landscaping, fences, walls, entry treatments, signage and lighting,
- preliminary conditions, covenants, and restrictions (CC&R's),
- any variations from the non-Master Planned Development standards,
- any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes,
- a data table which includes total acreage, acreage of sensitive lands, total number of homes and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space, and
- a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat or Site Plan. If the sequence of construction of various portions of the development is to occur in stages, then the amenities shall be developed, or committed thereto, in proportion to the number of homes intended to be developed during any given stage of construction.

## B. Performance Standards

### 1. Permitted Use

- a. All uses listed in R 1, R-3, R-4, and R-5 Districts, subject to the same restrictions or limitations of the use.
- b. Multi-family homes.

### 2. Subdivision Design

- a. Project size. The minimum size of a development is five (5) gross contiguous acres in R-1-8, R-1-9, R-1-12, R-1-15, R-1-20, R-1-30, and R-1-40 Zones. The minimum size of a development in the R-1-6, R-3, and R-5 zones is two (2) gross contiguous acres. The minimum size of a development in the R-4 zone is twelve (12) gross contiguous residential acres. School, church and other non-residential sites are to be excluded from the acreage calculation.
- b. Density calculations and lot size. Density shall be limited to the base density per acre as defined in Table 1 Residential Development Standards. Church sites, school sites, other non-residential uses, sensitive lands and land that is unbuildable by encumbrance or otherwise may not be counted in the density calculations. The average lot size for any development must meet or exceed the minimum lot size required for a standard subdivision in that zone. For projects that include land with multiple zoning districts, the total allowed density will be the sum of the allowed density for each of the distinctly zoned areas. This density may be dispersed throughout the project provided that average lot sizes in the project are commensurate with the distinctly zoned areas. Where projects include features that serve as amenities for the development, plazas, entrance features, private park, the land area of those features may be included in the lot area for purposes of calculating average lot size. Where projects include uniquely large lots, the area of the uniquely large lots that is included for purposes of calculating project density and average lot size shall be limited to twice the minimum lot size of the Zoning District.
- c. Street design. Local streets shall not exceed 600 feet in length without an intersecting street.
- d. Infrastructure. Inasmuch as isolated, disconnected developments and their public infrastructure systems are an undesirable, inefficient, and in some cases a dangerous condition, developments shall provide infrastructure necessary to serve the MPD and to connect it to surrounding developments, undeveloped property, and anticipated future growth. The MPD must enhance infrastructure connectivity between the MPD and its surroundings by providing road and utility stubs where appropriate. Infrastructure that is intended for public use shall be dedicated to the City. Design, arrangement, and layout of developments may be adjusted by the City to achieve the goals of this section.

### 3. Architecture

a. Minimum house sizes, finished area (square feet). For the purposes of calculating required finished area, square footage in basements shall not qualify. For split level homes, finished area on floors that are at least 50% below the finished grade of the lot shall not count towards the required finished area.

Minimum Finished Floor Area R-1 and R-3 Zones (see 15.3.16.032 and 15.3.16.033 for R-4 and R-5 Zone requirements)		
Minimum Lot Size and Multi-family	One Story	Multi-Level
80,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
60,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
40,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
30,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
20,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
15,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
12,000 sq. ft.	1,400 sq. ft.	2,000 sq. ft.
9,000 sq. ft.	1,300 sq. ft.	1,600 sq. ft.
8,000 sq. ft.	1,200 sq. ft.	1,500 sq. ft.
6,000 sq. ft.	1,100 sq. ft.	1,400 sq. ft.
Multi-family	1,000 sq. ft. (one level)	1,200 sq. ft. (multi-level)

b. Distinct designs. Development shall include a variety of home styles to ensure a diverse and interesting streetscape. Neighborhoods that have repetitive single-family homes constructed along the same street are not allowed. In order to ensure that the neighborhood is non-repetitive, the same street facing elevation shall not be built on adjacent lots on the same street or on lots directly or diagonally across the street from one another. Different elevations shall be characterized by elements such as, but not limited to, distinct footprints, rooflines, cladding materials or architectural features which contribute to home designs that are easily distinguishable from other home designs along the same street.

c. Parking. Developments in the R-4, R-3, R-1-6, R-1-8, R-1-9, R-1-12, R-1-15, R-1-20, R-1-30, and R-1-40 zones shall provide at least 2.5 parking spaces per home in the development. Developments in the R-5 zone shall provide at least 2.25 parking spaces per home in the development. A two (2) car garage for each single-family residence is required. Townhomes and multi-family units must have one (1) attached or detached garage (minimum 12 feet x 20 feet) per unit. Developments shall include no less than one-half (0.5) guest parking spaces per home. Developments that include, with each home, a two (2) car garage and driveway space for two (2) vehicles shall not be required

to provide additional guest parking. When required guest parking shall be located within 200 feet of each home.

- d. Roofs. Single-family homes in the development shall have at least a 6/12 pitched roof on the main portion of the roof unless it is determined by the Community Development Department that a lesser pitch roof is essential to maintain the integrity of a particular architectural style and that the style is a substantial improvement to what would be built in a standard subdivision.
- e. Exterior materials. Homes shall be clad in masonry, or masonry-based materials or a chemically-treated, wood-based, nail-on, lap siding that has at least a 50-year warranty. The City Council may grant a waiver of this requirement based upon superior architectural design plans which involve other materials.

#### 4. Landscaping

- a. Developments shall meet all applicable landscaping requirements including those found in 15.4.16.130. Applications for Master Planned Developments shall also include a Street Tree Plan that identifies where trees shall be installed in the parkstrips of public rights-of-way throughout the development. Trees included in the Plan shall be spaced 30 feet apart, shall not be placed in restricted areas found in 15.4.16.150 and shall be selected from the Spanish Fork City Shade Tree List. Street trees in Master Planned Developments shall be installed prior to a Certificate of Occupancy being granted for the adjacent lot unless provisions are made for the developer to provide financial assurance to the City that the trees will be installed at a later time.

C. Findings: the following findings must be made by the Council before approving any Master Planned Development Overlay District:

- 1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the application of the provisions of the underlying zone.
- 2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood.
- 3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.
- 4. That the applicant enter into a development agreement.**
- 5. That the development will improve infrastructure connectivity.