

Adopted Minutes
Spanish Fork City Development Review Committee
40 South Main Street
Spanish Fork, Utah
August 9, 2023

Staff Members Present: **Chris Thompson**, Public Works Director; **Seth Perrins**, City Manager; **Dave Anderson**, Community Development Director; **Mary Martin**, Associate Planner; **Kimberly Brenneman**, Development Coordination Manager; **Vaughn Pickell**, City Attorney; **Ana Burgi**, Assistant City Attorney; **John Little**, Chief Building Official; **Byron Haslam**, Senior Engineer; **Marcie Clark**, Department Development Secretary; **Jered Johnson**, Engineering Division Manager; **Zach Hendrickson**, Outside Plant Manager; **Jake Theurer**, Power and Light Superintendent; **Tom Cooper**, Power and Light Senior Utility Planner; **Dale Robinson**, Parks and Recreation Director; **Bart Morrill**, Parks Maintenance Supervisor; **Jason Turner**, Fire Marshall; **Kasey Woodard**, Division Secretary.

Citizens Present: Tyler Grunander, Austin Pritchett, Kevin Pritchett.

Chris Thompson called the meeting to order at 10:00 a.m.

MINUTES

August 2, 2023

Jake Theurer **moved** to approve the minutes of August 2, 2023.

Dave Anderson **seconded** and the motion **passed** all in favor.

DISCUSSION

ARROWHEAD SUBDIVISION SITE MANAGEMENT PLAN

Dave Anderson addressed the Committee and staff members on whether the presented document had been reviewed as it was just recently received. He stated he questions regarding the language of the document. He then presented the agreement and spoke briefly of how the contamination on the site has been handled. He stated that this

document has been reviewed by the City's consultant Lance Hess. He stated the goal is for homes to be built on the property in a manner so as to not have any future safety concerns.

He stated he has several concerns with this document. He mentioned the Protective Soil Layer and the Exposure Barrier Cap. He stated this is discussed in the document on page 5, and it details the annual testing of the materials to assess the continuing effectiveness of the remedial action. He feels that if there are materials present that are contaminated, that they should be removed and separated from the other usable materials. He stated he has concerns about having materials like this being placed under asphalt. He asks for the applicants to give more insight into what they are proposing.

Tyler Grunander stated there are several soils on site that have higher readings of arsenic that do exceed the State regulations. But, per the State Code, it is still allowed to be placed under roads and commercial developments. He stated they have a separated pile of this material set aside specifically for roads and commercial developments. He stated to his knowledge there are no caps that conceal contaminated soil. He stated they have run into contaminated soil next to an oil leak and has been placed into a separate area away from the other soil.

Dave Anderson stated there needs to be more clarification since it is mentioned throughout the document in several areas.

Seth Perrins stated he does not want any homeowner to be forced to have environmental studies performed on their properties every year. He stated this is not the type of development that Spanish Fork wants to approve. He feels it is best to continue this item until more information can be provided.

Tyler Grunander stated that he is not the best person to answer the questions that are being posed by the Committee. He stated he is accompanied by representatives from both Sunroc and REMC. He stated the representative from REMC would be the best person to answer these questions.

Dave Anderson asked the applicants if they can provide further information regarding what the document is describing. He asked about the type of testing being proposed with the annual subdivision testing.

The representative from REMC stated they have performed tests. He stated they are testing the soils and stated they will go back over it and if they find anything that is in the red area, they will not use that material. He stated the material that is tested to be safe, they will place that under the asphalt.

Chris Thompson brought up the point in the document that suggests annual inspections of the soils used in the subdivisions and he asked if this only during the construction phase or if this would be going forward after the completion of the subdivision.

It was stated this is recommended to be performed annually as roads are being used, they will garner wear and potential damage. He stated they recommend the testing for the few years after the completion of the development. He stated that Sunroc would be responsible for this and it was questioned who would be financially responsible for the testing and it was undetermined at this point.

Chris Thompson feels that the City does not need anyone to come in annually to inspect the wear and damage on the roads.

Dave Anderson stated that there was not a significant amount of contamination found on the property to be a cause for concern, but stated that since there was contamination found at all, gave cause to stop and question in general.

The representative from REMC stated they could do a clean corridor as an extra mile precaution.

Vaughn Pickell asked the applicants to describe the screening levels.

The representative from REMC stated there are several levels for screening. He stated if the contamination goes above the industrial level that it would not be allowed. He stated that this would be the yellow level. Anything above yellow is a non-usable material. He then presented a map illustrating the color phases.

Tyler Grunander stated everything outside the yellow area has been cleaned. He stated this map is not 100% accurate and he explained the areas that have been remediated and give clean bills of health.

Seth Perrins stated he understands that he is not an environmental engineer, but he stated the language of the document scares him. He does not feel the message from the document tells the City that everything is okay. He feels that the document can be adjusted to provide additional clarity to the City, that when development happens in the area, that the workers will be safe, or if they will need personal protection wear. He feels this language promotes the ability for the City to be sued. He wants the language to be clarified. He personally does not want any subdivisions developed that will require additional environmental testing to be performed annually.

The representative from REMC understands Seth's feelings on the matter.

Dave Anderson stated that Lance Hess has reviewed this document and stated he is comfortable with it and that a pre-con meeting has been scheduled. He suggested allowing the applicants to proceed. He stated he is comfortable with Lance reviewing the documents and giving his approval.

The representative from REMC understands that every City has their own approach and he stated that he understands the stance of the City.

Dave Anderson stated he wants to impose a deadline and allow the pre-con to happen and would like this to be completed by September 15, 2023.

The representative from Sunroc stated there is no hazardous material that has been found on the site. He stated they are trying to meet the City standard. He stated that the materials can be dug in and moved around and he states that it is completely safe.

Dave Anderson stated this is the opinion that Lance Hess stated in his review. He suggested the applicants add any data that supports this claim be added into the document.

Seth Perrins stated if the soils are safe, then say it in the document and make it clear.

The Committee agreed with this statement.

ANNEXATIONS

NORTH LAKE ANNEXATION

Chris Thompson questioned if this proposal was for acceptance for further study?

Dave Anderson stated that yes, this is an acceptance for further study. He presented the map illustrating the affected areas that are being proposed for annexation. He feels this is the right time to annex these properties but feels there are details that need to be worked through regarding land use.

Austin Pritchett stated there will be a grade separation with Union Pacific. He stated they will begin to dig the underpass now, but stated the rail will probably be done in about 3-5 years. He stated they know the path that is being laid for the rail, so they can plan for it.

Chris Thompson asked if UTA is running it and it was stated that UTA is running it, but all three, UTA, Union Pacific and UDOT will all have a say in the development. He then asked Austin what he meant by underpass?

Austin Pritchett stated because trains are so long now, there is a potential for a train stopping and covering both crossings and stated there is a need for grade separation and underpass. He stated they are working with engineers to lay this out.

Chris Thompson asked if there are any groundwater issues with the site and it was stated that if there are any issues it will be simple to address.

Jered Johnson asked where the underpass will be located and Austin showed where it will be located and then stated they will begin digging soon.

Austin Pritchett stated they are digging the road now, but they are unsure when the rail will be placed. He stated they looked at an overpass but it took away visibility. He stated they will bring in a master plan for the City to review.

Dave Anderson asked if the City has any idea when UTA will be building the rail and it was stated that it is funded and under design, but that it is part of the interchange design so it will have to be completed in conjunction with the interchange.

Austin Pritchett stated the state has chosen a new design group and he is projecting 5-10 years completion, but states that he is optimistic that it could be 3-5 years at the earliest.

Dave Anderson asked what is the push to have this approved now?

Austin Pritchett stated to be cohesive to the development of the rail, they need to start the process now. He stated they have designed this to where they will not need an additional crossing.

There was discussion on when the next meeting with UDOT and City staff will be taking place.

Dave Anderson feels this design is more intense than what was planned for. He stated the City is currently in the process of working on a new land use plan and stated this will take time to work through. He is in favor of starting the process for further study now.

Seth Perrins questioned the annexation name, North Lakes, and Austin stated they will be changing it and are open to suggestions.

Kimberly Brenneman requested the name be provided to her sooner rather than later as it helps track the process from now till when it is recorded.

Seth Perrins asked why not bring in the two unique parcels and Kimberly Brenneman stated it is just one parcel. She stated she spoke with the gas company and it should be incorporated. It was stated the triangle parcel is currently in the City but the City map has not been updated to reflect this change.

Seth Perrins then asked about the other property and it was stated the property owner is unwilling and it was stated if it will be left out the City needs to work with the County.

Vaughn Pickell stated they can leave the island.

Seth Perrins feels comfortable with speaking to the property owner himself. He is not in favor of leaving the island out of the annexation. He stated he would like the study to include the island in and if it would be better or worse for the property to be annexed into the City.

Dave Anderson **moved** to recommend approval of the proposed Annexation based on the following findings and conditions:

Findings:

1. That the subject property is located within the City's Annexation Policy Boundary.

Seth Perrins **seconded** and the motion **passed** all in favor.

CONCEPT REVIEW

RODEN 4-PLEX

Dave Anderson moved to Continue the proposed Concept Review until an applicant can be present.

Ana Burgi seconded and the motion passed all in favor.

CONSTRUCTION STANDARDS

CONSTRUCTION STANDARDS REVISIONS (23.01)

Josh Robinson gave a brief overview of the changes to the city standards including improvements and design requirements, adding a street sign section, adding a section that will address masonry graffiti, adding a concrete pedestal for SFCN and pressurized irrigation.

Seth Perrins asked if these changes apply to all traffic signs and stop signs and Chris stated it applies to blinking stop signs.

There was discussion regarding the topic of construction debris.

Josh Robinson presented a construction drawing that includes the need for a concrete pad under a pedestal.

Dave Anderson clarified these changes to be presented to the Planning Commission and City Council in December.

Jered Johnson **moved** to recommend the approval of the proposed Construction Standard Revisions (23.01) to City Council as discussed.

Seth Perrins **seconded** and the motion **passed** all in favor.

TITLE 15 AMENDMENTS

FENCING STANDARDS

Dave Anderson stated he wanted to give a brief explanation of the situation that is calling for the revision. He stated there is a property owner that is unwilling to follow the City's regulations regarding fencing requirements.

Mary Martin presented the portion of the Code that is being reviewed. She presented several properties that do not meet the City's current set back requirements. She proposes lowering the minimum square foot requirement, or reducing the setback requirements.

Dave Anderson gave a brief history of how the City came to the current regulations. He stated the Planning Commission could approve changes like this, but states that he is not in favor of changing the code to accommodate odd shaped lots.

Chris Thompson stated there are no safety restrictions with the current regulations and that it is more for aesthetics.

There was discussion on a property that is proposing a fence coming up to the sidewalk. There were photos presented to illustrate what the property owner is wanting to do.

Ana Burgi asked if there is a gate being proposed and it was stated the property owner is wanting to gate the corner so that they can access the concrete pad for RV storage.

The general feeling is that the Committee does not mind what the property owner is wanting to do.

Seth Perrins states the Committee is in favor but the code is not, so the code needs to be revised to allow for this.

Vaughn Pickell stated this should be permitted subject to conditions and not a conditional approval, and this would not need to be approved by the Planning Commission.

Seth Perrins stated this is one of the oddest shaped lots that he has witnessed.

Vaughn Pickell reiterated Seth's points, and stated that the Committee does not want a long stretch of 6-foot fencing and they do not want

Dave Anderson asks Vaughn if he will sit down for further discussion on this topic to have the proposal ready for the September Planning Commission meeting.

Dave Anderson **moved** to recommend the continuation of the proposed Title 15 Amendments to City Council as discussed.

John Little **seconded** and the motion **passed** all in favor.

Dave Anderson moved to adjourn the meeting at 11:15 a.m.

Adopted: August 23, 2023

Kasey Woodard
Community Development Division
Secretary