

**Adopted Minutes**  
**Spanish Fork City Planning Commission**  
**80 South Main Street**  
**Spanish Fork, Utah**  
**October 4, 2023**

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

**Staff Members Present:** Dave Anderson, Community Development Director; Mary Martin, Associate Planner; Byron Haslam, Senior Engineering; Vaughn Pickell, City Attorney; Kasey Woodard, Community Development Division Secretary.

**Citizens Present:** Thomas Lotz, Jens Nielson, Bo Chung, Camille Neilson, Scott Neilson, Jerry Carroll, Adrienne Lauritzen, Mary Brockbank, Bart Boggess, James Reagan, Nichole Reagan, Andrea Bowman, Man Brown, Sydney Carlson.

### **WORK SESSION**

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

### **PRELIMINARY ACTIVITIES**

#### **Pledge of Allegiance**

Commissioner Mendenhall led the pledge.

### **MINUTES**

April 6, 2022

August 2, 2023

Commissioner Michell moved to approve the minutes from April 6, 2022 and August 2, 2023.

Commissioner Clayson seconded and the motion passed all in favor.

### **PRELIMINARY PLAT and Zone Change (Public Hearing)**

#### **LOTS CONSTRUCTION**

Mary Martin gave the location of the proposed Zone Change and a brief presentation of the proposal stating this change would bring additional residential density to the area.

Thomas Lotz, the property owner, was present and stated they are wishing to rezone the property to meet the City's General Plan. He stated the property owners to the East had rezoned the property from rural residential to R-1-15 and he is just looking to match that density.

Commissioner Warnick asked if he owns the entire property and it was stated that yes, he does.

Chairman Mitchell opened the public hearing at 6:08 p.m.

Jackie Larson rose to speak briefly on the proposed zone change. She stated she has a few concerns regarding soil and water. She states the drain that passes under the freeway, and the portion of the property is made up of clay. She stated this gives concerns with mold developing in future developments and not being structurally sound. She encourages the responsible party to look further into these concerns.

Chairman Mitchell closed the public hearing at 6:10 p.m.

Chairman Mitchell spoke further to the mold and drainage concerns Mrs. Larson brought forward. He asks the staff if there have been soil reports and thorough plans submitted for review that addresses these potential concerns.

Bryon Haslam stated that yes, the City staff have hired a consultant for the Leland area to conduct a storm drain master plan for the area. He stated this report has been supplied to the applicant, and has been reviewed. He stated they will monitor that master plan.

Commissioner Mendenhall asked if the property to the East will be developing independently and if there is a timeline to that development.

Thomas Lotz stated the property owner is currently experiencing family hardships and he does not feel that they will be developing the property any time soon as he is not aware of any potential plans. He touched briefly on Mrs. Larson's concerns, and stated they have conducted a geotech study on the soils and stated there were no structural concerns at this time. He stated he is not sure if these homes would be allowed basements, but stated that there are plenty of homes in the area that do not have basements and there have not been any complaints.

Commissioner Mendenhall asked if the applicant has been in contact with the state regarding Arrowhead Road and Thomas stated he has not received the easement at this time. He stated they are hoping to push that until the Final Plat review.

Commissioner Warnick stated there seems to be a few concerns that need to be addressed, but stated that once these concerns have been addressed, she does not feel any additional concerns and feels favorably to the design.

Commissioner Mendenhall asked if there is a plan in place to address ground water?

Thomas Lotz stated there would need to be an on-site water retention area to push the water to a drain that will be located under the road.

Commissioner Mendenhall asked if this will be an engineering issue that will need to be worked out with the city?

Bryon Haslam stated that the City's engineering department will work with the applicant during the final plat to have these drainage concerns addressed.

Commissioner Warnick **moved** to recommend the approval of the Lotz Construction to the City Council based on the following findings and 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.

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

**PRELIMINARY PLAT and Zone Change (Public Hearing)**

**THE ORCHARD**

Mary Martin gave a brief location to the proposal and stated the applicant is requesting to rezone the property from R-R to R-1-15. She stated the applicant needs to resolve all conditions of the Preliminary Plat before the Zone Change is reviewed by City Council and to work with engineering to appropriately assign land for the future railroad expansion on the eastern property line.

Commissioner Warnick asked for further information regarding the future rail expansion.

Mary Martin stated along the eastern property line, there is 30 feet designated for future right of way but this will likely need to increase. She stated the City is working with the applicant to address this with future submissions.

Commissioner Mitchell asked if the applicant would still be able to meet the minimum lot size requirement with this future expansion and it was stated that yes, they would still be able to meet lot size requirements for the zone.

Commissioner Mendenhall asked for clarification to the properties on the North and south.

Mary Martin stated the property to the South is an approved subdivision and the property to the North has an existing home on an undeveloped lot.

There was a brief discussion regarding the properties to the North and South of the proposal.

Bart Boggess stated he is the owner of The Orchard, and stated that Fieldstone will be building homes to the South of his development. He stated this proposal complies with the City's general plan.

Commissioner Warnick stated the Orchard is a beautifully designed development.

Commissioner Mendenhall thanked the applicant for ensuring they comply with the City's general plan.

Commissioner Warnick asked if the applicant has any concern regarding the expansion of the right of way and Bart stated that he does not have concerns.

Chairman Mitchell opened the public hearing at 6:26 p.m.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:26 p.m.

Commissioner Carroll **moved** to recommend the approval of The Orchard to the City Council based on the following findings and 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.

3. That land will be set aside for future rail expansion based on direction provided by the Spanish Fork City Engineering Department.

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

#### **ZONE CHANGE (Public Hearing)**

#### **SIP'N DRINKS AND TREATS**

Mary Martin gave the location to the Zone Change proposal and stated this is to make site improvements and open a boutique on the site. She stated the current zoning of the property is R-1-6 and the applicants have requested the change to General Commercial with the addition of the Development Enhancement Overlay. She feels these changes would improve the flow of traffic and alleviate the traffic congestion along 100 east. She stated the DRC recommended approval of this proposal.

Commissioner Mitchell asked for further clarification regarding the changes being made to the site.

Mary Martin stated the access point on 100 East would be an exit only, and 300 South would be entrance and exit access.

Commissioner Warnick asked if there was a separate boutique that would be added.

Mary Martin stated that both the soda shop and boutique were existing, they are making modifications to the parking lot to accommodate the drive thru and the parking for the boutique.

Commissioner Warnick asked if the City has heard any feedback from the neighboring properties regarding the changes and it was stated there have not been any concerns being raised by any of the neighboring properties.

There was a brief discussion regarding the history of the drive thru and the traffic congestion

Chairman Mitchell opened the public hearing at 6:32 p.m.

Adrienne Lauritzen stated she lives just North of the property and stated that she is excited for the improvements being made to the property, but states she is concerned about the second business that will be located from the same parking lot. She then spoke to the traffic along 100 East and the cars that speed through the area. She stated there are a lot of children in

the area and she has safety concerns. She stated that she is overall excited for the improvements.

Commissioner Mitchell asked if she is in favor of the potential improvements and if she feels that these improvements would be beneficial and she stated she feels this design is a better solution.

Sydney Carlson stated she is also concerned about the traffic and the cars stacking out onto 300 South over the sidewalk. She asked if there will be a clear walkway for foot traffic.

Chairman Mitchell closed the public hearing at 6:36 p.m.

Commissioner Mitchell asked if the staff has any redlines that address the traffic concern or the walking path area.

Bryon Haslam stated that traffic cuing around the building will help keep the traffic off the road. He stated they have not done a traffic turn study but he will investigate it.

Commissioner Mendenhall asked if there will be any changes to the entrance to the building and Mary Martin stated she believes they will be keeping the entrances as they are now.

Commissioner Warnick asked if there is anyone living in the second building and it was stated there has been no one living there for some time. She does not know how she feels about having a second business located in the same parking lot and asks if there can be signage posted that states the drive thru traffic cannot block the sidewalk.

Dave Anderson stated he has seen signage of that nature with other similar businesses.

Commissioner Mitchell stated the applicant has added additional parking and thinks this should help keep the traffic cued around the building and not stacked over the sidewalk.

Commissioner Mendenhall asked what fencing type that will be used.

Mary Martin stated they will be removing the existing chain link fencing and replacing it with a masonry fence.

Commissioner Mendenhall asked if this design meets the City's landscaping requirements and it was stated that yes, this design will meet the City's requirements.

Commissioner Warnick asked again if any of the commissioners had concerns over adding the second business in the same parking lot.

Commissioner Carroll asked if the Planning Commission has any authority over how many businesses may occupy a single lot.

Dave Anderson stated the City Council ultimately has discretion over approving the Development Enhancement Overlay or not approving it. He stated the applicant has represented they would like the second business to be part of what is being proposed, and states the Planning Commission should consider this when making their decision. He stated if this is a concern, then it can be a reason to recommend denying the proposal.

Commissioner Carroll asked what kind of boutique is being proposed.

Dave Anderson expressed concern for why there is not an applicant present to represent their proposal and asked Commissioner Carroll if she would prefer to continue the discussion until an applicant can be present to discuss their proposal.

There was additional discussion regarding the boutique and what would be sold, and the parking it would require. It was stated it should not call for more than 2 employee parking stalls.

Commissioner Warnick stated she would rather the parallel parking stalls in the back of the lot be removed and Commissioner Mitchell stated he would rather leave the additional parking stalls. She stated she is not in favor of recommending approval without the applicant being present to discuss it.

Commissioner Mendenhall stated that given that the applicant is not present to discuss their proposal and provide more information to the nature of the boutique, he feels if this is recommended for approval, it could be made a condition of approval that the applicant needs to provide the additional information regarding the nature of the second business to be located on the lot.

Dave Anderson feels that the Planning Commissioners have reservations regarding the additional business being in the same parking lot as a drive thru soda business and that they would like these concerns addressed before presenting it to the City Council.

Commissioner Mitchell stated that he is in favor of the design and feels that this improves the property overall and feels that the best option is to table the discussion till the applicant can be present.

Commissioner Mendenhall **moved** to recommend the approval of the Sip'n Drinks and Treats to the City Council but the motion died due to lack of support from additional Commissioners.

Commissioner Warnick **moved** to Continue the Sip'n Drinks and Treats.

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

Resident Mary Brown asked for further clarification on the entrances and exits.

Commissioner Mitchell stated that along 100 East will be an exit only and the entrance on 300 South will be an entrance and exit.

### **AMENDED PRELIMINARY PLAT (Public Hearing)**

#### **EAGLE HAVEN SUBDIVISION AMENDED**

Dave Anderson gave a brief overview of the proposal and stated this is a reapproval. He stated with the reapproval there was space for seven additional lots to be developed just to the South of the original Eagle Haven development. He stated the applicant is seeking an approval to amend the Preliminary Plat to complete this in three phases.

Commissioner Mitchell asks if the connector road to the North was shown in the previously approved plat?

Dave Anderson directed Commissioner Mitchell to look at condition number 4, and stated there was a recent discussion with the applicant and City staff at the DRC to come to a development agreement to ensure the final improvements be completed with phase 3.

Commissioner Warnick asked if there are any concerns with how narrow lot 26 will be and what the improvements to the frontage will be?

Dave Anderson stated there has been discussion with the public works department on what improvements would need to be able to fit in that space, and he stated there is a little more room than you would assume from the illustration and these are larger lots.

Commissioner Warnick asked if this meets engineering standards and Dave Anderson stated it does and it has been recommended to be approved this way. She feels this is still very narrow.

Commissioner Mendenhall stated this is consistent with the General Plan.

Dave Anderson stated this is not a public hearing as the Zone Change has already been approved. He stated what the commissioners are looking at has already been approved, this is simply an amendment to what has been approved. He stated the applicant is wanting to phase the subdivision, which requires the applicants to submit a phasing plan for the approval of City Council and Planning Commission.

Commissioner Warnick **moved** to approve the Eagle Haven Subdivision Amended based on the following findings and 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.

Commissioner Mendenhall seconded and the motion passed all in favor.

**TITLE 15 (Public Hearing)**

**Title 15 Amendments Hillside Standards**

Dave Anderson gave a brief explanation of the proposed amendments to the Hillside Standards. He stated the applicants are looking to modify the existing standard to allow for development along River Bottoms Road. He stated Spanish Fork has recently amended the Hillside Standards due to recent events that occurred along the Wasatch Front. He stated these standards were recently amended to ensure safety of the hillside properties. He stated that there are not many hillside slopes located in Spanish Fork and this proposal is being posed with a property area in mind. He stated the Development Review Committee is hesitant to make any recommendations that these amendments be approved and are looking to the Planning Commission for direction. He stated the City has worked with geotech engineers to provide a technical aspect to the proposal as well.

Commissioner Mitchell stated the Planning Commission has previously discussed these types of amendments, and stated that amendments would be for a city-wide change if approved.

Dave Anderson stated there is not a subdivision tied to the proposed amendment changes, the applicants have provided an example of a property they are interested in developing with the new standards. He stated these proposed changes need to be looked at for city-wide change.

Commissioner Warnick stated there are no redlines regarding this hillside ordinance, so she is wanting clarification on what is being asked of the Commissioners tonight.

Dave Anderson stated there is one redline and stated that he will discuss that further. He suggested options the Commissioners could give tonight, they could recommend approval of the proposed changes, recommend denying the proposed changes or continue the discussion to a later date. He asks how the Planning Commission would like to proceed as this is a public hearing.

Commissioner Warnick asked Dave Anderson for clarification, she stated if City staff is not comfortable with changing the language on the current amendment, or if the Planning Commission is comfortable with the changes, they can move forward with recommending approval.

Commissioner Mendenhall stated he is not qualified to make an informed decision as he is not a geotechnical engineer. He stated he would like to hear the presentation from the applicants, but stated that if the City engineering staff are uncomfortable with making these changes, he would like to hear why that is. He would like to hear both sides. He is appreciative of the applicants for providing the designed plans and stated they have been beautifully put together.

Commissioner Carroll stated she can speak from professional experience that it is common that when two consultants come back with opposite opinions, that it is best to proceed with caution and not take one group's opinion as the final authority.

Mary Martin stated she has illustrated how the houses would sit on the grading of the proposed hillside property the applicants are proposing to develop on.

Dave Anderson stated this illustration was helpful to him to see how the housing would sit on the slopes. He feels this is subjective, and he has seen homes that have been developed on slopes greater than this, and that is in part why the current standard reads the way that it does today.

Commissioner Warnick asked if the homes to the West have any structural issues and he stated there are none to his knowledge.

Dave Anderson stated he is unsure if this a technical concern or if it is a community character question more than anything else.

There was a brief presentation of the homes along River Bottoms Road.

Dave Anderson stated all homes that are to the North were developed by Dave Hurst. He stated he is unsure if they are still owned by the same property owner and it was never platted as part of a subdivision. He stated that he does not want anyone to feel he is leading the Commissioners in a direction, but stated that staff does not feel that it is appropriate to support a change on such a fresh ordinance. He stated that if the Planning Commissioners see value in it in changing the ordinance to allow people to develop, he stated staff will be on board immediately and try to execute to the best of their abilities on it.

Chairman Mitchell opened the public hearing at 7:39 p.m.

Scott Neilson stated he owns the property and built the original home that is currently there. He stated that in 2018-19 he was approached by developers to purchase the property and he stated he was not sure if the area was buildable. He stated he recently went to Apex Engineering with Richard Hatfield and they believe this property is developable. He stated he has worked with multiple engineers to come up with the design that is presented today. He stated if he did not think this area was developable, he would not have progressed this far. He appreciates the candidness of Dave Anderson and he understands this needs to be considered heavily as this change affects the entire city. He stated he previously worked with the former City Engineer Michael Clark, and stated there were never any concerns presented.

Bo Chung, the representative developer, and engineer to Scott Neilson and stated he is here to speak of the technical side of the proposal. He has designed everything and feels that it is structurally sound. He gave a brief explanation of the specifications of the design and stated these are federal specifications and modified them to fit with the City regulations. He stated he and Scott wrote out the amendment together and gave a brief explanation of the specifications of the grading. He stated the concrete walls would be coated with graffiti paint, and stated the fire marshal requested stairs to be placed in the back of the property as well for emergency response.

Commissioner Mitchell informed Mr. Chung that he has reached the end of his time limit. He then asked if there were any other public comments.

Jens Neilson rose to state he feels this development can be done safely. He stated they are wanting to see if there is a will to make the change to Title 15.

Chairman Mitchell closed the public hearing at 7:54 p.m.

Commissioner Carroll asked if the grade listed in the proposal is lower listed in Title 15?

Dave Anderson thinks the grade may have been measured differently.

There was a brief discussion regarding the difference in the grading and that it conflicts with the City's data.

Scott Neilson stated it was APEX Engineering that provided the grading specs. He stated he is not an engineer and was going off what his engineers provided to him.

Commissioner Mitchell stated he does not want to make a City change for just this one area that is being proposed to be developed. He stated if this grading difference can be verified, then he would be interested in making this requested change.

Commissioner Mendenhall stated he also is not in favor of making a change if it is not needed.

Dave Anderson recommends continuing this discussion to a later date.

Commissioner Mendenhall stated he is in favor of tabling the changes to the Hillside Standards until there is an actual need to make the change. He stated since the applicant is not proposing a change to a specific subdivision there is not a need to make any changes.

Dave Anderson stated the applicant is hoping for these changes in order to develop a specific area.

Commissioner Warnick is not in favor of a large masonry wall and large pickleball courts in view of the golf courses.

Commissioner Mendenhall stated if the amendment will be tabled, he would like to have more input on the designs of the homes. He suggested making the motion to table the discussion and give the applicants additional recommendations on the landscaping designs.

Commissioner Carroll feels the next step is to verify the slope concerns.

Commissioner Mitchell asked if these are private lots, or does the City have rights to landscaping requirements?

Dave Anderson stated he wished that he could answer this question.

Bo Chung stated they are willing to work with the City on the retaining wall designs.

Commissioner Carroll moved to recommend to Continue the Hillside Standards Amendments to the City Council to confirm the slope of the property.

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

### Title 15 Amendments Ham Radio

Vaughn Pickell rose to present proposed amendment changes regarding amateur radio communications. He then presents an FCC ruling on a regulation related to Amateur radio service that was ruled in 1985. He stated the proposal is in response to a local incident that

occurred July 3, 2023 in which high winds knocked an amateur radio antenna and support structure located in the backyard of a residential lot and fell across property lines and into the public street causing damage. He feels it is in the best interest of the public health and safety that radio antennas should be set back a reasonable distance from property lines. He then described the proposed changes regarding setback regulations, height restrictions, placement of towers must be in a conspicuous location, structures must maintain a safe distance from existing power lines or structures, and no more than one radio tower may be built on one lot. He asks the Planning Commission to consider the impact on life, safety, neighborhood esthetics, and property values. He also addresses structures that are abandoned or going unused for a period of two years, unless there is a bonafide excuse of absence.

Commissioner Carroll asked how the City would know if someone was not using the radio for a period of two years, and Vaughn stated he is not sure how this could be verified other than the property owner stating they will be absent for a period of time and requests their permit to not be canceled.

Chairman Mitchell opened the public hearing at 8:20 p.m.

There was no public comment.

Chairman Mitchell closed the public hearing at 8:20 p.m.

Commissioner Warnick moved to recommend to approval of the Title 15 Ham Radio Amendments to the City Council.

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

#### **Title 15 Amendments Fencing Standards**

Dave Anderson stated this is being presented to the Planning Commission tonight at the direction of the City Council as they wished the staff to review the City's fencing standards about a few concerns brought by a couple of lots located in the City. He stated there are two other changes being presented tonight, one of which he requests the Commissioners ignore and not include in their recommendation for approval. He stated the first change includes the addition of the work "Voluntary," he stated they request that it be left at what it is being considered tonight. He stated the second change, however, pertaining to Master Plan Developments and Development Agreements, he asks that this not be included in the recommendation for approval tonight as it is something that can be cleaned up before it goes to City Council. But states he wants to be clear that this is not stating the City wished developers of master planned developments to enter into a development agreement.

Mary Martin rose to briefly explain the changes that are being proposed. She stated the proposed changes would include allowing a 6-foot fence to be placed in the front of the lot on irregular shaped lots, and if it can meet the clear vision requirements. She stated this was spurred by an existing property constructing a 6-foot fence on the front property line.

Commissioner Mendenhall asked for clarification on whether this can be done with approval?

Dave Anderson stated that as a change to Title 15, the City Council would need to make the approval. And if approved, the City can issue a fence permit for the work that has been done, and allow the property owner to complete the project. He stated that this lot is very irregular in shape and he feels this is an appropriate change to address irregularly shaped lots like this.

Commissioner Mendenhall moved to recommend to approve the Title 15 Fencing Standard Amendments to the City Council.

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

Chairman Mitchell moved to adjourn the meeting at 8:26 p.m.

Adopted: November 1, 2023

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Kasey Woodard  
Community Development Division  
Secretary