

Minutes of the **Regular Session** of the **Planning Commission Meeting** held Thursday, **August 14, 2025**, in the **Lehi City Hall** located at **153 North 100 East**.

**Members Present:** Gregory Jackson, Commission Chair  
Brent Everett, Commission Vice Chair  
Tyson Eyre, Commissioner  
Nicole Kunze, Commissioner  
Emily Lockhart, Commissioner  
Ken Roberts, Commission Alternate

**Members Absent:** Beau Jones, Commission Alternate

**Others Present:** Kim Struthers, Community Development Director; Katie Bussell, Planner; Gary Ellis, City Engineer; Craig Chambers, Assistant City Attorney; Nate Purser, Assistant City Attorney; Kate Morgan, Deputy City Recorder.

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**Regular Session, 7:00 p.m.**

**1. Call to Order**

Commission Chair Jackson welcomed everyone to the meeting.

**2. Regular Agenda**

**2.1) Public hearing and recommendation of Edge Homes' request for review of the Auburn Springs Grading Permit on approximately 34 acres located at 400 South 2500 West.**

Katie Bussell presented the item. The intent behind the grading is to make utilities installation easier, and to provide buffer to raise the neighborhood to the same level. There will be an estimated 25-35 truckloads of fill coming in daily over a period of six months. There are two proposed haul routes, one along 700 South, and one along 2300 West.

Commissioner Everett asked about a third potential haul route he had heard about that would cross through city property. Jed Stuart, representing Edge Homes, shared that the property to the west of the proposed plan is currently under contract, and they are working on a haul route that will go through that property and be less intrusive to neighborhoods and residential areas.

Commissioner Lockhart asked where the road stub was. Stuart explained that there are plans to build the road through. Commissioner Lockhart asked about the hours of operation. Stuart says the site will operate normal business hours, 8-5. Edge Homes will be spraying water for dust mitigation. Commissioner Everett asked about the trailer size. Trailers will be 30 feet long. The fill will come from another project in Saratoga Springs, to the west of West Lake High.

Commissioner Lockhart asked about the grading compared to the property to the west. The plan is to grade the property to the same level as the westward property. Commissioner Lockhart asked for the planned number of units. The current property is planned for 84 total units, with the land under contract potentially adding ten more.

Commissioner Lockhart asked about the traffic study that had been conducted, and if an additional ten units would change the results. Gary Ellis said that the impact would likely be minimal. Commissioner Jackson asked if an additional study would be conducted to take the ten lots into account. Ellis could not speak on that. Commissioner Lockhart asked if the ten units would result in a change of the presented plans or on the granted density. Kim Struthers explained that the projects could continue simultaneously and separately, if needed, but that the additional road being built would be an overall benefit to the subdivision. Luke Seegmiller would be the final authority on whether a new traffic study is justified, or if density needs to be adjusted.

Commissioner Kunze asked how haul routes are enforced by the city, and if the public has any recourse if they find the conditions unacceptable. Kim Struthers explained the process the city has in place. Grading inspectors will have meetings explaining rules and regulations for the project. They will also have authority to put a stop work order on the site. Commissioner Kunze asked if both the primary and secondary routes could be used. Struthers said that they likely could, but that shifting the primary route would need to be discussed with the city.

Commissioner Eyre clarified that dirt would be brought into the development. Struthers and Stuart confirmed this, explaining that about seven feet of fill is needed to reach the desired level.

Commissioner Jackson opened and closed public comment.

Commissioner Eyre asked if there had been any conversations with the property owners to the south about obtaining a particular piece of land. There have been several, but none have resulted in a sale. The location and value of the land, and an unwillingness to divide the lot on the part of the current owner have caused issues.

Commissioner Everett shared that he doesn't like the idea of trucks hauling construction materials through neighborhoods. He would prefer the route avoid them and is thus open to allowing the developer to cross city property to alleviate resident stress.

Commissioner Lockhart asked if the project would have to come back through the Planning Commission if the new acquisition went through and the new route was possible. Haul routes are approved by City Council.

Commissioner Everett suggested a right-in, circle around, and right-out style of hauling for the property. Commissioner Jackson agreed that the developer should try to reduce the amount of residential properties that are on the haul route.

Commissioner Everett is not opposed to approving the grading but thinks the haul routes need to be revisited.

**Motion:** Commissioner Everett moved to give a positive recommendation to the Lehi City Council for the grading plan with the exception of the proposed primary and secondary haul routes, which are recommended to be revisited and moved to the east side of the development coming off of 2300 West if acquired, and/or working with the city for a right-in right-out access from the north on Main Street, which would require approval from the city to cross city property, with the findings that if haul routes can be altered they will be less injurious and detrimental to the property and those in the vicinity, and that the proposed use of grading is in compliance if conducted within code with the goals and policies of the Lehi City General Plan and the purposes of the code. He included all DRC comments. Commissioner Eyre seconded.

**Vote:** Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Jackson, yes. Commissioner Kunze, yes.

Motion passed unanimously.

**2.2) Public hearing and consideration of Steve Atkinson's request for preliminary subdivision approval of the Shelley Atkinson subdivision, a 3-lot residential subdivision located at 498 North 900 East in the R-1-Flex zone.**

Katie Bussell presented the item. The subdivision meets the requirements of the R-1-Flex zone, except for one lot with legal nonconforming setbacks, as it was constructed under different code. If the lot is demolished, any new structures will need to fit current code.

Commissioner Everett clarified that the lot will be legal nonconforming whether the Planning Commission approves of the subdivision or not.

The applicant, Steve Atkinson, was present, but had no additional comments.

Commissioner Lockhart asked if there are any plans to tear down the existing structure and rebuild. Atkinson said there are no plans in the near future to do that.

Commissioner Jackson opened and closed public comment.

**Motion:** Commissioner Kunze moved to approve the action with the findings that the proposed subdivision contains a legal nonconforming home, and all other aspects of the proposed subdivision meet the requirements for the R-1-Flex zone, and that the proposed subdivision meets the requirements of the Lehi City Development Code in regard to subdivision approvals. She included all DRC comments. Commissioner Eyre seconded.

**Vote:** Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Jackson, yes. Commissioner Kunze, yes.

Motion passed unanimously.

### **2.3) Public hearing and consideration of Andreas and Carrie Horlacher's request for approval of the Horlacher 8-foot privacy fence located at 1222 West 3060 North.**

Katie Bussell presented the item. The applicants want to reduce noise in their backyard, which abuts a busy street. They are planning on putting in a faux rock wall. DRC wants to preserve the full width of easement and wants the applicant to clarify what will happen to the stone columns currently in place.

The applicant, Andreas Horlacher, was present. The fence will be put in to help muffle noise and provide some privacy that is affected by grading on the property.

Commissioner Kunze asked if a noise study had been done. Horlacher explained that a consultant was hired, who said that the extra two feet would be enough to significantly reduce noise.

Commissioner Everett asked if the elevation of the backyard was lower than the road or higher. The property is level with 1200 West, with one corner of the lot much lower than the rest. Commissioner Everett asked about the HOA the home should be under. Horlacher explained that he has reached out to the HOA and has been told on several accounts that he is exempt from that rule of order and is responsible for his own property. There is currently a hedge along the property line that he has been maintaining at the behest of the HOA. Commissioner Everett clarified that the fence would only run along the back of the property that abuts the road.

Commissioner Eyre asked how far back from the sidewalk the fence would be. It would be about fourteen inches away from the fence. The faux stone wall will be constructed on the outside of the pillars, leaving them in Horlacher's yard. Horlacher clarified that he is uncertain whether he technically owns the property the hedges are on, but as far as he is aware, it has been ceded to him by the HOA.

Commissioner Lockhart shared examples of homes that have done similar projects, and that there is precedent for the fence.

Kim Struthers mentioned that the city's right of way goes one foot behind the sidewalk and recommends putting the wall up at the property line.

Commissioner Jackson opened and closed public comment.

Commissioner Jackson shared that he thinks the fence is justified due to the noise of the busy street.

**Motion:** Commissioner Eyre moved to approve the 8-foot privacy fence with the findings that the proposed fence will allow the applicant added enjoyment of their backyard, similar to what a person not next to an arterial road might enjoy, and that the applicant provided adequate justification for why they want or need the 8-foot fence, including noise and light nuisances that they currently are experiencing. He included all DRC comments. Commissioner Kunze seconded.

**Vote:** Commissioner Lockhart, yes. Commissioner Everett, yes. Commissioner Eyre, yes. Commissioner Jackson, yes. Commissioner Kunze, yes.

Motion passed unanimously.

### **3. City Business**

Craig Chambers did a presentation on deed restrictions. A deed restriction is terms and conditions attached to the transfer of property. They can restrict use, future sale, potential improvements, rentability, and other aspects of property rights. Deed restrictions cannot add property rights, only restrict them.

Deed restrictions must be imposed by the property owner. Developers may put deed restrictions on properties in order to get benefits from the city, such as added density. Restrictions must be committed to writing and legally recorded. Deed restrictions are contracts between individuals, however they are written. The main difference between deed restrictions and development agreements is that deed restrictions move with the land. Deed restrictions are often attached to subdivisions and are meant to preserve and enhance communities and amenities. They reduce risk for future owners and make land more valuable. They may not be illegal, immoral, or contrary to public policy. A deed restriction shouldn't come as a surprise if a proper title search is conducted.

Deed restrictions are a practice outside of common law. Buying property with a restriction is similar to buying a property within a city: the owner is beholden to certain rules such as zoning laws. Restrictions only terminate upon written agreement by all parties involved, or if an expiration date is part of the agreement. Commissioner Everett asked if a developer who put a deed restriction would be involved with the property indefinitely. Chambers explained that developers waive rights to the property once it is sold, so the only interested parties would be the city and the landowner. Commissioner Everett asked who is in charge of enforcing deed restrictions. It would be up to the HOA, or if there is no HOA, responsibility lies with the city.

Chambers concluded by discussing the rule of perpetuities and how it doesn't necessarily apply to deed restrictions.

The Commission discussed potential particulars of deed restrictions, as well as the difference between deed restrictions and development agreements.

### **4. Adjournment**

With no further business to come before the Planning Commission at this time, Commissioner Kunze moved to adjourn the meeting. Commissioner Eyre seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:23 p.m.

Approved: September 11, 2025

Attest:

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Gregory Jackson, Commission Chair

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Kate Morgan, Deputy City Recorder