

Adopted Minutes
Spanish Fork City Development Review Committee
March 25, 2020

Staff Members Present: Chris Thompson, Public Works Director; Seth Perrins, City Manager; Dave Anderson, Community Development Director; Kelly Peterson, Electric Superintendent; Tom Cooper, Electric Utility Planner; Junior Baker, City Attorney; Jason Sant, Assistant City Attorney; Michael Clark, Staff Engineering; Jered Johnson, Engineering Division Manager; John Little, Chief Building Official; Brady Taylor, Lead Cable Technician; Shelley Hendrickson, Engineering Division Secretary; Kimberly Brenneman, Community Development Secretary; Jessica Burdick, Building Inspection Division Secretary.

Citizens Present: Kevin Olson, Greg Magleby, Scott Peterson, JC Smoot, William Scott Kjar

Chris Thompson called the virtual meeting, held via GoToMeeting, to order at 10:04 a.m.

FINAL PLAT

Cottages on 4th

Chris Thompson asked about any problems with this project.

Dave Anderson noted that everything we're seeing with this submission matches the Planning Commission and City Council's approval on the Preliminary Plat. It's easy to give a thumbs up on this.

Mike Clark stated that he has two redline comments and the applicant is aware of them. They are regarding the sewer and storm drain.

Scott Peterson asked how the laterals should be paired: under the unit or kept in the back.

Chris Thompson suggested Mike, Scott and Cory Pierce meet offline to discuss that.

Mike Clark said that Cory Pierce has suggested they run two sewer laterals per trench, and the same for culinary water.

Scott Peterson said they decided not to do that because the cuts through the road would be long.

There was further discussion regarding water and sewer laterals within this development.

Chris Thompson said they'll discuss this further tomorrow, and then Mike will talk with Scott.

Kelly Peterson noted that they're good to go on this, as far as power goes.

Junior Baker **moved** to approve the Cottages on 4th Final Plat subject to the applicants meeting with the City Engineering staff to work out the alignment for individual sewer laterals and to work out any storm drain issues.

Jered Johnson **seconded** and the motion **passed** all in favor.

ZONE CHANGE AND PRELIMINARY PLAT

Oakridge Cove Phase 2

Chris Thompson asked Mike Clark for issues from Engineering.

Mike Clark said the hillside is an issue. He discussed the geotech's report at the original approval, and the new geotech submission. It doesn't meet our new standard. The applicants were going to get with IGES to mitigate the issues, to see what they could do, but Mike has not heard back from them on this issue.

Chris Thompson said the combo curb, gutter and sidewalk on that slope causes a lot of problems with snow removal.

Greg Magleby explained that Kent from IGES and he are working up some language about the concerns with the Preliminary Plat. Greg stated that before a Final Plat is approved on this, a geohazard and geotech investigation must take place. Also, prior to any permits, the lots would have to have individual site evaluations. It's best to do it for each lot.

Junior Baker asked if this is concerning all lots in this phase, or just those on the slope.

Greg Magleby said this issue is concerning just those lots on the slope. The geohazard and geotech would determine exactly which lots would need the individual site evaluations.

Chris Thompson asked Mike Clark if that syncs up with his understanding.

Mike Clark said yes, as long as Kent from IGES signs off, Mike is good with it. He added that we need to be sure we're delineating the no build scenic easement. They've delineated one, but he's not sure if it matches the new standard.

Seth Perrins asked if we do that in other places, with other projects, and are we equipped for this; will it cause conflict?

Mike Clark explained that the previous Oak Ridge Cove phase had individual bores done on each lot, this was Central Bank's doing, and they said it was buildable. So, if Kent from IGES says each lot is buildable, that would be the same case here. We want to be sure that each lot plotted is buildable. We don't want to plot lots on which we have to keep doing investigations.

Chris Thompson told Seth Perrins that this is what we do on sensitive lands. It works better for the residents than our previous policy did.

There was further discussion regarding geotech studies.

Seth Perrins asked Chris Thompson about his previous curb and gutter comment.

Chris Thompson said the plat shows combo curb gutter and sidewalk for lots 1-4. We can't have that there because of the slope, it's too dangerous for snow plows because you have to have a mountable curb to make it work. Chris believes it's shown there because there are sidewalks north of lot 1.

Greg Magleby agreed, it is a combo to the north, with a mountable curb on both sides.

Chris Thompson explained that, where this is an outside curb, we have to find a different solution. Chris suggested they continue the combo sidewalk a few feet into lot 1 and then have a pedestrian ramp, and then a regular sidewalk go across lot 15 and 14. This would decrease the size of lot 15, but then once you get to lot 14, they can have combo.

There was further discussion as to what could be done.

Chris Thompson noted that they have to have high back curb and gutter all along Eagle Drive, they can't just slope in at the driveways for ADA reasons. He suggested they could have a planter on the west side of Eagle Drive, but that might reduce the lots too much.

Greg Magleby agreed, and there was further discussion.

Chris Thompson stated that Greg Magleby and the owner need to work it out. We have to have high back curb on Eagle Drive, and a sidewalk that connects to the existing sidewalk north of lot 1.

There was further discussion regarding the curb and sidewalk along the slope.

Dave Anderson asked if there would be no sidewalk on the west side.

Chris Thompson said yes. A sidewalk would require a mountable curb, and our snow plows will slide off the curb and into people's yards.

Dave Anderson asked for clarification, and whether they could have a park strip.

Chris Thompson feels a park strip might make the lots unbuildable.

Dave Anderson noted that they need a Zone Change, that is essential for this to be approved.

Chris Thompson said none of these cross sections meet our City requirements, but they are negotiating that.

Dave Anderson stated that we're usually adamant that people meet our standards, so why are we doing it here?

Junior Baker stated that, as we all know, we've been negotiating this for years. This is a compromise over the development. They have given amenities to the City with their prior development and it's the City's view that they're not vested because of time. Our water line is trespassing on their land near the reservoir. So, several years ago, we decided to come together to solve all the problems and negotiate.

Seth Perrins asked if the Zone Change is part of that discussion. He asked exactly what is the zone change request?

Dave Anderson explained that the zoning is currently R-1-30, and they are requesting R-1-15, with a Master Planned Development approval.

Junior Baker said the Zone Change is required.

Dave Anderson explained that, when we talked about agreeing to changing the zoning, Dave thought they'd have to meet our City standards moving forward.

Junior Baker stated that we have talked for years that they would not meet City's standards.

Dave Anderson feels that we've seen proposals that meet more standards than this one today.

Seth Perrins asked, regarding the issues regarding the sidewalk and curb etc., do we need to see these changes on the plans before moving forward on approval of this?

Chris Thompson feels it can all be part of a motion.

JC Smoot stated that the history of the area is that it was zoned R-1-9 and R-1-7 ten years ago.

Greg Magleby agreed, it was all R-1-9 with the entire development. It was rezoned without their knowledge.

Dave Anderson asked why the previous zoning matters.

JC Smoot said it was a lower density, and 7 years ago, or so, it was rezoned.

Dave Anderson agreed and stated there was a concern about having a certain number of homes in this sensitive area. It was challenging for people to site homes on lots, and things like that.

Seth Perrins stated that the historical issues aren't relevant to this request. It could play in when you're talking negotiations though. Seth said they're trying to hit a timetable.

Dave Anderson agreed and said they're anxious and would like approval before Junior Baker retires.

Junior Baker noted that they are shooting for April's Planning Commission Meeting.

Dave Anderson feels that City staff have until the Planning Commission to complete their last review. It's true we do sometimes try to move this process forward. Here, though, we

have comments back on the latest submittal by about half of the City staff. Dave feels it would be atypical for us to put this on a Planning Commission agenda with this many comments. It was also atypical for us to have this on the DRC agenda before a neighborhood meeting was held.

Junior Baker said Dave Anderson told them that they could have the neighborhood meeting any time before the Planning Commission agenda.

Dave Anderson agreed, he did say that. Dave noted that the ordinance says the meeting should be held before DRC to keep them from having to come down twice. But they just sent letters out for the neighborhood meeting Monday. The neighbors wouldn't have received the letters to come to the meeting today. It is what it is, but our willingness to be accommodating, to support a Zone Change, they don't seem to have willingness to help us put forth something that works.

Scott Kjar stated that he is amazed about what is being brought up in this meeting. He stated they have had this on the City's table now for four years. He said we've talked and talked; this is not coming out of the dark. The property was rezoned without telling them, the City trespassed on their property, and we have negotiated, discussions, for three years. Mr. Kjar isn't sure what is new about all of this. He feels Dave Anderson is aware of everything and noted that they asked him face to face, in his office, what will work. Mr. Kjar feels they've been compliant and are not doing this from a corner, the only reason he would like Junior Baker involved in approval is because all the knowledge goes away when Junior retires. Junior is aware of everything, of all the negotiations on the trespass. He noted that they have lost 7 lots and moved the road up next to the reservoir hill. Mr. Kjar feels they have bent over and bent over and tried to be accommodating and now, at the very end, Dave is saying they're trying to pull something over on the City.

Dave Anderson feels that the ball has been in their court for the last 4 years. Plans have gone back and forth from one plan to another. That's all happened on their side of the table. To the concern about the neighborhood meeting, sending notice on a Monday, Dave feels that flies in the face of someone having an honest discussion with neighbors.

Scott Kjar feels there is nothing new here, when the neighbors in the area-built homes, they knew it was zoned R-1-9.

JC Smoot stated that things happen. For example, they just found out this meeting would be online. Because of the Coronavirus, he wasn't sure they could hold the neighborhood meeting. This has evolved. He is working remotely, also, his number is on the bottom of

the letters so anyone can call him. JC further stated that they're not trying to cover anyone's eyes. Here we are, meeting via conference call because of the virus. He said they've looked at every avenue from what we could and couldn't do as a safety precaution. If there is an issue with it, neighbors can call him.

William Scott Kjar noted that the neighbors can also attend the City Council meeting to object.

Seth Perrins asked everyone to stop the discussion. He stated it is not productive. There are a lot of issues we are talking about that have nothing to do with the Zone Change and Preliminary Plat. There is a lot of history with this site. Seth stated he appreciates all Junior Baker has done. Seth is not sure why it's taken as long as it has but for him, it's being pushed a little fast to get to an April agenda. He agrees that with Junior's departure, a lot of knowledge goes with him. Seth is open to someone making a motion, but he would like to get a few insights, a little more detail, from Junior and Chris Thompson on these issues and history.

Junior Baker **moved** to recommend the Planning Commission approve the Oakridge Cove, Phase 2, Zone Change from R-1-30 to R-1-15 and approve the Oakridge Cove, Phase 2 Preliminary Plat subject to the applicants working with the Engineering Department on getting the high back curb and review any other comments outstanding.

Seth Perrins **seconded**.

There was discussion on the motion.

Jered Johnson said we need to construct a trail. Parcel C and D will be dedicated to the City so we could probably put a trail there, but there will be no planter strip and the trail will come right up next to the road.

Chris Thompson feels the tight radius around lot 34 could be softened a little to allow some room to have a trail, come up through parcel C. It seems like it would give no impact on 34 and 35, and would make 33 better.

Jered Johnson stated that we can't cut into the hillside at all, with the road or trail.

Greg Magleby said they could soften the corner. as long as they're in compliance.

Jered Johnson said it would only be 8' more, at the very most.

There was further discussion.

Jered Johnson said we could relocate the crossing to the west. Put it mid-block rather than the corner. That would give them the room they need on lots 34 and 35 and would work better with the trail.

Greg Magleby said he'd like to get together with Jered to discuss the trail and Jered agreed, telling him he'll get him the design.

Chris Thompson stated that this is basically a dam holding up a lot of water. If the dam breaches, he'd like to see how the water would be channeled. It should go down Eagle Drive or Spanish Oaks Drive.

There was discussion on the slope of the roads and water channeling.

John Little asked about the front setbacks. The plat shows 15' to living areas. This is reduced more than normal. He asked if there is a reason for this.

Greg Magleby said they changed that based on their last meeting with Junior Baker. Junior Baker said he doesn't recall a discussion on the front setbacks.

JC Smoot said there's a certain distance from the slopes.

Greg Magleby said that was a redline, that they could reduce the front setbacks.

John Little said that is a problem we had in the other phase of this development. The driveways are short, and with the grade, a lot of them have a hard time meeting the maximum driveway slope. The longer the setback, the better for the driveway. If this has been evaluated and thought through, John said he'll work with it.

Seth Perrins noted that we haven't discussed it.

Junior Baker said this is a good concern of John's. He suggested the applicants should look to maximise the front setbacks as best they can.

Seth Perrins agreed. He feels the nicer the homes, the more length they'll have and the length of driveway will be an issue. This is something we need to look at.

John Little agreed. With 15' to living space, with no sidewalk, they'll end up being 15' from the street. It makes it tight.

Greg Magleby said he has notes from the last meetings that allowed for 20' to garages and 15' to living. Their plans did previously show a 25' front setback to living and that would work on the inner lots. But, the larger lots on the exterior would need flexibility to 15'.

Junior Baker said with a master plan, they can mess with the setbacks a bit, but the driveway lengths need to be maximized as much as possible.

Seth Perrins said he is comfortable giving flexibility where it's needed, but he would like to see where the setbacks will be reduced.

Kelly Peterson stated that, for power, they need LEI to work with them to verify where power will tie into the existing development. LEI also needs to get with Tom Cooper to get the electrical drawings started.

The applicant said Tom Cooper has the information and he'll look at them tomorrow.

Junior Baker made an **amended motion** to recommend the Planning Commission approve the Oakridge Cove, Phase 2, Zone Change from R-1-30 to R-1-15 and approve the Oakridge Cove, Phase 2 Preliminary Plat subject to the following conditions:

Conditions:

1. The applicants working with the Engineering Department on getting the high back curb and review any other comments outstanding.
2. The applicants show where any dam breach water will flow, as discussed above
3. The streets being realigned for a trail system, as discussed above.
4. The applicants work with City Power and Communications, as discussed above.

Kelly Peterson **seconded** the motion. The motion **passed** 5-1, with Dave Anderson voting Nay.

Kelly Peterson **moved** to adjourn at 11:08 a.m., the motion **passed** all in favor.

Adopted: April 15, 2020

Jessica Burdick
Building Inspection Division Secretary