

Adopted Minutes
Spanish Fork City Development Review Committee
July 15, 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; Vaughn Pickell, City Attorney; Jason Sant, Assistant City Attorney; Michael Clark, Staff Engineering; Jered Johnson, Engineering Division Manager; Bart Morrill, Parks Maintenance Supervisor; Dale Robinson, Parks and Recreation Director; 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: Shelly Jamison, Brandon Dawson, Julie Smith, Chad Spencer

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

MINUTES

June 3, 2020

June 24, 2020

Dave Anderson **moved** to approve the minutes, with the corrections provided, from June 3, 2020 and June 24, 2020.

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

FINAL PLAT

Legacy Farms C-8B

Jered Johnson noted this plat will tie into the subdivision to the south. Mike Clark does have some redlines regarding the two unplatted lots and a turnaround issue. We have no record on how they'll have a turnaround now that they're platting those lots. They need a turnaround in place.

Dave Anderson agreed and feels we could approve this plat with the condition that it be done before issuing permits and Mike Clark agreed.

Dave Anderson stated we will track that and won't issue permits for lots 240 and 241 until Engineering says there's an adequate turnaround provided.

Seth Perrins asked Julie Smith for input.

Julie Smith stated they understand the turnaround issue. She added that they have talked with the owner to the south and Julie is fine not recording this plat yet, and when the owner to the south is ready to go, she can record it at the same time.

There was discussion regarding the west lot and the large utility easement there.

Julie Smith said she could have her engineer put the buildable area for that lot on the plat.

Mike Clark then asked about a wall along the railroad and Chris Thompson noted that is a requirement. Jered Johnson added that access to the railroad needs to remain, so there must be an easement along the south side of lot 240 for that, and a 20-foot access road must be built.

Julie Smith was not aware of that and asked if they can landscape the railroad access or if it has to be road base. Jered Johnson said the railroad needs access so they can maintain the signal light. He added that Brian Gabler knows about this. Julie asked if she can split it between the two lots.

Dave Anderson feels she can't split it because she'd almost have to relocate the crossing. But Jered Johnson noted that we don't need the crossing, that will go away, we just need access to the light, right to the north of lot 240. Seth Perrins then pointed out this is a railroad access only; it won't be used for anything but the railroad. Jered agreed. He added that it can't be accessed from Spanish Fork Parkway because that is too far away.

Seth Perrins asked Julie Smith if we should take a week to talk with LEI and get this all buttoned up. He wants to make sure Julie understands all the issues there and that there are no surprises for her. Julie agreed that we could do that.

Jered Johnson said there are things we can do, perhaps work something out with the south property owner and even square up the lot, the access doesn't have to be along that lot line. If the southern property owner is willing to work with us, and we can make that a

requirement, it can be shared. The railroad just needs to get to that signal. Chris Thompson agreed, they should square up the lot and work with the owner to the south.

Julie Smith explained that the owner to the south hasn't been willing to sell in the past, which would be ideal, but it could work and would be the best-case scenario. She said she'll talk with that owner.

Jered Johnson **moved** to continue the Legacy Farms C-8B Final Plat.

Kelly Peterson **seconded** and the motion **passed** all in favor.

GENERAL PLAN AMENDMENT

Growth Boundary

Dave Anderson noted that the City has had some discussions recently about the development of properties in the south east area of the City. Dave feels it's time to amend the City's Growth Boundary, adding this area, taking that Growth Boundary all the way out to the future Policy Boundary. This will signal to the world that the time's right for that part of the community to be considered for development.

Kelly Peterson asked if anyone will be annexing soon and Dave Anderson said there is an annexation application already. We will likely see annexation in this area occur piecemeal as property owners get ready to annex.

Kelly Peterson stated that we will have to file a motion with our attorneys and get the SESD buyout taken care of when that occurs.

Dave Anderson **moved** to recommend the City Council change the City's Growth Boundary to match the City's Policy Boundary, going all the way to the City's eastern boundary along the US Highway 89 alignment and the mouth of Spanish Fork Canyon.

Vaughn Pickell **seconded** the motion. There was discussion on the motion.

Kimberly Brenneman noted that there will be a leftover remnant within the proposed Growth Boundary that is outside the Policy Boundary. Dave Anderson agreed and noted that will need to be cleaned up with this amendment so that the Policy and Growth Boundaries match.

Dave Anderson made an **amended motion** to recommend the City Council change the City's Growth Boundary to match the City's Policy Boundary, going all the way to the City's eastern boundary along the US Highway 89 alignment and the mouth of Spanish Fork Canyon, and that the remnant piece of the Growth Boundary be cleaned up so that the Growth Boundary and Policy Boundaries match.

Vaughn Pickell **seconded** the amended motion and the motion **passed** all in favor.

CONCEPT REVIEW

Sprinkler Supply

Mike Clark noted this project now has a cul-de-sac proposed at lots 9, 10 and 2.

Dave Anderson explained that we've seen a few different plans for this project and he is concerned about doing anything to 1600 North. We've talked about changing the alignment of 1600 North where it intersects with 300 West because of the big power pole there. We do not want to cul-de-sac that. Chris Thompson agreed, a cul-de-sac on 1600 North doesn't make sense until there's a new road alignment.

Jered Johnson said he thought we were going to cul-de-sac it, but with lot 9 there would be a road stubbed over, north of the Cunningham property. And at one time we were going to cul-de-sac 1600 North but then punch in a new road through where lot 9 is.

There was further discussion.

Seth Perrins feels we want more connectivity in the industrial part of town, and a cul-de-sac isn't part of that idea.

Chris Thompson asked why we're not seeing a Preliminary Plat. Dave Anderson agreed, he is leery approving any development of this property on 1600 North until we have that issue figured out with a Preliminary Plat.

Seth Perrins feels it's concerning that this concept shows them not having 100 West connect to 1600 North. Mike Clark agreed, especially since we are paying a lot of money to get 1400 North to go all the way through, yet here they want to take away connectivity to the north. Dave Anderson agreed and stated that we need to know how we want 1600

North to connect into 3rd West. He would rather it be realigned, but suggested we just move on today and we'll work on it more with the applicant.

Brandon Dawson responded; however, it was inaudible.

Dave Anderson said we could probably look at different things to see what might look best. We need to iron out the bigger issues with Randall and his folks. At that point, looking at an individual lot and layout should be easy. We can do a couple of different things concurrently so as to not slow Brandon down, but we do need to get some work done with Randall on what the overall property will end up looking like when it's developed. He suggested Brandon Dawson contact Randall and set up a meeting with the City. Dave noted that we have met with Randall about this in the past and this could have been taken care of a long time ago.

Brandon Dawson explained he's been dealing with Doug Ford on this. Dave told Brandon he'd be willing to meet with anyone on it, but it was his understanding that Randall was the contact for this project. Seth Perrins agreed and stated that we have had several discussions with Randall, but far fewer discussions with Mr. Ford.

Dave Anderson clarified that he doesn't think these are difficult issues to work through. He thinks these could have been addressed long ago, and now is as good a time as any. He doesn't want to be discouraging at all. But until we're on the same page as Randall, and have an overall plat for the overall subdivision, we're jumping the gun to talk about an individual lot design.

Kelly Peterson noted power is a concern because that line is a UAMPs line, so they'll have to work with them for clearances when they do buildings. It's the east-west line along 1600 North, we're not the only ones on those poles.

Chris Thompson agrees that we need to see a Preliminary Plat.

Seth Perrins asked about the property for the 1400 North connection and an orphan piece left over to the east of the property we previously purchased. He feels the legal description or something went amuck. Chris Thompson asked Jered Johnson to have Travis Warren look into it.

OTHER BUSINESS

Policy 4.60 Power and Light Master Plan

Kelly Peterson explained that ICP did a study for the City and gave us a Power and Light Master Plan that we're currently working on. Right now, we're working on the Whitehead and Industrial Substations. Table 4 shows the major upgrades we will be doing. Kelly added that most are upgrades to existing circuits to be able to continue to provide the level of service we provide today. He explained that the way the circuitry system was created was undersized, especially if the Benjamin area develops.

Chris Thompson summarized that we are focusing on circuitry because, after looking at our number of substation transformers, we have more than M minus 1 capacity, but in order to distribute that throughout the City we needed better connected circuits. Kelly Peterson agreed.

Kelly Peterson discussed the different projects planned using the policy on screen.

Dave Anderson asked how far out into the future this plans for. Kelly said we've planned this out to 2030. We will tie some circuitry out in the Growth Boundary areas to the southwest so this can support growth out there. With more growth we'll have to add other substations.

Dave Anderson feels that in less than 10 years we'll have considerable growth and asked how they've come up with the growth and development predictions. Kelly Peterson told him that they met with ICEP. Josie Paxton stated that if needed, or if there's something we might not have foreseen we can collect impact fees for upgrades.

There was further discussion and Kelly Peterson went over some of the projects completed and planned.

Dave Anderson asked how we get power on the west of I-15. With the sewer being available in the next few years. Kelly Peterson explained that we could get power over and we could build the circuitry out of the nearest substation. He discussed how they would do so using the site on screen. Dave Anderson also asked about the River Bottoms and any plans there. Kelly Peterson said there is a plan for a future substation, in over 10 years, and plans to upgrade the lines at 2300 East. We will be able to support small growth in the River Bottoms, but they'll need a substation out there if there is a lot of development.

Dave Anderson feels we don't want to send mixed signals to the public. If the Master Plan calls for a future substation. Kelly Peterson noted that we did this study before the City

decided to keep the River Bottoms all green space. The new outlook could change things. Dave Anderson clarified that if there's not development south of River Bottoms Road, a substation is not needed. Kelly Peterson agreed.

Chris Thompson asked if the name of the study should change to the Power and Light Element of the General Plan. Dave Anderson said that could be, but he would like to sit down with Chris Thompson and Seth Perrins to talk about it in terms of Planning. He has some thoughts and things that might need to be considered.

Dave Anderson **moved** to recommend the City Council adopt the proposed Policy 4.60 Power and Light Master Plan.

Kelly Peterson **seconded**, and the motion **passed** all in favor.

Swift Creek Annexation

Dave Anderson noted the applicants have a little while to go on their protest time, but this should be on the Planning Commission agenda in August or September. He asked how comfortable we are about telling them that we don't like their existing boundary, the way it's laid out? He feels the other two properties to the east should be included. It's all zoned RA-5, 5-acre minimum lot size in the County right now.

Vaughn Pickell feels, after talking with County Attorneys, the County will have to consent to the annexation because they're the owners of the real property that is primarily agricultural zoning with less than one-acre density. If it weren't agricultural zoning, they could be forced in. Dave Anderson understood it's not zoned for one acre or more dense.

There was further discussion. Vaughn Pickell explained that owners of rural real property that is not as dense as one unit per acre, and zoned primarily for agriculture or mining, they have to sign the petition and can't be forced in. Chris Thompson noted that is pretty much every annexable area. Seth Perrins feels that is a significant change to the code. Vaughn agreed and noted that is how the County sees it. Seth Perrins asked if that's the intent from the legislature, and isn't sure how he missed that issue. That gives tremendous power to property owners, or creates more islands.

Chris Thompson asked if islands and peninsulas are less illegal now and Vaughn Pickell thinks they are. Seth Perrins asked Vaughn to look more into this to make sure that's correct. We should have been more clued in on that. We need a second opinion.

If we need to work through the legislature and or Utah County we will. That's not a good policy. Dave Anderson agreed and added that, if this is the case, we would lose the ability to press for functional boundaries.

From the power standpoint, Kelly Peterson noted that we would have to buy out SESD with annexations and it wouldn't be good to do it piecemeal.

Vaughn Pickell said we could be reading it wrong, but he'll look more into it.

Dave Anderson said he'll reach out to DR Horton and let them know that the other two properties should be included in this annexation. He'll do it formally. Seth Perrins agreed.

Chris Thompson noted this annexation, as proposed, is totally landlocked. Dave Anderson feels they can get access from the south, and they have an easement across Rocky Mountain Power, so they're considering that they have two points of access.

There was further discussion regarding the annexation protest period.

Seth Perrins feels we need to add the entire bench, to finish that area. Add the Baum property, and the northwest property to this annexation. Kelly Peterson stated that Baum is served by SESD so we'd have to go through that process.

Kimberly Brenneman asked if the annexation boundary does change, do they need to redo the protest period and notices. Dave Anderson said no, historically we haven't done that.

OTHER BUSINESS

Blake Ottesen

Vaughn Pickell asked about the Blake Ottesen issue and whether there anything else he needs, other than signing the agreement, to get a Certificate of Occupancy. John Little said we just need that agreement.

Dave Anderson asked if the agreement contemplates Mr. Ottesen doing the subdivision, as he was under the impression it would. Vaughn Pickell stated the agreement is just for him delaying the infrastructure improvements.

Chris Thompson noted our proposed policy is that as long as someone doesn't subdivide, we wouldn't require the improvements. But, if they do, as in this case, they have to do a cash in lieu.

There was further discussion.

Dave Anderson stated that Mr. Ottesen did subdivide, but it was done during the time where we didn't have the new policy nailed down as we do now. Dave would like to bring this to a resolution and he is comfortable, if Mr. Ottesen goes through the right process to subdivide, then rather than cash in lieu, we will let him do lien in lieu. Chris Thompson noted that we treated another resident according to this policy and Dave said that does change how he looks at it. He added that once we give someone a Certificate of Occupancy, we have given up any motivation for someone to work with us. Chris Thompson feels Mr. Ottesen should reverse the subdivision.

Seth Perrins would like Blake and the City to have a conversation so we can talk these issues through. He doesn't want to treat him differently and Dave Anderson agreed. Vaughn Pickell said he would ask Blake to come into a meeting.

Vaughn Pickell **moved** to adjourn at 11:33 a.m., the motion **passed** all in favor.

Adopted:

Jessica Burdick
Building Inspection Division Secretary