

Adopted Minutes
Spanish Fork City Development Review Committee
February 3, 2021

Staff Members Present: Chris Thompson, Public Works Director; Seth Perrins, City Manager; Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Jake Theurer, Electric Superintendent; Tom Cooper, Electric Utility Planner; Vaughn Pickell, City Attorney; Michael Clark, Staff Engineering; Bart Morrill, Parks Maintenance Supervisor; Shelley Hendrickson, Engineering Division Secretary; Kimberly Brenneman, Community Development Secretary; Jessica Burdick, Building Inspection Division Secretary.

Citizens Present: Jared and Angie Warner, Scott Peterson,

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

FINAL PLAT

River Point Plat E and D

Chris Thompson discussed the issue of 9th South and the illegal subdivision that previously occurred there, including Lot 41 of Plat E. Chris stated the City could tell the developer that he has to put in utilities for lot 41, but the owner of that lot could tell them no. Or, the City could tell the developer that he has to improve the frontage of Lot 41, and the lot owner can then decide to hook into City services, or not. Chris suggests the developer pay a cash in lieu to extend the PI and sewer to the property line of Lot 41.

There was discussion.

Dave Anderson feels we could treat Lot 41 as any other property being developed, where utilities get improved. But he likes the idea of the cash in lieu. There was discussion as to whether the City ordinance would need to be changed in order to do so, and Chris Thompson noted he'd look into it.

There was discussion regarding sewer and whether Lot 41, which is currently on a septic system, should have to hook into City sewer. Chris Thompson explained that it can be quite expensive to hook into the City sewer, which is why most residents on septic systems don't want to.

Dave Anderson stated that he can look at this as if it's a vacant lot. With every lot, there is an improvement cost and the cost for sewer here is the same as any other lot's improvement. Dave feels it is difficult to distinguish this from a vacant lot.

There was discussion regarding forcing the issue. Vaughn Pickell stated that the owner of Lot 41 would have to consent, as an owner, and sign the plat, so they could hold up this project.

Chris Thompson clarified that the developer can't proceed if the two parties don't come to an agreement.

Dave Anderson hopes this can be resolved without causing any other issues, but this would have been contemplated if someone did their homework. It's not the City's issue to try to resolve, in terms of the two relationships, then what it typically would be. Even though we're sensitive to it.

Brandon Snyder agrees that we look at the code and make any necessary changes, or we do the cash in lieu, but this situation is common and typically the fix is coordinating with the other owner.

Seth Perrins stated if the cash in lieu works, and we have the rights-of-way and easements, that could work. The two options are treating Lot 41 as a vacant property and the sewer and water laterals get installed, and it's an improved lot. Or, we do the cash in lieu, but Seth stated he'd defer to Chris Thompson regarding the need of Lot 41 having to connect.

Mike Clark from Engineering had no issues to discuss today.

Brandon Snyder noted that Plat E depends on Plat D recording first. He also mentioned there are redlines on Plat D and informed of the issue with the access road off of 9th South, which will require us running power and sidewalk over someone else's property.

Scott Peterson said the deed is signed for that right of way. The plat can record now because the ground was deeded over. However, they don't have a PUE outside of it. Scott stated that he has gone back and forth with the owner, who says he'll do it, but Scott just doesn't have the signature yet.

Jake Theurer noted that Plat D does need to be completed before Plat E can be completed, as far as electrical goes. They'll also have to utilize a shared pole with SUVPS, so

the developer will need to get a permit from the bureau in order to use that pole. The work does need to be completed before E can be completed electrically.

Jared Warner, owner of Lot 41, asked, how his lot is part of a classified illegal subdivision, can that be rectified and be removed from the subdivision?

Seth Perrins said it could not. Seth understands Mr. Warner had nothing to do with the illegal subdivision, it was done long ago, but we're going to make it legal now.

Jared Warner asked about utility connections. He feels that the PI connection will put an adverse financial responsibility on them, if they are required to connect. It would be financially infeasible to water his large property with City PI water. Mr. Warner noted they already have enough water to irrigate now.

Chris Thompson said that the Warner's can irrigate whether or not they are connected to City PI. The debate would be whether or not they're charged the base PI rate if they don't use it. Maybe they shouldn't be charged the base rate if they don't use the PI.

Dave Anderson feels we should approve the River Point Plat D Final Plat, and the River Point Plat E Final Plat with the conditions discussed today and subject to the developer figuring out the water rights and utility connections. Dave added that the City is being asked to be a referee between the two property owners. He added that Plat E could be approved in two ways: that the improvements get installed in accordance with the City's requirements, or that the City will explore the process in accepting a payment in lieu. Then it's in the lap of whomever records the plat to address before they're recordable.

Seth Perrins feels we should table this item to address the two issues and get further understanding. He feels this project should not move forward today.

Scott Peterson stated that David Adams wants to follow the standard as we always have, to do what we have in the past. Also, David Adams is okay with the cash in lieu, but if he is against this being tabled again. He wants to get moving on this.

Dave Anderson stated that we require developers to make the connections available. So, they install the infrastructure and the laterals. But, it's the builders, with a Building Permit, who make the connection to the house. Those are two distinct actions that we can separate. It's not a grey area.

Mike Clark noted this is an existing house, there will be no Building Permit.

Vaughn Pickell asked, if we table this, for what reason would we be continuing it?

There was further discussion.

The applicant said this isn't a dispute between them and the Warners. The issue here is whether the Warners will have to connect or not. The City has said that the developer has to stub the laterals, or pay cash in lieu for the improvements on 9th South. He stated that he's not asking the City to be a referee. They just want to record the plat. And their responsibility is to stub the utilities and laterals to the lot.

Chris Thompson explained that they'd have to hook up the laterals to the house.

Seth Perrins noted this subdivision has been in the works for years and this issue still isn't figured out. And again, he feels we should table the issue, to meet internally, to solve the problems.

Jared Warner stated that he just wants to know so he can make a plan and prepare for what they'll be required to do. His main concern is the financial cost to him to hook into PI.

There was further discussion.

Dave Anderson **moved** to continue River Point Plat D Final Plat, and the River Point Plat E Final Plat, with the comment that the ideal situation, for the City, would be that improvements are in, and the existing home connects; or that there is some type of deferral arrangement that allows for the connections to be delayed. But that all the costs for those connections are accounted for.

Chris Thompson agrees those are the two options, and it would be unwise for the two parties to not have the connection take place.

Dave Anderson added that we need the debris removed from the site within a month. Including the crusher and other equipment. We will not issue a Building Permit in plat D or E until that debris is removed.

Vaughn Pickell **seconded** the motion.

Scott Peterson asked that Plat D be approved, and that we table only Plat E.

Dave Anderson withdrew his motion.

Dave Anderson **moved** to approve the River Point Plat D, Final Plat, subject to the following conditions:

Conditions

1. Subject to the applicant addressing all the redlines and otherwise meeting the City's construction standards.
2. Subject to the removal of all debris within the entire development prior to any Building Permits being issued for Plat D. With the understanding that the reclamation must be approved by the City.
3. Subject to the findings and conditions in the Staff Report.
4. Subject to the applicant getting the necessary permits from the bureau with regards to power.

Vaughn Pickell **seconded**. The motion **passed** all in favor.

Seth Perrins **moved** to continue the River Point Plat E, Final Plat

Vaughn Pickell **seconded**.

There was discussion regarding the cost to connect for the homeowner and developer.

The motion **passed** all in favor.

Hurst Subdivision

There was discussion regarding the detention basin. The Preliminary Plat shows that it would be landscaped and improved. It will become park space that City will maintain.

There were no further issues discussed.

Vaughn Pickell **moved** to approve the Hurst Subdivision Final Plat based on the findings in the Staff Report and subject to the conditions in the Staff Report.

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

Canyon Creek Phase 8C

The building elevations were brought up on screen and there was discussion.

Brandon Snyder had no concerns to discuss, but he noted that the site plan shows a new dumpster that will replace some existing dead trees.

Mike Clark asked about the creek and how it will look.

Andy Spencer explained they'll landscape to the mitigation line, but down in the ditch has to be kept natural. There was further discussion regarding weeds, landscaping and trash care of the Canyon Creek Development. The corridor of the creek has to meet wetlands criteria and have no trash.

Chris Thompson noted that trash and tumbleweeds are big problems in this area. Also, Woodbury needs to replace the willow trees that have died. He feels that if the plants that were initially planted had taken and done well, we'd have less problems. He asked Andy to have the plants replanted and get rid of the weeds and garbage. There was further discussion.

Jake Theurer stated they need shop drawings and the switchgear specs, as well as a load sheet.

Dave Anderson **moved** to approve The Canyon Creek, Phase 8C, Lot 3 Final Plat based on the Findings and subject to the Conditions in the Staff Report. And subject to the applicant improving the space in the creek to the South of the site, which may include replanting any plants that didn't survive, and includes the removal of garbage, debris and refuse. Subject to any work that occurs within the creek being consistent with the permit from the US Army Corp of Engineers.

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

Canyon Creek project signage Plan

Dave Anderson went over the signage on screen. He discussed issues with the plan, including the location of two IHC signs, as well as electronic signs and not using them as

billboards. He also discussed the large 27' pylon sign for Home Goods. He's not sure that's necessary. There was discussion.

Andy Spencer said the Intermountain signs aren't built yet and were planned to be just wayfinding signs for the hospital. He's not even sure if they need these signs.

Seth Perrins feels that they have a lot of signs approved, but they ask for more, like the Home Goods sign today.

Andy Spencer said all the pylons signs planned will be built. But all the pre-approved monument signs might not be. Home Goods really wants this sign because they feel they won't be seen.

Seth Perrins said that the City Council will ask why add this sign if not all the signs in the approved signage plan won't be built. He suggested Andy find out which preapproved signs can go away.

There was further discussion regarding the Intermountain monument signs. Dave Anderson explained that Intermountain has asked about signage and what they can build on site. Any signs they build have to be a part of this Canyon Creek Signage Plan, and Woodbury are the keepers of the plan. Therefore, IHC should speak with Andy.

Dave Anderson moved to recommend the City Council approve the proposed Project Signage Plan with the stipulation that Woodbury enter into an agreement with the City that all signs display only on-site advertising.

Seth Perrins seconded and the motion passed all in favor.

Suited Homes

Dave Anderson explained this proposed project is located at 1100 East 1000 North, east of the Wendy's, behind Coin Crazy. The property is currently zoned C2. In the past we have told people we wouldn't support a zone change to Residential, and the proposal here is 15K square feet commercial space with 75 dwellings attached. But the question is, does mixed used work here and if so, at what density? Dave added that he feels the proposal falls short on parking.

There was discussion using the site on screen.

Seth Perrins feels the concept looks pretty but he's not sure about the mixed use. The City has very limited commercial space in the area, and really limited commercial space in general.

Dave Anderson said there are things that would have to be dealt with going forward but he doesn't feel the community is ready to embrace this yet. He doesn't feel there is a high likelihood that this would get approved.

The applicant stated that the current owner of the property has said that if he doesn't sell the property, he will just build another warehouse, multi-use building.

Dave Anderson **moved** to adjourn the meeting at 12:06 pm. The motion **passed** all in favor

Adopted: 4.14.2021

Jessica Burdick
Building Inspection Division Secretary