

Adopted Minutes
Spanish Fork City Development Review Committee
40 South Main Street
Spanish Fork, UT 84660
June 29, 2022

Staff Members Present: Chris Thompson, Public Works Director; Seth Perrins, City Manager; Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Vaughn Pickell, City Attorney; Ana Burgi, Assistant City Attorney; Michael Clark, Assistant City Engineer; Jered Johnson, Engineering Division Manager; Shelley Hendrickson, Engineering Division Secretary; Zach Hendrickson, Outside Plant Manager; Jake Theurer, Power and Light Superintendent; Garrett Elmer, Power and Light Assistant Superintendent; Bart Morrill, Parks Maintenance Supervisor. John Little, Chief Building Official, Kasey Woodard, Division Secretary; Jason Tuner, Fire Marshall; Dillon Muirbrook, Engineering intern; Jackson, Community Development and Planning Intern.

Citizens Present: Jackie Larson, David Bourne, McKell Dalton, Jeremy Endicott, Krista Fuhriman, Andrew Oviatte, Jill McConnell.

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

MINUTES

June 15, 2022

June 22, 2022

Dave Anderson **moved** to approve the minutes of June 15, 2022 and June 22, 2022.

Jake Theurer seconded and the motion **passed** all in favor.

MINOR PLAT AMENDMENT

EAST MEADOWS ESTATES SUBDIVISION PLAT C

Brandon Snyder stated this is very straightforward and was approved by the DRC in 2020 and approval expired in 2021. There were no changes and the applicant resubmitted for reapproval to finish the project and record the plat.

Michael Clark had no comment.

Dave Anderson **moved** to approve the East Meadows Estates Subdivision Plat C Minor Plat Amendment based on the following finding and conditions:

Finding:

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Condition:

1. That the applicant meets the City's Zoning requirements and Construction Standards.

2. That the applicant addresses any red-lines.

John Little **seconded** and the motion **passed** all in favor.

CHICK-FIL-A (EXPRESSWAY SQUARE SHOPPING CENTER SUBDIVISION, PLAT "C")

Brandon Snyder stated this is very easy, Chick Fil A is looking to expand their driveway by shifting their shared property line on the east side of the building.

Michael Clark had no comment.

Dave Anderson **moved** to approve the Chick-Fil-A Plat C Minor Plat Amendment based on the following finding and condition:

Finding:

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Condition:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.

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

SITE PLAN

CHICK-FIL-A DRIVE-THRU EXPANSION

There was no discussion.

Jered Johnson **moved** to approve the proposed Chick-Fil-A Drive-Thru Expansion Site Plan based on the following finding and conditions:

Finding:

1. That the application 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 Site Plan approval is contingent upon approval and recordation of the associated Minor Plat Amendment.

Jake Theurer **seconded** and the motion **passed** all in favor.

DAYBELL WAREHOUSE ADDITION

There was no discussion.

Dave Anderson **moved** to Continue the proposed Daybell Warehouse Addition Site Plan.

Jake Theurer **seconded** and the motion **passed** all in favor.

GENERAL PLAN AMENDMENT

LELAND AGRICULTURE

Dave Anderson stated there was correspondence put together in staff reports, and he suggests DRC take additional time to go over them in more depth. He stated this is very unique and needs additional time and care. He feels it makes the most sense to leave the plan as it is right now.

Jackie Larson feels like this is one way or the other, and asks if there is a way for both parties to meet in the middle. She feels this will possibly cause conflict between landowners and developers.

Dave Anderson does not feel this map will stop land owners from being approached to sell land. He feels it comes down to what the property owners want to do with their own land.

Jackie Larson feels this is going to make farming for the property owners much harder going forward and hopes the City will consider this.

Dave Anderson feels the ag protection area helps to maintain farming protection for landowners of the area.

Jackie Larson asks the Committee if they plan for the future use of existing businesses and Dave Anderson stated the City does plan for future businesses and uses. He stated these types of plans are what's intended for the best use to help the growth of the city.

Jackie Larson asked if one landowner left, how would it impact the landowners deciding to stay. Dave Anderson stated it is the responsibility of the City, to ensure that what happens on a neighbor's property does not impact your ability to farm on your property.

Dave Anderson stated as the population grows, there is pressure on a city to try and follow what the general plan has laid out to accommodate its future growth. He stated this does not have to happen now, but when the city is finally laid out completely, this will be the best planned use of the land.

Jackie Larson stated that she does not see the farming community getting smaller, she believes that it will only continue to grow larger.

Vaughn Pickell stated that the general plan is a forward-looking document and believes that it helps to develop the best future uses to accommodate the upcoming growth of the city.

Chris Thompson stated he is not agreeing, but he cannot think of any other argument to add other than what has already been discussed.

Seth Perrins **moved** to recommend Denial of the proposed Leland Agriculture General Plan Amendment to the City Council based on the following findings:

Finding:

1. The Council will be reviewing the adjustment to the general plan and the entire area should be looked at in greater detail.
2. That there be room in the discussion for something other than what has been discussed.
3. That significant investments have been made in infrastructure to serve current and future land uses in the area.
4. That the current Land Use Map appropriately plans to utilize area infrastructure.
5. That the unique infrastructure located in the area should be utilized in the manner prescribed by the current Land Use Map.
6. That the current Land Use Map appropriately plans for uses that are needed in the community.
7. That the current Land Use Map prescribes an appropriate pattern of various land uses in an effort to create a vibrant center for commerce and attractive residential neighborhoods.
8. That the current Land Use Map appropriately accounts for the area's suitability for development.
9. That the current Land Use Map prescribes land uses that will be supported from a market perspective.
10. That the current Land Use Map appropriately plans to create a similar development pattern as what is contemplated in Salem.

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

GENERAL PLAN AMENDMENT

2022 MID-YEAR TRANSPORTATION ELEMENT OF THE GENERAL PLAN

Dillon Muirbrook stated these are all recommended for approval by the DRC and being reviewed before going to the Planning Commission and City Council. He presented a jurisdictional change for 400 North back to a UDOT road for continuity so that UDOT will be responsible to maintain the road as it makes the most sense to have the two state roads meet without the city road bridging them. He stated there was a change in alignment on a trail located near 900 North Main St. He stated the shared path was moved from southeast of I-15 to the north side of 900 North. He stated they moved the trail located on Market Place Drive from 800 north to Expressway Lane. And the last trail located on 700 South was moved from the south side of the road to the north side of the road.

Chris Thompson stated these have acted on with recommendations for approval and are planned to go to the planning commission, but he felt there was benefit to having these changes be reviewed by staff as some changes are 6-7 months out.

Seth Perrins asks if there is a way to get away from placing trails on the last side of the road with plans similar to this, and Dave Anderson stated he would like to take additional time in the DRC meeting on July 6 to discuss this in further detail on what the Committee is really trying to accomplish.

ZONE CHANGE

ANDREW OVIATT DUPLEX

Brandon Snyder stated the applicants recently purchased the home are looking to do internal conversions to convert to a duplex.

Seth Perrins feels this instance was not why the Infill Overlay zone was created, as this home is not in disrepair, or in need of significant redevelopment to give the Council reason to approve changing the use from single-family to multi-family.

John Little stated that to be able to convert a home from a single family into a duplex, the property owners must be prepared for significant improvement to the property to separate the structure to qualify it as a duplex. Including separating the power to the structure, installing separate meters for each unit, water services, and separate air filtration systems.

Seth Perrins stated he feels this is more related to the application of the Infill Overlay Application. He asked what improvements are the property owners doing to the land, and how will the duplex impact the surrounding neighborhood? He stated he is unsure if this is really aligning with what the general planned use of the land is.

Vaughn Pickell stated that this is not aligning with what would be considered a duplex, but more closely in line with an ADU.

Jill McConnell asked the Committee, if since they are just a recommending body, that no matter what is recommended, it will still proceed to the Planning Commission and City Council and it was stated that it will still continue forward at the applicant's request.

Dave Anderson explained that to change the use of land it requires significant, positive improvements to be made, that include landscaping, fencing, and utilities but it is never a guarantee the Planning Commission or City Council will approve the change in use of the property.

Andrew Oviatt decided that they would like to go forward to the Planning Commission.

Dave Anderson **moved** to recommend Denial of the proposed Andrew Oviatt Duplex Zone Change from R-1-6 to R-3 to the City Council based on the following finding and condition:

Finding:

1. The proposed change would not meet the intent of the Infill Overlay.

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

TITLE 15 AMENDMENTS

AGRICULTURAL PROTECTION AREAS

Dave Anderson stated this discussion comes down to minimum area size, and language in the draft and how it relates to a City's ability to exclude certain items from a proposed agricultural protection area, and establishing an application fee

Vaughn Pickell stated statute allows the City to charge a fee to cover the processing of the application, but he stated there is no fee to withdraw your application.

Dave Anderson stated the fee is \$360 and is not meant to be a hurdle for someone that wants to create an Ag protection area, and notes that it is less expensive than the County's fee of \$500.

Jackie Larson suggests the minimum acreage be 5 acres, and Dave Anderson believes it is very rare that someone makes a real livelihood from a 40-acre farm, let alone a 5-acre farm and considers it more of a hobby and not a bona fide farm as it doesn't produce enough that could fully support someone. He believes that the acreage should be higher than 40 acres.

Seth Perrins believes that the acreage should be higher than the county as we are a city and feels that 40 acres is a very low threshold as what constitutes a functioning farm. He asked if there are additional things in the code that could help protect residents' right to farm abilities.

Vaughn Pickell stated the reason for a required minimum acreage, but there are additional protections that can be done to help protect the agricultural areas by marking them on plats. He stated there is language that can be added to the code that would allow for signs to indicate the protected areas.

Seth Perrins stated he does not see this as a real problem in Spanish Fork and referred to it more as a red herring. He stated there is not a real concern of farmers bailing at 2 a.m. and residents being forced to call the authorities.

Dave Anderson feels that the City and the residents are very closely aligned in what is wanted and does not see a need to discuss this in greater detail.

Vaughn Pickell **moved** to recommend approval of the proposed Title 15 Amendments as presented to the City Council based on the following findings and conditions:

Findings:

1. That the application conforms to the City's General Plan Designation and Zoning Map.
2. That the application is consistent with the approved Preliminary Plat.
3. Refinement of the language of the minimum acreage to allow less than 40 acres, similar to the provisions that Utah County allows.

Conditions:

1. That the applicant meets the City's Construction Standards.
2. That the applicant addresses any redline comments in Citizenserve.

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

CONCEPT REVIEW

PEG DEVELOPMENT

David Bourne stated they feel they have sufficiently addressed the four main concerns laid out by staff members and are looking for feedback on the changes. He stated the first concern was the set back

from the river was not sufficient, 450 South needs to be widened, the 1550 West needs to be widened to be sufficient for UDOT plans for the future interchange, and lastly was the overall concept of the layout plan and how it works with the interaction of the community.

Michael Clark asked if the backyards are fenced or open space and David Bourne stated they are fenced.

Brandon Snyder asked if there were any environmental issues since the last meeting and it was stated there is none.

There was discussion about an agreement that was made between the City and the property owners that assuming that the right of way remained the same, the City would use Corridor Preservation funds to purchase the right of way for the 5 lanes, based off of the center lane.

David Bourne stated he was never a part of that agreement as it was struck up with the existing land owner. He stated he has looked over the document and has conversations with the landowner and his recollection of the agreement. He gathers the agreement included the city paying to relocate Wasatch Pallet to its current location, a transfer of impact fees that would be gathered by the existing businesses that would go from the transportation corridor to the owner and then to the City. He stated he did not see that it was specifically allocated for the purchase of the property owners land for the department of transportation. So, he does not see a discrepancy that the impact fees will be going from the corridor association through the property owner and back to the City.

Seth Perrins asked what the overall density of the development is and David Bourne stated there are 170 units on the 17 acres.

Chris Thompson asked how many units are single family detached units and it was stated there are only a few units that do not share walls with any other units.

Chris Thompson stated it may need to be reviewed to include sub local roads as Spanish Fork does not allow private roads or drives.

John Little asked what the unit count is that will be using the one access point and it was stated that it would be 32 units using one access point.

OTHER BUSINESS

ANNEXATIONS

Dave Anderson stated we currently have 6 annexations, with both Oberg and GWC currently being very close to being ready to go in front of the City Council. He does not feel the rest are very close at this time. He stated GWC is one of the larger proponents on the application, as GWC and the Simpson annexation are co applicants as there he would like to set up a meeting with Dave Simpson.

There was discussion about a future railway station and whether or not it makes sense to place high density residential developments that far to the north.

Dave Anderson stated that he appreciates GWC taking the lead and helping to address some of the potential issues, and whether or not there is significant infrastructure that needs to be built. He states

this went to City Council and was accepted for further study, but then has vegetated with the idea that it is unknown on how to proceed until there is more information available for the commuter rail stop.

Seth states the only issue is the resulting island it creates, and he feels that it is bad planning. He stated that he hopes the council would act on eliminating the island that is being created.

Dave Anderson stated Rays Valley is currently on hold.

Vaughn Pickell, in referral to the Oberg annexation, stated Jon Jenson inquired about withdrawing his protest as the county will consent to being an island and it was stated the withdrawal must be in writing.

It was discussed that this property is not quite an acre and does not have the right to protest. Dave Anderson stated this needs to go to the Planning Commission. He stated there needs to be an agreement in place before this can move forward.

Stephens Hill Annexation will produce another island, Dave Anderson stated this gives reason to look at the general plan from agriculture, and moving the Growth Boundary.

Seth Perrins moved to adjourn the meeting at 12:33 p.m.

Adopted: July 6, 2022

Kasey Woodard
Community Development Division
Secretary