

**Adopted Minutes**  
**Spanish Fork City Development Review Committee**  
**40 South Main Street**  
**Spanish Fork, Utah**  
**December 21, 2022**

**Staff Members Present:** Seth Perrins, City Manager; Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Kimberly Brenneman, Development Coordination Manager; Vaughn Pickell, City Attorney; Ana Burgi, Assistant City Attorney; John Little, Chief Building Official; Michael Clark, Assistant City Engineer; Marcie Clark, Department Development Secretary; Jered Johnson, Engineering Division Manager; Zach Hendrickson, Outside Plant Manager; Jake Theurer, Power and Light Superintendent; Tom Cooper, Power and Light Senior Utility Planner; Bart Morrill, Parks Maintenance Supervisor; Kasey Woodard, Division Secretary.

**Citizens Present:** Dan Fechner, Mike Ford, Brandon Lunden, Scott Peterson, Gavin West, Sam Drown, Randy Smith, Robert Lusk.

Chris Thompson called the meeting to order at 10:15 a.m.

**MINUTES**

**December 14, 2022**

Vaughn Pickell **moved** to approve the minutes of December 14, 2022.

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

**CONDITIONAL USE PERMIT**

**150 SOUTH 2022 AT&T CELL TOWER MODIFICATION**

Brandon Snyder gave a brief update on the proposal and stated the applicant is looking to swap out equipment and update the tower.

Vaughn Pickell **moved** to recommend the approval of the proposed 150 South 2022 AT&T Cell Tower Modification Conditional Use Permit to Planning Commission based on the following finding and conditions:

Finding:

1. That the project conforms to the City's General Plan Land Use 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.

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

**CONDITIONAL USE PERMIT**

**300 EAST 2022 AT&T CELL TOWER MODIFICATION**

Brandon Snyder gave a brief update on the proposal and stated the applicant is looking to update the antennas on the tower.

Jake Theurer **moved** to recommend the approval of the proposed 300 East 2022 AT&T Cell Tower Modification Conditional Use Permit to Planning Commission based on the following finding and conditions:

Finding:

1. That the project conforms to the City's General Plan Land Use 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.

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

### **CONDITIONAL USE PERMIT**

#### **300 EAST 2022 T-MOBILE CELL TOWER GENERATOR MODIFICATION**

Brandon Snyder stated the applicant is looking to add an emergency backup generator as the existing one is for a backup for a different carrier. He gave the location of the proposed generator and that it would be located on the trail side and he stated there will be fencing modifications needed.

Vaughn Pickell asked if there is any additional land area needed and it was stated yes there is additional land area needed for the proposal.

Seth Perrins stated as the City is the land owner, he does not like manipulating the trail space and suggests exploring the open space behind the trail instead of moving the trail.

Dave Anderson suggests continuing this proposal until this can be discussed further with the Parks and Recreation Department about the configuration. He stated staff will be looking for a sign off from the parks department before anything can move forward. He feels minimizing the footprint on the City park space will be best.

Tom Cooper stated the reason this location was selected was to avoid conflict with neighboring generators and stated he would like to see a concrete wall surrounding the generator and it was stated that can be up to the parks and recreation department.

There was a discussion about whether a concrete wall or a chain link fence will be adequate. There was concern of defacement of the concrete wall being in a public area.

Seth Perrins **moved** to Continue the proposed 300 East 2022 T-Mobile Cell Tower Generator Modification Conditional Use Permit.

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

### **SITE PLAN**

#### **DUTCH BROS COFFEE**

Dave Anderson stated there needs to be some redesign with the plan and suggested the applicant work with the City Engineering office. He stated there are a few significant issues that need to be corrected before this proposal can move forward. He stated the property owners do have enough parking spaces left over to still meet their own parking requirements as well as the parking requirements for the proposed site for Dutch Bros Coffee.

Seth Perrins discussed the subject of patrons using the parking lot owned by AmSource ( Macey's) in the past for Itinerant merchant sales of Christmas Tree sales and other Itinerant merchant sellers.

There was a discussion regarding parking requirements and available spaces that can be utilized by those itinerant merchant sellers.

John Little **moved** to Continue the proposed Dutch Bros Coffee Site Plan.

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

### **SITE PLAN**

#### **MOUNTAIN COUNTRY FOODS PLANT 1 ADDITION**

Dave Anderson stated this is very straight forward approval and is a matter of engineering issues.

Michael Clark stated there are no other concerns but states there are some drainage concerns that are being worked out. He stated the plan could do with less ponds.

There was discussion on the storm tanks and things being placed under them. It was stated the storm water will filter into the ponds instead of underground storm tanks. There was further discussion on moving the meters.

Seth Perrins asked how long the power would be out and Jake Theurer stated it would be very minimal, 4 hours at the most.

There was discussion regarding the remaining work that needs to be completed before permits can be issued. Marcie Clark in engineering stated bonds and fees need to be paid before a precon meeting can be scheduled and then the building permits can then be issued.

Seth Perrins made the additional comment of having the applicant potentially move the adjustment. He stated this adjustment will make the campus better and more capable of easier future expansions.

Jake Theurer **moved** to approve the proposed Mountain Country Foods Plant 1 Addition Site Plan based on the following finding and conditions:

#### Finding:

1. That the project conforms to the City's General Plan Land Use 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.

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

### **FINAL PLAT**

#### **ANNIE'S ACRES PLAT C**

Dave Anderson stated this plat is somewhat connected to the Annie's Acres plat.

Brandon Snyder stated he did not include any conditions specific to the Volunteer Drive improvements as his understanding is that Volunteer Drive is moving forward. He stated he noticed them on the River Run staff reports, so he feels that it is more than appropriate to make reference to them if the DRC feels it appropriate.

Vaughn Pickell stated the property owner to the west of River Run, Two Pesos, has signed an agreement allowing the City to occupy and construct Volunteer Drive and be open to the public to drive. He stated they are wishing to challenge the city's acquisition; he states the City can reach an agreement or the City can do eminent domain. He stated the City has unlimited right to construct and the right to occupy and open to the public for travel.

Jake Theurer stated the road and utilities need to be constructed before power can be provided to the homes.

There was a discussion regarding the potential issue with the ribbon road and the two different descriptions on the easement.

Vaughn Pickell stated there will need to be an easement signed by Two Pesos.

Dave Anderson asked who should be responsible to build the road before the homes can be occupied? He stated it is typically a condition of approval that the applicant must front the cost of the road and he asked Sam Drown if he was comfortable fronting the cost.

Sam Drown stated they understand this is a condition of approval and asked what is needed to move forward and finalize their plats.

Dave Anderson stated the City is leery of starting something that can't be finished before occupancy is wanted.

Vaughn Pickell **moved** to approve the proposed Annie's Acres Plat C Final Plat based on the following finding and conditions:

Finding:

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

Conditions:

1. That the applicant meets the City's Construction Standards and zoning requirements.
2. That the applicant addresses any red-lines.
3. That the applicant addresses any previous conditions or approvals.
4. No Certificate of Occupancy may be granted until the connection for Volunteer Drive can be connected to Main Street and opened to the public.
5. The traffic signal at Main Street will be constructed along with this project.
6. A utility easement beyond the boundary of the ribbon road be provided for the power and the utilities.

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

**FINAL PLAT**

**RIVER RUN TOWNHOMES PLAT C**

Dave Anderson spoke briefly about these two plats being somewhat connected by Volunteer Drive, and stated there is an amended plat that needs to be recorded due to a discrepancy.

Travis Warren the City Surveyor stated the County will not record this as it is currently.

Sam Drown stated they are turning this matter over to their attorney they have hired as he feels the County is being unreasonable and unwilling to work with them.

There was discussion regarding what the County is requiring regarding the descriptions that are being recorded on the plats. It was stated that phase 1 contained descriptions that were regarding the previous footprint of the housing product. There was further discussion of the porches extending into common areas and being outside of the line work of the "boxes".

Sam Drown stated this will not be an issue with the future phases as they have addressed the concern. He states this will only be a concern for Plat A.

Brandon Snyder stated the reapproval and the phase 2 approval have since expired so there will need to be reapprovals for those expired approvals.

Dave Anderson stated this should be fairly easy and suggested these reapprovals for the January 4, 2023 DRC agenda.

There was a discussion of the approval process, fees and the conditions of approval that will be required.

Sam Drown stated the holdup has not been with Spanish Fork City, he feels the holdup is within Utah County.

Vaughn Pickell stated that he is happy to work with the applicant and Utah County to help move things forward.

Vaughn Pickell **moved** to approve the proposed River Run Townhomes Plat C Final Plat based on the following finding and conditions:

Finding:

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.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That the applicant meets the conditions of previous approvals and agreements.
4. That the applicant provides the required access and utility connections for the development.
5. That the earlier phases be reapproved and recorded.
6. That the Volunteer Drive plans be approved.
7. That no Certificate of Occupancy may be granted until the connection for Volunteer Drive can be connected to Main Street and opened to the public.
8. The traffic signal at Main Street will be constructed along with this project.
9. A utility easement beyond the boundary of the ribbon road be provided for the power and the utilities.

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

**FINAL PLAT**

**JOHNSON SUBDIVISION PLAT A**

Dave Anderson stated this is a reapproval due to an expiration and stated this should be fairly straight forward.

Brandon Snyder stated there have been a few minor updates to the prior approval.

There was discussion regarding the unused metal building. It was stated there has been no construction started as of yet. There was further discussion regarding expiration dates on the Preliminary Plat that will expire in August of 2023.

Vaughn Pickell **moved** to approve the proposed Johnson Subdivision Plat A Final Plat based on the following finding and conditions:

Finding:

1. That the proposal conforms to the City's General Plan Designation and Zoning Map.
2. That the proposal is consistent with the approved Preliminary Plat.

Conditions:

1. That the applicant addresses red-lines.

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

## **TITLE 12 AMENDMENTS**

### **CONSTRUCTION SITE MAINTENANCE AND CLEANUP**

Ana Burgi gave a brief definition of the proposed changes to the amendments on preventing construction debris and trash from escaping construction sites and spreading to neighboring properties or public right of ways, and stated this can be a violation is a Class C Misdemeanor.

Seth Perrins spoke briefly on why these amendment changes are necessary in order to protect adjacent properties from neighboring construction site trash and waste spreading to public and private properties.

Jake Theurer **moved** to continue the proposed Title 12 Amendments to City Council as discussed.

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

Jake Theurer moved to adjourn the meeting at 11:30 a.m.

Adopted: **January 4, 2023**

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Kasey Woodard  
Community Development Division Secretary