

AMERICAN FORK CITY PLANNING COMMISSION

NOVEMBER 3, 2021

REGULAR SESSION AGENDA

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on November 3, 2021, at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

The agenda shall be as follows:

1. Pledge of Allegiance
2. Hearing, review and action on an ordinance repealing chapter 17.10.400 of the American Fork City Municipal Code and adopting 17.19 related to pioneering agreements for public facilities
3. Other Business
6. Site Plan Committee Report
7. Review and action on the minutes of the October 20, 2021 Planning Commission Regular Session
8. Adjournment

John H. Woffinden, P.G.,
Planning Commission Chairman

The order of agenda items may change to accommodate the needs of the commission, city staff and the public

AMERICAN FORK CITY ENGINEERING DIVISION STAFF REPORT

Planning Commission Meeting Date: 11/3/2021

This report is a summary of the American Fork City Engineering Division review comments regarding the proposed code text amendment:

Proposed Amendment: Ordinance Repealing Chapter 17.10.400 Related To Connector's Agreements For Water And Sewer And Adopting 17.19 Related To Pioneering/Connector's Agreements For Public Facilities, And Providing For The Adoption And Enforcement Of The Amendment

Developer / Applicant's Name: Public Works Department – Engineering Division

Type of Application:

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> Subdivision Final Plat | <input type="checkbox"/> Subdivision Preliminary Plan | <input type="checkbox"/> Annexation |
| <input checked="" type="checkbox"/> Code Text Amendment | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Commercial Site Plan | <input type="checkbox"/> Residential Accessory Structure Site Plan | |

Engineering Division Recommendation:

This Code Text Amendment has been written to clarify the City's intent to permit pioneering/connector's agreements for all public facilities, including water and sewer lines, roads, and related infrastructure. The amendment is consistent with the existing policies and practices of the City and allows for a more explicit and consistent application of Pioneering/Connector's Agreements.

The Engineering Division recommends APPROVAL of the proposed ordinance repealing Chapter 17.10.400 related to connector's agreements for water and sewer and adopting 17.19 related to Pioneering/Connector's Agreements for public facilities and providing for the adoption and enforcement of the amendment.

POTENTIAL MOTIONS:

APPROVAL

Mr. Chairman, I move that we recommend approval of the ordinance repealing Chapter 17.10.400 related to connector's agreements for water and sewer and adopting 17.19 related to Pioneering/Connector's Agreements for public facilities and providing for the adoption and enforcement of the amendment.

DENIAL

Mr. Chairman, I move that we recommend denial of the ordinance repealing Chapter 17.10.400 related to connector's agreements for water and sewer and adopting 17.19 related to Pioneering/Connector's Agreements for public facilities and providing for the adoption and enforcement of the amendment.

TABLE

Mr. Chairman, I move that we recommend table of the ordinance repealing Chapter 17.10.400 related to connector's agreements for water and sewer and adopting 17.19 related to Pioneering/Connector's Agreements for public facilities and providing for the adoption and enforcement of the amendment.

AN ORDINANCE REPEALING CHAPTER 17.10.400 RELATED TO CONNECTOR'S AGREEMENTS FOR WATER AND SEWER AND ADOPTING 17.19 RELATED TO PIONEERING/CONNECTOR'S AGREEMENTS FOR PUBLIC FACILITIES AND PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENT.

WHEREAS, Chapter 17.10.400 regulates connector's agreements related to the construction of water and sewer lines within American Fork City;

WHEREAS, the City desires to clarify its intent to permit pioneering/connector's agreements for all public facilities, including water and sewer lines, roads, and related infrastructure;

WHEREAS, Chapter 17.19 clarifies the city's intent;

WHEREAS, said changes are in the best interest and general welfare of residents of American Fork;

NOW THEREFORE, be it ordained by the City of American Fork, Utah, that:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Chapter 17.10.400 is hereby repealed.

SECTION 2. Chapter 17.19 of the American Fork Municipal Code shall read as follows:

REPEAL OF 17.10.400 EXTENSION CHARGES TO BE ASSESS TO SUBSEQUENT CONNECTORS- REIMBURSEMENT PERMITTED

17.19 PIONEERING/CONNECTOR'S AGREEMENTS

17.19.100 Benefitted Parcel

Benefitted Parcel (generally): Any parcel of land which abuts a proposed public facility that will receive service from said public facility. Benefitted Parcel shall not include any such land abutting land owned by the applicant or the width of the right-of way of any existing adjacent intersecting public street.

Benefitted Parcel – Water/sewer line: Any parcel of land which abuts a water and/or sewer line, and is capable of receiving service from the line.

17.19.200 Unavailability of Adequate Public Facilities

1. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:
 1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as

determined by the City Engineer and by entering into an appropriate form of pioneering/connector's agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any pioneering/connector's agreement authorized by this paragraph must be requested no less than 60 days prior to Planning Commission recommendation and/or approval of the subdivision and/or site plan, whichever occurs sooner, and shall not exceed a duration of 10 years from the date of acceptance by the City.

2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
 3. Deferring approval and the issuance of building permits until all necessary public facilities are adequate and available.
 4. Denying approval and allowing the applicant to reapply when adequate public facilities are available.
2. In the event the City installs infrastructure improvements which benefits specific properties, it may also recover reimbursement on a pro-rata basis from the benefitted properties when they develop, on the same basis as a developer would recover reimbursement with a pioneering agreement as set forth in paragraph A.
 3. When a pioneering agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of development costs associated with that parcel. The notice is not a lien on the property. The City Engineer is designated to sign, on behalf of the City, the Notice of Development Obligations.

PART II

SECTION 1 – Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

SECTION 2 – Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 3 – Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

PASSED, by the American Fork City Council this day of _____, 2021.

MAYOR:

BRADLEY J. FROST

ATTEST:

TERILYN LURKER, CITY RECORDER

UNAPPROVED MINUTES

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3 AMERICAN FORK CITY
4 PLANNING COMMISSION MINUTES
5 OCTOBER 20, 2021

6 The American Fork City Planning Commission met in a regular session on October 20, 2021, at
7 the American Fork City Hall, 31 North Church Street, commencing at 7:00 pm.

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9 Present: Chairman Woffinden
10 Bruce Frandsen
11 Jenny Peay
12 Harold Dudley
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15 Absent: Chris Christiansen
16 Christine Anderson
17 Rod Brocious
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20 Staff Present: Rob Shelton, Councilmember
21 David Bunker, City Administrator
22 Scott Sensanbaugher, Public Works Director
23 Rebecca Andrus, City Engineer
24 Ben Hunter, Engineer
25 George Schade, Communications
26 Lisa Halversen, Administrative Assistant
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28 Others Present: Keaton Morton, Dave Morton
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31 Chairman Woffinden led the “Pledge of Allegiance.” He then stated that items 1 and 2 would be
32 discussed together but voted on separately.
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- 34
35 1. Hearing, review and action on a land use map amendment for property located in the area
36 of 100 West 1100 South from the Resort to the Design Industrial designation
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38 Mr. Hunter stated that the original proposal was for approximately 90 acres but has been modified.
39 The applicant is currently proposing to amend the land use and zone map designations for
40 approximately 10 acres of land as shown on the attached map. The engineering report will detail
41 needs for roads and trails which would be conditions of approval. The proposed changes would
42 modify from its current Resort designation/Marina M-1 zone to the Design Industrial land
43 use/Planned Industrial PI-1 zone.

UNAPPROVED MINUTES

1 There is a sewer lift station in the southwest corner, that parcel is not part of this proposal. The
2 surrounding property to the north and to the south are not annexed, the property to the east is zoned
3 Planned Industrial. This proposal is proposed to be zoned PI-1 so it would match the zoning and
4 land use with the neighboring property. The applicant has provided a conflict-of-interest statement.

5 Mr. Bruce Frandsen, applicant, said that his plan is to do something similar to what has been going
6 in in that area, perhaps tilt-up concrete buildings. The north sliver of the property on the north side
7 of the road is the only portion that is realistically zoned for resort activity, the odor near the lift
8 station makes it difficult to do resort activities in that area as it is currently zoned for.

9

10 **Public Hearing Opened**

11 No comments received.

12 **Public Hearing Closed**

13

14 **Ms. Peay moved to recommend approval of the land use map amendment subject to any**
15 **findings, conditions, and modifications found in the Engineering Report.**

16 **Mr. Dudley seconded the motion. Voting was as follows:**

17	Chairman Woffinden	Aye
18	Bruce Frandsen	Aye
19	Jenny Peay	Aye
20	Harold Dudley	Aye

21

22 **The motion passed.**

23

24

25 2. Hearing, review and action on a zone map amendment for property located in the area of
26 1100 South and 100 West from the M-1 Marina to the PI-1 Planned Industrial zone

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29 **Public Hearing Opened**

30 No comments received.

31 **Public Hearing Closed**

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33 **Ms. Peay moved to recommend approval of the zone map amendment subject to any**
34 **findings, conditions, and modifications found in the Engineering Report.**

UNAPPROVED MINUTES

1 **Mr. Dudley seconded the motion. Voting was as follows:**

2	Chairman Woffinden	Aye
3	Bruce Frandsen	Aye
4	Rod Brocious	Aye
5	Jenny Peay	Aye

6 **The motion passed.**

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9 3. Hearing, review and action on a preliminary plan and final plat for Beck Hillside Estates
10 consisting of 15 lots, located in the area of 760 North 200 East in the R-1-9,000 zone

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12 Mr. Hunter told commissioners that Beck Hillside Estates proposes 15 lots on 5.49 acres, with an
13 overall density of 2.7 du/ac. The property recently had a zone change and was given a zone
14 designation of R1-9,000. Access to Greenwood Creek is provided off 200 East. All lots meet or
15 exceed the requirements of the R1-9,000 zone.

16 Staff recommends denial of the preliminary plan and of the final plat based on the plan set that
17 City Staff provided to the applicant on October 5, 2021 with outstanding TRC comments that
18 must be resolved in order to meet City requirements. The applicant submitted additional
19 documents on Thursday, October 7, which did not give City Staff a reasonable amount of time to
20 review the submittal and confirm that all TRC comments have been addressed.

21 Chairman Woffinden asked if the city has received the geotechnical report yet, as he hasn't seen
22 it. Mr. Hunter indicated that the third-party engineer reviewed it, and there are outstanding
23 comments that need to be addressed. Developer submitted an updated report that is currently
24 being reviewed by the third-party to ensure that all concerns were addressed.

25 Chairman Woffinden reminded city staff that he is a licensed geologist and is supposed to
26 receive all geotechnical reports for review as well. He has not seen a copy of this report yet.
27 Further, he was very displeased upon hearing that the applicant considers the planning
28 commission merely an obstacle to be overruled by the city council. He stated that he is getting
29 very tired of developers coming before the commission with their project before they are ready.
30 This practice is a waste of staff's time and the commissioners' time. He explained that the
31 engineering and planning divisions are very short on staff at the moment and developers will not
32 help themselves by trying to push their way on the agenda when they aren't ready. He suggests
33 tabling the motion until the proposal is 100% complete.

34 Mr. Dudley said that this issue of proposals that aren't ready has come up before, it is his
35 understanding that it was at the request of the applicant that they are on the agenda tonight. Mr.
36 Hunter confirmed. Mr. Dudley felt that they should be given some time to explain their position.

37 Mr. Dave Morton, developer, apologized to the commissioners. He indicated that their goal
38 wasn't to try and push things through in an incorrect manner. This proposal is their second set of

UNAPPROVED MINUTES

1 plans and has very few redlines. He explained that the goal was simply to get a conditional
2 approval based on staff having sufficient time to review. He was sorry for any misunderstanding.

3 Chairman Woffinden reiterated that this is not the first development to want to push their way
4 through when they aren't ready, his comments are a culmination of the frustration of several such
5 incidents in the recent past.

6 Ms. Peay asked how much time is reasonable for staff to review a project.

7 Mr. Hunter explained that the review process includes the fire, engineering, planning and
8 sometimes the legal departments. Staff distributes the different components of submitted material
9 to the relevant departments during the TRC process. As staff receives resubmittals, they are
10 reviewed in the order they are received. Staff have distributed their responses to the various
11 parties and should hear back in the next week or so if this meets the departments' concerns or
12 not. He believes that this project is getting close. He knows that the planning department had a
13 couple of outstanding comments and the fire department had some concerns regarding
14 accessibility for the proposed cul-de-sac. The engineering division has issues related to a third-
15 party peer review as well as utilities. He believes that the project may be ready for a positive
16 recommendation at the point that all comments have been addressed, maybe next month.

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18 **Public Hearing Opened**

19 No comments received.

20 **Public Hearing Closed**

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22 Mr. Dudley felt that this applicant clearly has not met the city timelines. He stated that he was
23 previously a city planner and that if a proposed development was not ready for the agenda it
24 would not be placed on the agenda. He has assumed that projects coming before this commission
25 have been ready for approval. He apologized for this oversight, but he cannot recall a time that a
26 developer was put on an agenda before the minimum requirements were met. He added that a
27 denial from planning commission speeds up the process by sending it directly to city council. He
28 is afraid that he may have been unintentionally guilty of allowing a project to go through when
29 they were not ready because he assumed that if an item was on the agenda that it was ready.

30 Chairman Woffinden stated that the city has requirements and deadlines for a reason and he feels
31 the need to hold to that. He further stated that if this proposal is tabled then it will come back to
32 the planning commission and he cautioned that it will not be voted on to city council until it is
33 completely ready.

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UNAPPROVED MINUTES

1 Ms. Peay moved to table the preliminary plan and final plat for Beck Hillside Estates.

2 Mr. Frandsen seconded the motion. Voting was as follows:

3	Chairman Woffinden	Aye
4	Bruce Frandsen	Aye
5	Jenny Peay	Aye
6	Harold Dudley	Aye

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8 The motion passed.
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- 14 4. Hearing, review and action on a commercial site plan for Goldfish Swim School, located
15 at 348 South 500 East in the GC-2 General Commercial zone

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Chairman Woffinden said that this item was pulled from the agenda at the developer's request.

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- 22 5. Hearing, review and action on a preliminary plan, final plat and site plan for Deer Park
23 Subdivision consisting of two lots, located in the area of 9 West 1100 South in the PI-1
24 Planned Industrial zone

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Chairman Woffinden said that this item was pulled from the agenda at the developer's request.

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- 31 6. Hearing, review and action on amendments to Section 15.01.1430 of the American Fork
32 City Municipal Code entitled Cul-de-Sac

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Mr. Hunter said that in order to be consistent with the City's 8' wide park strip and 5' wide sidewalk standard, an update to the cul-de-sac detail was required. This amendment replaces the old detail with the new one reflecting those standards. This is a clean-up item as the current standard drawing detail for cul-de-sacs still reflect the old park strip and sidewalk standards. The main change you will see is the cul-de-sac head, the old radius used to be a 60 ft radius but now the radius has been changed to 63ft. Everything else is the same and is what the fire department requires.

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UNAPPROVED MINUTES

1 **Public Hearing Opened**

2 No comments received.

3 **Public Hearing Closed**

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5 **Mr. Dudley moved to recommend approval of the proposed code text amendments related**
6 **to Section 15.01.1430 Cul-de-Sac.**

7 **Mr. Frandsen seconded the motion. Voting was as follows:**

8	Chairman Woffinden	Aye
9	Bruce Frandsen	Aye
10	Jenny Peay	Aye
11	Harold Dudley	Aye

12

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The motion passed.

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17 7. Other Business

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19 Mr. Dudley gave a tribute to all who are veterans and thanked them for their service.

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21 8. Site Plan Committee Report

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23 Mr. Hunter said that there are a lot of projects in the review pipeline, there may be a code text
24 amendment and a subdivision plat ready at the next meeting. He told commissioners that the
25 Engineering Division has been shorthanded since May. They have recently filled some of the
26 positions so that may help with the backlog.

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29 9. Review and action on the minutes of the October 6, 2021 Planning Commission Regular
30 Session

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32 **Mr. Dudley moved to recommend approval of the minutes of the October 6, 2021 Planning**
33 **Commission Regular Session.**

UNAPPROVED MINUTES

1 **Mr. Frandsen seconded the motion. Voting was as follows:**

2	Chairman Woffinden	Aye
3	Bruce Frandsen	Aye
4	Jenny Peay	Aye
5	Harold Dudley	Aye
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7 **The motion passed.**

8

9 10. Adjournment

10

11 Chairman Woffinden addressed the city administrator, Mr. Bunker, and asked him to comment
12 back to the mayor regarding developers pushing onto the agenda before their project is ready. He
13 stated that he had the support of the previous mayor in requiring a project to be ready for approval
14 before it was placed on the agenda so that the commission would have the necessary information
15 to make a good decision. The commissioners would appreciate a little more support from the
16 administration in this matter. He asked why the city has requirements and deadlines if they aren't
17 willing to enforce them? It is unfair to staff, commissioners and other applicants.

18 Mr. David Bunker, city administrator, responded to the chairman. He clarified that applicants have
19 a legal right to ask to be placed on the agenda after a certain period of time for review, which is 45
20 days. The Planning Commission is within its rights to determine that the project is incomplete and
21 to table or deny it. He pointed out that even though the applicants have not complied with city
22 code, they can request to be heard after 45 days. Staff will recommend a denial or tabling if the
23 project is incomplete. The city will stand within the legal requirements and allow them to be on
24 the agenda. It is frustrating, but the commission is doing its work by denying or tabling when a
25 project is not ready. The rules apply to us a city as well as the developers. It is not part of the
26 commission's job to tell the applicant what they need to do to be ready, that is the applicant's job
27 to figure out. He will pass along the chairman's comments to the mayor and there is also a council
28 member in attendance to provide feedback. Things will have to slow down until we have planning
29 staff in place.

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31 **Mr. Dudley motioned to adjourn.**

32 **Ms. Peay seconded the motion. All voted in favor.**

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35 Meeting adjourned at 7:45 pm.

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UNAPPROVED MINUTES

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- 3 Lisa Halversen
- 4 Administrative Assistant