

APPROVED MINUTES

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2
3 AMERICAN FORK CITY
4 PLANNING COMMISSION MINUTES
5 JUNE 16, 2021

6 The American Fork City Planning Commission met in a regular session on June 16, 2021, at the
7 American Fork City Hall, 31 North Church Street, commencing at 7:00 pm.

8
9 Present: Chairman John Woffinden
10 Cristine Anderson
11 Chris Christiansen
12 Harold Dudley
13 Jenny Peay
14 Bruce Frandsen

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16
17 Absent: Rod Brocious
18 Geoff Dupaix

19
20
21 Staff Present: Wendelin Knobloch, Planner
22 Ben Hunter, Engineer
23 Lisa Halversen, Administrative Assistant
24

25
26 Others Present: Will Jones, Suzy Hunter, Richard Wilkinson, Brent Wilkinson
27

28
29 Chairman Woffinden led the “Pledge of Allegiance.”
30

31 Bruce Frandsen introduced himself as the newest planning commissioner. He stated that he lives
32 in the south part of American Fork and he is retired from a career in the military service.
33

- 34
35 1. Hearing, review and action on a zone map amendment for property located at approximately
36 361 East 980 North, from the RA-1 to the PR-3.0 zone
37

38 Mr. Knobloch informed commissioners that the applicant proposes a zone map amendment for
39 property located at 361 East 980 North from the RA-1 to the PR-3.0 zone. Upon approval of a
40 zone map amendment, the applicants will propose a residential PUD (planned-unit
41 development). Fox Hollow Golf Course abuts the property to the north and west, and Art Dye
42 Park abuts the property to the east. The property has been in an agricultural use, and fronts 980
43 North. The City’s Land Use Plan designates this area as “Residential Low Density” and the PR-
44 3.0 zone falls within this designation.

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1 The City's Bicycle and Pedestrian Master Plan identifies a trail corridor through a portion of the
2 property into Art Dye Park. As a condition of the zone map amendment, area for this trail
3 corridor shall be dedicated at no cost to the City at the time of subdivision application. This
4 allows for discussion of optimal placement and how it will interact with the proposed
5 development. A trail would connect 980 North to Art Dye Park.

6 Ms. Peay asked about potential risk to city from residential homes adjoining a golf course. How
7 will this risk be handled? She also noted that the area to left has two bodies of water and asked
8 how the water will be incorporated in the plans.

9 Mr. Knobloch said that the risk question will be addressed when there is a site plan, and her
10 question about water features is probably something the developer can answer.

11 Ms. Anderson asked about the area's water table, and if that will impact plans for basements, etc.

12 Mr. Knobloch replied that will depend on soil studies, etc. that will come at the time of
13 development.

14 Chairman Woffinden stated that he has experience in this area, he isn't aware of a high water
15 table in this area, but commission will need to review the soil reports to be sure.

16 Mr. Hunter added that the master transportation plan identifies a roadway that is a minor
17 collector, rights-of-way will be dedicated to the city along with subdivision plat. He can't think
18 of any geotech reports that have been done in the general area, but that will also come with the
19 site plan.

20 Mr. Will Jones, applicant, indicated that they will do a water /soil review. He is in charge of
21 trails for Alpine City, he wants to tie this trail into the city trail to make a trail system. His vision
22 is for a mixed development with single-family homes and senior housing. They hope to use the
23 bodies of water as landscape features. They are using the services of a landscaping architect to
24 design the project. He intends to have it be a better-than-average subdivision.

25 Chairman Woffinden asked about proximity to the golf course and asked if he plans on keeping
26 the homes next to the golf course as upscale housing.

27 Mr. Jones said absolutely, they will be designing their own custom homes.

28 Ms. Anderson asked if there will be a boundary between the homes and the golf course, such as a
29 wall.

30 Mr. Jones stated that he would rather see trees for a screen than a wall.

31 Ms. Peay asked what the average lot size will be.

32 Mr. Jones indicated that they are in a third-acre zone. Houses will be on a 5,000 square-foot pad
33 and will be surrounded by common area.

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1 **Public Hearing Opened**

2 No comments were received.

3 **Public Hearing Closed**

4
5 **Mr. Christiansen moved to recommend approval of the zone map amendment, subject to**
6 **the dedication of a trail corridor at no cost to the City at the time of subdivision**
7 **application, and subject to any conditions listed in the Engineering report.**

8
9 **Mr. Dudley seconded the motion. Voting was as follows:**

10
11 **Chairman Woffinden Aye**
12 **Christine Anderson Aye**
13 **Chris Christiansen Aye**
14 **Harold Dudley Aye**
15 **Jenny Peay Aye**
16 **Bruce Frandsen Aye**

17 **The motion passed.**

18
19

20 2. Hearing, review and action on an amended final plat for Dixie Farms Plat F-1 located at
21 approximately 900 South 900 West in the PR-3.0 (Planned Residential) zone

22
23 Mr. Knobloch said that the property consisting of Dixie Farms was annexed in early 2018. Upon
24 annexation, the property was zoned PR-3.0 (Planned Residential 3 du/ac), PF (Public Facilities),
25 and SP (Shoreline Preservation). The PF zone designation lies within a power line corridor,
26 slated as a linear park; additionally, the PF zone designation was given in an area for a potential
27 alignment of the future Vineyard Connector. The Shoreline Preservation zone was designated for
28 the area encompassing wetlands and floodplain adjacent to Utah Lake.

29 Plat F-1 was approved in 2020. The amended plat proposes two items: (1) adjustment of a
30 common lot line between Lots 409A and 409B and (2) allowance of a variance for front and side
31 yard setbacks.

32 Section 17.7.503.H.6(f) of the Development Code allows setback variances upon a
33 recommendation and finding from the Planning Commission that “such variance is appropriate
34 for the proper development of the lots and that such reduction will not result in the establishment
35 of a hazardous condition”. The applicant has provided a narrative for justification of setback
36 variance. They propose a variance to the side setback, from 8’ to 5’ (to allow for a 3-car garage),
37 and a variance to the front setback from 25’ to 20’ (for the house portion only; the garage still
38 being held at 25’). The applicant feels these considerations will allow greater variety of
39 architecture styles for homes, improve the streetscape scene and reduce on-street parking. The

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1 Planning Commission may, but is not required to, approve such variance. The layout and number
2 of lots is not changing from the original approved final plat.

3 Mr. Dudley asked if the fire department has any problems or issues with the amendments. He
4 doesn't have an issue with the reduced front setbacks, it might be a net positive by requiring less
5 landscaping.

6 Ms. Anderson indicated that she is open to supporting variances in setbacks when the zone
7 allows for it, as it does here.

8 Ms. Peay asked if the utility easement is 5 ft, Mr. Hunter affirmed. She said that she has seen
9 problems arise when the entire property is used and there are not adequate easements for egress,
10 porches, decks, steps, etc.

11 Mr. Knobloch stated that there are some zones of the city that don't have any setback
12 requirements, it's up to the building department to verify that that nothing is encroaching on the
13 easements. That is a legitimate concern with a builder that doesn't do their homework.

14 Chairman Woffinden said that he has seen this problem with window wells before.

15 Ms. Peay indicated that she likes the plan. She is concerned about the corner lots and placements
16 of driveways and asked if there is a minimum requirement for building width.

17 Mr. Knobloch replied that he doesn't think this plan has this requirement. There was further
18 discussion with Mr. Hunter, Mr. Knobloch and Ms. Peay, where it was stated that these issues
19 will be dealt with in the building process.

20 Mr. Christiansen lived in California where 5 ft side setbacks are normal. He is not a big fan of
21 such small distances between homes, and he noted that the developer is not here to state his case.

22 Ms. Anderson also does not personally like the 5 ft setback but recognized that different people
23 want different things. In some circumstances that might be fine. She added that there are only
24 three zones that can have this variance.

25 Chairman Woffinden noted that homes are being built closer together now, people don't want as
26 much yard to care for.

27 Mr. Dudley asked if commissioners can change the variance request, he would be more inclined
28 to approve a 5 ft setback on one side and 8 ft on the other for added flexibility.

29 Mr. Knobloch replied that the options are to table the item and ask applicant why they want this
30 variance, or to send it on to council with a statement suggesting adding a modification.

31 Ms. Anderson asked for clarification. Is the commission is allowed to say no to something that is
32 allowed in the code or is developer entitled to a variance?

33 Mr. Knobloch said that a variance is a serious thing, it is ultimately a legal question.

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1 Mr. Frandsen lives closest to the area; he has done a lot of business with the applicants. He
2 personally thinks it would be wise to have them explain to the commission why this variance of a
3 few feet would impact the development.

4 Mr. Knobloch looked up the city code, Mr. Dudley read the language. It appears that a variance
5 may be granted for a limited number of lots if found appropriate by the commission.

6

7 **Public Hearing Opened**

8 No comments were received.

9 **Public Hearing Closed**

10

11 **Mr. Dudley moves to table action on the final plat of Dixie Farms Plat F-1 with**
12 **recommendation that staff refer concerns to developer and developer bring in justifications**
13 **and reasons for the request.**

14 **Mr. Christiansen seconded the motion. Voting was as follows:**

15	Chairman Woffinden	Aye
16	Christine Anderson	Aye
17	Chris Christiansen	Aye
18	Harold Dudley	Aye
19	Jenny Peay	Aye
20	Bruce Frandsen	Aye

21 **The motion passed.**

22

23

24

25 3. Hearing, review and action on amendments to the General Plan by providing a
26 recommendation on the 2021 Storm Drain Master Plan Update

27 Mr. Hunter informed commissioners that city staff have been updating master plans. This
28 discussion item is the updated master plan for the storm drain. There have been some changes,
29 the previous plan was based on older modeling and some sections were not consistent with each
30 other. This plan has been updated to meet the anticipated demands of the city.

31 Mr. Frandsen asked about the long-term plan for the south end of town regarding storm drainage.

32 Mr. Hunter said that there are a few existing sloughs, the majority of which will require larger-
33 sized pipes. When a developer comes in, we recognize that there may still be agricultural uses
34 up- or down-stream, and uninterrupted access needs to be ensured. Some sloughs are identified

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1 in both the storm drain and the pedestrian trail plans. For example, there is a slough directly east
2 of Marina Boat Storage that is not piped, there is a trail running alongside it with maintenance
3 access to the slough. The master plan envisions a combination of both piped and unpiped
4 sloughs.

5 Mr. Frandson is concerned about the agricultural impact of development on water users, he is
6 uncomfortable with the city making such determinations without getting input and approval from
7 them. He feels that water rights are being negatively impacted by developments. He inquired if
8 there is a way to adapt the master plan to require such conversations. Many of his neighbors have
9 seen their water flows and pressures affected, and he thinks that those that have water rights up-
10 or down-stream of development should be consulted.

11 Mr. Hunter replied that there are some processes in place that are not touched on in the master
12 plan. The master plan begins with the assumption that everything is already developed and asks
13 what pipe sizes are needed at that point. Such point-of-review processes such as the Sensitive
14 Lands Ordinance (SLO) requires that the developer demonstrate that they are not impacting
15 water rights. This is part of the engineering review. As one example, Horan's other development
16 along 1100 West 350 South has a storm drainage system with upsized pipes, he believes that
17 they spoke with property owners along that ditch as required.

18 In another example, the Estates at Fenn Farms, in roughly the same area has one of the ditches
19 that we may potentially want to leave open. Such decisions are generally something we
20 coordinate with landowners. He knows that there have been a lot of discussions between the
21 Woodside developers and the Christensens to make sure that their water rights are not impacted.
22 It is the staff's responsibility to review to ensure that the developer has done proper research and
23 contacted the downstream water users. This is all required by the SLO.

24 Mr. Frandsen replied that this presupposes that all the land is covered by the SLO, and there is a
25 lot of city property that is not sensitive land. He has water rights from the same sources and he
26 has had a hard time getting the developer to return his calls. He wondered if there should be a
27 process where you can look at the state engineer website to see all of the water rights along the
28 entire source and require a sign-off from all of them. Downstream there are others who draw
29 water from the same source that are sometimes not consulted. As an example, the Stonecreek
30 development's west side is impacted downstream. It is not part of today's discussion but should
31 be looked at as developments continue to come. Water rights can be managed better.

32 Mr. Hunter said that the city definitely does not want to have water-rights users impacted. He
33 will look at the SLO specific to that area to see if there's room for improvement, either in code or
34 processes, to make sure everyone has been contacted. It is sometimes challenging to find the
35 contact info for water-rights owners. City staff have tried to make sure there isn't an impact on
36 water users by asking the developers to provide that information. He will look to see if the SLO
37 can be strengthened to alleviate the issue as well as look at internal processes. Another

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1 challenging factor is that some of the property is county, not city jurisdiction, and the city isn't
2 aware of blockages or piping outside their jurisdiction.

3 Mr. Frandsen proposed expanding the definition of sensitive lands to include agricultural lands
4 that use state water rights. That would give additional consideration. When an engineer doesn't
5 look closely and a developer isn't careful, there can be a problem.

6 Mr. Hunter committed to look at better checks and balances on the city's end.

7 Chairman Woffinden inquired about having a work session regarding water rights, he wants to
8 make sure the commission is doing things right on our end. It's an important issue.

9 Mr. Hunter will bring that up with legal counsel.

10 Ms. Peay asked about piped sloughs, are farmers being forced to irrigate with pressurized
11 irrigation?

12 Mr. Hunter said no, that sloughs generally flood irrigate as the water continues on to a ditch
13 downstream. When a development comes in in the middle, they have to look at piping ditches
14 and how water moves and discharges. Generally, the water would follow the same previous path
15 whether piped or not. We would require the developer to install a box with a gate so farmers can
16 still block flow and irrigate. The developer is also required to maintain access to the water and to
17 provide and install pipe and a box. City staff will generally go out to look at the site. It has to be
18 maintained by the city if it is city-owned, it would be the HOA's responsibility to maintain the
19 pipe if it is not city-owned.

20 Ms. Peay asked for clarity that the farmers' allotted times would not change.

21 Mr. Hunter replied that staff needs to make sure that the water stays in the same place and that
22 the engineer has provided the correct information. Generally, when you add hard surfaces you
23 increase the amount of runoff in a ditch, and may also flood someone. The developer has to
24 balance these possibilities and must maintain water access. Each development is site-specific,
25 and there is a combination of things to look at.

26 He added that the state adopted a new small MS4 permit for smaller municipalities which
27 changed some requirements. The state is trying to ensure that water will be retained on-site and
28 not diverted. The city has had requirements for storm water quality to keep sediment from going
29 downstream. The EPA is also trying to keep source water at the source instead of it ending up
30 downstream. In some instances this is not feasible, but the goal is to prevent pollution for end-
31 stream users.

32 Ms. Peay expressed that it would be good for the farmers and downstream users to have this
33 information.

34 Mr. Frandsen stated that on the south end of town, there are many random perforated and solid
35 clay pipes that were put in long ago. When a developer comes in and tears the pipe out,

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1 sometimes they will plug the spring and the end-users of the water are affected. Each of these
2 users are a point of diversion and are entitled to water. If someone upstream affects the flow it
3 can shortchange the farmer or water user. Most of the time developers won't have any idea about
4 where the pipes are and who the users are, but the farmers know where their water comes from.
5 He reiterated that they need to be consulted.

6 Mr. Hunter gave an example of this in the TOD area. The 1100 West roadway was built recently,
7 it has curves and alignment because it moves around a spring that was identified on a survey.
8 1100 West is the western border of the project. As the developer installed pipe along 1000 West,
9 the eastern border, they came across an old pipe that was not identified. Farmers put it in many
10 years ago and didn't tell the city. The developer reached out to see who knew what it was, and it
11 was identified and taken care of. We do try and have due diligence done to see if such pipes are
12 still in use.

13 Ms. Peay asked if these situations will show up on a Geotech study.

14 Mr. Hunter said no, it would not show up unless they happen to bore into pipe right in the exact
15 place, otherwise they will miss it. The best bet to find that information is from a survey, but
16 those pipes may not be found until a backhoe uncovers them.

17 Ms. Peay asks about the compensation process for users of water that have been affected.

18 Mr. Hunter said that he's not sure about the legal process, but you cannot just go and cut off
19 water to a user who has water rights. We want to avoid it becoming a civil litigation matter.
20 Sometimes nobody sees a pipe that has been buried, and it has not been disclosed to the current
21 owner, that is a situation we want to avoid.

22 **Public Hearing Opened**

23 No comments were received.

24 **Public Hearing Closed**

25
26 **Ms. Anderson moved to recommend approval of the Storm Drain Master Plan update.**

27
28 **Mr. Frandsen seconded the motion. Voting was as follows:**

29
30 **Chairman Woffinden Aye**
31 **Christine Anderson Aye**
32 **Chris Christiansen Aye**
33 **Harold Dudley Aye**
34 **Jenny Peay Aye**
35 **Bruce Frandsen Aye**

36 **The motion passed.**

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1
2 4. Other Business
3

4 Commissioners thanked the newest commissioners for accepting the request for service.
5

6 5. Site Plan Committee Report
7

8 Mr. Knobloch reviewed the items for the upcoming Planning Commission meeting to be held on
9 Wednesday, July 7, 2021. There is an extra Wednesday in June, it looks like the next agenda
10 might be a little longer than tonight's. There could possibly be two zone changes, a commercial
11 site plan for a service station, and some other items coming up in the next week.
12

13 6. Review and action on the minutes of the June 2, 2021 Planning Commission Regular
14 Session
15

16 **Ms. Anderson moved to recommend approval of the minutes of the June 2, 2021 Planning**
17 **Commission Regular Session.**

18 **Ms. Peay seconded the motion. Voting was as follows:**

19	Chairman Woffinden	Aye
20	Christine Anderson	Aye
21	Harold Dudley	Aye
22	Rod Brocious	Aye
23	Jenny Peay	Aye
24	Bruce Frandsen	Abstain

25 **The motion passed.**
26

27 7. Adjournment
28

29 **Mr. Dudley motioned to adjourn.**

30 **Ms. Anderson seconded the motion. All voted in favor.**
31

32 Meeting adjourned at 8:30 pm.
33

34 

35 Lisa Halversen, Administrative Assistant