



AMERICAN FORK CITY PLANNING COMMISSION AGENDA

Regular Session
September 04, 2024
Wednesday 6:00 PM

American Fork City Hall
31 North Church Street
American Fork City, UT 84003

<https://www.americanfork.gov/AgendaCenter>

Planning Commission Members

Christine Anderson, Chair
Chris Christiansen, Vice Chair
Bruce Frandsen
Rod Martin

David Bird
Harold Dudley
Geoff Dupaix
Claire Oldham

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on September 4, 2024, at the American Fork City Hall, 31 North Church Street commencing at 6:00 PM. The agenda shall be as follows:

1. Regular Session

- a. Pledge of Allegiance
- b. Roll Call

2. Common Consent Agenda (Common Consent is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda).

- a. Approval of the August 21, 2024, Planning Commission minutes.

3. Public Hearings (Public Hearings is that class of Commission action that requires further discussion on General Plan changes, Zone changes, and Code Text Amendments that alter the land use characteristics of American Fork City. Public Hearing items will have the chance for the public to speak upon)

- a. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as General Provisions, of the American Fork City Municipal Code. Amending Section 17.1, the Code Text Amendment plans to update the designation of land use authority and appeal authority.
- b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Large Scale Development Overlay Zones, of the American Fork City Municipal Code. Amending Section 17.7, the Code Text Amendment plans to amend the approval procedure for the large-scale overlay zone.
- c. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Subdivisions, of the American Fork City Municipal Code. Amending Section 17.8, the Code Text Amendment plans to amend the approval procedure for subdivisions.
- d. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Municipal Planning Organization, of the American Fork City Municipal Code. Amending Section 17.2, the Code Text Amendment plans to update the procedures for municipal planning organization.

4. Other Business

- a. Upcoming Projects

5. Adjournment

Dated this 22nd day of August 2024

Patrick O'Brien

Development Services Director

**The order of agenda items may change at the discretion of the Planning Commission Chair*

UNAPPROVED MINUTES

08.21.2024

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

August 21st, 2024

The American Fork City Planning Commission met in a regular session on August 21st, 2024 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Christine Anderson, David Bird, Harold Dudley, Geoff Dupaix

Commissioners Absent: Bruce Frandsen, Claire Oldham, Rodney Martin, Chris Christiansen

Staff Present:

Travis Van Ekelenburg	Senior Planner
Cody Opperman	Planner
JJ Hsu	Engineer
Angie McKee	Administrative Assistant I

Others Present: Roger Dudley

REGULAR SESSION

Christine Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

Minutes of the July 17th, 2024 Planning Commission Regular Session.

David Bird motioned to approve the Common Consent agenda

Geoff Dupaix seconded the motion.

UNAPPROVED MINUTES

08.21.2024

Voting was as follows:

Christine Anderson	AYE
David Bird	AYE
Harold Dudley	AYE
Geoff Dupaix	AYE

The motion passed

PUBLIC HEARINGS

- a. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as General Provisions, of the American Fork City Municipal Code. Amending Section 17.1, the Code Text Amendment plans to update the designation of land use authority and appeal authority.**

This Item was pulled from the agenda.

- b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Large Scale Development Overlay Zones, of the American Fork City Municipal Code. Amending Section 17.7, the Code Text Amendment plans to amend the approval procedure for the large-scale overlay zone.**

This Item was pulled from the agenda.

- c. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Subdivisions, of the American Fork City Municipal Code. Amending Section 17.8, the Code Text Amendment plans to amend the approval procedure for subdivisions.**

This Item was pulled from the agenda.

- d. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Municipal Planning Organization, of the American Fork City Municipal Code. Amending Section 17.2, the Code Text Amendment plans to update the procedures for municipal planning organization.**

This Item was pulled from the agenda.

ACTION ITEMS

- a. Review and action on an application for a Preliminary Plan, known as RCKM Medical Office, located at approximately 118 S 1100 E, American Fork City. The Preliminary Plan will be on approximately 0.38 acres and will be in the PO-1.**

Cody Opperman reviewed the background information for Action Item letter a: The applicant is applying for a Preliminary Plan approval for RCKM Medical Office, for a medical office in the PO-1 zone, located in the area of 118 South 1100 East. The proposal consists of 1 lot and the entire development area consists of approximately 0.38 acres. The medical office is 2796 square feet and requires 12 parking spaces for the development. The project provides 17 parking spaces, which is 5 over of what is required. The proposal consists of 53 percent of impervious area and

UNAPPROVED MINUTES

08.21.2024

47 percent of landscaping area. Roger Dudley introduced himself and asked the commissioners if they had any questions, and they did not. Christine Anderson mentioned that one thing she really likes about this project is the parking being behind the building instead of being in the front.

Geoff Dupaix moved to approve the proposed Preliminary Plan, located at 118 S 1100 E, American Fork City, in the PO-1 zone, subject to any conditions found in the staff report.

David Bird seconded the motion.

Voting was as follows:

Christine Anderson	AYE
David Bird	AYE
Harold Dudley	AYE
Geoff Dupaix	AYE

The motion passed

- b. Review and recommendation on an application for a Final Plat, known as RCKM Medical Office, located at approximately 118 S 1100 E, American Fork City. The Final Plat will be on approximately 0.38 acres and will be in the PO-1 Zone.**

Cody Opperman reviewed the background information for Action Item letter b: The applicant is applying for a Final Plat approval for RCKM Medical Office, for a medical office in the PO-1 zone, located in the area of 118 South 1100 East. The proposal consists of 1 lot and the entire development area consists of approximately 0.38 acres. The medical office is 2796 square feet and requires 12 parking spaces for the development. The project provides 17 parking spaces, which is 5 over of what is required. The proposal consists of 53 percent of impervious area and 47 percent of landscaping area.

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Geoff Dupaix moved to recommend approval for the proposed Final Plat, located at 118 S 1100 E, American Fork City, in the PO-1 zone, subject to any conditions found in the staff report.

Harold Dudley seconded the motion.

Voting was as follows:

Christine Anderson	AYE
David Bird	AYE
Harold Dudley	AYE
Geoff Dupaix	AYE

The motion passed

Other Business

Cody Opperman Informed the Planning Commission there are some changes coming to the General Plan, and the code rewrite is being worked on. David Bird asked about the upcoming APA conference in October.

Adjournment

Geoff Dupaix motioned to adjourn the meeting.

Harold Dudley seconded the motion.

Meeting adjourned at 6:20 PM

UNAPPROVED MINUTES

08.21.2024

Angie McKee

Administrative Assistant I

The order of agenda items may change to accommodate the needs of the commissioners, public and staff.

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as General Provisions, of the American Fork City Municipal Code. Amending Section 17.1, the Code Text Amendment plans to update the designation of land use authority and appeal authority.

Background

Staff has initiated a Code Text Amendment to amend Section 17.1 of the American Fork City Municipal Code. As the new state code has passed, staff have proposed creating new land use authorities and appeal authorities for subdivisions, conditional uses, and site plans. For both subdivisions and large-scale development, staff are proposing to create a Development Review Committee (DRC) Board where they will act upon preliminary plans and final plans for both residential and commercial/industrial properties. As for site plans and conditional uses, planning commission, or such other individual or department specifically designated by the terms of code, will be the approval body. All appeals for preliminary plans, final plats, conditional uses, and site plans will be the City Council.

Potential Motions – Code Text Amendment

Approval

Madame Chair, I move to recommend approval for the proposed Code Text Amendment, amending Section 17.1, titled General Provisions, relating to updating the designation of land use authority and appeal authority, and providing an effective date for the ordinance.

Denial

Madame Chair, I move to recommend denial for the proposed Code Text Amendment, amending Section 17.1, titled General Provisions, relating to updating the designation of land use authority and appeal authority.

Table

Madame Chair, I move to table action for the proposed Code Text Amendment, amending Section 17.1, titled General Provisions, relating to updating the designation of land use authority and appeal authority, and instruct staff/developer to.....

ORDINANCE NO. 2024 - ____ - ____

AN ORDINANCE AMENDING SECTION 17.1.700 OF THE AMERICAN FORK CITY MUNICIPAL CODE, DESIGNATION OF LAND USE AUTHORITY AND APPEAL AUTHORITY, AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the American Fork City Council finds it in the best interest of the City to modify and clarify the Land Use and Appeal Authorities;

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

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

PART I TEXT OF ORDINANCE

SECTION 1. Section 17.1.700 of the Municipal Code of American Fork City, relating to Designation of Land Use Authority and Appeal Authority, shall read as follows:

17.1.700 DESIGNATION OF LAND USE AUTHORITY AND APPEAL AUTHORITY

1. In the instance of approval of a residential building permit on a lot within an approved residential subdivision or other legal lot of record, the zone clearance and land use authority shall be the American Fork City Building Division. The appeal authority for any determination made by the building division related to zone clearance land use shall be the board of adjustment. The appeal authority for any determination made by the building division related to the International Building Code shall be as provided in the IBC.
2. In the instance of approval of conditional use application or site plan, pursuant to Chapter 17.5 or 17.6 of the Development Code, the land use authority shall be the planning commission or such other individual or department specifically designated by the terms of the code. The appeal authority for such applications shall be the city council.
3. In the instance of approval of a subdivision pursuant to the provisions of Chapter 17.8 of the development code, the land use authority shall be the Development Review Committee, acting in an administrative capacity. The appeal authority for such application shall be as set forth in 17.8.212.
4. In the instance of approval of a large scale development pursuant to the provisions of Chapter 17.7 of the development code, the land use authority shall be the Development

Review Committee, acting in an administrative capacity. The appeal authority for such application shall be as set forth in 17.7.212.

PART II
CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

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.
This amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ____ day of _____, 2024.

Bradley J. Frost
American Fork City Mayor

ATTEST:

Terilyn Lurker
City Recorder

REFERENCE:

17.1.700 DESIGNATION OF LAND USE AUTHORITY AND APPEAL AUTHORITY

5. In the instance of approval of a residential building permit on a lot within an approved residential subdivision or other legal lot of record, the zone clearance and land use authority shall be the American Fork City Building Division. The appeal authority for any determination made by the building division related to zone clearance land use shall be the board of adjustment. The appeal authority for any determination made by the building division related to the International Building Code shall be as provided in the IBC.
6. In the instance of approval of conditional use application or site plan, pursuant to Chapter 17.5 or 17.6 of the Development Code, the land use authority shall be the planning commission or such other individual or department specifically designated by the terms of the code. The appeal authority for such applications shall be the city council.
7. In the instance of approval of a subdivision pursuant to the provisions of Chapter 17.8 of the development code, the land use authority shall be the ~~city council~~Development Review Committee, acting in an administrative capacity. The appeal authority for such application shall be as set forth in 17.8.212 .
- 7.8.In the instance of approval of a large scale development pursuant to the provisions of Chapter 17.7 of the development code, the land use authority shall be the Development Review Committee, acting in an administrative capacity. The appeal authority for such application shall be as set forth in 17.7.212. the district court.
- ~~8. In the instance of approval of a large scale development overlay zone, pursuant to the provisions of Chapter 17.7 of the development code, the land use authority shall be the city council, acting in a legislative capacity. The appeal authority for such applications shall be the district court.~~

(Ord. No. 2011-07-20, pt. I(§ 3), 7-12-2011)

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Large Scale Development Overlay Zones, of the American Fork City Municipal Code. Amending Section 17.7, the Code Text Amendment plans to amend the approval procedure for the large-scale overlay zone.

Background

Staff has initiated a Code Text Amendment to amend Section 17.7 of the American Fork City Municipal Code. The Code Text Amendment plans to amend the approval procedure for the large-scale overlay zone. Rather than a large-scale overlay zone, staff are proposing to change it to large-scale development. Large Scale Development goes into details about the approval procedures for their preliminary plans and final plans when submitted to staff for review. Rather than going to the Planning Commission and the City Council for approval, they will go to the Development Review Committee (DRC) board to get approved. Any decisions that the DRC makes for denial may be appealed to the City Council for their determination.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed Code Text Amendment, amending Section 17.7, titled Large-Scale Development Overlay Zones, relating to amending the approval procedure for the large-scale overlay zone, and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed Code Text Amendment, amending Section 17.7.200, titled Large-Scale Development Overlay Zones, relating to amending the approval procedure for the large-scale overlay zone, with the following findings:

[outline findings for denial here]

Table

I move to table action for the proposed Code Text Amendment amending Section 17.7.200, titled Large-Scale Development Overlay Zones, relating to amending the approval procedure for the large-scale overlay zone, and instruct staff/developer to.....

AN ORDINANCE AMENDING CHAPTER 17.7.200 ET SEQ. OF THE AMERICAN FORK MUNICIPAL CODE, PROCEDURE FOR OBTAINING APPROVAL OF A LARGE SCALE OVERLAY ZONE AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork;

WHEREAS, the City desires to modify regulations related to approval of large scale developments; and

WHEREAS, the adoption of this ordinance will promote the public health, safety and welfare of the City.

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

SECTION 1. Chapter 17.7.200 of the Municipal Code of American Fork City is hereby amended to read as follows:

Sec. 17.7.200 Procedure for Obtaining Approval of a Large Scale Development

Sec 17.7.201 Developer Confers With Development Review Committee

The developer(s) shall meet with the Development Review Committee to discuss the basic concept of the proposed large scale development and to obtain information pertaining to the general plan and zoning classification of the area proposed for subdivision, city requirements and standards for design and construction of streets, utilities and other requirements affecting the land proposed to be subdivided. The purpose of the conference(s) is to provide informal assistance to the developer(s) in the preparation of the plans early in the process. The Development Review Committee may suggest changes in the proposed layout so the project may be more fully consistent with the city's general plan and also with the city's development regulations and policies. The recommendations from the Development Review Committee prior to the submission of a formal application shall be purely advisory and in no way shall the conference be construed to constitute approval of the plan.

Sec 17.7.202 Developer Prepares Preliminary Plats And Supporting Materials And Submits To Staff

After the pre-submittal conference the developer shall prepare and submit to the Development Services Department a preliminary plat submittal packet containing the following:

1. An application for approval of the large scale development project, together with copies of plats and materials showing the layout of the proposed project, including the location, size and dimensions of all lots; the placement and cross-section of all proposed streets; the location of all public utility easements; the intended treatment of drainage; and the intended treatment of any other essential features of the proposed project
2. A geotechnical report for the project area
3. Evidence of payment of the required review fee.

4. Evidence of water right proposed to be conveyed to the city.
5. Evidence of review of the proposed project by required public utility agencies.
6. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project. The scale of the plans, content of the materials, number of copies, time of submittal and other particulars regarding the materials provided in support of an application for approval shall be as established, from time to time, by action of the planning commission.

Sec 17.7.203 DRC Reviews Preliminary Plats, Documents, And Statements

Upon receipt of the preliminary plat submittal packet from the developer the Development Services Director or assignee shall review the plans, documents, and materials for completeness and for conformance with city requirements, standards and general plan, and submit said plans, documents, and statements or portions thereof to the Development Review Committee for their review and recommendation.

Sec 17.7.204 Development Review Committee Reports Results Of Review Of Preliminary Plats, Documents, And Statements To Developer

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the developer.
2. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the developer.
3. The Development Review Committee may suggest changes in order for the preliminary plat materials to be more consistent with the objectives of the general plan and development regulations and policies.

Sec 17.7.206 Development Review Committee Takes Final Action On Preliminary Plat And Supporting Materials

1. After considering the recommendation of all DRC members, the DRC may table the matter, approve, or grant approval, including granting approval upon conditions stated.
2. Approval by of the Preliminary Plat shall not constitute final approval of the project, but shall be deemed as approval to proceed with preparation of a final plat, detailed engineering and supporting materials.

Sec 17.7.207 Developer Prepares And Submits Final Plats, Detailed Engineering Plans And Supporting Material And Submits To Staff

After receiving authorization to proceed, the developer shall prepare and submit to the Development Services Department a final plat submittal packet containing the following:

1. Application for final plan/plat approval.
2. A reproducible drawing of the proposed final plat prepared in a format approved for recording at the office of the Utah County Recorder.
3. Copies of the detailed engineering documents and other supporting materials.
4. An itemized engineers estimate of the cost of constructing the required improvements.
5. Copy of project documentation.

6. Evidence of payment of review and recording fee.
7. Documents conveying water rights to city.
8. Evidence that any boundary conflicts with adjacent properties are fully resolved.
9. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

The scale of the final plan/plat, content of the materials, number of copies, time of submittal and other particulars regarding the materials provided in support of an application for final plan/plat approval shall be as established, from time to time, by the Development Services Director.

Sec 17.7.208 DRC Reviews Final Plans/Plats, Detailed Engineering And Supporting Materials

Upon receipt of the submission from the developer the Development Services Director or assignee shall review the plans/plats and supporting materials for accuracy and completeness. Upon determination of a complete application, the plans, documents and statements, or portions thereof, shall then be provided to the Development Review Committee and applicable public agencies for review of compliance with Federal, State and local laws and regulations, city requirements and standards, and the general plan.

Sec 17.7.209 Development Review Conference - DRC Reports - Results Of Review Of Final Plans/plat, Detailed Engineering Plans And Supporting Materials To Developer

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the developer.
2. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the developer.
3. The Development Review Committee may suggest changes to the submittal materials so that the final plat will conform with the development regulations and policies of the city and the terms of preliminary plat approval.

Sec 17.7.211 Development Review Committee Acts On Final Plan(s)/Plat(s) And Supporting Materials

- A. When the final plan(s)/plat(s) and supporting materials required for approval have been completed in final form, the Development Review Committee shall act on the final plat(s) and supporting materials. After considering the recommendation of all DRC members, the DRC may table the matter, approve, or grant approval, including granting approval upon conditions stated. Approval of the final plat(s) shall be made only upon a finding that:
 1. The final plan(s)/plat(s) and supporting materials conform with terms of the preliminary approval.
 2. The final plan(s)/plat(s) complies with all city requirements and standards relating to large scale developments.
 3. The detailed engineering plans and materials comply with the city standards and policies.

4. The estimates of cost of constructing the required improvements are commensurate to market costs, as verified by the City Engineer.
 5. The water rights conveyance documents have been provided.
- B. If approved, the City Manager, Community Development Director, and City Engineer shall sign the Final Plat(s) upon completion of all conditions. If any conditions are attached, the Final Plat(s) or construction drawings shall be amended to reflect such changes and an accurate Final Plat(s) shall be submitted to the City, prior to signing.

Sec 17.7.212 Appeals And Disputes

1. Developer may appeal to the Planning Commission, a denial of the final plat(s). The appeal shall be made, in writing, within 30 calendar days of the final decision of the Development Services Director.

Sec 17.7.213 Developer Constructs Required Improvements Or Posts Performance Guarantee

Upon receipt of a final plat approval, the developer shall construct the required improvements or post performance guarantees in accordance with the provisions of Section 17.7.900 of this code.

Sec 17.7.214 City Records Plats And Documents

Upon: (1) the Development Review Committee's approval of any large scale development, and (2) completion of all conditions of approval, if any, and (3) posting of a performance guarantee or completion of construction of required improvements, as applicable, the city recorder shall act to record the final plat (for projects which propose the subdivision land) and any deeds or other supporting material required to be recorded at the office of the county recorder.

Sec 17.7.216 Duration Of Approval

1. The action of approval of the preliminary plat and the final plat(s) by the Development Review Committee shall be valid for a period of twelve months from the date of the respective approval. In the event that a final plat of any large scale development shall not have been recorded at the office of the county recorder, where required by ordinance, within twelve months from the date of approval, said approval shall be null and void. Further, in the event of failure of the developer to post performance guarantees or construct required improvements, as applicable, or satisfy any terms or conditions of approval, or provide any document required for final approval under this code or as a condition of final approval within twelve months of final approval, said approval shall be null and void.

Sec 17.7.217 Amendments

A large scale development which has been approved by the city may be amended as follows:

1. Technical correction. Where the proposed amendment is incidental in character and/or is determined by the city engineer to be technical in character, and does not affect the layout or content of the approved plan(s) or require the recording of replacement plat at the office of the county recorder, the amendment may be approved by the city staff member (city

engineer, development services director, building inspector, etc.) having responsibility for review of the proposed amendment.

2. Minor correction. Where the proposed amendment involves limited changes to the layout of the project (i.e., incidental adjustments to a building footprint, minor adjustments in the landscape treatment of an open space area, a change of materials for a fence, etc.) and, in the opinion of the Development Services Director, do not affect the layout of the project plan(s) or require the recording of a replacement plat at the office of the county recorder, the amendment may be approved by action of the Development Services Director.
3. Major correction. Any proposed amendment not determined to be a technical or minor correction shall be a major correction and shall follow the process required for approval of a new project.
4. Final plat amendments. In addition to the above, any amendment to a large scale development, which requires amendment of a subdivision plat or record of survey map (condominium plat) that has been recorded at the office of county recorder, shall conform to the provisions of state law regarding amendment of recorded plats.

PART II

CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

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 AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK CITY,
STATE OF UTAH, ON THIS THE _____ DAY OF _____, 2024.**

AMERICAN FORK CITY

BRADLEY J. FROST, MAYOR

ATTEST:

CITY RECORDER

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Subdivisions, of the American Fork City Municipal Code. Amending Section 17.8, the Code Text Amendment plans to amend the approval procedure for subdivisions.

Background

Staff has initiated a Code Text Amendment to amend Section 17.8 of the American Fork City Municipal Code. The Code Text Amendment plans to amend the approval procedure for subdivisions. The subdivision process will only include the Development Review Committee (DRC). The DRC will review the preliminary plans and finals plats associated with the development and ultimately act upon them once they are in an approvable form. Residential subdivision will have a three-time review process where the applicant will submit for the first time and have up to two resubmittals before an action is made by the DRC. Any denial the DRC makes can be appealed to the City Council to decide on the matter.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed Code Text Amendment, amending Section 17.8, titled Subdivisions, relating to amending the approval procedure for subdivisions and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed Code Text Amendment, amending Section 17.8, titled Subdivisions, relating to amending the approval procedure for subdivisions.

Table

I move to table action for the proposed Code Text Amendment, amending Section 17.8, titled Subdivisions, relating to relating to amending the approval procedure for subdivisions, and instruct staff/developer to.....

ORDINANCE NO. 2024 - ____ - ____

AN ORDINANCE AMENDING CHAPTER 17.8.200 OF THE MUNICIPAL CODE OF AMERICAN FORK CITY, UTAH, RELATING TO THE PROCEDURE FOR OBTAINING APPROVAL OF A SUBDIVISION.

WHEREAS the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork;

WHEREAS the City is authorized by law to enact ordinances establishing regulations for development within the City;

WHEREAS Utah Code Ann §10-9a-604.1 establishes a process for subdivision review and approval; and

WHEREAS the City desires to amend its subdivision review and approval process, consistent with Utah Code.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, AS FOLLOWS:

PART I

TEXT OF ORDINANCE

SECTION 1. Chapter 17.8.200 of the Municipal Code of American Fork City, relating to the procedure for obtaining approval of a subdivision shall be amended to read as follows:

Sec 17.8.201 Subdivider Confers With Development Review Committee

1. The subdivider may meet with the Development Review Committee in a pre-application meeting to discuss the basic concept of the proposed subdivision and to obtain information pertaining to the general plan and zoning classification of the area proposed for subdivision, city requirements and standards for design and construction of streets, utilities and other requirements affecting the land proposed to be subdivided.
2. The purpose of the conference(s) is to provide informal assistance to the subdivider in the preparation of the plans early in the process. The Development Review Committee may suggest changes in the proposed layout so the project is more fully consistent with the city's general plan and also with the city's development regulations and policies. The recommendations from the Development Review Committee prior to the subdivision application shall be purely advisory and in no way shall the conference be construed to constitute approval of the plan.

Sec 17.8.202 Subdivider Prepares and Submits Preliminary Plat And Supporting Materials

After the pre-submittal conference, if applicable, the subdivider shall prepare and submit to the Development Services Department a preliminary plat submittal packet containing the following:

1. An application for approval of the subdivision project, together with copies of plans and materials showing the layout of the proposed project, including the location, size and dimensions of all lots; the placement and cross-section of all proposed streets; the location of all public utility easements; the intended treatment of drainage; and the intended treatment of any other essential features of the proposed subdivision.
2. A geotechnical report for the subdivision area.
3. Evidence of payment of the required review fee.
4. Evidence of water right proposed to be conveyed to the city.
5. Evidence of review of the proposed subdivision of required public utility agencies.
6. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

Sec 17.8.203 DRC Reviews Preliminary Plans, Documents, And Statements

Upon receipt of the preliminary plat submittal packet from the subdivider the Development Services Director or assignee shall review the plans, documents, and materials for completeness and for conformance with city requirements and standards and the general plan, and submit said plans, documents and statements or portions thereof to the Development Review Committee for their review and recommendation.

Sec 17.8.204 Development Review Committee Reports Results Of Review Of Preliminary Plans, Documents, And Statements To Subdivider

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the subdivider.
2. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the subdivider.
3. The Development Review Committee may suggest changes in order for the preliminary plan materials to be more consistent with the objectives of the general plan and development regulations and policies.

Sec 17.8.205 – Reserved.

Sec 17.8.206 Development Review Committee Takes Action On Preliminary Plans And Supporting Materials

1. After considering the recommendation of all Development Review Committee members, the DRC, acting as the administrative land use authority, may table the matter, deny, or grant approval, including granting approval upon conditions stated.

2. Approval of the Preliminary Plan by DRC shall not constitute final approval of the project, but shall be deemed as approval to proceed with preparation of a final plat, detailed engineering and supporting materials.

Sec 17.8.207 Subdivider Prepares And Submits Final Plats, Detailed Engineering Plans And Supporting Material And Submits To Staff

After receiving authorization to proceed, the subdivider shall prepare and submit to the Development Services Department a final plat submittal packet containing the following:

1. Application for final plat approval.
2. A reproducible drawing of the proposed final plat prepared in a format approved for recording at the office of the Utah County Recorder.
3. Copies of the detailed engineering documents and other supporting materials.
4. An itemized engineers estimate of the cost of constructing the required improvements.
5. Evidence of payment of review and recording fee.
6. Documents conveying water rights to city.
7. Evidence that any boundary conflicts with adjacent properties are fully resolved.
8. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

Sec 17.8.208 DRC Reviews Final Plats, Detailed Engineering And Supporting Materials

Upon receipt of the submission from the subdivider the Development Services Director or assignee shall review the plans, documents, and statements for completeness. Upon determination of a complete application, the plans, documents and statements, or portions thereof, shall then be provided to the Development Review Committee and applicable public agencies for review of compliance with Federal, State and local laws and regulations, city requirements and standards, and the general plan.

Sec 17.8.209 Development Review Conference - DRC Reports - Results Of Review Of Final Plat, Detailed Engineering Plans And Supporting Materials To Subdivider

1. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the subdivider.
2. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the subdivider.
3. The Development Review Committee may suggest changes to the submittal materials so that the final plat will conform with the development regulations and policies of the city and the terms of preliminary plan approval.

Sec 17.8.210 - Reserved

Sec 17.8.211 Development Review Committee Acts on Final Plat, And Supporting Materials

1. After considering the recommendation of all Development Review Committee members, the DRC, acting as the administrative land use authority, may table the matter, deny, or grant approval, including granting approval upon conditions stated. Approval of the final plat shall be made only upon a finding that:
 - A. The final plat conforms with terms of the preliminary plan approval.
 - B. The final plat complies with all city requirements and standards relating to subdivisions.
 - C. The detailed engineering plans and materials comply with the city standards and policies.
 - D. The estimates of cost of constructing the required improvements are realistic.
 - E. The water rights conveyance documents have been provided.
2. If approved, the City Manager, Community Development Director, and City Engineer shall sign the Final Plat upon completion of all conditions. If any conditions are attached, the Final Plat or construction drawings shall be amended to reflect such changes and an accurate Final Plat shall be submitted to the City, prior to signing

Sec 17.8.212 – Appeals and Disputes

1. For a dispute arising from the subdivision ordinance review, subdivider may appeal to the Planning Commission, a denial of the final subdivision plat. The appeal shall be made, in writing, within 30 days of the final decision of the Development Review Committee.
2. For a dispute arising from the subdivision improvement plans, the subdivider may request, in writing, that the City assemble an appeal panel to review and approve or deny the final revised set of plans.
 - a. The appeal panel shall be comprised of one licensed engineer designated by the subdivider, one licensed engineer designated by the city, and one licensed engineer agreed upon by the engineers designated by the subdivider and the city.
 - b. The subdivider shall pay one half of the cost of the panel and the city's appeal fee.

Sec 17.8.213 Subdivider Constructs Required Improvements Or Posts Performance Guarantee

Upon receipt of final plat approval, the subdivider shall construct the required improvements or post performance guarantees in accordance with the provisions of Chapter 17.9.

Sec 17.8.214 City Records Plats And Documents

Upon receipt of approval of the final plat from the Development Review Committee and completion of all conditions of approval the city recorder shall act to record the final plat and any deeds or other supporting material required to be recorded at the office of the county recorder.

Sec 17.8.215 Duration Of Approvals

1. Preliminary plan. Approval of the preliminary plan shall remain valid for a period of one year from the date of approval. The approval may be extended or reaffirmed by the Development Review Committee, for a period not to exceed one year, following receipt of a written request from the owner, submitted prior to the conclusion of the twelve-month approval period and upon a finding that the conditions applicable to the project and the vicinity are substantially the same as at the time of initial approval.
2. Final plat. The action of approval shall be valid for a period of one year. In the event that the final plat of any subdivision project shall not have been recorded at the office of the county recorder within one year from the date of approval said approval shall be null and void. The approval may be extended or reaffirmed by the Development Review Committee, for a period not to exceed one year, following receipt of a written request from the owner, submitted prior to the conclusion of the twelve-month approval period and upon a finding that the conditions applicable to the project and the vicinity are substantially the same as at the time of initial approval.
3. Effect on existing approved plats. Any plat granted final approval prior to the effective date of this section shall, for purposes of compliance herewith, be deemed to have been approved on January 12, 2006, the date on which this provision was first codified by way of Ordinance 05-11-58.

Sec 17.8.216 Amendments

The plans, plats, documents, and statements may be amended by following the same procedure required for initial approval. No change shall be made which is contrary to the intent of the city's land use plan or the standards and requirements of this code. Any amendment of a recorded final plat shall not be approved or recorded except in conformance with the terms and conditions established by state law.

Sec 17.8.217 Amended Plats

When major changes in a plat of a subdivision which has been recorded are made, approval of said subdivision shall be vacated and an amended plat thereof approved and filed in accordance with the requirements of this code. No change shall be made in approved plats unless approval thereof has been obtained by the Development Review Committee.

PART II

CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

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 amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ____ day of _____, 2024.

ATTEST:

Bradley J. Frost
American Fork City Mayor

Terilyn Lurker
City Recorder

Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Municipal Planning Organization, of the American Fork City Municipal Code. Amending Section 17.2, the Code Text Amendment plans to update the procedures for municipal planning organization.

Background

Staff has initiated a Code Text Amendment to amend Section 17.2 of the American Fork City Municipal Code. The proposed amendment looks to update the procedures for municipal planning organization. Staff are proposing creating a Development Review Committee (DRC) where it will be similar in nature to a Planning Commission or City Council Meeting. The DRC meeting will meet once every week to make decisions on preliminary plans and final plats for large-scale developments and subdivisions. The appointed board members will include three people: the Development Services Director, the Public Works Director, and the Fire Chief. If one of those appointed board members is not available to meet at a meeting, they may designate a designee to take their position.

The DRC will act upon preliminary plans and final plats for subdivisions and large-scale developments. Any applicant that does not agree with the committee's decision can appeal to the City Council for their decision.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed Code Text Amendment, amending Section 17.2, titled Municipal Planning Organization, relating to updating the procedures for municipal planning organization, and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed Code Text Amendment, amending Section 17.2, titled Municipal Planning Organization, relating to updating the procedures for municipal planning organization.

Table

I move to table action for the proposed Code Text Amendment, amending Section 17.2, titled Municipal Planning Organization, relating to updating the procedures for municipal planning organization, and instruct staff/developer to.....

ORDINANCE NO. 2024 - ____ - ____

AN ORDINANCE CREATING CHAPTER 17.2.600, ET. SEQ. OF THE AMERICAN FORK CITY MUNICIPAL CODE, DEVELOPMENT REVIEW COMMITTEE, AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the American Fork City Council finds it in the best interest of the City to create a development review committee;

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

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

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 17.2.600 of the Municipal Code of American Fork City, relating to Designation of Land Use Authority and Appeal Authority, shall read as follows:

17.2.600 DEVELOPMENT REVIEW COMMITTEE – POWERS AND DUTIES

Sec 17.2.600 Development Review Committee Appointed

There is hereby created the Development Review Committee. The committee shall be comprised of the following:

1. Development Services Coordinator or his or her designee;
2. Public Work Director or his or her designee;
3. Fire Chief or his or her designee.

At no time shall any person providing the formal review of a site plan, preliminary plan/plat or subdivision plat serve as the appointed designee to serve on the Development Review Committee charged with approving or denying said development application.

The Development Review Committee is hereby charged with the duties as set forth within this code.

PART II
CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

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.
This amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ____ day of _____, 2024.

Bradley J. Frost
American Fork City Mayor

ATTEST:

Terilyn Lurker
City Recorder