

APPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES MAY 6, 2020

The American Fork City Planning Commission met in a regular session on May 6, 2020 in an electronic meeting on the Zoom platform, viewable on the City's YouTube link, commencing at 7:00 p.m.

Present: John Woffinden
Chris Christiansen
Geoff Dupaix
Harold Dudley
Ryan Hunter
Christine Anderson
Rod Brocious

Absent:

Staff Present: Adam Olsen, City Planner
Wendelin Knobloch, Planner
Ben Hunter, Engineer
Scott Sensanbaugher, Public Works Director
Cherylyn Egner, City Attorney
Lisa Halversen, Administrative Assistant

Public Comments Received: Mr. Wayne Budge, Mr. Dan McDonald

1. Review and action on a commercial site plan for American Eagle Ready Mix, located in the area of 1700 South 500 East in the I-1 Industrial zone

Mr. Olsen stated that this item was tabled at the April 8, 2020 Planning Commission meeting over concerns on mitigation measures for items such as dust, noise, odor, vapor, etc. In addition, questions on landscaping and setbacks were raised. It was unclear from the original submittal materials whether landscaping and setbacks met the requirements as set forth in the Development Code.

The applicant has submitted a revised site plan, illustrating compliance with setback and landscape requirements. The applicant has also prepared a letter addressing the Planning Commission, identifying items of concern raised at the April 8th meeting, and how those will be addressed-. The body of the original report is below for reference.

American Eagle Ready Mix proposes an operation at approximately 1700 S. 500 E. The site is within the proposed Lakeland Industrial Park subdivision. The property was recently annexed, and improvements initially constructed without formal site plan approval. The facility was

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required to shutter operations until such approval occurred. The applicant submitted a site plan, which is now before the Planning Commission for review.

Uses and site plan requirements within the I-1 zone are covered in Sections 17.4.503 and 17.6.101, respectively, of the City's Development Code. 17.4.503.B.1(a & b) states that "structures and areas used for the manufacturing, compounding, processing, fabrication and warehousing of goods and materials" are allowed within the zone, provided that "none of the activities carried out on the premises shall produce any noxious odor or any fumes, smoke, noise, vapor, vibration, glare or similar condition which is harmful to persons or which is readily discernable beyond the boundary of the zone or create an adverse visual impact readily discernable from the public roads". From the application materials, it is unclear how the above issues will be addressed. The Planning Commission may request the applicant address the items as outlined in the Code, mitigation efforts to take place and how they will apply to the site.

The site plan illustrates a proposed structure toward the north end of the property, south of 1700 South. The I-1 zone requires a 30' front setback for structures. Verification of front setback is required. Verification of adherence to landscape requirements is also unclear and should be addressed. Specifically, the following: (1) landscape islands adequately sized at the end of all parking rows, (2) shade trees provided at the ratio of 1 tree per 6 parking stalls and 1 shrub per 25 sq. ft. of landscape island, (3) 6' wide parking perimeter landscape area, and (4) a 14' wide landscape area adjacent to a street frontage with 1 tree provided for every 40' of street frontage.

Applicant has submitted further material showing mitigation measures to address commissioner's concerns. Applicant and opposing counsel will each have ten minutes to make their arguments, then applicant will have a short rebuttal period.

Mr. Wayne Budge, legal counsel representing American Eagle Ready Mix (AERM), thanks commission for their attention to submittal materials. He first wishes to highlight the important points of their arguments.

He first referenced the history of the site, and concerns about prior activity on-site. AERM takes seriously their responsibility to the city, on-site activities occurred before the site was annexed into American Fork. After annexation, all activities ceased until appropriate permissions could be approved. Other observed activities in the vicinity are not from his client.

Mr. Budge stated that they have spent a lot of time working towards this approval. Last year they worked with city staff to be annexed, with the clear understanding of what the appropriate use would be. Some concerns were raised about another batch plan in the area, but city staff annexed and rezoned for this purpose and use. A neighbor recently made arguments that should have been made before a zoning and annexation took place. After annexation there is an expectation of activity being approved into the zone it is appropriate for. His client is required to submit an application that conforms to city code. This particular property is zoned industrial, it is next to the TSSD site with open sewer lagoons, mulching, and other outdoor activities that are tolerated and appropriate for the I-1 zone. Within 700 ft of this site is Rock Canyon Oil, which is constantly

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1 trucking material in and out, and involves uses such as storage facilities. Alta View is a currently
2 operating batch plant 500 ft or less from this site. The Alta View application was processed in
3 2005 and 2008 and approved by this body. The city council and planning commission went through
4 careful analysis to approve Alta View, the minutes are attached. AERM has the obligation to show
5 that this use is permitted in this zone. Though engaging in approved uses such as compounding
6 and processing of materials, they will also meet stated conditions that activities not produce
7 noxious odors, vapors, dust, noise, etc. The area is industrial, and they offer the following as
8 mitigating measures:

- 9 1. There will be no smoke produced, and fumes will not be worse than the trucks at the
10 neighboring oil facility, compost plant and Alta View batch plant.
- 11 2. Noise issues will be mitigated by using best available machinery, and vibrations will be
12 minimal.
- 13 3. Dust will be mitigated by using paved area for operations, a sweeper truck will be utilized,
14 and they will have an area for washing trucks to prevent tracking dirt out.
- 15 4. Adverse visual impact could be mitigated by a precast wall, up to 8 ft if city desires. This
16 use is the visual one would expect in an industrial zone. The standards being proposed by
17 Roderick are appropriate for a business park, but inconsistent with an industrial zone.

18 Mr. Budge adds that people coming onto the site will comply with OSHA requirements. He
19 concluded by asking for approval, and stated that they have made a tremendous investment in both
20 time and money, and they intend to be a good neighbor.

21 Mr. Dan McDonald, legal counsel for Roderick, was granted time to make an opposing statement.
22 He stated that silica dust is very harmful to humans. He displayed a power point that focused on
23 the following concerns:

- 24 1. Applicant has not demonstrated adherence to air quality requirements. They installed a
25 plant with the capacity to produce up to 366 CY/Hour but represented to the DAQ that they
26 intend to only operate at a max of 30 CY/Hour in order to obtain a small source exemption
27 from air quality requirements.
- 28 2. Applicant has not demonstrated compliance with city code regarding wastewater.
- 29 3. There are more than 20 key differences between Alta View and the proposed American
30 Eagle batch plant, some of which include –
 - 31 • Alta View operates under a DAQ approval order, AERM is exempt
 - 32 • Alta View is an enclosed production facility, AERM is an open production facility
 - 33 • AERM engages in crushing and recycling concrete on-site
 - 34 • Alta View has a truck washing station, AERM has none on their site plan
 - 35 • Alta View is hardly visible from the public road, AERM is clearly visible
 - 36 • Alta View has chute sleeves, AERM has open conveyors
 - 37 • Alta View is required to use best available control technology (BACT) by DAQ,
 - 38 AERM is not required to use BACT as a term of their exemption
 - 39 • Alta View is a dry batch plant, AERM is a ready mix plant

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Mr. McDonald added that this use is not allowed under city code in the I-1 zone, as it will generate dust and noise. It is not considered light manufacturing and will have an adverse visual impact. He challenged the applicant to produce permissions from Utah County before annexation by the city, but has not seen any. This applicant is rogue, and they can't be trusted. They have been red-tagged and shut down by the city and are not trustworthy.

He then stated that this is an adjudicative body, which gets to decide if the site plan meets the legal requirements. The applicants were unreasonable to rely on statements by people who are not the decision makers. Their use is not light manufacturing, dust and noise will not be limited, there will be adverse visual impact, materials will be stored in full view. The commission should deny this application. Alternately, if they decide to approve, they should require the following:

1. Quarterly volume audits
2. Compliance with wastewater code
3. Enclosed production
4. Prohibit crushing and recycling
5. Truck washing facility
6. Mature trees to be planted along public road to obscure plant and absorb dust
7. All BACT technology be implemented
8. All mitigation efforts implemented within 3 months of approval

Mr. Budge is given time for rebuttal. He said that information in the presentation from Roderick is misstated and should be disregarded. AERM will have a truck washing station on site. They will also have covered conveyors and no concrete crushing. These comments and recommendations would be appropriate if you were recommending new requirements for a batch plant. This is not the case, we need only show that we do meet the current standards of the city and state. AERM intends to abide by all applicable permits and requirements. If the city were inclined to follow Roderick's recommendations, this would be inconsistent with the approved zoning. He asks commission for its approval.

Discussion of item is now closed to applicant and opposing counsel, and comments by staff and commissioners were heard.

Mr. Christiansen is concerned that AERM is not enclosed. He's studied several batch plants and sees that most are enclosed. If that was what AERM intended, he'd be more likely to approve the application. What is set up is just the machine, which is typical of a temporary project. Without the commitment of an enclosure to mitigate noise and dust, he is concerned about this site plan.

Mr. Brocious has similar feelings, an enclosed building seems to be the factor that would mitigate other concerns. With enclosure, true mitigation can take place.

Chairman Woffinden feels that it fits in zone, but his question is "do we trust applicant to do mitigation?" His track record is not good.

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1 Ms. Anderson pointed out that the Alta View plant was approved in 2004-2005, she said our code
2 has changed since then and we can't use old code to judge present suitability.

3 Chairman Woffinden agreed. This commission is not judging Alta View in the past, it is judging
4 AERM now. He does agree that batch plants fit in the industrial zone.

5 Mr. Olsen said the code hasn't changed much in the industrial zone, some exceptions have been
6 added but they don't apply to AERM.

7 Mr. Ryan Hunter says it is disingenuous to suggest that we have to accept/approve all applicants
8 of a certain type just because one was approved previously. The code certainly didn't anticipate
9 several batch plants in the area. The 92 ft tall tower near the lake is a concern for him. It seems
10 that we are dumping our most unsightly things along our beautiful lakeshore. He has concerns
11 about wastewater requirements, he doesn't like the small exemption instead of DAQ compliance,
12 and doesn't feel that city staff should be the enforcer of air quality. That's why DAQ exists. The
13 open building and rock crushing are other concerns. He doesn't see rock crushing as being a light
14 industrial function.

15 Mr. Dupaix agrees with previously stated concerns. He asks Mr. Christiansen if the batch plant
16 that he is most associated with is covered, and he affirms. Mr. Dupaix feels that that is a big
17 mitigating factor, similar production facilities are better protected than the current proposal.

18 Chairman Woffinden feels that their site plan still lacks many details, such as a wash out area.

19 Mr. Brocious addresses water quality issues, and asks how will they handle water retention to
20 mitigate water quality issues. What BMP's will they follow?

21 Mr. Ben Hunter indicated that he has reviewed the plans, and the site will be sloped to a retention
22 pond, where water will be recycled and used on-site. Some of the BMP's are paved areas to help
23 reduce pollutants and grading hard surfaces.

24 Mr. Brocious asked about the potential of pollutants infiltrating into the ground water.

25 Mr. Ben Hunter agreed that the potential is there, pollutants will be produced from operations. The
26 retention pond will capture some of the dust and dirt. Whether pollutants will dissolve and
27 percolate into groundwater, he can't speak to. BMP is that the retention pond will capture the
28 majority of pollutants, and the storm water facility agreement stipulates that inspections will take
29 place.

30 Mr. Dupaix asked Mr. Hunter what the BMP's are for batch plants.

31 Mr. Hunter replied that they are the same as for other operations. A retention pond, paved hard
32 surfaces, grading, etc.

33 Chairman Woffinden asked how commissioners feel about the exemption for air quality?

34 Mr. Ryan Hunter is not in favor of that exemption.

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Mr. Christiansen stated that he has other concerns such as haul-back concrete. This was not addressed in their plans, and they will have a loader going back and forth. In the last meeting it was mentioned that they would be crushing and recycling, their statements regarding this have been inconsistent. Their plan shows temporary surface and access roads to be made of recycled asphalt, he thinks it should all be concrete. More dust would be generated over time from temporary access roads. He feels that this is quite a bit different from Alta View.

Chairman Woffinden agrees, he didn't see any of these important details in their plan and the area seems too small to accommodate many of them.

Mr. Brocious asked what the alternative is to crushing, do they just store it and then haul away.

Mr. Christiansen says yes, but we don't know their real intent.

Chairman Woffinden indicated that some batch plants pour their haul-back concrete in forms to become part of the road surface a little at a time.

Mr. Ryan Hunter said that as currently configured, it feels like a temporary batch plant.

Mr. Brocious added that it doesn't qualify as light manufacturing without an enclosure.

Mr. Ryan Hunter moved to deny the site plan for American Eagle Ready Mix on the basis that the applicant has failed to adequately demonstrate that the project meets the following required criteria for the I-1 zone:

- _ It is a light manufacturing, processing, warehousing and fabrication of goods and materials**
- _ It has minimum conflict or deleterious effect on surrounding properties and uses**
- _ None of the activities carried out on the premises produce any noxious odor or any fumes, smoke, noise, vapor, vibration, glare or similar condition that is harmful to persons or that is readily discernable beyond the boundary of the zone or create an adverse visual impact readily discernable from the public roads**
- _ All uses are to be conducted entirely within a fully enclosed building, except those uses deemed by the city to be customarily and appropriately conducted in the open.**
- _ No portion of a designated off-street parking area is to be used for storage of materials or vehicles**
- _ All materials and vehicles used in the conduct of the business activity are to be stored within an enclosed building or within an area designated for such use as shown on the site plan**
- _ All outside storage areas are enclosed with a fence or wall of not less than 6 feet in height**

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- 1 – The site plan and improvements provide for efficient removal and proper disposal
2 of surface water generated by the use

3 **Mr. Dupaix seconded the motion.**

4 Ms. Anderson thinks they should table this item, she feels it's not ready for a submission.
5 Mr. Olsen instructed that if a commissioner wants another option and is not in favor of
6 the motion for denial, they should vote no.

7 Ms. Anderson wants the record to reflect that she is voting to table.

8 **Voting was as follows:**

9 Chairman Woffinden	Aye
10 Chris Christiansen	Abstain
11 Christine Anderson	Nay
12 Geoff Dupaix	Aye
13 Harold Dudley	Aye
14 Ryan Hunter	Aye
15 Rod Brocious	Aye

16 **The motion carried.**

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20 2. Hearing, review and action on a commercial site plan located at 64 North 900 West in the
21 GC-2 Planned Commercial zone

22 Mr. Olsen stated that the applicant proposes a pool display area on landscaped, but vacant, ground
23 adjacent to I-15, at approximately 64 N. 900 W. Applicant states that he intends to construct a
24 structure for sales, storage and additional display in the future; however, for now, he requests
25 approval to display pools on the site. Planning staff has requested a full site plan illustrating this
26 future structure, as this creates a comprehensive picture of the intended use on site.

27 The GC-2 zone allows display areas as part of a sales establishment, but not a display area without
28 a main use (sales establishment). A display area without a main use could be construed as off-
29 premise advertising, which is not allowed as a sole use. Previously, area was approved as a display
30 area from county. When it was annexed into city, the use changed.

31 Mr. Dupaix said that Best Vinyl used to be there just to the west, they had a lot of displays but the
32 main business was close enough to conform to requirements.

33 Mr. Olsen stated that they've indicated to applicant that if there's a site plan with a building, his
34 recommendation would change.

35 Chairman Woffinden asked if we've required a geotech report.

36 Mr. Ben Hunter replied that they have not, it's just a pool display without any building.

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Chairman Woffinden said that basically the issue is that it needs a building to fit into the zone requirements, such as a sales office.

Mr. Ben Hunter indicated that there is no infrastructure, utilities, or anything that needs to be reviewed.

Public Hearing Opened

Public Hearing Closed

Mr. Dudley moved to deny approval of the site plan.

Ms. Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Chris Christiansen	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye
Rod Brocious	Aye

3. Review and action on an amended site plan for American Heritage School located at 736 North 1100 East in the R-1-9,000 and R-1-15,000 Residential zones

Mr. Olsen said that American Heritage School received site plan approval for an athletic facility in 2017. The school has submitted plans for an expansion of this facility - an addition of a commons area and auxiliary gym. The athletic facility is located north of the main school campus and west of the recently constructed athletic fields. Area to the north of the proposed expansion and south of the Autumn Crest Subdivision is reserved for future school and parking expansion.

The commons expansion will consist of 17,500 square feet and the auxiliary gym will consist of 7,670 square feet. The proposal is straightforward, they have met all criteria, he recommends approval.

Mr. Ben Hunter said that the school has onsite utilities already, there are no concerns from the Engineering Division.

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Mr. Ryan Hunter moved to approve the amended site plan for the American Heritage School athletic facility, with the findings as outlined in the staff report and subject to any findings, conditions and modifications listed in the engineering report.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye
Rod Brocious	Aye

The motion carried.

4. Other Business

Ms. Anderson had a question relating to the batch plant location. She was looking at the land use plan, it was intended to be a lakeshore protection zone. She wonders how it got changed to industrial. When the annexation came up a few months ago, they didn't compare it with the land use map to see if that matches expectations. She suggests that staff and commission check land use map before future annexations.

Chairman Woffinden asked commissioners if they have are any names for another commissioner.

Mr. Olsen asked commissioners to reach out to him with possible names that he will pass along to the mayor.

5. Site Plan Committee Report

Mr. Knobloch reviewed the upcoming Planning Commission items, these include code text amendments regarding the street parking ordinance and bond details. There are quite a few developments moving through TRC that aren't quite ready for planning commission.

6. Review and action on the minutes of the April 22, 2020 Planning Commission Regular Session

Mr. Dupaix moved to recommend approval of the minutes of the April 22, 2020 Planning Commission Regular Session.

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1 Mr. Ryan Hunter seconded the motion. Voting was as follows:

2	Chairman Woffinden	Aye
3	Chris Christiansen	Aye
4	Christine Anderson	Aye
5	Geoff Dupaix	Aye
6	Harold Dudley	Aye
7	Ryan Hunter	Aye
8	Rod Brocious	Aye

9 The motion carried.

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12 7. Adjournment

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14 Mr. Dudley moves to adjourn, Mr. Brocious seconds. All vote in favor.

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16 Meeting adjourned at 8:15 pm.

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20 Lisa Halversen, Administrative Assistant