

APPROVED MINUTES

AMERICAN FORK CITY
PLANNING COMMISSION MINUTES
AUGUST 17, 2022
REGULAR SESSION

The American Fork City Planning Commission met in a regular session on AUGUST 17, 2022, at the American Fork City Hall, 31 North Church Street, commencing at 7:00 pm.

Present: Chairman Woffinden
Christine Anderson
Bruce Frandsen
Jenny Peay
Rodney Martin
Chris Christiansen
Harold Dudley
David Bird * Mr. Bird was a part of the discussion but did not vote.

Absent:

Staff Present:	Patrick O'Brien	Development Services Director
	Ben Hunter	Engineer
	George Schade	IT Director
	Cherylyn Egner	City Attorney
	Megan Crowley	Administrative Assistant
	Travis Van Ekelenburg	Senior Planner

Others Present: Ginger Romriell, Ken Burg, Will Jones

Chairman Woffinden led the "Pledge of Allegiance"

1. Hearing, review, and action on a Final Plat for Stonecreek Plat J, located in the area of 1000 S 400 W, in the PR-3.0 zone.

Patrick O'Brien: This is for Stonecreek Plat J. It's part of the overall Stonecreek development its 9.8 acres which is part of the 166 acres of this development. It's one of the 11 plats that are being phased in. There are 25 proposed lots, for a total of 33 units. A number of the corner lots are going to have duplexes on them per the requirement of the code. The property is accessed off of 910 South. After conducting a thorough development review there were no staff comments or conditions that need to be attached to this. Staff recommends approval.

John Woffinden: Engineering any comments?

Ben Hunter: No, they have addressed all of our comments. They meet all of the requirements for the engineering division, and we recommend approval.

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Bruce Frandsen: I've walked this plat and I know that one of our requirements is that the applicant will submit a sketch of all water rights within a one-mile radius. I am hoping we can amend that to say: applicant will submit plat with all of the points of diversion within their proposed development area. There is a couple of them in here, but they don't show on the water rights map. They are changing the direction of water in this development and my family is being affected. I think if in the future we said show us the points of diversion within your development that would tell us if they're going to be affecting, positively or negatively, water rights, where just getting a one-mile radius doesn't. I have no concerns with this one, I've actually talked to the developers and know what's happening and we're ok with that. I think in the future it would be a good data set to have. I think we probably have to amend a code which says give us the one mile plus points of diversion. Points of diversion is anywhere in a ditch if the water is coming down and now it turns and goes that way. It's on a map and the state engineer knows that and the developer is not allowed to change that without approvals. But we can't see that now. It's something to think about I think it's something we ought to consider.

Ben Hunter: We can look at doing some modifications to make sure they are not having an impact. That's the main point behind that section of code.

Patrick O'Brien: I've taken note of that as well. That's something we can sit down with as a team and talk about grabbing some language and bringing it back to you guys as an amendment in the future.

John Woffinden: Is the applicant here?

Ginger Romriell: This is phase 9 out of 11 it's just a continuation of amazing things. They are single family residences.

Public Hearing Opened

No public comment

Public Hearing Closed

Christine Anderson motioned to recommend approval of the Hearing, review, and action on a Final Plat for Stonecreek Plat J, located in the area of 1000 S 400 W, in the PR-3.0 zone. Harold Dudley seconded the motion.

Voting was as follows:

Chairman Woffinden	AYE
Harold Dudley	AYE
Christine Anderson	AYE
Bruce Frandsen	AYE

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Jenny Peay AYE
Rodney Martin AYE
Chris Christiansen AYE

The motion passed

2. Hearing, review, and action on a code text amendment to Section 17.4.608, titled Transit Oriented Development Zone amending the certain elements related to definitions and lot type assignments.

Patrick O'Brien: This one is from section 5 of TOD code, specifically to the block plan section. Generally, the areas of the TOD code that Planning Commission and City Council will be more involved in is the district framework plan. The lot plan and block plan sections are an administrative approval that staff signs off on. This section is to amend .4 of part E of section 5 that would allow the different lot types that exist in TOD area to transition across thoroughfares. They all have different ranges of weights that go with all different lot types. Right now, you have a lot type 4 on one side of an alleyway it couldn't transition to a lot type 5 on the other side. This would remove that and allow an applicant to meet the intent of the TOD zone. Which is to have a variety of different lot types throughout it rather than constraint it to a specific lot type, unit, development, and product. Staff supports the recommendation that the applicant has. We didn't see any concerns with it and we're happy to answer any questions.

Jenny Peay: I've seen where they have the private lanes in the back, I like it because it reduces traffic on the main road thoroughfares.

Public Hearing Opened

No public comment

Public Hearing Closed

Jenny Peay motioned to recommend approval of the Hearing, review, and action on a code text amendment to Section 17.4.608, titled Transit Oriented Development Zone amending the certain elements related to definitions and lot type assignments. Subject to any conditions found in the staff report. Bruce Frandsen seconded the motion.

Voting was as follows:

Chairman Woffinden AYE
Harold Dudley AYE
Christine Anderson AYE

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1 **Bruce Frandsen** **AYE**
2 **Jenny Peay** **AYE**
3 **Rodney Martin** **AYE**
4 **Chris Christiansen** **AYE**

5 **The motion passed**

6
7 **3. Hearing, review, and action on a code text amendment to Section 17.7.502, titled**
8 **Planned Unit Development - Flexible Lot Projects amending the average lot size**
9 **requirements.**

10 Patrick O'Brien: This request is staff initiated off the back of Bridges at Fox Hollow. One of the
11 requirements is that the applicant needs to meet an average lot size of 9,000 square feet. The way
12 the code is written that not possible. Staff was recommending bringing it to what that minimum
13 range would be but also providing a range that can go a little bit above that as well. The way the
14 code is written it seems like you need to meet 9000 square feet as the average lot size and if you
15 are above or below that technically you don't meet the average lot size requirements. Staff is
16 recommending a range of 9,800-12,000 square feet. That's the only change that's being
17 recommended. It relates to .1 of G3 of 17.7.502. This would help a number of other projects and
18 also that range of lot sizes is similar to surrounding community. It would fit in with the existing
19 community with that average size.

20
21 **Public Hearing Opened**

22
23 No public comment

24
25 **Public Hearing Closed**

26
27 **Rodney Martin motioned to recommend approval of the Hearing, review, and action on a**
28 **code text amendment to Section 17.7.502, titled Planned Unit Development - Flexible Lot**
29 **Projects amending the average lot size requirements. Subject to any conditions found in the**
30 **staff report. Harold Dudley seconded the motion.**

31
32 **Voting was as follows:**

33
34 **Chairman Woffinden** **AYE**
35 **Harold Dudley** **AYE**
36 **Christine Anderson** **AYE**
37 **Bruce Frandsen** **AYE**
38 **Jenny Peay** **AYE**
39 **Rodney Martin** **AYE**
40 **Chris Christiansen** **AYE**

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- 1 **The motion passed**
- 2 **4. Open and Public Meetings annual training.**
- 3 Cherylyn Egner led the commission on open meetings training.



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Open Meetings Training

August 2, 2022

Why are we here?

- ▶ “The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of [the Open and Public Meetings Act].” Utah Code 52-4-104.
- ▶ Auditor checks whether or not we have provided the training.

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1

Who must comply?

- ▶ Any “administrative, advisory, executive, or legislative body of the state or its political subdivisions that...is vested with the authority to make decisions regarding the public’s business.”
- ▶ Examples:
 - ▶ City/County Councils
 - ▶ City Council Advisory Boards
 - ▶ Planning and Zoning Commissions
 - ▶ Boards of Adjustment
 - ▶ Boards of Special Service Districts

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Recent cases finding potential failure to comply with OPMA

- ▶ Southern Utah Wilderness Alliance v. San Juan County Commission, 2021 UT 6
- ▶ Southern Utah Wilderness Alliance v. Kane County Commission, 2021 UT 7

Both of these cases involved the question of whether or not SUWA had standing to object to the failure of county commissioners to comply with OPMA prior to and during meetings with federal land administrators within Utah counties. The Utah Supreme Court concluded that SUWA had standing to challenge the counties' compliance with OPMA and maintain litigation to review whether (1) compliance with OPMA was required; and (2) if so, whether adequate notice and openness to the public was provided.

1

Open Meetings

- ▶ All “meetings” must be open to the public unless specifically allowed to be closed under the Act

2

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What is a “meeting”?

- ▶ The convening of a public body, with a quorum present,
- ▶ whether the meeting is held in person or by means of electronic communications (or even informally on federal public lands, apparently),
- ▶ for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power (such as in recent Utah Supreme Court cases in which county commissioners met with federal land use managers, discussed in a previous slide)
- ▶ Examples
 - ▶ Regular meetings
 - ▶ Special meetings
 - ▶ Workshops
 - ▶ Executive Sessions
 - ▶ Site Visits
 - ▶ Traveling Tours

1

Definition of “convening”

“Convening” means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which the body has jurisdiction.

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What is not a “meeting”?

- ▶ A chance meeting
- ▶ A social meeting
- ▶ A convening solely for discussion or implementation of administrative or operational matters if:
 - ▶ No formal action is taken OR
 - ▶ The matters would not come before the body for discussion or action

1

Electronic Meetings Requirements

- ▶ A public meeting convened or conducted by means of a conference using electronic communications
- ▶ A public body may not hold an electronic meeting unless it has adopted specific procedures for conducting it.
 - ▶ These may include consideration of budget, logistics, presence of a quorum at an anchor location, vote to establish an electronic meeting, notice requirements, etc .
 - ▶ Requirement of anchor location may be suspended under emergency orders

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Closed Meetings Requirements

- ▶ For what purpose?
 - ▶ A closed meeting may only be held:
 - ▶ To discuss the character, professional competence, or physical or mental health of an individual
 - ▶ Strategy sessions for:
 - ▶ collective bargaining
 - ▶ pending or reasonably imminent litigation
 - ▶ purchase, exchange, or lease of real property or water rights/shares
 - ▶ sale of real property or water rights/shares
 - ▶ To discuss the deployment of security personnel, devices, or systems
 - ▶ To investigate proceedings regarding allegations of criminal conduct
- ▶ May not do the following in a closed meeting:
 - ▶ Approve any ordinance, resolution, rule, regulation, contract or appointment
 - ▶ Interview a person to fill an elected position
 - ▶ Take final action (final votes must generally be open and on the record)

1

Public Meeting Requirements

- ▶ Public body must give notice
 - ▶ Public body must give not less than 24 hours notice of each meeting
 - ▶ Must also give notice of annual meetings scheduled in advance over the course of a year
- ▶ Exceptions:
 - ▶ Regular notice requirements may be disregarded if:
 - ▶ Because of unforeseen circumstances it is necessary to hold an emergency meeting to consider matters of an emergency or urgent nature
 - ▶ Still required to give the best notice practicable
 - ▶ May not hold an emergency meeting unless:
 - ▶ An attempt has been made to notify all the members of the public body; and
 - ▶ A majority of the members approve the meeting

2

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1

Penalties

- ▶ Any member of a public body who intentionally violates the closed meeting provisions is guilty of a class B misdemeanor
- ▶ A court can void any action taken in violation of the open meetings laws
- ▶ The public body may have to pay court costs and attorney fees if successfully challenged in court on a violation

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Executive Sessions

- ▶ The information discussed in executive sessions is confidential and may not be discussed outside of the meeting, including with:
 - ▶ Members of the public
 - ▶ Spouses, family members or significant others

1

2021 Amendments to OPMA

S.B. 72 "Open and Public Meeting Amendments"

Previously, a public body could not vote in a closed session, so they would have to return to the public meeting, then vote to close the closed session and open the public meeting again. A new amendment allows the body to vote in the closed session to adjourn the closed portion of the meeting and return to the open meeting.

S.B. 125 "Open and Public Meetings Act Amendments"

This bill revoked and recodified the ability for public bodies to meet electronically without an anchor location, without having to already have an ordinance in place, as long as certain findings were made. Those required findings are codified at U.C. 52-4-207(4).

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Other amendments:

H.B. 293 "Open Meeting Minutes Amendments" - deals with the posting of minutes by public bodies that are not state public bodies or specified local bodies who already have to have their minutes on the state website. (The body must have a link to the body's website or minutes stated in the notice posted on the state website so the public can easily access and review minutes of non-state public bodies.)

H.B. 297 "Colorado River Amendments" - deals with meetings relating to the Colorado River Compact to adjust allocation of water according to varying availability of water in the drainage, in correlation with the new Colorado River Authority. The use, lease or sale of water shares or water rights may be a reason to close a meeting.

5. Review and action on the minutes of the August 03, 2022, Planning Commission Regular Session

Christine Anderson moved to approve minutes August 03, 2022, Planning Commission Regular Session. Chris Christiansen seconded the motion.

Voting was as follows:

Chairman Woffinden	AYE
Harold Dudley	AYE
Christine Anderson	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Chris Christiansen	AYE

The motion passed

6. Concept Plan Report & Upcoming Projects

Patrick O'Brien: Things are looking good we are noticing a bit of a slowdown in the number of permits that we're issuing. We're still 40% up from two years ago so it's still a little bit insane. All things are good on the project front we will be bringing projects from previous agendas back to Planning Commission as they work through issues. The Edgewater project, Bridges at Fox Hollow, those types of projects. We've been working through code and engineering issues that they were able provide some of the information. We're still working on that as a team. Those should be coming back in the next couple meetings. We also have the modern income housing

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plan which will be an amendment to our general plan, it will be adopted per state requirement. Travis and Cody have both been working on that. That is due to come before you in the next meeting and give you an overview of what we need to do. There are a number of criteria that are outlined in the state code, and we need to pick 6 of them. As a community that has a front runner station, we are required to have a station plan element to that. We are going to meet all of those and couple of the other things to do. Looking at the direction the city is going in that will be brought before you. We need to have that adopted by October 1. We're cutting it close but we're trying to get as good of plans together as possible.

Christine Anderson: How many did you say each city picks?

Patrick O'Brien: Depending on the city's sizes and their class as a city they have different numbers that they need to meet. Most cities around our size are picking 5 but because we have a fixed transit station, we need to have an additional one and it's a specific one. We need to prepare a station area plan for the area within a half mile radius of our fixed transit station. We're working with Mountain land Associations of Governments as well. That station area plan will come at a later point, it's a component of this. We're working with Mountain land Associations of Governments to get everything together they've got technical assistants funding and a couple of other technical assistant support staff that we're able to utilize as a community. We're hoping that will be a four-month project. It's a 5-year plan for our community to address modern income housing with 30 -80% AMI and even below the 30% for our area meeting income. We need to do an annual report on the progress of how we have implemented the procedures that we've outlined in our plan. The plans won't come before you but we will give you a report once we do that.

7. Other Business

Bruce Frandsen, Rodney Martin, Jenny Peay, and Cherylyn Egner briefly discussed the work session from the previous night.

Patrick O'Brien: Introduced Travis to the Commission.

Travis Van Ekelenburg: Introduced himself briefly to the Commission.

Patrick O'Brien: Mentioned the Planning Commission summer BBQ at the end of the month.

8. Adjournment

Christine Anderson moved to adjourn the meeting. Harold Dudley seconded the motion.

Voting was as follows:

Chairman Woffinden	AYE
Harold Dudley	AYE

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- | | | |
|---|---|------------|
| 1 | Christine Anderson | AYE |
| 2 | Bruce Frandsen | AYE |
| 3 | Jenny Peay | AYE |
| 4 | Rodney Martin | AYE |
| 5 | Chris Christiansen | AYE |
| 6 | The motion passed | |
| 7 | | |
| 8 | The meeting was adjourned at 7:46 p.m. | |