



AMERICAN FORK CITY COUNCIL  
JUNE 13, 2023  
REGULAR SESSION AGENDA

*\*Notice of Electronic Meeting\**

One or more City Council members may be physically absent from this meeting but may participate electronically.

The American Fork City Council will hold a public hearing in conjunction with the regular session on Tuesday, June 13, 2023, in the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m. The agenda shall be as follows:

**PUBLIC HEARING**

- Receiving public comment on the fiscal year ending June 30, 2024, city budgets.

**REGULAR SESSION**

1. Pledge of Allegiance; Invocation by Council Member Taylor; roll call.
2. Presentation of the HERO Award to Calvary Mountain View Church.
3. Twenty-minute public comment period - limited to two minutes per person.
4. City Administrator's Report
5. Council Reports
6. Mayor's Report

**COMMON CONSENT AGENDA**

(*Common Consent* is that class of Council 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.)

1. Approval of the May 23, 2023, city council minutes.
2. Approval of the authorization to release the Improvements Construction Guarantee in the amount of \$32,636.75 and issue a Notice of Acceptance for the Rockwell Ranch Block 2 Phase 1 Landscaping construction of public improvements located at 1000 West 350 South.
3. Ratification of city payments (May 24, 2023, to June 6, 2023) and approval of purchase requests over \$50,000.

## ACTION ITEMS

1. Review and action on an ordinance creating Chapter 17.21 of the American Fork City Code relating to water efficiency standards.
2. Review and action on an ordinance for a proposed Zone Change for approximately 0.26 acres of land located at approximately 303 West 480 South, from the Planned Residential (PR-3.0) Zone to the Residential (R1-9000) Zone.
3. Review and action on the acceptance of a utility easement at 96 South 100 East.
4. Review and action on an agreement with AFEW1, LLC. related to improvements at approximately 200-500 South 1160 West.
5. Review and action on a resolution approving the General Fee Schedule for FYE 2024.
6. Adjournment.

Dated this 8th day of June, 2023.

/s/Terilyn Lurker, City Recorder

- In accordance with the Americans with Disabilities Act, the City of American Fork will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-763-3000 at least 48 hours in advance of the meeting.
- The order of agenda items may be changed to accommodate the needs of the City Council, staff, and the public.



**REQUEST FOR COUNCIL ACTION**  
**CITY OF AMERICAN FORK**  
**JUNE 13, 2023**

Department Public Works Director Approval Susan GoebelCanning

**AGENDA ITEM** (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Construction Guarantee in the amount of \$32,636.75 and issue a Notice of Acceptance for the Rockwell Ranch Block 2 Phase 1 Landscaping construction of public improvements located at 1000 West 350 South.

**SUMMARY RECOMMENDATION** The City Engineer recommends that the Improvements Construction Guarantee (ICG) be released. The improvements were found in a condition meeting City standards and specifications and in conformance with the approved project construction plans.

**BACKGROUND** Pursuant to the terms of Sections 17.9.100 and 17.9.304 of the City Development Code, the City Council may authorize the release of the ICG and issue a "Notice of Acceptance" of the project improvements. Following the issuance of the Notice of Acceptance, the City accepts ownership of the project improvements. The project will then enter the one (1) year Durability Testing Period as specified in section 17.9.400 of the City Development Code.

In issuing a Notice of Acceptance, the City Council finds that:

- The condition of the improvements are found to be satisfactory.
- All liens have been released, all outstanding fees paid, costs of administration paid, and reimbursement payments to prior developers (if any) have been made.
- The project clean-up is found to be satisfactory.

The City may request a current title report or other such measures or reports as deemed appropriate by the City as a means of determining the existence of any unreported liens or other claims upon the project. All financial information (if any) provided by the developer is attached. The Council may request additional information as deemed necessary.

**BUDGET IMPACT** Following the release of the ICG, there is a one (1) year Durability Testing Period wherein ten percent (10%) of the total ICG is held to ensure the durability of the constructed improvements.

**SUGGESTED MOTION** Move to accept the improvements and authorize the Mayor to execute the Notice of Acceptance for the Rockwell Ranch Block 2 Phase 1 Landscaping public improvements located at 1000 West 350 South. To authorize the issuance of documents and/or

payments to release the Improvement Construction Guarantee (ICG). Commence the Durability Testing Period by retaining ten percent (10%) of the ICG. To find that the project improvements are in a condition meeting City ordinances, standards, and specifications and are in conformance with the approved project construction plans.

*Note: With passage of the Common Consent Agenda items, the City Council will enact the motion and findings as noted in the "Suggested Motion" heading found above.*

## **SUPPORTING DOCUMENTS**

Rockwell Ranch Block 2 Phase 1 Final Landscaping bond release 6-13-23 (PDF)



## **NOTICE OF ACCEPTANCE / IMPROVEMENT COMPLETION ASSURANCE RELEASE AUTHORIZATION**

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvement Completion Assurance for ROCKWELL RANCH BLOCK 2 PHASE 1 LANDSCAPING. The City Council accepts the improvements completed with the finding that said improvements are in a condition meeting City ordinances, standards, and specifications, are in conformance with the approved project construction plans, and all conditions for release as detailed in section 17.9.304 of the City Code have been satisfied.

The City Council hereby authorizes the issuance of a letter to the financial guarantee institution authorizing release of the Improvement Completion Assurance or to issue an authorized City check as appropriate for the type of guarantee provided, pursuant to the recommendation of staff and the receipt of reports, documents, and other correspondence. Upon issuance of this Notice of Acceptance, the Improvement Warranty Period shall commence as detailed in section 17.9.400 of the City Development Code. An amount totaling ten percent (10%) of the Improvement Completion Assurance funds will be held as the Improvement Warranty pursuant to the City Performance Guarantee ordinance.

Amount Released: \$32,636.75

PASSED THIS 13 DAY OF JUNE 2023

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City Representative, American Fork City

ATTEST:

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Terilyn Lurker, City Recorder



## **BOND RELEASE REQUEST**

**Development Name:**

Development Address: 426 S. 960 W. Block 2 Phase 1

\*All outstanding fees must be paid prior to any release.

Partial Improvement  
Assurance Release

Final Improvement  
Assurance Release

Improvement Warranty Release  
(10% Durability Release)

**Bond Type:**  Cash Deposit  Escrow Account  Letter of Credit  Surety Bond

Please send check/bank letter to:

Name: McArthur homes

Bank (if applicable):

Address: 9962 S. Redwood Rd.

City: S. Jordan

State: UT

Zip: 84095

Phone: 801-652-5040

Email: [PM@McArthurhomes.com](mailto:PM@McArthurhomes.com)

Signature:

Date: 5/24/23

City Official Use Only  
 Fees paid and current

Administrative Signature:

Date: 5-30-23

Inspector Signature:

Date: 5-30-23

## Name of Development: Rockwell Ranch Block 2

Description of Item	Quantity	Unit	Unit Price	Total	Release Dates						Balance				
					Release #1	Amount Requested	Release #2	Amount Requested	Release #3	Amount Requested	Release #4	Amount Requested	Release #5	Amount Requested	Release #6
<b>SITE PREPARATION</b>															
Clear & Grub 6" of ROW	1860	CY	\$4.00	\$7,440.00	\$0.00	1860	\$7,440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Site Fill to Subgrade ROW	7485	CY	\$22.00	\$164,670.00	\$0.00	7485	\$164,670.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Subgrade Prep	100000	SF	\$0.15	\$15,000.00	\$0.00	100000	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SWPPP	1	LS	\$15,000.00	\$15,000.00	\$0.00		\$0.00	1	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>SEWER</b>															
8" PVC Sewer Line	1415	LF	\$45.00	\$63,675.00	1415	\$63,675.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4' Sewer Manhole	5	Each	\$4,900.00	\$24,500.00	5	\$24,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5' Sewer Manhole	5	Each	\$5,100.00	\$25,500.00	5	\$25,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Testing	1	LS	\$3,850.00	\$3,850.00	\$0.00	1	\$3,850.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Trench Import	1500	CY	\$20.00	\$30,000.00	1500	\$30,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>CULINARY WATER</b>															
Connect to Existing	6	Each	\$900.00	\$5,400.00	\$0.00	6	\$5,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8" DI Culinary Water	1150	LF	\$30.00	\$34,500.00	\$0.00	1150	\$34,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Valves	21	Each	\$2,000.00	\$42,000.00	\$0.00	21	\$42,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Fittings	4	Each	\$1,000.00	\$4,000.00	\$0.00	4	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Blow Off	1	Each	\$1,800.00	\$1,800.00	\$0.00	1	\$1,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Fire Hydrant	5	Each	\$5,900.00	\$29,500.00	\$0.00	5	\$29,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1" Water Meter	89	Each	\$1,850.00	\$164,650.00	\$0.00	89	\$164,650.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Testing	1	LS	\$2,500.00	\$2,500.00	\$0.00	1	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Trench Import	200	CY	\$20.00	\$4,000.00	\$0.00	200	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>PRESSURIZED IRRIGATION</b>															
Connect to Existing	2	Each	\$750.00	\$1,500.00	\$0.00	2	\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8" PI Main	1145	LF	\$28.00	\$32,060.00	\$0.00	1145	\$32,060.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8" PI Valve	3	Each	\$2,333.33	\$7,000.00	\$0.00	3	\$7,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8" PI Fitting	1	Each	\$1,500.00	\$1,500.00	\$0.00	1	\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2" PI Meter Vault	1	Each	\$5,900.00	\$5,900.00	\$0.00	1	\$5,900.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PI Blow Off	1	Each	\$1,800.00	\$1,800.00	\$0.00	1	\$1,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PI Testing	1	LS	\$3,000.00	\$3,000.00	\$0.00	1	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>STREETS</b>															
24" Curb & Gutter	2175	LF	\$22.00	\$47,850.00	\$0.00	2175	\$47,850.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Concrete Sidewalk	6260	SF	\$6.50	\$40,690.00	\$0.00	6260	\$40,690.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ADA Ramp	1	Each	\$2,500.00	\$2,500.00	\$0.00	1	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Concrete Approach	990	SF	\$15.00	\$14,850.00	\$0.00	990	\$14,850.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Catch Basin Tie In	6	Each	\$450.00	\$2,700.00	\$0.00	6	\$2,700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3" Asphalt	36180	SF	\$2.70	\$97,686.00	\$0.00	36180	\$97,686.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mirafi RS380i	36180	SF	\$0.55	\$19,899.00	\$0.00	36180	\$19,899.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Striping	1	LS	\$1,200.00	\$1,200.00	\$0.00	1	\$1,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Signage	1	LS	\$2,000.00	\$2,000.00	\$0.00	1	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>STORM DRAINAGE</b>															
15" RCP Storm Drain	835	LF	\$50.00	\$41,750.00	835	\$41,750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Double Curb Inlet	2	Each	\$4,700.00	\$9,400.00	2	\$9,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Curb Inlet	4	Each	\$2,500.00	\$10,000.00	4	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Storm Drain Manhole 5'	4	Each	\$4,500.00	\$18,000.00	4	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Storm Drain Testing	1	LS	\$1,500.00	\$1,500.00	\$0.00	1	\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>CONSTRUCTION MANAGEMENT/MISC.</b>															
Surveying & As Builts	1	LS	\$45,000.00	\$45,000.00	\$0.00										



**REQUEST FOR COUNCIL ACTION**  
**CITY OF AMERICAN FORK**  
**JUNE 13, 2023**

Department Planning Director Approval Patrick O'Brien

**AGENDA ITEM** Review and action on a proposed code text amendment of the American Fork Municipal Code Section creating 17.21 of the American Fork City Municipal Code relating to Water Efficiency Standards.

**SUMMARY RECOMMENDATION** - Planning Commission recommended approval with changes recommended by staff.

**BACKGROUND** - Code Text Amendment to create Chapter 17.21, Water Efficiency Standards, of the American Fork City Municipal Code. The proposed chapter looks to create new standards in relation to water conservation. The ordinance creates new definitions for the chapter and new landscaping requirements for residential, commercial, and industrial projects within the City. This is not a revamped version of the current landscaping requirements of the City, but this chapter is in addition to the current landscaping requirements found in the City's Municipal Code.

*\*The planning commission minutes are forthcoming. One change recommended by the planning commission is to move Section 17.21.020(3) under Landscaping Requirements to Section 17.21.040 under Additional Recommendations.\**

**BUDGET IMPACT - N/A**

**SUGGESTED MOTION** - Move to adopt the ordinance approving the Code Text Amendment creating Section 17.21 of American Fork City's Municipal Code, with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the June 7, 2023 Planning Commission meeting.

**SUPPORTING DOCUMENTS**

Code Text Amendment - Water Efficiency - 17.21 - Staff Report (DOCX)  
 Water Efficiency Ordinance (DOCX)



**Planning Commission Staff Report**  
**Meeting Date: June 7<sup>th</sup>, 2023**

**Agenda Topic**

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Water Efficiency, of the American Fork City Municipal Code. Creating Chapter 17.21, the Code Text Amendment plans to provide a new section in relation to water conservation.

**Background**

Staff has initiated a Code Text Amendment to create Chapter 17.21, Water Efficiency Standards, of the American Fork City Municipal Code. The proposed chapter looks to create new standards in relation to water conservation. The ordinance creates new definitions for the chapter and new landscaping requirements for residential, commercial, and industrial projects within the City. This is not a revamped version of the current landscaping requirements of the City, but this chapter is in addition to the current landscaping requirements found in the City's Municipal Code.

**Potential Motions – Code Text Amendment**

**Approval**

Madame Chair, I move to recommend approval for the proposed Code Text Amendment, adopting Chapter 17.21, titled Water Efficiency Standards, relating to a new chapter for water conservation and providing an effective date for the ordinance.

**Denial**

Madame Chair, I move to recommend denial for the proposed Code Text Amendment, adopting Chapter 17.21, titled Water Efficiency Standards, relating to a new chapter for water conservation.

**Table**

Madame Chair, I move to table action for the proposed Code Text Amendment, adopting Chapter 17.21, titled Water Efficiency Standards, relating to a new chapter for water conservation and instruct staff/developer to.....

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE CREATING CHAPTER 17.21 OF THE AMERICAN FORK CITY, UTAH, MUNICIPAL CODE RELATING TO WATER EFFICIENCY STANDARDS AND ENFORCEMENT OF THE AMENDMENT.**

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 implement water efficiency standards within the City;

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.** Chapter 17.21 of the American Fork City Municipal Code shall hereby read as follows:

**17.21.010 Purpose, Applicability and Definitions**

A. Purpose. The purpose of these water efficiency standards is to conserve the public's water resources by establishing water conservation standards and recommendations for outdoor landscaping and indoor plumbing fixtures.

**B. Applicability.**

1. The following standards are required for all new developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable.
2. All new landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards shall comply with the landscaping standards in this Chapter. These standards shall also apply to existing ordinances related to City required landscaping.
3. The outdoor landscaping standards in this Chapter are not intended to conflict with other landscaping requirements as defined by Utah law, including storm water retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.

**C. Definitions.** The following definitions shall apply to this Chapter:

1. **Activity Zones:** Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, playgrounds, and seating areas for leisure or breaks.

2. Active Recreation Areas: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).
3. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that allows efficient watering.
4. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.
5. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.
6. Lawn: Ground that is irrigated and covered with grass that is designed to be regularly mowed.
7. Localscapes: A landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).
8. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.
9. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.
10. Paths: Designed routes between landscape areas and features.
11. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.
12. Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. For single-family residential, this only includes the front and side-yard areas. The landscape area does not include footprints of buildings or structures, sidewalks along the street (but does include internal walking paths), driveways, and other non-irrigated areas intentionally left undeveloped.

#### 17.21.020 Landscaping Requirements

1. Lawn shall not be less than 8 feet wide at its narrowest point.
2. Lawn shall not be installed in park strips, parking lot islands, or on slopes greater than 25% or 4:1 (4' horizontal to 1' vertical) grade. However, park strips shall conform to all street tree planting requirements including proper irrigation. If existing lawn is being removed from park strips to conform to these requirements, all existing street trees compliant with the municipal code and associated irrigation systems shall remain.
3. At maturity, landscapes shall have enough plant material (perennials, shrubs) to create at least 50% living plant cover at maturity at the ground plane, not including tree canopies.
4. For single-family residential landscapes, lawn shall not exceed 35% of the Total Landscaped Area (as defined in this Chapter).

- i. Small residential lots, which the total landscaped area is less than 250 square feet, are exempt from the 8 feet width requirement and the maximum of 35% lawn requirement.
- ii. Corner lots that are 8,000 square feet or less are exempt from the maximum of 35% lawn requirement for the side yard area adjacent to the street.
- 5. For institutional (churches, schools, etc.) and multi-family landscapes and common areas, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).
- 6. For commercial and industrial landscapes, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).

#### 17.21.030 Prohibition on Restrictive Covenant on Grass Requirement

Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable to the degree that they:

- i. Require the use of grass in landscape areas less than 8 feet wide or require grass in other areas that exceed 35% of the landscaped area; or
- ii. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
- iii. Have the effect of prohibiting or restricting compliance with this Chapter or other water conservation measures.

#### 17.21.040 Additional Recommendations

American Fork City encourages all individuals and entities to comply with the recommendations of the Central Utah Water Conservancy District.

#### 17.21.050 Penalty and Violation

- A. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. In addition to any criminal penalties that may be imposed, the City may pursue civil penalties and restitution for actual damages.

## PART II

### PENALTY 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 – Penalty.** Hereafter these amendments shall be construed as part of the Development Code of American Fork City, Utah, to the same effect as if originally a part thereof, and all provisions of said Code shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**SECTION 4 – Effective Date.** This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN  
FORK CITY, UTAH, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.**

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Bradley J. Frost, Mayor

ATTEST:

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City Recorder



**REQUEST FOR COUNCIL ACTION**  
**CITY OF AMERICAN FORK**  
**JUNE 13, 2023**

Department Planning Director Approval Patrick O'Brien

**AGENDA ITEM** Review and action on an ordinance for a proposed Zone Change for approximately 0.26 acres of land located at approximately 303 W 480 S, from the Planned Residential (PR-3.0) Zone to the Residential (R1-9000) Zone.

**SUMMARY RECOMMENDATION** Planning Commission Recommended Approval.

**BACKGROUND** The applicant is applying for a proposed Zone Change located at approximately 303 West 480 South, from the Planned Residential (PR-3.0) Zone to the R1-9000 Residential Zone. The entire parcel consists of approximately 0.26 acres. The land use designation is in conformance with proposed zone change, so no additional land use map amendment will be required.

**BUDGET IMPACT** N/A

**SUGGESTED MOTION** Move to approve the ordinance for of the Zone Change of approximately 0.26 acres of land, located at approximately 303 W 480 S, from the PR 3.0 zone to the R1-9000 zone, with instructions to the City Recorder to withhold publication of the ordinance subject to all conditions identified in the public record of the May 3rd, 2023, Planning Commission meeting.

Move to deny the Zone Change for approximately 0.26 acres of land, located at approximately 303 W 480 S, from the PR 3.0 zone to the R1-9000 zone.

Move to table action on the Zone Change for approximately 0.26 acres of land, located at approximately 303 W 480 S, from the PR 3.0 zone to the R1-9000 zone designation, and instruct

the developer/staff to \_\_\_\_\_.

## **SUPPORTING DOCUMENTS**

(2023.04.13) ZONE CHANGE Narrative (PDF)

(2023.04.13) ZONE CHANGE EXHIBIT 4-3-23 - Copy (PDF)

05.03.2023 UNAPPROVED PC - Loveridge - Meeting Minutes (PDF)

Ordinance - Loveridge - Zone Change (DOCX)



# Memo

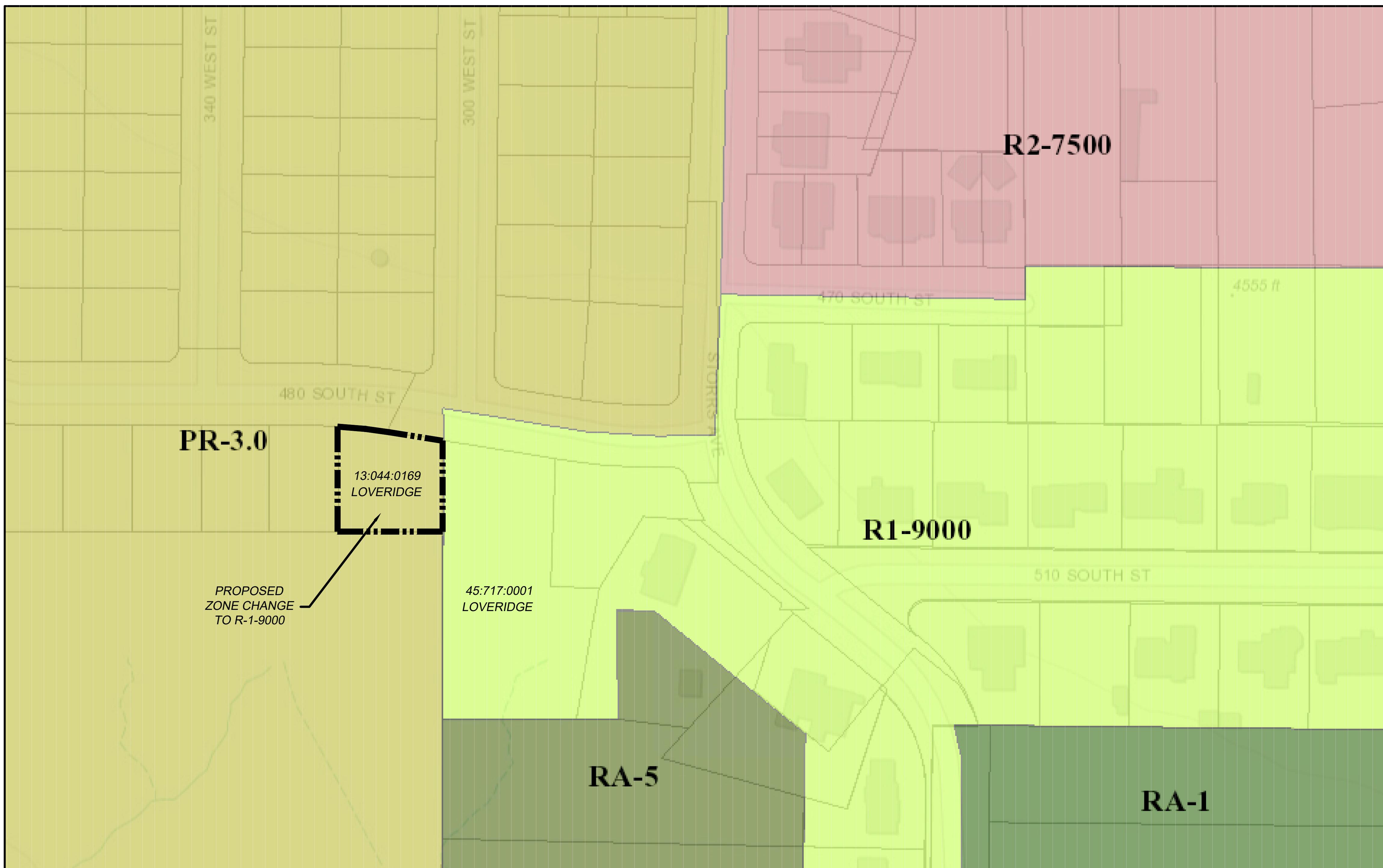
**To:** American Fork Planning Department  
**From:** Ken R. Berg, PE  
**Date:** 4/3/2023  
**Re:** Loveridge Zone Change Request

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Utah county parcel 13:044:0169 that is currently zoned within American Fork as PR3.0 is proposing a zone change request to R-1-9000.

This 0.26 ac property does not fit within the zoning requirements to be developed under the PR 3.0 zone due to the size of the property. The parcel has a common eastern boundary with an existing R-1-9000 zone that more closely confirms to a proper development pattern.

# LOVERIDGE ZONE CHANGE



April 3, 2023

American Fork GIS Division, AF GIS Division, City of American Fork, County of Utah, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin,

DEVELOPER

**BRUCE FRANDSEN**

7381 N 6500 W  
AMERICAN FORK, UT

DEVELOPMENT

**LOVERIDGE PROPERTY**



CIVIL ENGINEERING  
1018 N Dyer, Green Lane  
American Fork, UT 84003  
Office (801) 492-1277  
Cell (801) 616-1677

REVISIONS		SEAL
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

ACTION DATE  
ZONE CHANGE 04/03/2023

PROJECT

**ZONE  
CHANGE**

DESCRIPTION

SHEET NAME

SHEET NUMBER

**ZONE  
CHANGE**

**EX 1**

## UNAPPROVED MINUTES

05.03.2023

**Chris Christensen seconded the motion.****Voting was as follows:**

<b>Christine Anderson</b>	<b>AYE</b>
<b>Chris Christiansen</b>	<b>AYE</b>
<b>Rodney Martin</b>	<b>AYE</b>
<b>David Bird</b>	<b>AYE</b>
<b>Harold Dudley</b>	<b>AYE</b>
<b>Bruce Frandsen</b>	<b>AYE</b>
<b>Jenny Peay</b>	<b>AYE</b>

**The motion Passed**

3. **Public hearing and recommendation on a proposed Zone Change for approximately 0.26 acres of land located at approximately 303 W 480 S, from the Planned Residential (PR-3.0) Zone to the Residential (R1-9000) Zone.**

The applicant is applying for a proposed Zone Change located at approximately 303 West 480 South, from the Planned Residential (PR-3.0) Zone to the R1-9000 Residential Zone. The entire parcel consists of approximately 0.26 acres. The land use designation is in conformance with proposed zone change, so no additional land use map amendment will be required. The PR- 3.0 zoning on the previous subdivision just north of it, I believe it was a Stone Creek subdivision, did not include it. It was not included on their plat and this was just kind of a piece of property that the applicant has purchased from Woodside. The applicant also owns the property just directly to the east. In order to create a buildable lot for a home, the R1-9000 would be the easiest choice, and probably the most beneficial choice for the applicant. If it were to stay in the PR 3.0 zone he would have to amend the final plat of the Stone Creek area, and get signatures from all the final plat owners or lot owners and then so on and so forth. We thought that the R1- 9000 zone

## UNAPPROVED MINUTES

05.03.2023

would be an appropriate use and it still coincides with the residential load land density use.

Chairwoman Anderson: Thank you. Are there any questions from the Commission? Is the applicant here?

Ken Berg: Ken Berg with Berg Civil Engineering. This is the first step in a proposed subdivision that we have coming to you. You know if you go back to the photo, the adjoining property to the east, there's some wetlands in the rear of that parcel. If I could break the rules or if I had my choice, I would make that parcel PR 3.0 because that's an easier way to convey the conservation of the wetlands to the city because you can see the city already owns all those other wetlands. It can be done in that 9000 zone, It's just more work. Either of those parcels aren't big enough to qualify for a standalone PR-3.0 subdivision, so this is a good work around for us.

Christine Anderson: Okay, thank you. Any questions? All right.

**Public Hearing Opened**

No Comments

**Public Hearing Closed**

**Bruce Frandsen moved that we give a positive recommendation to the City Council for the Loveridge Zone Change, located at approximately 303 W 480 S, subject to any findings, conditions, and modifications found in the Staff Report, or recommended by the Fire Marshal.**

## UNAPPROVED MINUTES

05.03.2023

**Jenny Peay seconded the motion.**

**Voting was as follows:**

<b>Christine Anderson</b>	<b>AYE</b>
<b>Chris Christiansen</b>	<b>AYE</b>
<b>Rodney Martin</b>	<b>AYE</b>
<b>David Bird</b>	<b>AYE</b>
<b>Harold Dudley</b>	<b>AYE</b>
<b>Bruce Frandsen</b>	<b>AYE</b>
<b>Jenny Peay</b>	<b>AYE</b>

**The motion Passed**

**4. Public hearing and recommendation on a proposed Land Use Map  
Amendment for approximately 1.26 acres of land located at  
approximately 400 South 860 East, from Planned Community to the  
Design Commercial Land Use designation.**

The applicant is applying for a Land Use Map Amendment and Zone Change for the property located at approximately 400 S 860 E, from the Planned Community land use and PC zoning to the Design Commercial land use designation and GC-2 zoning designation. The parcel consists of approximately 1.26 acres. The applicant is planning to build 10-12 small business units for the parcel. The plan is to provide a smaller warehouse space for those 10-12 small business units. As the GC-2's permitted uses indicate, a retail/warehouse project will be permitted, but an office/warehouse project will not. A condition of approval is that a Right-of-way shall be dedicated to City along 860 East and 400 South to include future traffic signal at 860 East / 400 South and any auxiliary lanes as determined in a traffic impact study. Timing for the dedication to be within 60 days of approved zone

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF AMERICAN FORK, UTAH AT 303 WEST 480 SOUTH FROM THE PR 3.0 RESIDENTIAL ZONE TO THE R1-9000 RESIDENTIAL ZONE.**

**WHEREAS**, pursuant to Section 10-9a-503, Utah Code Annotated, 1953, as amended, the City is authorized to make and amend the official zoning map which designates property within the city limits into zones that regulate the use of buildings and structures and uses of land (the “Zone Map”); and

**WHEREAS**, Section 10-9a-503, Utah Code Annotated, 1953, as amended, anticipated that the Zone Map will, from time to time, be amended and updated; and

**WHEREAS**, the City has received a request from the property owner at 303 West 480 South (the “Property”) to amend the Zone Map changing the Property from the PR 3.0 Residential zone to the R1-9000 Residential zone; and

**WHEREAS**, on May 3<sup>rd</sup>, 2023, the Planning Commission reviewed the proposed amendment to the Zone Map, after required advertising and public hearing thereon, and duly considered the comments received at the hearing; and

**WHEREAS**, the Planning Commission has recommended approval of the Zone Map amendment; and

**WHEREAS**, the City Council has reviewed the request further, all in accordance with Utah State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:**

Section 1. That the Official Zone Map of American Fork, Utah, is hereby amended to show the property located in the area of 303 West 480 South, be amended from the PR 3.0 Residential zone to the R1-9000 Residential zone at 303 West 480 South as shows in Exhibit “A”. Said change in zoning is hereby adopted as an amendment to the official Zone Map of American Fork, Utah.

Section 2. That said territory shall hereafter be subject to all requirements and conditions applicable with said zone.

Section 3. That this Ordinance shall be in force and effect upon its passage and first posting as required by law.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF AMERICAN FORK,  
UTAH THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

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Bradley J. Frost, Mayor

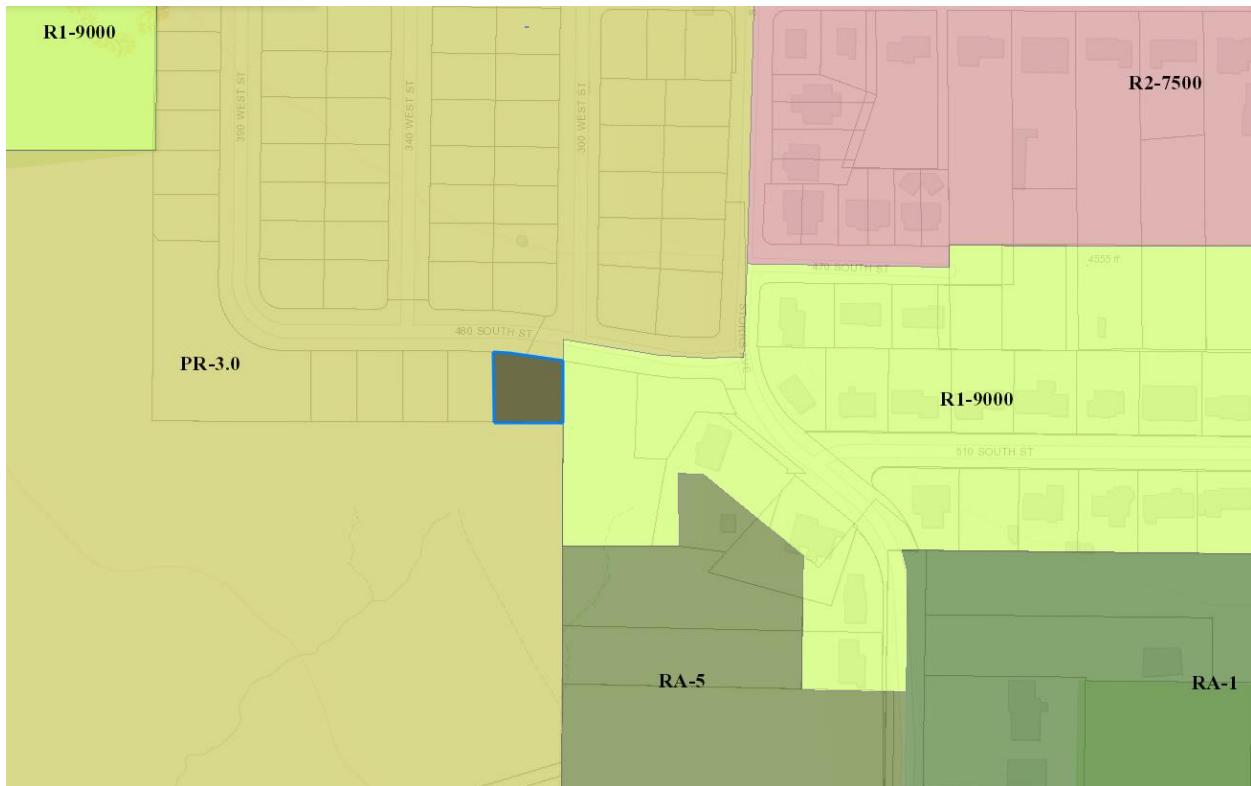
ATTEST:

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Terilyn Lurker, City Recorder

EXHIBIT "A"

ZONE MAP





**REQUEST FOR COUNCIL ACTION  
CITY OF AMERICAN FORK  
JUNE 13, 2023**

Department Public Works Director Approval Susan GoebelCanning

**AGENDA ITEM** Review and action on the acceptance of an Utility easement at 96 S 100 E.

**SUMMARY RECOMMENDATION**

Approval and acceptance of easement at 96 South 100 East, American Fork, UT

**BACKGROUND**

This is an existing parcel within the city that is not associated with a subdivision and did not previously have easements granted. At this time easements are a condition of improvement per sec 15.01.110 of the municipal code.

**BUDGET IMPACT**

None

**SUGGESTED MOTION**

Move to approve accepting the utility easement at 96 South 100 East.

*Note: With passage of the Common Consent Agenda items, the City Council will enact the motion and findings as noted in the "Suggested Motion" heading found above.*

**SUPPORTING DOCUMENTS**

Childrens Justice Center Easements (PDF)

After recording return to:  
 American Fork City  
 Attn: City Recorder  
 51 East Main Street  
 American Fork, Utah 84003

## UTILITY EASEMENT

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor hereby grants, conveys, and sets over unto **AMERICAN FORK CITY, a Utah municipal corporation**, as Grantee, its successors and assigns, a perpetual easement to install, maintain, operate, repair, remove, replace, or relocate public utility facilities and the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents. Said easement being situated in Utah County, State of Utah, through a parcel of Grantor's land, which easement is more particularly described as follows:

An easement located in the Northeast Quarter of Section 23, Township 5 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

### **10 Foot P.U.E.**

Beginning at a point being South 89°58'16" East 1514.90 feet along the Section line and South 802.02 feet from the North Quarter Corner of Section 23, Township 5 South, Range 1 East, Salt Lake Base and Meridian;

Thence South 89°18'16" East 10.00 feet;  
 Thence South 0°41'44" West 73.00 feet;  
 Thence North 89°18'16" West 121.625 feet;  
 Thence North 00°41'44" East 10.00 feet;  
 Thence South 89°18'16" East 111.625 feet;  
 Thence North 0°41'44" East 63.00 feet to the Point of Beginning.

Contains: ±1846 s.f.

### **5 Foot P.U.E.**

Beginning at a point being South 89°58'16" East 1514.90 feet along the Section line and South 802.02 feet from the North Quarter Corner of Section 23, Township 5 South, Range 1 East, Salt Lake Base and Meridian;

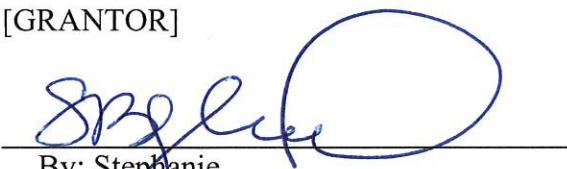
Thence South 0°41'44" West 5.00 feet;  
 Thence North 89°18'16" West 106.625 feet;  
 Thence South 0°41'44" West 58.00 feet;  
 Thence North 89°18'16" West 5.00 feet;  
 Thence North 0°41'44" East 63.00 feet;  
 Thence South 89°18'16" East 111.625 feet to the Point of Beginning.

Contains: ±848 s.f.

To have and hold the same unto said Grantee, its successors and assigns, with right of ingress and egress in said Grantee, its contractors and assigns to enter upon the above described property with such equipment as is necessary to install, maintain, operate, repair, inspect, protect, remove and replace said facilities. As a non-exclusive easement, Grantor shall have the right to use the easement area for purposes that do not interfere or limit the propose the easement granted herein. However, at no time shall Grantor, its successors, licensees, lessees, contractors or assigns or their agents or employees erect or permit to be erected any building or structure of any kind within the boundaries of said perpetual easement.

In witness whereof, the Grantor has executed this 23 day of January, 2023.

[GRANTOR]



By: Stephanie  
Berglind, Board  
President

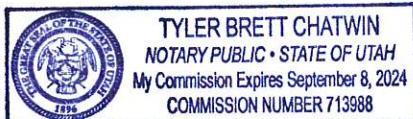
State of Utah

:ss

County of UTAH

On the 23<sup>rd</sup> day of January, 20 23, personally appeared before me

TYLER BRETT CHATWIN, who acknowledged to be the [TITLE] of [GRANTOR], and that he/she, as such [TITLE], being authorized so to do, executed the foregoing instrument for the purposes therein contained.



Notary Public

ACCEPTED BY:

AMERICAN FORK CITY

Bradley J. Frost, Mayor

Approved as to form: American Fork City Attorney



**REQUEST FOR COUNCIL ACTION  
CITY OF AMERICAN FORK  
JUNE 13, 2023**

Department Recorder Director Approval Terilyn Lurker

**AGENDA ITEM** Review and action on an agreement with AFEW1 LLC. related to improvements at approximately 200-500 South 1160 West.

**SUMMARY RECOMMENDATION**

Staff would recommend approval.

**BACKGROUND**

This agreement is between American Fork City and AFEW 1, LLC. and is related to improvements along 1160 West. The terms of this agreement are outlined and include the time for completion, bond acceptance and release, ownership, maintenance trust account, and additional expenses for construction.

**BUDGET IMPACT**

NA

**SUGGESTED MOTION**

Move to approve the agreement between American Fork City and AFEW1 LLC for improvements at approximately 200-500 South 1160 West and authorize the city to sign the agreement.

**SUPPORTING DOCUMENTS**

Edgewater improvements agreement 06.13.23 (DOCX)

**AGREEMENT**  
**Between**  
**AMERICAN FORK CITY**  
**And**  
**AEFW1 LIMITED LIABILITY COMPANY**

This AGREEMENT (“Agreement”) is made as of the \_\_\_\_ day of May, 2023 between American Fork City, a municipal corporation (“City”) and AFEW 1, LLC, a Utah limited liability company (“Developer”). The Developer and City are collectively referred to as the “Parties” and individually as a “Party.”

WHEREAS, Developer is the successor in interest to HVAF, LLC, a Utah limited liability company and HVAF2, LLC, a Utah limited liability company as it relates to the Edgewater development located at approximately 200-500 South 1160 West in American Fork, Utah;

WHEREAS, Developer is responsible for the construction of the North Edgewater retaining wall along 1160 West in American Fork City (“Retaining Wall”), more specifically identified on Exhibit A incorporated herewith;

WHEREAS, Developer has posted a \$300,000.00 cash bond and a \$300,000.00 surety bond for the construction of the Retaining Wall;

WHEREAS, the City owns, or will own after required dedications, the land upon which the Retaining Wall is located; and

WHEREAS, the parties desire to clarify time for completion and ownership of the Retaining Wall upon completion.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

**TERMS**

- 1. Construction of Retaining Wall.** Developer shall construct the Retaining Wall consistent with all federal, state, and local laws and regulations and in accordance with construction plans approved by the City.
- 2. Time for Completion.** The Retaining Wall shall be completed no later than April 30, 2024, unless otherwise agreed by the parties, in writing.
- 3. Bond Acceptance and Release.** The City shall accept the Surety Bond attached hereto as Exhibit B and incorporated herewith as the improvement completion assurance for the Retaining Wall. The City acknowledges Developer has posted a \$300,000.00 cash bond (the “Cash Bond”) for the construction of the Retaining Wall. The City shall release the Cash Bond and transfer said funds into the Maintenance Trust Account described herein.
- 4. Ownership.** Upon satisfactory completion of the Retaining Wall construction and the City’s ownership of the land upon which the Retaining Wall is built, the parties shall

follow American Fork Municipal Code Section 17.9.305, Procedure for Final Disposition and Release. The City shall take ownership of the Retaining Wall as a public improvement and an improvement warranty shall be posted in accordance with American Fork Municipal Code Section 17.9.400. The improvement completion assurance and the improvement warranty are separate and distinct from the Maintenance Trust Account.

## 5. Maintenance Trust Account.

- a. **Establishment.** The City shall establish a Maintenance Trust Account for the sole purpose of repair, maintenance and upkeep (“Maintenance”) of the Retaining Wall. Developer agrees the Cash Bond funds shall be transferred into the Maintenance Trust Account for a period of ten (10) years.
- b. **Use of Funds.** The funds held in the Maintenance Trust Account may be used, at the discretion of the City, for the purpose of Maintenance of the Retaining Wall. Maintenance includes, but is not limited to, periodic inspections, repairs, graffiti removal, patching, painting, and/or sealing.
- c. **Release of Funds.** At the conclusion of the ten (10) year period Developer may request and the City shall release to Developer any remaining funds in the Maintenance Trust Account. The City may utilize the funds in the Maintenance Trust Account until a timely request is made by the Developer for the release of the funds.

- 6. **Additional Expense for Construction.** The Parties acknowledge and agree that Developer has posted a \$300,000.00 surety bond for the completion of the Retaining Wall. The Parties understand and agree that in the event the City must call upon the Surety Bond to complete the Retaining Wall, Developer is responsible for any costs of completion in excess of the Surety Bond. Additionally, the City may, but is not required, to utilize the funds held in the Maintenance Trust Account to complete the construction of the Retaining Wall, if necessary.
- 7. **Governing Law.** It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.
- 8. **Recitals and Exhibits Incorporated.** Each recital set forth above, and each exhibit attached to and referred to in this Agreement, is hereby incorporated by reference.
- 9. **Attorneys' Fees.** In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.

**10. Severability; Counterparts.** In the event that any provision of this Agreement shall be held invalid and unenforceable, such provision shall be severable from, and such invalidity and unenforceability shall not be construed to have any effect on, the remaining provisions of this Agreement. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

**AFEW1 LIMITED LIABILITY COMPANY**

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

**AMERICAN FORK CITY CORPORATION**

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Bradley J. Frost, Mayor

**ATTEST:**

\_\_\_\_\_  
Terilyn Lurker, City Recorder



**REQUEST FOR COUNCIL ACTION  
CITY OF AMERICAN FORK  
JUNE 13, 2023**

Department Recorder Director Approval Terilyn Lurker

**AGENDA ITEM** Review and action on a resolution approving the 2023-2024 General Fee Schedule.

**SUMMARY RECOMMENDATION**

Staff would recommend approval of the proposed fee schedule.

**BACKGROUND**

On an annual basis staff reviews the fee schedule and proposes suggested changes to the fee schedule. Each department was asked to look closing at the existing fees and charges to ensure they are appropriate and fair. The fees are based on actual costs, anticipated expenditures, and appropriate schedules within the industry. Many of the adjustments are due to increased costs, inflationary pressures or further evaluation.

The proposed fee schedule was reviewed during the work session on June 6, 2023. All recommended changes are incorporated herein.

**\*The Fee Schedule is forthcoming.\***

**BUDGET IMPACT**

See attached fee schedule.

**SUGGESTED MOTION**

I move to approve the resolution establishing the Fiscal Year 2023-2024 General Fee Schedule.

**SUPPORTING DOCUMENTS**