

*American Fork
City*

Sensitive

LANDS

HORROCKS
ENGINEERS

SENSITIVE LANDS ORDINANCE
AND REFERENCE MATERIALS

2007

ORDINANCE NO. 07-10-47

AN ORDINANCE ESTABLISHING STANDARDS FOR DEVELOPMENT OF REAL PROPERTY ON SENSITIVE LANDS AND SETTING FORTH MINIMUM REQUIREMENTS FOR THE REVIEW AND APPROVAL OF DEVELOPMENT PROJECTS ON SENSITIVE LANDS WITHIN THE CITY OF AMERICAN FORK, UTAH.

WHEREAS, the City of American Fork is experiencing frequent requests for annexation and development approval on lands which, because of the presence of unique physical conditions, render the lands unsuited for development and place significant constraints upon the lands' conversion to urban development and requires the attachment of extra-ordinary conditions to development in order to provide a reasonably safe living environment; and

WHEREAS, the City, has a responsibility to promote the general health, safety and welfare of the public to take reasonable steps to provide a safe residential environment; and

WHEREAS, current City ordinances require that development on such lands, typically referred to as "Sensitive Lands", identify those known conditions present on parcels proposed for development and properly address and adequately mitigate the negative impact from such conditions in a manner that will result in the establishment of an environment which is safer for the inhabitants, and not require the future expenditure of public and private funds to further mitigate the adverse condition; and

WHEREAS, the City, in an effort to more adequately identify the Sensitive Lands within the City and in the areas anticipated for annexation in the future, and to implement appropriate regulations and perform consistent reviews of development projects proposed upon Sensitive Lands, has authorized Horrocks Engineers Incorporated ("Horrocks Engineers") to conduct studies of the Sensitive Lands and make recommendations for the review and regulation of development thereon; and

WHEREAS, the City has received the report from Horrocks Engineers entitled Physical Constraints to Development, dated June 21, 2006, ("Horrocks Report") and now desires to further implement the recommendation contained therein; and

WHEREAS, the report provided by Horrocks Engineers identifies most of the sensitive land areas and sensitive land features applicable within the City; however, there may be other lands or additional features not identified in the Horrocks Report, but which nevertheless qualify as sensitive lands.

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

CHAPTER 1

TITLE, INTENT, PURPOSE

1-1 TITLE

This Ordinance shall be entitled THE SENSITIVE LANDS ORDINANCE OF AMERICAN FORK, UTAH, and may be so cited and pleaded.

1-2 LEGISLATIVE INTENT

The intent of this Ordinance is to:

1. Place the liability and expense of evaluating the condition of potentially unstable land and determining restrictions which should be placed on its development upon licensed professional geologists and/or engineers employed by the landowner;
2. Restrict the use of land to those uses which do not present unreasonable risks to persons or property because of natural geologic hazards;
3. Prevent fraud in land sales relating to the condition of real property;
4. Authorize a governmental function of regulation;
5. Protect and preserve natural features such as springs; steep slopes; and historically, archeologically and culturally significant features and key natural habitat; and
6. Reduce impacts upon existing water rights from development activity.

1-3 PURPOSE

The purpose of this Ordinance is to promote the health, safety, convenience and general welfare of the present and future inhabitants of American Fork City. It is the intention of the City to minimize flooding, erosion and other environmental and/or geologic hazards while ensuring the efficient expenditure of public funds, and to establish the rights, duties and responsibilities of property owners with respect to land development. The standards for development contained herein are intended specifically to accomplish the following purposes:

1. Encourage development designed to reduce risks associated with natural hazards and provide maximum safety for inhabitants.
2. Establish land use management that will allow a harmonious and satisfying residential environment.

CHAPTER 2

GENERAL PROVISIONS

2-1 SCOPE AND APPLICATION

1. Jurisdiction. The provisions of this Ordinance shall apply to all lands in the City which qualify as Sensitive Lands as defined and identified pursuant to this Ordinance.
2. Application of Ordinance for New Development. No subdivision or other development plat or plan shall be approved or building permit issued without compliance with the provisions of this Ordinance. Every proposal to grade, fill, or excavate land and every proposal to erect a new structure for human habitation shall be subject to this Ordinance.
3. Application of Ordinance to lots for existing subdivisions. The provisions of this Ordinance shall be applicable to new or modified structures proposed for placement on lots in existing subdivisions or any other development projects, which have been approved prior to the adoption of this Ordinance, but are not to be retroactively imposed on existing subdivisions or structures.

2-2 DISCLAIMER

The degree of hazard protection afforded by adherence to the provisions of this ordinance is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the Ordinance may occur, and other conditions may occur that result in flooding, earth movements, and/or water damage. High water, wetlands and geologic hazards may occur outside the boundaries of mapped areas. This ordinance does not imply that areas outside the mapped boundaries will be free from any significant natural hazard. This ordinance shall not create liability on the part of American Fork City for any damage that results from reliance on the provisions of this ordinance or any administrative decision lawfully made thereunder.

2-3 RELATIONSHIP TO DEVELOPMENT CODE

This Ordinance, as may from time to time be amended, shall constitute the more specific requirements to be applied wherever a project is required to accommodate natural constraints to development including, but not limited to, the provisions of Section 3-4.3 (subdivision projects), Sections 2-6.13-H,-2, 2-6.16-F-3, 2-6.17-H-2, 2-6-18-H-2 (Large Scale Development Projects) and similar provisions of the Development Code relating to sensitive lands.

2-4 APPLICABILITY OF ORDINANCE

1. The provisions of this Ordinance shall be applicable to all lands within the City or which hereafter made part of the City through annexation which are:
 - A. Identified on one or more of the Sensitive Land Maps, including the following:
 1. Depth to Groundwater
 2. Liquefaction Hazard Map
 3. Tentative Wetlands
 4. Flood Hazard Maps

The above referenced maps are appended hereto and are, by this reference, incorporated as a part of this Ordinance. See Exhibits 1 through 4. These maps may be amended, and the property owner shall ensure the appropriate maps are utilized prior to development or application for development of sensitive lands within the City.

AND

- B. Such other lands, not shown on the Sensitive Land Maps, as may be designated as “Sensitive Lands” by action of the Planning Commission, following recommendation by the City Engineer. In support of a recommendation for designation as a Sensitive Land Area, the City Engineer, shall use any reasonable means including, but not limited to, reports provided by other governmental agencies, site visits, materials maintained in City offices and/or previous knowledge.
 2. It is the determination of the City that all lands identified on one or more of the Sensitive Lands Map or determined to be Sensitive Land Area contain conditions which qualify as sensitive land under one or more of the sensitive land categories identified in this Ordinance.

2-5 INTERPRETATION AND MAPPING

The City Engineer shall be responsible for interpreting the Sensitive Land Maps and otherwise interpreting the provisions of this Ordinance. To facilitate implementation of this Ordinance:

1. Development Approval Required. No development located within any area identified as Sensitive Land Area shall occur without first obtaining City approval under the provisions of this Ordinance.

2. Applicant's Responsibilities. The applicant proposing development on lands identified as Sensitive Land shall be responsible for preparing a survey of the entire site, based on site-specific field surveys that precisely map and delineate the following areas:
 - A. The name, location and dimensions of affected and nearby streams, rivers, sloughs and/or natural ponds and the tops of their respective banks.
 - B. The 100-year flood plain and floodway boundaries as determined by current FEMA flood plain maps (Exhibit No. 4) or, if FEMA flood plain data are not available, based on the best available information.
 - C. The size and location of all wetlands as determined necessary by the City Engineer. Wetland delineations, whether or not determined jurisdictional, previously accepted by United States Army Corps of Engineer (COE) may be accepted by the City Engineer. Such delineations shall be valid for the period specified in that agency's administrative rules.
 - D. Existing public rights-of-way, structures, roads and utilities.
 - E. Existing and proposed contours at two (2) foot intervals (where grades are greater than ten percent (10%)) or one (1) foot intervals (where grades are lower than ten percent (10%)).

2-6 PRESUMPTION

1. Conditions described on the Sensitive Land Maps or determined to be a Sensitive Land Area by the City Engineer, shall be presumed to exist.
2. Designation of a parcel as a Sensitive Land Area shall be a rebuttable presumption. The owner of any parcel which is designated on one or more of the Sensitive Lands maps adopted as a part of this Ordinance or which is otherwise determined to be Sensitive Land, who believes that the Sensitive Lands designation is inappropriate as applied to the parcel is entitled to challenge the determination of Sensitive Land or any one of the sensitive land categories made applicable to the parcel. Any appeal of a designation of a parcel as Sensitive Land shall be filed with the City Engineer prior to submittal of a request for development approval. The appeal shall include all materials and data in support of the appeal. The City Engineer shall review the material and data provided and render a decision within a reasonable time.
3. Any person aggrieved by a determination of the City Engineer shall have a right to appeal the determination in accordance with the provisions of Section 6-4 of this Ordinance.

2-7 DEVELOPMENT STANDARDS AND CRITERIA

- 2-7-1 It shall be unlawful to grade, fill or excavate any land or to erect any structure thereupon without doing the following:

1. Obtaining acknowledgment from the City Engineer that any geologic/geotechnical report required by him/her pursuant to this Ordinance, has been received and reviewed and meets the necessary requirements. The giving of this acknowledgment by the City Engineer shall not be an approval of or acquiescence to the content or conclusions of the geologic/geotechnical report. A geologic/geotechnical report shall be considered part of the public record and may be copied by any person.
2. Grading, filling, or excavating land or erecting a structure thereupon only as described in the geologic/geotechnical report which has been acknowledged by the City Engineer.
3. Executing and recording the restrictive covenant required by this Ordinance. (This item does not apply if no geologic/geotechnical report is required.)
4. Following the standards set forth in this Ordinance as determined applicable by the City Engineer.

2-7-2 Those parts of any proposal to construct improvements including, but not limited to, dwellings and other structures intended for human occupancy or roads, sewer lines, water lines, structures or other improvements intended to be placed in public/private ownership shall be subject to the approval of the City Engineer. Construction of such improvements must comply with the following criteria:

1. Surface improvements shall be constructed a minimum of one (1) foot above the highest historic ground water level for the area.
2. The lowest portion of any structures (i.e. footings) shall be constructed a minimum of two (2) feet above the high ground water level for the area. The City Engineer may grant an exception to this requirement, where the City Engineer determines that a sufficient ground water mitigation system will be installed (i.e. footing drains connected to a subsurface drainage system). The ground surface shall be graded to drain away from the structure as set forth in the City's Building Code.
3. In areas determined to be high ground water areas, the lowest occupied level of a residence or other structure for human occupancy shall be constructed not less than one (1) foot above the average elevation of the edge of asphalt on the roadway(s) adjacent to the building lot. This requirement shall apply both to lands with historic ground water levels within four (4) feet of the ground surface and also to lands served with historic ground water drains which have maintained ground water levels below four (4) feet, but which if the drains were to become inoperative, would likely result in a return of ground water levels to within four (4) feet of the ground surface.

4. Land drains separate from the storm drain system and owned/maintained by the home owners association shall be constructed in areas where ground water could submerge any subsurface improvements at historic high ground water levels. The land drain shall be installed a minimum of one (1) foot below the lowest subsurface improvement and/or utility (one (1) foot of clearance between any portion of the improvement and the top of the drain), or as per exception granted by the City Engineer. Construction in such areas is subject to geotechnical and hydrologic reports.
 5. No construction shall occur on slopes steeper than thirty percent (30%).
 6. Irrigation water, storm drains and land drains shall all be maintained separately. Mixed use systems shall not be allowed.
 7. No development shall be approved that interferes with adjacent or down-stream water rights, water quality, water delivery and/or water levels, without eliminating any interference or obtaining approval from all stakeholders in said water rights.
 8. All habitable structures shall be placed one (1) foot above the level of the 100 year FEMA Flood Plain elevation.
 9. Any structure or utility proposed for construction on any parcel located within a moderate or higher liquefiable soils zone shall provide evidence that the construction will eliminate and protect from the impacts of the liquefiable soils condition, as determined by the City Engineer.
- 2-7-3 Those parts of any proposal to develop real property that jeopardize the public's health, safety, or welfare, or significantly interfere with established long term development plans of American Fork City, shall not be approved.
- 2-7-4 No final plat for a subdivision development or final development plans for similar development projects or building permits shall be issued until the requirements of this Ordinance are met.

CHAPTER 3

DEFINITIONS

3-1 LIST OF DEFINITIONS

The terms identified in this Chapter shall have the meaning as set forth herein.

1. Basement: Same as defined in the International Conference of Building Officials (ICBO) Code.

2. COE: The U.S. Army Corps of Engineers
3. Development: The total area of the parcel of land on which a building permit is to be issued, or the total area of property being improved.
4. Drainage Ditch: Any system of canals or ditches naturally existing or constructed to carry surface and/or subsurface water, whether or not the ditches or canals carry water filed upon by individuals to be used for irrigation purposes.
5. Excavation: The mechanical removal of earth material.
6. Fill: A deposit of earth material by artificial means.
7. French Drain: A sump or trench filled with crushed rock or gravel intended to receive water discharge.
8. Geologist: A geologist experienced in the application of geologic knowledge and principles in order to evaluate naturally occurring rocks and soils for use in development, who has a minimum of a four-year degree in geology and five years of direct working experience, and is registered in the State of Utah.
9. Geotechnical Engineer: An engineer experienced and knowledgeable in the practice of soils engineering (the application of the principles of soils mechanics). Registration in Utah and a minimum of five years experience in the geotechnical industry are minimum requirements.
10. Grading: Any excavating or filling or combination thereof, including a change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation, including clearing and grubbing and all soil treatments.
11. High Water Table Area: Any property where the ground water is less than eight (8) feet below the ground surface at any time during the year.
12. Irrigation Ditch: Any system of canals or ditches originally constructed for irrigation use and maintained primarily for that use.
13. Sensitive Lands or Sensitive Land Area: Any land area whose destruction or disturbance could affect the life of the community by either (a) creating hazards such as flooding and landslides, (b) destroying important public resources such as water supplies and water quality of lakes and rivers, or (c) wasting important productive lands and renewable resources. The term Sensitive Lands shall apply to all lands within the City boundaries which contain any of the following conditions:

- A. Slopes of twenty five percent (25%) or greater.
 - B. Natural hazards including, but not limited to, expansive or collapsible soils, proximity to potential liquefiable or quick soils, the presence of peat, or any other unsafe geologic condition.
 - C. High ground water and wetlands.
 - D. Areas with flooding potential.
 - E. Unstable slope areas.
 - F. Areas designated as Agricultural Protection Zones as authorized pursuant to the Utah State Code.
 - G. Areas containing unique stands of vegetation or historical or archeological sites.
 - H. Lands designated on the Land Use Element of the General Plan as Lake Shore Protection Areas.
 - I. Lands identified as potential sensitive lands on one or more of the adopted sensitive lands map as identified in Section 2-4 shall be deemed as sensitive lands.
14. Subsurface Drainage: Any system of pipes, canals, ditches, moats, etc. that intercept the ground water.
15. Wetlands: "Those areas that are inundated or saturated with surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (Federal Register 1986). Jurisdictional wetlands are those wetlands that are under regulatory authority of the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (COE) pursuant to Section 404 of the Clean Water Act (CWA). Such wetlands must exhibit two of the three diagnostic characteristics including hydrophytic vegetation, hydric soils, and wetland hydrology as described in the COE 1987 Wetland Delineation Manual as may be amended.
16. Any term not specifically defined herein, if not already defined within the American Fork Development Code, shall be defined pursuant to the customary and generally-accepted definitions used in engineer/geologic/construction industry.

CHAPTER 4

PROCEDURE TO DEVELOP REAL PROPERTY

In order to develop real property identified as Sensitive Land, applicants must do the following.

4-1 PRELIMINARY DETERMINATION BY CITY ENGINEER

All proposals to grade, fill, or excavate land, to erect any structure which requires a building permit, seek annexation to the City, or to seek approval of a subdivision or similar development project shall be referred to the City Engineer, who shall make a preliminary determination. The preliminary determination shall be based upon material provided pursuant to the terms of Subsection 2-5-2 and/or other available materials or studies or on-site investigation.

For purposes of this Section, all lands identified as "Sensitive Land" on one or more of the maps identified under Section 2-4 shall be deemed as Sensitive Land unless the area shall have been granted an exemption therefrom in accordance with the provisions of 6-4.

4-2 GEOTECHNICAL EVALUATION

Where development is determined by the City Engineer or his/her designee to be proposed within an area of possible geotechnically or hydrologically sensitive soils, or as otherwise required herein, the City Engineer shall require the following further investigations and/or reports, prepared by professionals in their respective fields.

4-2-1 Background Reports. To facilitate a determination of the presence of sensitive lands, an applicant for development approval of any proposed lands within the City shall submit the following background reports:

1. A preliminary geotechnical Investigation and soils summary report from a qualified Geotechnical Engineer.
2. An ALTA/ASCM Survey.

4-2-2 Soils Investigation. A professionally prepared geotechnical report shall be submitted which contains the following information:

1. Nature, distribution, and classification (Unified Soil Classification) of existing soils to the appropriate depth of influence by the proposed development, but not less than ten (10) feet deeper than the proposed excavations or to bedrock.
2. Strength of existing soils, bearing capacity of supporting soils, soil settlement estimates, lateral pressures, pavement designs and trench excavation limitations.
3. Groundwater levels that may affect development and estimated elevation of high ground water levels.

4. Appropriate laboratory testing for classification, consistency, strength and consolidation conditions and soil liquefaction potential.
5. Slope Stability.
6. Potential frost action based on material type and groundwater level.
7. Frost depth.
8. Geologic and hydrologic hazards as identified under "Geotechnical and Geological Report" (See Section 4-2-4) and "Grading and Drainage Report" (See Section 4-2-6).
9. A verified written statement by the persons or firm preparing the geotechnical report, describing the general suitability of the site for the owner's intended use. The report shall identify soil constraints to development and shall state the professional opinion of the author as to:
 - A. The ability of the proposed development plan to mitigate and/or eliminate said constraints in a manner as to prevent hazard to life, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel.
 - B. The presence of collapsible and compressible soils and recommendations for design which will serve to protect improvements including, but not limited to, utility systems and vehicular travelways.
 - C. Adverse impact on the natural environment.

Where the soils report prepared for a subdivision shows the presence of critically expansive soils, high water table, organic soils, liquefiable soils, collapsible soils, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the building from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the City.

10. The report must be in accordance with the guidelines and recommendations of the "American Fork Sensitive Lands Geologic Hazards Study," Chapter 5 titled "Conclusions and Recommendations" prepared by RB&G Engineering, Inc. dated December 2006.

4-2-3 Vegetation Report. A professionally-prepared vegetation report which shows:

1. Location and identification of existing vegetation.
2. Vegetation to be removed and the method of disposal.
3. Vegetation to be planted to replace the amount and type being removed.
4. Slope stabilization measures to be installed and a geotechnical evaluation of the methods suggested for the condition identified.
5. Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, wildlife, and fire hazard.

6. Topsoil stockpile area for restoration of topsoil following completion of construction.

4-2-4. Geotechnical and Geological Report. A geotechnical and geological report from a qualified Geotechnical Engineer shall be required whenever a proposed development: (a) lies within 1,000 feet of an identified fault; or (b) is located on slopes greater than twenty-five percent (25%); or (c) is determined to have potential hazards by the City Engineer or State Geologist, and (d) any proposed development greater than one (1) acre. The geotechnical and geological report shall include:

1. A geologic map showing topography, surface, and subsurface geologic features and any geologic limitations to the proposed use.
2. Depth to existing ground water and evidence of higher ground water levels and any historic ground water drainage systems.
3. Depth of bedrock.
4. Geologic hazards.
5. Ability to mitigate or eliminate geologic problems.
6. Subsurface investigation logs and reports (the number, frequency and depth of borings performed in preparing the report shall be as determined by the City Engineer).
7. Engineer/Geologist Qualifications and Certificate, as follows:
 - A. The Geotechnical/Geologic reports shall be approved and signed by one of the following, whose primary area of expertise is required to address the particular issue:
 - 1) A geotechnical engineer who shall be a registered professional engineer in the State of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development; or
 - 2) A professional geologist registered in the State of Utah, who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology..
 - B. The Geotechnical/Geologic reports shall contain the following certificate:

amount of field time spent by said geologist or engineer in the preparation of the subject letter report.

5. The letter report shall include other information as the City Engineer shall reasonably require.

4-2-6 Grading and Drainage Report. A grading and drainage report which includes how storm water management, erosion, and grading plans describing the methods by which surface water, natural drainage, flooding, erosion and sedimentation loss, and hydrologic hazards will be controlled during and after construction. The plan shall include the following information:

1. The grading plan shall show present topography to include elevations, lines and grades, including the location and depth of all proposed fills and cuts of the finished earth surfaces using contour interval of two (2) feet (where grades are greater than ten percent (10%)) or one (1) foot (where grades are lower than ten percent (10%)).
2. The proposed area to be graded shall be clearly delineated on the plan and shall clearly identify the limits of disturbance on all drawings showing grading activities.
3. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts, and other water management or soil erosion control measures shall be shown. Drainage calculations shall determine runoff volume and peak discharge using the "Rational Method, SCS, or Curve Number Method," or appropriate equivalent. Data provided should include:
 - A. Rainfall depth, duration and distribution.
 - B. Watershed slope and drainage area delineation.
 - C. Land condition of watershed surface.
 - D. Topography of drainage area.
 - E. Description of soil conditions of watershed. Erosion calculations shall employ predictions of soil loss sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Data to be provided should include factors of:
 - 1) Rainfall depth, duration and distribution
 - 2) Soil erodibility.
 - 3) Land slope and length of slope or topography.
 - 4) Conditions of the soil surface and land management practices in use.
 - 5) Surface cover, grass, woodland, crops, pavements, etc.

4-3 WETLANDS EVALUATION

Where development is determined to be proposed within or near an area of potential wetlands, the City Engineer shall require the following:

1. Applicant shall contract a qualified wetland consultant to assess the property for the presence of wetlands. The COE maintains a list of consultants who are qualified to provide this service; AND
2. If the wetland consultant determines that there are no wetlands on the property, it shall prepare a letter to the COE detailing his/her findings and requesting a letter from the COE verifying that the parcel does not contain wetlands; OR
3. If the wetland consultant determines that the parcel does contain wetlands, the following process shall be adhered to:
 - A. The applicant shall contract a qualified wetland consultant to perform a wetland delineation on the property in accordance with the COE 1987 Wetland Delineation Manual. The wetland delineation report shall include a map of the property accurately illustrating the boundaries of all wetlands within the proposed project boundaries and data sheets supporting the wetland boundaries. The wetland delineation report shall be submitted to the COE Utah Regulatory Office for verification. A copy of the verification letter from the COE shall be provided to the City for the project file.
 - B. The applicant shall overlay the approved wetland boundaries onto the proposed site plans and attempt to avoid and/or minimize wetland impacts to the extent possible. The COE will require that all practicable alternatives have been analyzed. With regards to the Section 404 of the Federal Clean Water Act guidelines, for an alternative to be considered practicable it must be physically available, capable of being feasibly implemented, cost effective, not cause further damage to other environmental and socioeconomic resources, and allow the project to perform its intended purpose.
 - C. If there are unavoidable wetland impacts, a wetland mitigation plan shall be prepared by a qualified wetland consultant to compensate for the unavoidable wetland impacts. The goal of the mitigation plan shall be to replace the functional values and cumulative acreage of the wetlands lost due to project implementation. The ratio at which the impacted wetland acreage will have to be mitigated for will be determined by the COE on a project by project basis.
 - D. A Section 404 permit application for any unavoidable wetland impacts shall be prepared and submitted to the COE for consideration. The type of

project being proposed and the amount of wetlands being impacted will determine whether the applicant will need to apply for a nationwide permit or an individual permit. Nationwide permits allow for the expedited approval of projects that involve discharge of fill into wetlands where the impact of the discharge is not considered significant or long term. Such activities include utilities, diversion structures, roads, maintaining irrigation ditches, bank stabilization, or filling very small areas of wetland. The nationwide permits change frequently, so the applicant shall check with the COE for the most recent requirements to see if the proposed project meets the criteria for any of the current nationwide permits. If the project does not meet all the criteria for one of the nationwide permits, the applicant shall apply for an individual permit.

- E. If the COE approves the applicant's Section 404 permit, a copy of the permit shall be provided to the City for the project file. If the COE denies the applicant's permit, the applicant may appeal the decision through the proper channels at the COE, but the project will not be allowed to proceed unless the Section 404 permit is granted by the COE.

4-4 FLOOD PLAIN EVALUATION

If, as determined by the City Engineer, the proposed development falls within the 100-year flood plain and floodway, the following standards must be met:

1. *Habitable Structures.* No new habitable structures shall be permitted in the flood plain. Incidental portions of structures (less than twenty-five percent (25%) of the total structure area) may lie within the flood plain so long as all habitable portions of the incidental area and surrounding ground surface are a minimum of one (1) foot above the flood plain elevation and the encroachment of the incidental area will not cause increased flooding to surrounding properties.
2. *Flood Storage Capacity.* On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on or off site.
3. *Public Facilities and Private Roads.* Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met:
 - A. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels and increased velocities within the floodway. Utilities necessary to serve permitted development, or a single family home on a legally approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies that encroachments shall not

result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.

- B. Water and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of flood waters into the system, and to avoid discharges from such facilities to streams and wetlands. All lids and access ports to any utility system shall be a minimum of one (1) foot above the 100-year flood plain elevation. Utility access systems within the flood plain shall be constructed such that sub-surface portions are sealed against ground water infiltration
 - C. On-site septic systems shall be prohibited in all "A" designated areas as set forth on the Flood Hazard Map.
4. *Structural Elevation Report.* An application for any substantially improved structure or manufactured dwelling within the 100-year flood plain shall include the level, referenced to mean sea level, to which the structure will be flood-proofed. The level of the lowest habitable floor, and any basement area (whether or not habitable) shall also be provided. A professional engineer registered in Utah shall prepare the structural elevation report.

4-5 HIGH WATER TABLE EVALUATION

If, as determined by the City Engineer, the proposed development is within an area of possible high water table, the following standards must be met.

4-5-1 *Drainage Plans Required.* A comprehensive drainage and grading plan, providing for the disposal of both ground water and storm (surface) water shall be submitted by the developer for all property within a high water table area. A separate plan shall be required for each. Said plans shall be submitted as part of the preliminary plan materials for any residential, commercial or industrial development project or prior to the issuance of a building permit and shall be approved by the City Engineer. In addition, any grading, construction, or land use-changing activity that alters the type or nature of the existing land use shall require review and approval by the City Engineer. The plans shall be subject to the requirements listed in Sections 4-5-2 through 4-5-7:

4-5-2 *Ground Water Drainage Systems.*

- 1. Applicant shall submit a subsurface gravity drainage plan that transports ground water to an approved outlet and does not require ground water to be deposited, collected, or stored upon the property being developed or upon other properties within the subject area. The City Engineer may require at least one year of ground water level and velocity monitoring to determine the range of seasonal fluctuations and flow characteristics.

2. Ground water drainage systems shall not be used for the discharge of storm (surface) water flows.
3. A soil test provided by a licensed soil engineer shall accompany the drainage and grading plan for all areas in which underground private and public utilities will be installed. The engineer's report must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure that they will not shift, buckle, lose alignment or form a barrier or artificial drain for ground water flows.
4. The point of discharge of any ground water drain shall be at an elevation above the observable high water mark of the existing drain channel. The discharge facility shall include a backflow prevention device to prevent inundation during a high flow storm or irrigation event and shall be designed in a manner that allows the drain to remain operational in the event of obstruction by growth or debris in the discharge facility.
5. To the maximum extent possible, the discharge points of ground water drains shall be at the location of existing historic drains to maintain historic water right claims.
6. The design of the ground water drainage system shall not convey water under a structure on an adjacent parcel which is in separate ownership or intended for separate ownership.
7. All ground water drains shall be constructed on lands dedicated as public right-of-way or in easements which are not less than twenty (20) feet in width and which restrict vegetation to shallow rooted plants and which are located to provide ready access for maintenance and upgrade.
8. Pumping systems installed as ground water mitigation measures shall be prohibited. Provided, however, the City Engineer may approve the use a pumping system where, in the opinion of the City Engineer, no feasible alternative exists. Where the use of a pumping system is employed, a notice to the effect that a pumping system is in use on the premises shall be recorded at the office of the County Recorder.
9. Any development project which includes the construction of a ground water drainage system shall require the establishment of a Home Owners Association (HOA) or other organization for the purposes of maintaining the ground water drainage system and any other common facilities required or included in the project.
10. A disclosure statement may be required to be placed upon all subdivision and development plats in the subject area, stating that the subdivision or development lots are in an area potentially subject to flooding from high water table.

11. Drained ground water from a proposed new development will not be placed upon or pass through other properties, except:
 - A. where a preexisting drainage system of adequate capacity is legally available for use; OR
 - B. where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties is recorded on proper deeds in the Office of the County Recorder specifying the following:
 - 1) The City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.
 - 2) The property owner will allow the Home Owners Association or owner of the easement to enter onto said property to maintain the drainage facility on said easement.
 - 3) The drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

4-5-3 Storm (Surface) Water Drainage Systems.

1. Facilities for drainage of peak storm-water drainage flows, detention and drainage routing shall conform to the Storm Drainage Element of the General Plan as directed by the City Engineer.
2. Pumps shall not be discharged into the street or into the sanitary sewer system; but shall require outfall into a private ditch system, if permitted by the owners thereof in accordance with the provisions of Section 4-5-4 of this Ordinance.
3. Quantities of runoff shall be determined for the complete development area by the rational or other standard engineering method of run off calculation.
4. At all outfall points from the development, quantities of runoff for a one hundred (100) year storm shall be determined and indicated on the plan in cubic feet per second.
5. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used for runoff. If there is an insufficient capacity to handle additional storm drain flows, it will not be used
6. A topographic map shall be prepared to indicate sufficient slopes in all areas to take surface drainage water into the designated street or storm drain. Water will not be allowed to pond any place other than in a designated detention basin.

7. A plan of all proposed curbs, gutters, and cross-gutters must be submitted. Such plan shall indicate on each curb the proposed grade, directions of flow, and quantities of flow. If the gutter capacity is less than that required for a 100 year storm, storm drains will be required.
8. No french drains or sumps shall be allowed in the developments as part of the drainage plans on public streets. Discharges from pumps shall not be allowed to pond on property nor shall sumps be used for the disposal of water.
9. Retention basins or similar storm water systems without a gravity discharge will not be allowed.
10. Structures adjacent to detention basins shall be protected by subsurface drainage facilities approved by the City Engineer.

4-5-4 Disposal in Existing Ditches Prohibited - Exceptions. Neither ground water or storm water drainage from a proposed new development will be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in writing and recorded instruments (i.e., easements) running with the land, has been granted by the subject irrigation company and/or all water users below the proposed development on the specific ditch or canal pursuant to the following terms:

1. Evidence of approval shall be obtained by signature from all irrigation and canal companies, if ditches or canals owned or controlled by the company cross the development areas, if surface or drainage water is to outfall into a ditch or canal owned or controlled by the irrigation company, or if modification to a ditch or canal is proposed.
2. The City will be held harmless from all damage or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal.
3. The irrigation ditch or canal may be placed in a pipe or culvert at a time deemed necessary by the owner of the easement.
4. The owner(s) of property which is the subject of a development plan may be required by the City Planning Commission to provide, and record with the County Recorder, a statement holding the City harmless from all damage within the project resulting from flooding or high water table.
5. Drainage easements will be granted to the HOA or other proposed owner within the proposed development, as determined by the City Engineer, and drainage facilities shall be installed as part of the development at developer's expense.

4-5-5 Basements Prohibited - Exceptions.

1. No building containing a basement shall be allowed to be constructed on any lot which has been previously identified as prohibited by subdivision or development plat conditions in accordance with the provisions of Section 2-7-2 and so noted in accordance with Section 6-2-2 of this Ordinance.
2. Basements may be allowed to be constructed on a lot in a high water table area, subject to the following:
 - A. The use of basements on the lot has not been previously prohibited by subdivision or development plat conditions and so noted in accordance with Section 6-2-2 of this Ordinance.
 - B. A statement of engineering evaluations of site and groundwater conditions indicating the conditions under which a basement may be constructed, prepared by a geotechnical engineer, shall be provided to and approved by the City Engineer.
 - C. Prior to the issuance of the building permit, the property owner(s) shall produce a signed statement which has been recorded on proper deeds in the Office of the County Recorder stating that the property owner(s) agree to indemnify and hold harmless the City against any and all liability, claims, suits, losses, costs and legal fees caused by, arising out of, or resulting from flooding in a high water table area.
 - D. Prior to the issuance of any building permit with a basement, the developer shall submit to the City Engineer, a certificate from a registered professional engineer indicating the method of design to flood proof the basement.

4-5-6 Prior Construction of Drainage Systems Required. No building permit shall be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in an operable condition unless a bond covering the estimated cost of the improvement has been filed with the City and a hold harmless agreement is entered into by the developer.

4-5-7 Underground Utility Construction in High Water Table Areas.

1. The engineering plan shall include a cross-section of all proposed utility trenches showing configuration and type of materials to be used in backfill and as a "bed" for utility lines and shall be approved by the City Engineer.
2. All ductile iron water mains and associated facilities shall be poly wrapped in the high water table area.

4-6 HYDROLOGIC EVALUATION

4-6-1 Every development shall be required to demonstrate no impact to regional water resources. Water resources include, but are not limited to:

1. Water rights
2. Historical surface flows in rivers, canals, sloughs and ditches and similar water courses
3. Subsurface water levels
4. Water Quality
5. Existing drainage networks

4-6-2 In order to demonstrate no impact, the developer shall submit a report that, at a minimum:

1. Provides a map of all water rights within 0.5 miles of the boundaries of the proposed development. The map shall identify owners, types, quantities, state identification reference.
2. Provides a map of all surface flow patterns including canals, sloughs, drainages and ditches. The map shall identify owners, type of water course (natural stream, slough, drainage ditch, etc.), historic flows and downstream users and shall show the downstream water course and land ownership to the point of discharge.
3. Documents historical ground water levels including seasonal variations.
4. Identifies methods of protecting water quality including identification of potential contamination sources, permanent and construction Best Management Practices ("BMP's") and proposed mitigation measures.
5. Provides a map of all existing underground drainage networks.
6. Provides a map of all springs and artesian water sources.
7. Storm Water Management Plan ("SWMP").
8. Provide a written agreement or other document, acceptable to the City, indemnifying the City against liability from water rights claims.

The developer's engineer shall demonstrate in the report that the development does not impact the areas water resources as identified above. In the case that impacts are identified, the developer's engineer shall develop mitigation measures that alleviate any adverse effects and receive approval from the City Engineer. In the case that mitigation measures cannot completely alleviate the adverse effects of the development to the water resources, the developer may pursue agreements with stakeholders of the potentially-affected water rights to allow development to proceed with accepted impacts. Any such agreement shall also include a written statement from the affected stakeholders indemnifying the City from liability against water rights claims.

4-7 ADDITIONAL STUDIES MAY BE REQUIRED

The City Engineer may require the submission of additional detail or reports on other reports in excess of those specifically identified under Section 4, where deemed appropriate and necessary to provide a more accurate understanding of conditions

including, but not limited to, historically, archeologically and culturally significant features and key natural habitat. If the results of those reports cause the City Engineer to question the public's assets if the development proceeds, then the City Engineer can stop development until he/she is satisfied that the development may proceed without harming the public or until the City Council has approved the development

CHAPTER 5

REVIEW PROCESS

Review procedures for development projects subject to the terms of this Ordinance shall be incorporated and conducted as part of the City's review process for new development in accordance with established policies and procedures.

CHAPTER 6

IMPLEMENTATION

6-1 ACTIONS PROHIBITED

It shall be unlawful to grade, fill or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide or any other unsafe condition. It shall also be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

1. High water table,
2. Surface water,
3. Collapsible/expansive soils,
4. Liquefiable soils, or
5. Any other condition deemed unsafe by the City Engineer, City Planning Commission or other City designee.

6-2 MINIMUM IMPLEMENTATION REQUIREMENTS

6-2-1 Geotechnically or Hydrologically Sensitive Soils.

1. In Subdivisions and Large Scale Development projects
 - A. Any proposed project shall include evidence of the proposed actions to mitigate the constraints identified by the geotechnical evaluation.;
 - B. Any proposed project shall include evidence of the proposed actions to mitigate any identified impact on water resources identified as part of the hydrologic evaluation; and

- C. The City may require the installation of clay dams as a part of the construction of underground utilities to minimize the disruption of historic underground water flows.
- 2. Building Permit
 - A. Any request for building permit shall include evidence of the proposed actions to mitigate the constraints identified for the project area.

6-2-2 Areas with High Water Table.

- 1. In Subdivisions and Large Scale Development projects
 - A. Any proposed development project shall comply with the minimum requirements identified under Section 4-5 of this Ordinance;
 - B. The existence of a high water table shall be noted on the final plat recorded at the Office of the County Recorder, together with any prohibition to the placement of a basement or other limitation to development attached to the lot as a condition of development approval. Any lot which is restricted from constructing a basement shall be identified on the final plat through the placement of a symbol consisting of a capital B within a circle with a slash through the circle;
 - C. A "Notice of Interest" setting forth any such condition or limitation shall be recorded at the Office of the County Recorder for each lot to which the condition or limitation is applicable;
 - D. The subdivision area shall be served by a gravity flow ground water removal system designed and constructed to collect and convey ground water from the site to the existing drainage channel (slough) which currently serves as the ground water removal channel for the site; and
 - E. Any development project which includes the construction of a ground water drainage system shall require the establishment of a Home Owners Association (HOA) or other organization for the purposes of maintaining the ground water drainage system and any other common facilities required or included in the project.
- 2. Building Permit
 - A. Any building permit for a building upon a lot having a high ground water condition shall include a provision that the lowest floor of the structure shall conform to the requirements for habitable structures as set forth under Section 2-7-2 of this Ordinance.

- B. The City may require the installation of foundation drains as a condition of issuance of a building permit

6-2-3 Wetlands.

- 1. In Subdivisions and Large Scale Development projects
 - A. A wetlands determination shall be provided for any lands shown on the wetlands study map included as part of this Ordinance, or any other lands determined to qualify as wetland. Any parcel containing wetlands, determined to be “Jurisdictional Wetland” shall obtain the appropriate permit from the U.S. Army Corps of Engineers and shall conform with the terms of said permit.
- 2. Building Permit
 - A. No building permit shall be issued for construction of any building proposed for placement in any area designated as a jurisdictional wetland without a mitigation plan approved by the COE.

6-2-4 Liquefiable Soils.

- 1. In Subdivisions and Large Scale Development projects
 - A. The existence of a liquefiable soils condition shall be noted on the final plat recorder at the Office of the County Recorder, together with any limitation to development (such as extraordinary foundation treatment) attached as a condition of approval for the project.
 - B. In addition, a “Notice of Interest” setting forth any such condition or limitation shall be recorded at the Office of the County Recorder for each lot to which the condition or limitation is applicable.
- 2. Building Permit
 - A. Each building proposed for construction on land having a high liquefaction potential shall be required to have a footing and foundation design conforming to liquefaction hazard as certified by a geotechnical and structural engineer to meet or exceed the probable forces.

6-2-5 Flood Plain Areas.

- 1. In Subdivisions and Large Scale Development projects
 - A. Any proposed development within an identified flood plain area shall conform to the provisions of the City’s flood plain ordinance.

2. Building Permit
 - A. All requests for building permit shall conform to the provisions of Section 4-4 of this Ordinance.

6-2-6 Surface Drainage.

1. In Subdivisions and Large Scale Development projects
 - A. All proposed development projects shall provide evidence of compliance with the terms of Section 4-2-6 and Paragraph 3 of Section 4-4 of this Ordinance, the drainage element of the General Plan and recommendations contained within the Grading and Drainage report.
2. Building Permit
 - A. All proposed development projects shall provide evidence of compliance with the terms of the drainage element of the General Plan and recommendations contained within the Grading and drainage report.

6-3 POST CONSTRUCTION INSPECTION AND CERTIFICATION

For any real property with respect to which development has proceeded on the basis of a geotechnical report which has been acknowledged by the City Engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that geotechnical report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said report. Provided, however, that improvements and structures may, with the consent of the City Engineer, deviate from the descriptions and requirements contained in the geotechnical report because of conditions which are discovered after acknowledgment of the geotechnical report by the City Engineer. Any request to deviate from the terms of the report shall include a description of the conditions which prompt the request and a summary of the recommendations for change, and shall be prepared by the Geotechnical Engineer who prepared the original report.

6-4 APPEALS FROM DECISION OF CITY ENGINEER

1. Any person dissatisfied with a decision of the City Engineer made under this Ordinance, may appeal the same within thirty (30) days thereof to the American Fork City Council which is, by this Ordinance, authorized to hear appeals from decisions of the City Engineer, and which is authorized to affirm or reverse said decisions, either in whole or in part.

2. In considering an appeal, the City Council may include the services of a third party consultant to assist in evaluating the appeal. All cost incurred in the use of a third party consultant shall be the responsibility of the appellant.
3. Any person dissatisfied with a decision of the City Council may appeal that decision pursuant to applicable state law.

6-5 RESTRICTIVE COVENANT REQUIRED

If a geotechnical report has been submitted to the City Engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered, to American Fork City, a restrictive covenant, in a form suitable for recording, containing not less than the following:

1. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies;
2. A description of the grading, filling, or excavating or erection of a structure for human habitation approved in the geotechnical report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon.

CHAPTER 7

ENFORCEMENT

7-1 VIOLATION

1. It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person, firm, or corporation or any agent thereof who shall fail to comply with any of the provisions of this Ordinance or who knowingly makes false statements, representations or certifications in any application or document filed or required to be maintained under this ordinance shall be in violation of this Ordinance.
2. Whenever it becomes necessary to enter actions in the court in order to obtain compliance with one or more provisions of this Ordinance, the City Engineer shall first refer such matters to the City Council and to the City Attorney for their action and shall thereafter follow the instructions of the City Council with respect thereto.

7-2 REMEDIES FOR VIOLATION - PENALTY

1. Withholding Building Permits
In addition to all other remedies, the City may enforce the provisions of this Ordinance by withholding development approvals, building permits, grading and excavation permits, and certificates of occupancy.
2. Injunction, Mandamus, Abatement
The City Council, Zoning Administrator, City Engineer and/or City Attorney may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful building use or act.
3. Penalties
In addition to being subject to injunctive or abatement actions under this Ordinance, violation of this Ordinance or any regulation, order or permit adopted or issued under this Ordinance shall, upon conviction, be punishable either:
 - A. By an imposition of a civil penalty not to exceed \$1,000 per violation per day, to be collected in a civil action (UCA 10-9a-1003(2)(b)); or
 - B. As a class C misdemeanor, as defined and established by State Law. (See UCA 76-3-101 et.seq.)

7-3 CIVIL AND CRIMINAL FRAUD

It shall be unlawful for any person, including the seller or his representative, directly or indirectly, in connection with the sale or offering for sale of real property located in American Fork City, to make any untrue statement of a material fact related to the sensitive land conditions of the subject property. This Ordinance shall be construed to create private and public civil causes of action in addition to creating criminal liability.

CHAPTER 8

PENALTY AND ADOPTION

8-1 CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance or part thereof, the more stringent shall prevail.

8-2 SEVERABILITY

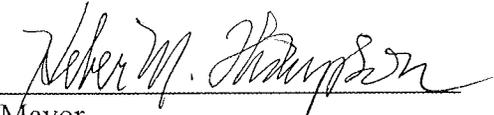
This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

8-3 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.

8-4 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 31 DAY OF October, 2007.



Mayor

ATTEST:



City Recorder



EXHIBIT 2

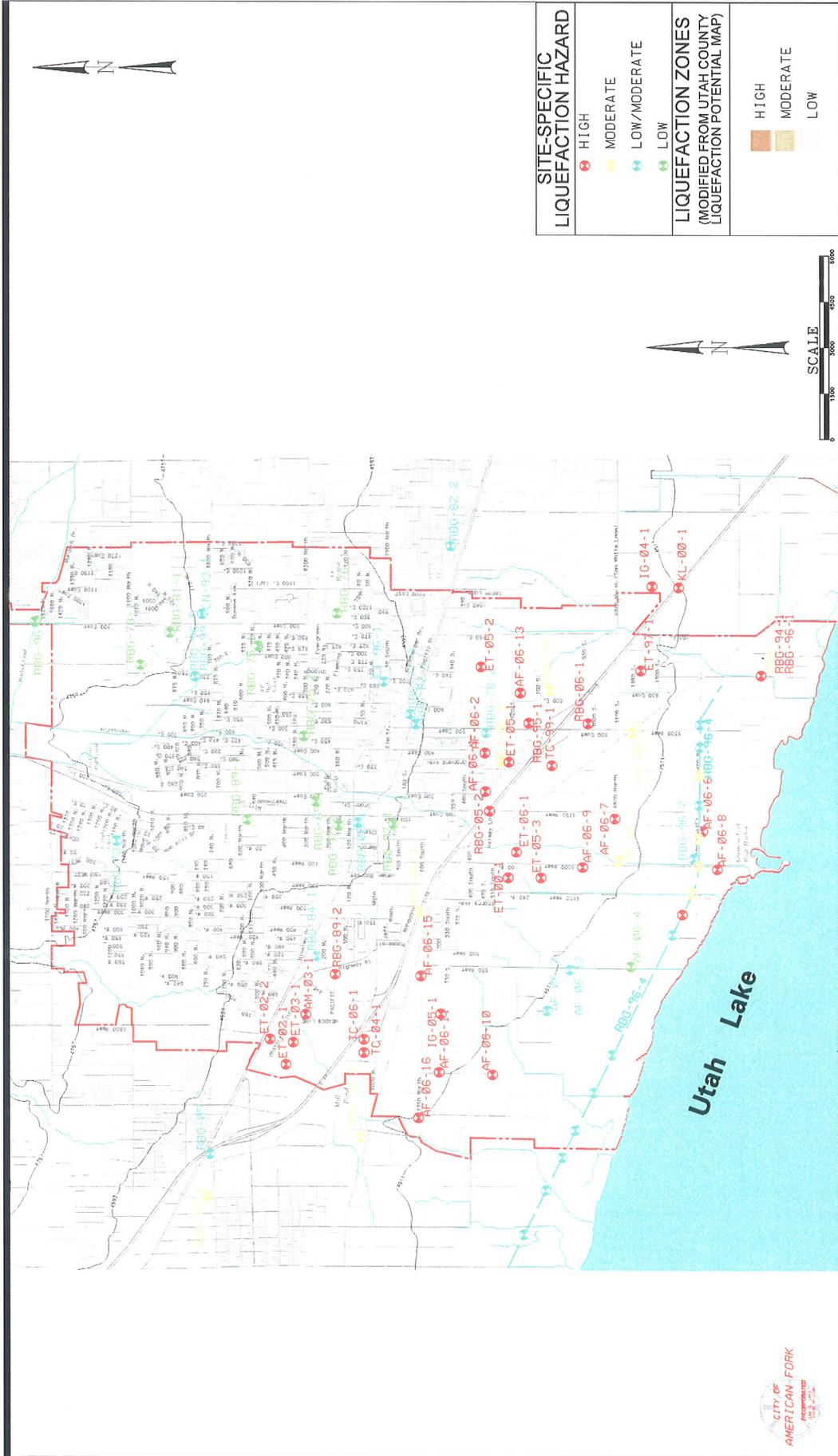


Figure 6
Proposed Liquefaction Hazard Map

American Fork Sensitive Lands

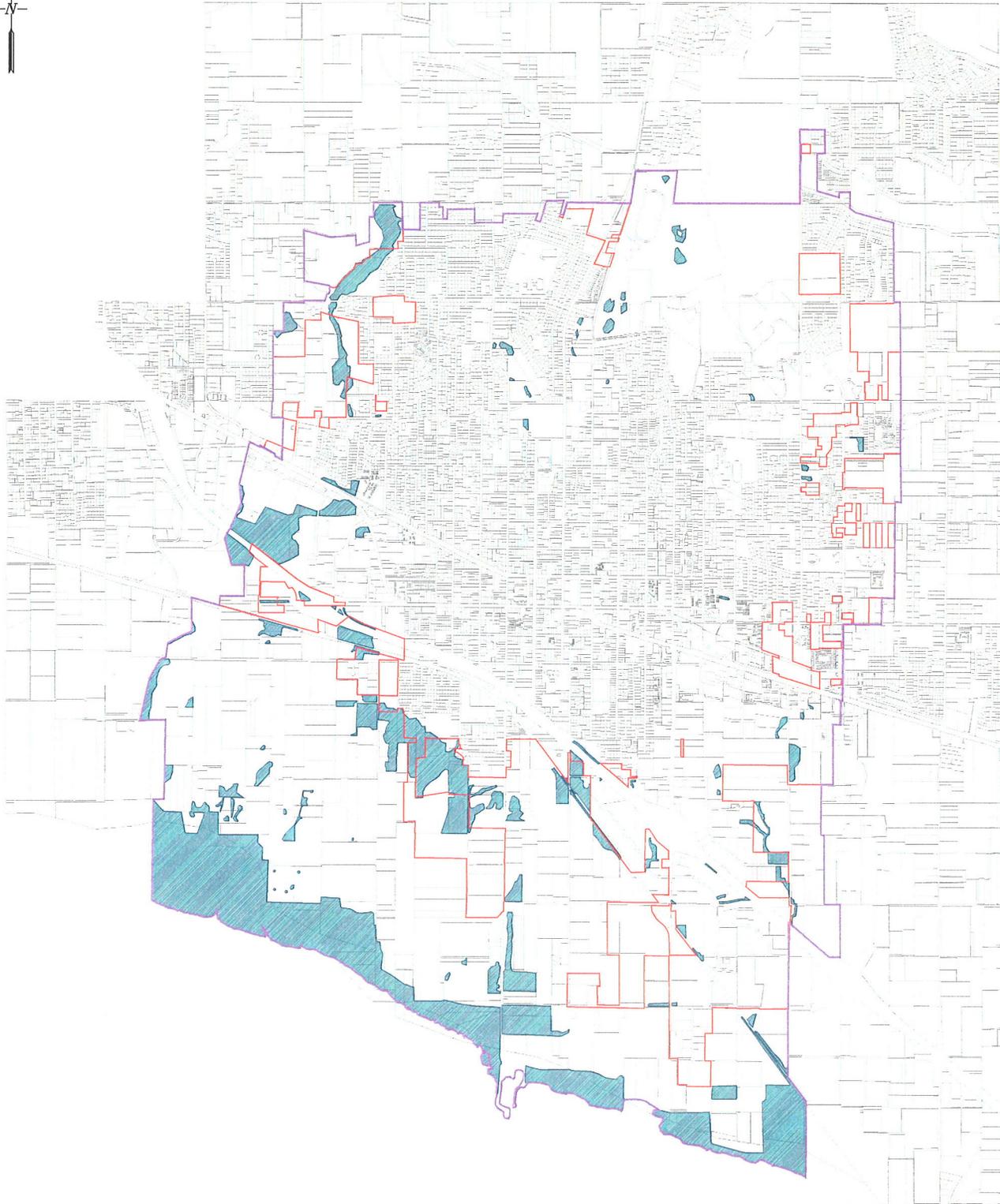
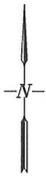
RB&G
ENGINEERING
INC.
Provo, Utah



SITE-SPECIFIC LIQUEFACTION HAZARD	
●	HIGH
●	MODERATE
●	LOW/MODERATE
●	LOW

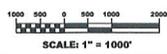
LIQUEFACTION ZONES (MODIFIED FROM UTAH COUNTY LIQUEFACTION POTENTIAL MAP)	
	HIGH
	MODERATE
	LOW





LEGEND

-  ANNEXATION BOUNDARY
-  CITY LIMITS
-  POTENTIAL WETLAND



NOTE:

This map is for planning purposes only, and does not represent a jurisdictional wetland delineation. It was developed using aerial photography and the National Wetland Inventory maps and while it illustrates all of the major wetland areas, it may not represent every wetland within the City boundary.

HORROCKS
ENGINEERS

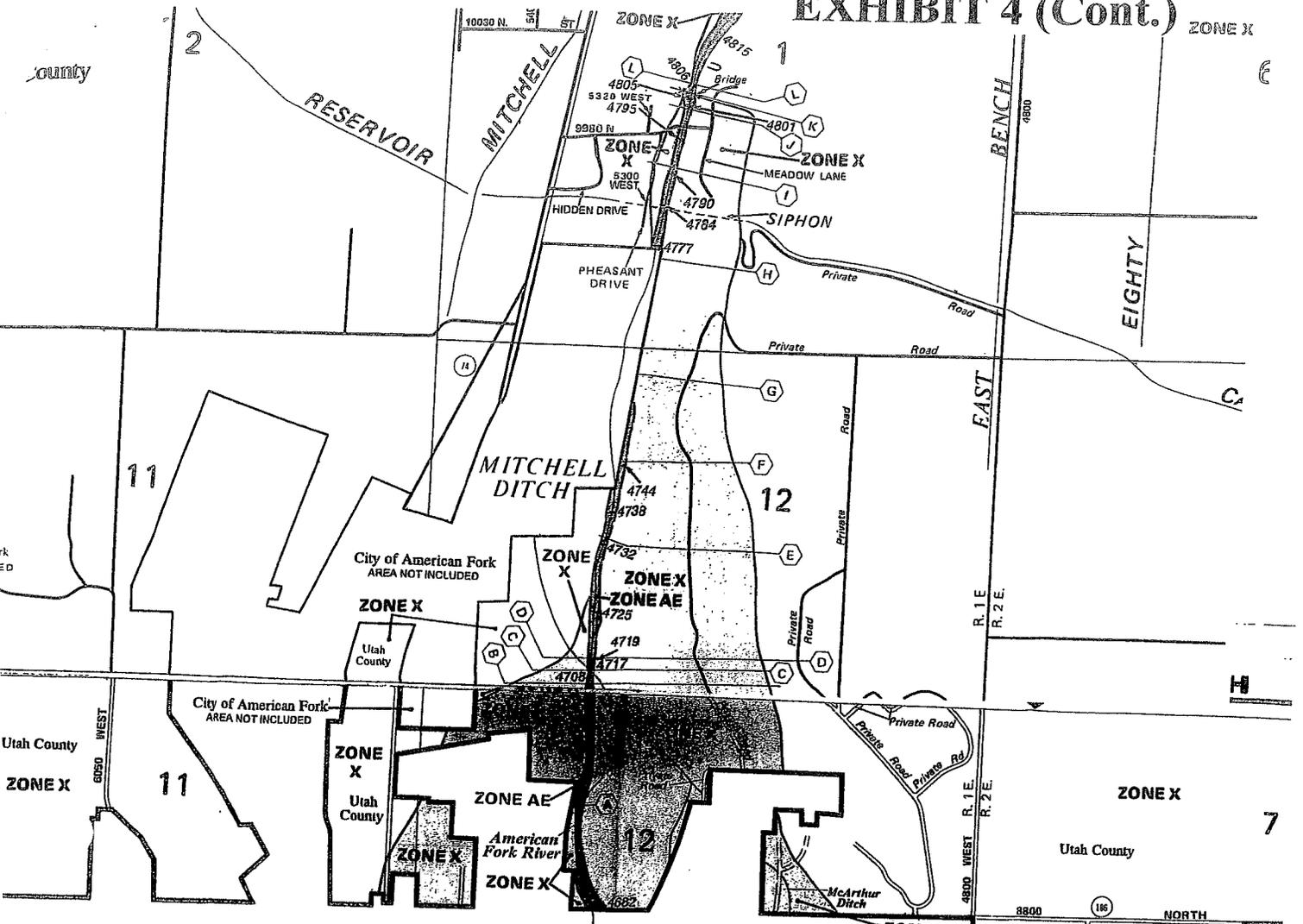
AMERICAN FORK CITY WETLAND IDENTIFICATION

EXHIBIT 4



FLOOD HAZARD MAPS FOR AMERICAN FORK

EXHIBIT 4 (Cont.)



ELEVATION REFERENCE MARKS

LOCATION (GVD)	DESCRIPTION OF LOCATION
.92	Dial set in concrete post at 100 East and 300 North, southeast property corner. Provided by Utah County.
.25	Dial set in concrete post near 400 West and Main Street near railroad crossing; 80 feet south of Main Street, 33 feet east of Denver & Rio Grande Railroad. Provided by Utah County.

City of American Fork
AREA NOT INCLUDED

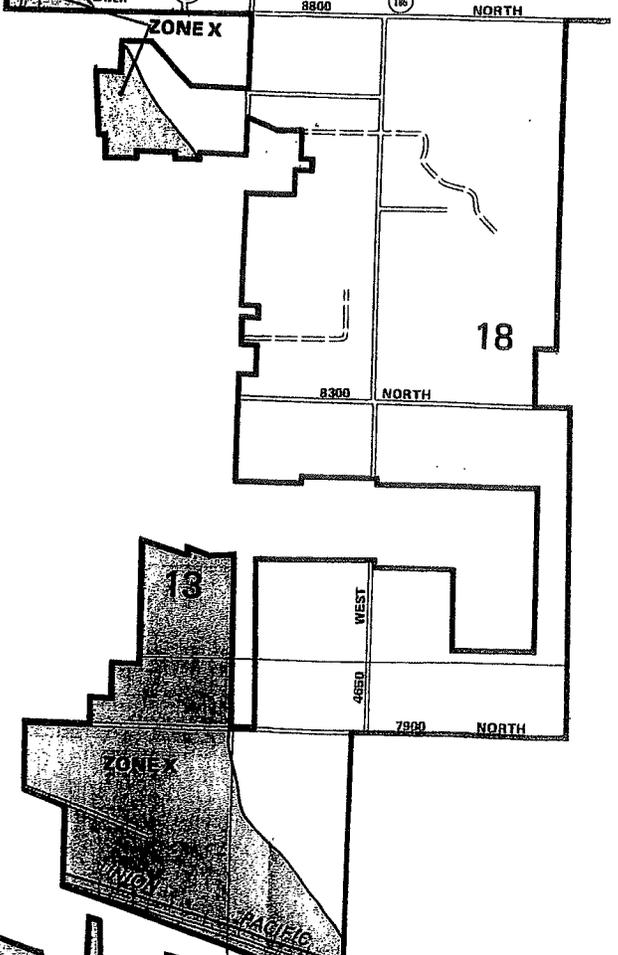
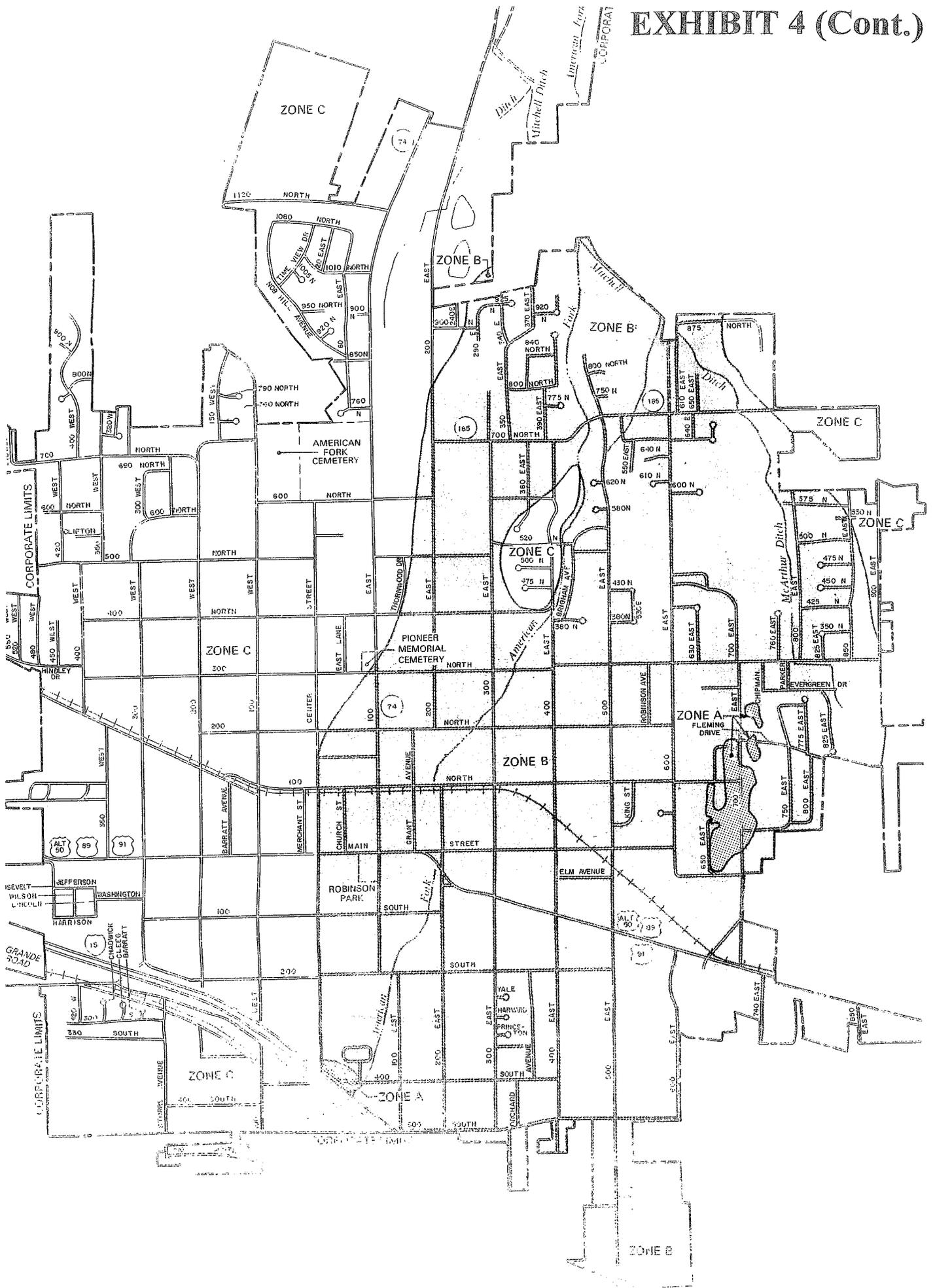


EXHIBIT 4 (Cont.)



AMERICAN FORK CITY
COUNCIL MEETING MINUTES
OCTOBER 9, 2007

REGULAR SESSION

ATTACHMENT

The American Fork City Council met in a regular session on October 9, 2007, in the American Fork City Hall, 31 North Church Street, commencing at 7:32 p.m. Those present included Mayor Heber Thompson, and Councilmembers *Sherry Kramer, Heidi Rodeback, Dale Gunther, Shirl LeBaron, and Ricky Storrs. Others present included Lt. Sam Liddiard, Kasey Wright, Richard Colborn, Wendelin Knobloch, Melanie Marsh, Rod Despain, Sheena Parker, Marie Adams, Caleb Warnock, Scouts from Troops 1153 and 810, former Mayor Jess Green, and twenty citizens.

Scout Jace Thompson from Troop 1153 led the audience in the Pledge of Allegiance and Kasey Wright offered a prayer.

Mayor Thompson had the scouts in attendance come to the front and introduce themselves. He also recognized their leaders. There was general applause.

TWENTY-MINUTE PUBLIC COMMENT PERIOD – LIMITED TO TWO MINUTES PER PERSON

Ken Cardon reported that he moved to American Fork about four years ago. He asked that the City consider E-billing for the water bill and allow them to pay on line. That was his only bill he had to write a check for.

Mayor Thompson reported that he had forwarded such a request to the Chief Finance Officer Cathy Jensen and she would be looking at that very closely.

PRESENTATION OF COMMUNITY SERVICE AWARDS

There were no Community Service Awards to be presented.

MOUNTAIN VIEW CORRIDOR PROJECT UPDATE AND ANNOUNCEMENT OF PUBLIC HEARINGS

This group had not yet arrived.

COUNCIL REPORTS

Councilman Storrs reported that Dennis Earl had contacted him regarding a damaged guardrail at 500 West 200 South. Howard Denney was asked to look into it.

Councilmember Kramer expressed condolences to Joe Gordon's family on his passing. She admired him and watched him on the Planning Commission. He had a lot of great insight and was an anchor on the City's Planning Commission and would be greatly missed.

Councilmembers LeBaron and Gunther had nothing to report at this time.

Councilmember Rodeback reported on October 2nd she attended a workshop hosted by Tree Utah to learn more about becoming a Tree City. She thanked Kasey Wright who had drafted a Tree Ordinance that was being reviewed by members of the Beautification and Shade Tree Committee. In order to become a Tree City American Fork needed to meet four requirements.

1. Have a tree/arbor department, which the City has
2. Observe Arbor Day, which the City does
3. Have a \$2 per capita budget, she believed the City had that
4. Have a Tree Ordinance

Councilmember Rodeback would be spending time this coming month with Parks Superintendent Cal Houghton and Chief of Staff Melanie Marsh and the Shade Tree Committee to see if the proposed ordinance was feasible in American Fork. If it was, she would like to bring it to the Council next month. If they can pass it in November, they could meet the application deadline of December 1st and become a Tree City. It would give the City preferential status in many competitive grants and it would communicate to current and prospective residents and businesses that American Fork cares about its quality of life.

Councilmember Rodeback reported that last week, along with Melanie Marsh, she sat down with Public Information Officer Linda Walton for her six months review. Ms. Walton had worked with Dan Jones on the recent poll of American Fork residents and made a lot of progress on the public communication plan for the secondary irrigation system. Next up would be upgrade of the City's website and a new utility bill insert newsletter. Melanie Marsh has drafted RFP's for the redesign of the website and she has put together a template for a four-page utility bill newsletter. There was not budget for a four-page insert and this should be targeted in next year's budget.

Councilmember Rodeback reported that she was in attendance at the grand opening of the Skate Park on September 29th. She commended those that designed and constructed the facility and was very pleased that the City provided this recreation for youth and a legal opportunity to skateboard and off the street. The Council needed to deliver on road improvements that were promised in the area.

Councilmember Rodeback reported that this Saturday at 8:00 a.m. volunteers would be planting trees at Val Vista Park and Hunter Park. The trees at Val Vista were provided through the parks budget and six trees at Hunter Park were donated by the Michael and Brooks Wynn family through the American Fork Community Foundation.

MAYOR'S REPORT

Mayor Thompson reported that he and the Council were saddened by the passing of Joe Gordon. He was an extremely community conscious individual who spent his life mostly in American Fork and added much the community. His service on the City Planning Commission was a very level headed approach to planning and that approach will be missed. He will also be missed as an individual.

Mayor Thompson noted the passing of Dale Greening who Mayor Thompson commented that he had contact with as one of the officers in the Republican Party locally a number of years ago. His civic service would be missed as well.

Mayor Thompson reported that he attended a Chamber of Commerce "Jam Session" that was a breakfast and presentation by a BYU Professor on customer service.

Mayor Thompson reported that he attended the 10th Annual Pumpkin Walk at Legacy Elementary School. Each class had a theme about some value that was important like kindness or patriotism or harmony or love and they used pumpkins in some fashion to demonstrate the theme.

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 by the Mayor or a Councilmember and placed in the action items.*)

1. Approval of the September 20, 2007 work session minutes.
2. Approval of the September 25, 2007 regular session minutes.
3. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$1,000.

City Recorder Richard Colborn reported that he had received a written correction on the September 25, 2007 regular session minutes being on page 14, line 14, substitute, "October" for "August."

Councilman Gunther moved approval of the common consent items including the September 25, 2007 regular session minutes as corrected. Councilman Storrs seconded. All were in favor.

ACTION ITEMS

REVIEW AND ACTION ON APPOINTMENTS TO CITIZEN COMMITTEES AND BOARDS – Mayor Thompson

There were no appointments.

REVIEW AND ACTION ON A SENSITIVE LANDS ORDINANCE – Planning Commission & Staff

Mayor Thompson stated that they had been involved with this ordinance for a number of months. The four exhibits were now provided. Legal counsel Kasey Wright had emailed comments regarding the ordinance. On page 11, a new section 10 was added that included guidelines to the sensitive lands geologic study. There was also one on page 17, High Water Table Evaluation regarding an alteration of land use. There was another on page 23, noting that other studies may be required if there was a question regarding the harming of the public safety.

Kasey Wright asked that public safety be changed to public assets.

Mayor Thompson asked if there were other questions.

Councilmember Rodeback asked about the legislative intent in 1-2-1, placing liability and expense upon licensed professional geologists and engineers employed by the landowner and if that was right.

Kasey Wright answered that the City wanted the burden on the homeowner. The City was going to take precautions and do the best it could. It was the homeowner's responsibility to assure that their home was safe. The City Engineer will make some determinations.

Councilman LeBaron noted that paragraph 4-5-5 2c stated that, "Prior to the issuance of the building permit, the property owner(s) shall produce a statement which has been recorded on property deeds in the Office of the County Recorder stating that the City will be held harmless from all damages or injury resulting from flooding in a high water table area." He understood that statement would run with the property and be as it were a covenant that ran with the property. He thought that statement might need to be bolstered up a little bit and stronger and include a hold harmless and an indemnification clause.

Kasey Wright responded that they were happy to make the suggested changes.

Mayor Thompson added that they wanted to address basements specifically.

Councilman LeBaron expressed that if it were up to him, there needed to be some stronger language.

Kasey Wright would come up with some language and run it by the Mayor and Councilmembers.

Councilmember Rodeback moved to adopt Ordinance No. 07-10-47 approving the Sensitive Lands Ordinance as amended by legal staff and take into account changes recommended by Councilman LeBaron and commend the Planning Commission and staff on their work on this ordinance.

Mayor Thompson noted that this was a landmark ordinance in the City.

Councilman LeBaron seconded the motion. All were in favor.

Mayor Thompson noted that there was a liquefaction piece and asked if that needed to be included in the Ordinance.

Kasey Wright answered that it didn't reference it as an attachment, just the study.

MOUNTAIN VIEW CORRIDOR PROJECT UPDATE AND ANNOUNCEMENT OF PUBLIC HEARINGS

Terry Newell and Ed Rock were present representing the Mountain View Corridor.

The Draft Environmental Document was ready to go out to the public. It included 5 volumes, 34 Chapters, 2,238 double-sided pages, and weighed 18 pounds. It would be available to be viewed on October 17th. There would be paper copies at the libraries. They had been working on it for

five years. Information was provided in a power point presentation. A synopsis of information is included in these minutes as an **ATTACHMENT** that also includes where additional information is available along with dates, times, and locations of upcoming public hearings.

Ms. Newell noted an item with regard to 2100 North in Lehi which was the UDOT preferred route. Lehi City wanted 4800 North.

Mayor Thompson asked where 4800 North was located. It was just south of Point of the Mountain.

Ms. Newell reported that they were working with the federal highways on the review. Work will continue through the fall of 2008.

Mayor Thompson thanked them for the update.

REVIEW AND ACTION ON A RESOLUTION ADOPTING THE WATER ELEMENT OF THE GENERAL PLAN – *John Schiess*

John Schiess explained that they had been six to seven months working on the culinary and pressurized irrigation element of the general plan, along with staff. The Planning Commission has commented and recommended its adoption. The Council has looked at this over the course of the last two work sessions. He asked if there were any additional comments or concerns.

Mayor Thompson commented that on page vi, Summary and Recommendations, the whole plan talked about expanding the culinary system and implementing a pressurized irrigation system. He asked if it was safe to say that the expansion of the culinary system would be funded by rates and impact fees and not from the secondary water bond.

John Schiess answered that was correct. A smaller component of the culinary system was to upgrade a limited area. The larger component was to expand the system for future users and this would be paid for through impact fees and developer contribution.

Mayor Thompson noted that the plan was very specific and identified pipe size and locations.

Councilman LeBaron commented that the impact fees as shown on page 10 needed to be updated to reflect the current fees.

John Schiess will update those.

Councilmember Rodeback asked if the existing users will continue use the water as they had in past years or if they will be required to pipe existing ditches and what about landscape features.

John Schiess reported that piping would not have to take place unless there was another trigger to require that improvement. The ditch may be open, but there may not be water in the ditch. He added that many of the ditches also filled the purpose of a storm drain system.

Councilmember Rodeback asked about the ditch by the Star Mill.

John Schiess noted the one above was just an irrigation ditch. The one below was actually a stream channel. The City owned those water rights and hoped to put them into the system.

Former Mayor Jess Green reported that some engineers from Orem had been querying shareholders concerning the use of their water. One of the questions asked was if he wanted his water delivered so that he could flood irrigate or did he want it piped. His response was that he wanted it in the system because that was the objective, but was in a situation where he could take water from two directions and he asked if he needed to make that choice now or could he do both. Their response to Jess Green was that it didn't matter to them. He asked if the City was going to put well water into the secondary system.

John Schiess answered that the main water supply was the water they got from American Fork Canyon. They supplemented that water from the CUP. The Deer Creek water was also a main source for the system as well as local springs. Well water would be used as a last resort.

*Sherry Kramer was excused from the meeting at 8:28 p.m.

John Schiess noted that the culinary was close to capacity this year but was not quite there yet. The citizens were to be commended in that they used less water this year. The City also had repaired a well that got an extra 500 gallons per minute. They would also work with each shareholder as to where they chose to connect to the system.

Jess Green stated that he would rather not flood irrigate.

Councilman LeBaron moved to adopt Resolution No. 07-10-40R approving the Water Element of the General Plan. Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron, and Storrs. Absent, Councilmember Kramer. The motion carried.

Mr. Schiess recognized the efforts of Horrocks Engineers and Franson Civil Engineers and Allen, Hansen, and Luce in this document, as well as City Staff.

Mayor Thompson stated that it was a very good analysis and update of the general plan.

REVIEW AND ACTION ON AN ORDINANCE APPROVING A ZONE MAP AMENDMENT FROM THE EXISTING R1-12,000 RESIDENTIAL ZONE TO THE PR-3.0 PLANNED RESIDENTIAL ZONE FOR A PORTION OF LAKESIDE PUD PLAT A LOCATED BETWEEN 240 WEST (STORRS AVENUE) AND 100 WEST (BOAT HARBOR ROAD) AT APPROXIMATELY 900 SOUTH – Adam Maher

Mayor Thompson noted that Layne Christensen had expressed concern regarding this project.

Developer Adam Maher apologized for their absence at the last meeting. They did not understand that they were on the agenda. He noted that they were present along with Wendelin Knobloch and Rod Despain when Mr. Christensen expressed concern. The bulk of the concerns were negative against any development. There would be increased traffic, water would be a problem, the Patio Element of the development would be low income or low rent.

Mr. Maher reviewed the project with the Council. They were looking at bringing in a different element other than the traditional ¼ acre subdivision. There would be 6.3 acres of open space within the 27 acre development. There would be the traditional ¼ lots around the outside with patio type lots with about a 2500 square foot slab on grade home in the center. They were offering various types of home styles within the same development. There were no shared walls. Affordability was a factor. When dealing with a ⅓ to a ¼ acre lot it was difficult to get value. They were not low rent and would not be slums. The open space would be taken care of by the neighborhood association and they would have a playground as well. They were looking to provide a tiered approach of housing options. They would be going with hardy board and not aluminum siding.

Councilman LeBaron asked where they could go on a field trip to see some of this type of development and asked about the price range.

Adam Maher answered that one was the Rosecrest Development (about 13700 South 5800 West) in Herriman and the Daybreak Development on the west side of Salt Lake Valley. Their land planner also did Daybreak. The price range was from \$280,000 to \$340,000.

Councilmember Rodeback commented that those amounts were pretty pricey.

Mr. Maher noted that the closest thing to it was the Richmond Development and they were above \$400,000 to \$450,000.

Councilman LeBaron added that anything that was from \$260,000 to \$280,000 was snapped up right now.

Mr. Maher showed the floor plan options. There was a boat storage area and parks and 2½ miles of pedestrian trails and a gazebo, half court basketball, large open area, and play grounds for three different age tiers. In order to have that type of open area, clustering was needed.

Mayor Thompson asked if this location was in the sensitive lands area.

Rod Despain answered that it was. The groundwater and surface water had already been addressed. There were to be no basements and the plat would be recorded as such. The biggest question in this and the project to the north was the handling of the increased surface waters. The matter was not yet fully flushed out.

Councilmember Rodeback asked if this was approved if the developers were the permitted to do anything in that area. She asked how committed they were to do this development and not sell it to another.

Adam Maher expressed that he understood that there was not much flexibility.

Councilmember Rodeback noted that this was proposed for the Planned Residential zone. It could be sold to another developer who might give less effort. She asked if he was going to develop it.

Mr. Maher was not willing to commit, but added that the approvals were quite rigid. They had provided to staff CC& R's that could be part of the development agreement.

Mayor Thompson asked City Planner Rod Despain to clarify this discussion.

Rod Despain expressed that they needed to separate out the homes on larger lots from the clustering component. The overall density would still remain at three units per acre. The footprint, design, and elevations were very particular. There was still the final approval process.

Councilman Storrs commented that before Councilmember Kramer left the meeting she passed along her concerns.

- 1) She noted that lots 9, 10, and 11 were smaller lots. This was an R1-12,000 zone.

Rod Despain answered that there was an R1-12,000 PUD alternative that allowed lots to go down to 9000 square feet but was offset by additional open space that was created. The overall density was not changed.

- 2) She asked to see the elevation maps and materials to be used prior to voting on it.

Councilman Storrs expressed that this was talked about earlier.

- 3) She asked that if this was for seniors, why were they two stories? They needed to be upscale with \$400,000 homes nearby.

Adam Maher answered that if an elevation/materials board was part of the development agreement, they would have no problem with that.

- 4) She asked to tie the site plan to final approval.

Councilman Gunther noted that this was just for the zoning of the property and the developer would need to comeback for development approval.

Rod Despain stated that was correct. If there was comfort with what they had seen, the zone change could take place. A final version would come back. If there was not comfort in acting on the zone change until there was a final approval that was also an option.

Councilman LeBaron commented that last time they wanted some renderings. He felt what was provided was sufficient. The developer had made a commitment in an open meeting and was on record of building with quality. He also respected the opinion of others.

Councilman Gunther noted the common driveways and there being no place for visitors to park.

Mr. Maher expressed that staff recommended that the center portion was common area and the stems were limited common area and could be used for parking. There was also the street parking.

Rod Despain added that the streets would be dedicated City streets built to public standards.

Councilman LeBaron moved to adopt Ordinance No. 07-10-48 approving the zone map amendment from the R1-12,000 Residential zone to the PR-3.0 Planned Residential zone at approximately 100 West 900 South. Councilman Storrs seconded the motion.

Councilman Storrs was more comfortable knowing that it was not attached housing and also felt that the price-range was good.

Councilmember Rodeback stated that she would be much more comfortable to approve the zone change at the time of final plat approval.

Mayor Thompson called for a vote on the motion. Voting was as follows: Aye, Councilmembers LeBaron and Storrs. Nay, Councilmembers Rodeback and Gunther. Absent, Councilmember Kramer.

Councilman Gunther was more comfortable in bringing it back at the time of final approval.

Adam Maher expressed that there was no way he would wager the success of his \$8 million development plan on some material boards and elevations.

Mayor Thompson asked if there was a timing plan.

Mr. Maher noted that the process was long. If they got the zone change they knew they could do the patio concept if they liked it.

Councilman Gunther voted no out of Councilmember Rodeback's concern and the fact that Councilmember Kramer was not present.

Mr. & Mrs. Jacob Shelby stated that they heard about this concept and they were interested in it. A young married couple could not afford \$400,000 but maybe \$280,000.

Mayor Thompson voted, Aye. The motion carried.

REVIEW AND ACTION ON SUBDIVISIONS, COMMERCIAL PROJECTS, CONDOMINIUMS, AND PUD'S INCLUDING 1) PLAT APPROVAL; 2) METHOD OF SATISFACTION OF WATER RIGHTS REQUIREMENTS; 3) POSTING OF AN IMPROVEMENT BOND OR SETTING OF A TIME FRAME FOR IMPROVEMENT INSTALLATION; AND 4) AUTHORIZATION TO SIGN THE FINAL PLAT AND ACCEPTANCE OF ALL DEDICATIONS TO THE PUBLIC AND TO HAVE THE PLAT RECORDED

- a. Review and action on an Ordinance approving a commercial site plan for Brubaker Planned Commercial Office Warehouse Development on Lot #9 of North Shore Corporate Center Plat B, at 767 South Auto Mall Drive – Mac Brubaker

Calvin Brubaker was in attendance representing the project.

Rod Despain explained that the parking requirements included 5 spaces per 1,000 square feet of office area and 1 space per 1000 square feet of warehouse area. The plat showed 135 were required and that there were 137 provided.

Mr. Brubaker explained that they would be CMU colored block.

Councilman Gunther moved to adopt Ordinance No. 07-10-49 approving the Commercial Site Plan for Brubaker Planned Commercial Office Warehouse Development located on Lot #9 of North Shore Corporation Center Plat B at 767 South Auto Mall Drive. Councilmember Rodeback seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron and Storrs. Absent, Councilmember Kramer. The motion carried.

- b. Review and action on the final plat of Fairways at Temple View Subdivision Plat A consisting of 8 lots at 1342 North 100 East – Gordon Jacobsen

Rod Despain explained that this had been seen previously when the Council dealt with a vacation of a portion of the adjacent street.

Mayor Thompson asked if the lots facing 100 East would have some retaining walls.

Rod Despain answered that it was not so steep that a wall was necessary but there would probably be some walkout basements. The lots were a little bigger than 1/3 acre.

Councilman Gunther moved to approve the final plat of Fairways at Temple View Subdivision Plat A consisting of 8 lots located at 1342 North 100 East to authorize the Mayor and Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to the posting of a performance guarantee to ensure the timely construction of required public improvements. Councilman Storrs seconded the motion.

Rod Despain asked that the conveyance of water shares be included in the motion.

Councilman Gunther added the conveyance of water shares to his motion. Councilman Storrs agreed with is second.

Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron and Storrs. Absent, Councilmember Kramer. The motion carried.

- c. Review and action on an Ordinance approving the final plat of Granite View Estates Plat A PUD, consisting of 41 residences at 780 East 50 South – John Lundin

Mayor Thompson stated that this was similar to other construction in the area.

John Lundin noted that this property was just west of Haymaker and north of Eagle Rock Office Park.

Councilman Storrs moved to adopt Ordinance No. 07-10-50 approving the final plat of Granite View Estates Plat A PUD consisting of 41 residences at 780 East 50 South to authorize the Mayor and Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to the posting of a performance guarantee to ensure the timely construction of required public improvements and deeding of the future street right-of-ways. Councilman LeBaron seconded the motion.

Councilman LeBaron commented that John Lundin was a good neighbor to his office complex due south and that he kept it watered and kept a clean area. He and his tenants appreciated that. It would be a nice addition to the area.

Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron and Storrs. Absent, Councilmember Kramer. The motion carried.

- d. Review and action on an Ordinance approving the final plat of Liberty Park Plat B, a commercial PUD at 1050 East 220 South – John Lundin

City Attorney Kasey Wright explained that there has been a property dispute on this property by one of Mr. Lundin's neighbors. City Engineer Andy Spencer determined from the County Record that there was no legitimate claim from the neighbor on that property. He did not want the City to get into the business of litigating property disputes between private property owners so they have created a waiver and release and indemnification for Mr. Lundin to sign saying that if there were some type of property dispute that he was waiving any claims against the City. Mr. Lundin was willing to sign it, but he had not had a chance yet to review it. Approval of the plat should be subject to Mr. Lundin signing this agreement.

John Lundin explained that he had his property surveyed. The other party was having her property surveyed. He did not think there would be a problem. He was not too concerned.

Mayor Thompson asked if it should be held until there was a resolution.

Kasey Wright reported that he had thought about that, but that would hold Mr. Lundin's approval hostage.

John Lundin reported that the County has looked at the plat as it was drawn and they would record it as it was. Kasey Wright stated that was the information he received also.

Councilmember Rodeback moved to adopt Ordinance No. 07-10-51 approving the final plat of Liberty Park Plat B, a Commercial PUD consisting of 7 units at 1050 East 220 South, to authorize the Mayor and Council to sign the plat and accept the dedications with instructions to the City Recorder to withhold recording of the plat subject to the posting of a performance guarantee to ensure the timely construction of required public improvements and subject to the signing of the waiver by Mr. Lundin.

Rod Despain asked the conveyance of water rights be added to the motion.

Councilmember Rodeback added to her motion that it be subject to the conveyance of water rights.

Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron and Storrs. Absent, Councilmember Kramer. The motion carried.

- e. Review and action on the final plat of Johnson's Corner Subdivision Plat A consisting of 3 lots at 195 South Center Street – *Johnson Family/Oak Hills Surveying*

Rod Despain explained that there were three existing homes on two existing lots. What was proposed to be lots 2 and 3 were now on a single parcel. The proposal was to place each home on its own lot. Proposed lots 1 and 2 were conforming in the zone. Lot 3 was narrower but larger than needed. The normal width was 75 feet. This lot can be narrower to make this situation whole under the Code. Curb and gutter was already installed.

Councilmember Rodeback asked why in the potential motion there was a performance guarantee required.

Rod Despain noted that there may be one issue with regard to a shared sewer and there may need to be a new lateral provided. There were no water rights required.

Councilman Gunther moved to approve the final plat of Johnson's Corner Subdivision Plat A consisting of three lots at 195 South Center Street, to authorize the Mayor and Council to sign the plat and accept the dedications subject to the posting of a performance guarantee to ensure the timely construction of public improvements, if required. Councilman Storrs seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron and Storrs. Absent, Councilmember Kramer. The motion carried.

REVIEW AND ACTION ON A RESOLUTION APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN AMERICAN FORK CITY, LEHI CITY, AND PLEASANT GROVE CITY AND THE TRI-CITY GOLF COURSE INTERLOCAL AGENCY GRANTING THE AGENCY CERTAIN POWERS AND IMPOSING CERTAIN DUTIES INCLUDING, BUT NOT LIMITED TO, THE POWER TO EXERCISE EMINENT DOMAIN –
Staff

Mayor Thompson reported that City Attorney Kasey Wright did not feel that this exercise of this eminent domain was significant.

Councilman Storrs moved to adopt Resolution No. 07-10-41R approving an amendment to the Interlocal Agreement between American Fork City, Lehi City, and Pleasant Grove City and the Tri-City Golf Course Interlocal Agency granting the agency certain powers and imposing certain duties including, but not limited to, the power to exercise eminent domain. Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers

Heidi Rodeback, Dale Gunther, Shirl LeBaron, and Ricky Storrs. Absent, Councilmember Kramer. The motion carried.

REVIEW AND ACTION AUTHORIZING STAFF TO GO OUT TO BID FOR JANITORIAL SUPPLIES - Staff

Councilman LeBaron moved to authorize the staff to go out to bid for janitorial supplies. Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron, and Storrs. Absent, Councilmember Kramer. The motion carried.

REVIEW AND ACTION ON CONSTRUCTION ITEMS INCLUDING CHANGE ORDERS AND TASKS ORDERS - Staff

Howard Denney explained that this was Task Order #8 that was for the design of the distribution system in the amount of \$464,000.

Councilman Gunther moved approval of Task Order #8 in the amount of \$464,000. Councilmember Rodeback seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron and Storrs. Absent, Councilmember Kramer. The motion carried.

REVIEW AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION - Mayor Thompson

Councilman LeBaron moved to enter into an executive session to discuss pending litigation at 9:30 p.m. Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers LeBaron, Rodeback, Gunther, and Storrs. Absent, Councilmember Kramer. The motion carried.

The American Fork City Council entered into an executive session in a room on the main floor at 9:36 p.m. Those present included Mayor Heber Thompson, and Councilmembers Heidi Rodeback, Dale Gunther, Shirl LeBaron, and Ricky Storrs. Councilmember Sherry Kramer was excused. Also present included were Finance Officer Cathy Jensen, Chief of Staff Melanie Marsh, City Treasurer Pam Hunsaker, City Recorder Richard Colborn, City Attorney Kasey Wright, and legal counsel Zack Weisman and Kelly Applegate. Pending litigation was discussed. The executive session concluded at 10:18 p.m.

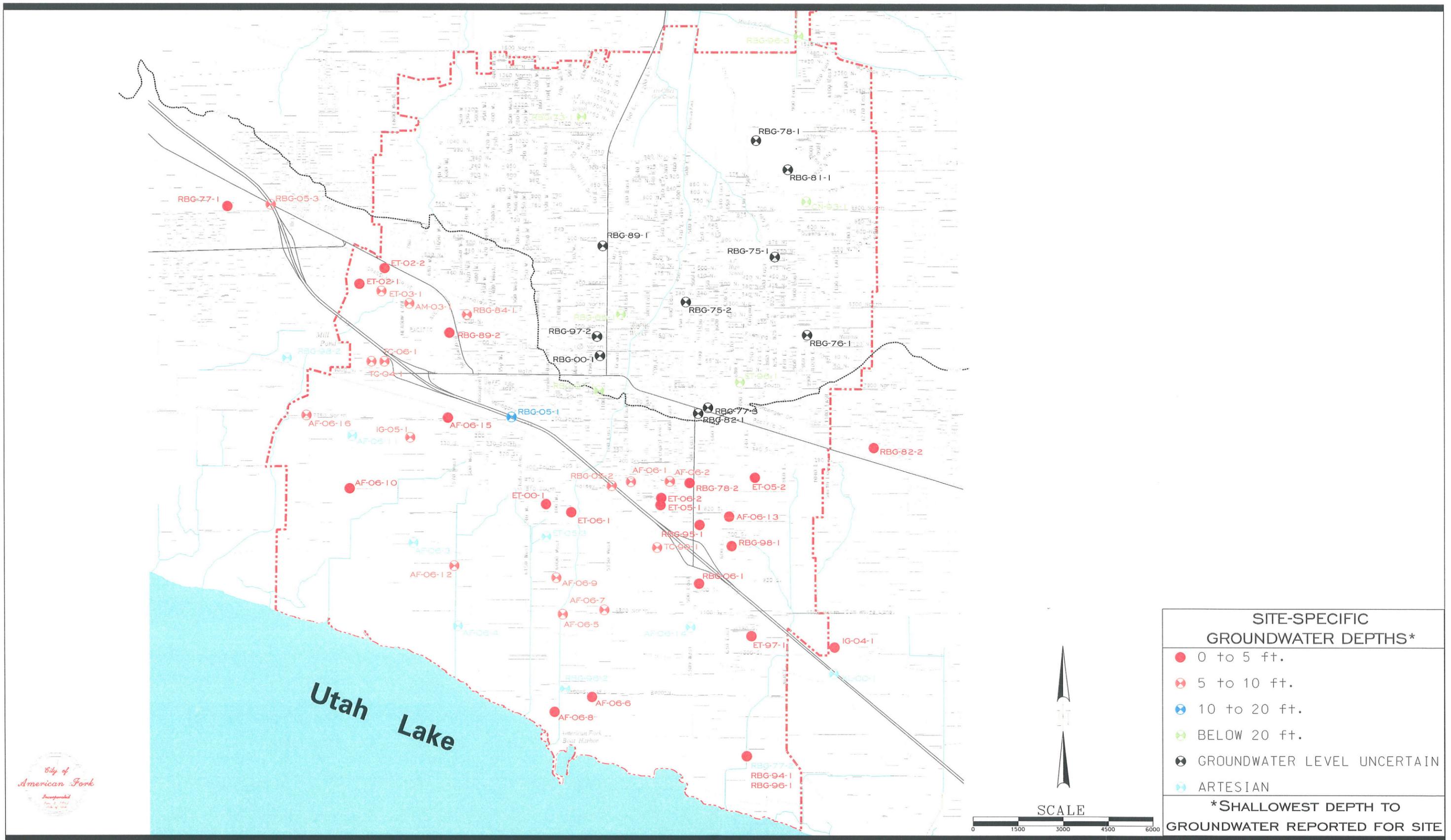
Councilman Storrs moved to return to regular session at 10:19 p.m. Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron, and Storrs. Absent, Councilmember Kramer. The motion carried.

ADJOURNMENT

Councilman Storrs moved adjournment at 10:19 p.m. Councilman Gunther seconded the motion. Voting was as follows: Aye, Councilmembers Rodeback, Gunther, LeBaron, and Storrs. Absent, Councilmember Kramer. The motion carried.

A handwritten signature in black ink, appearing to read "R. M. Colborn". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Richard M. Colborn
City Recorder

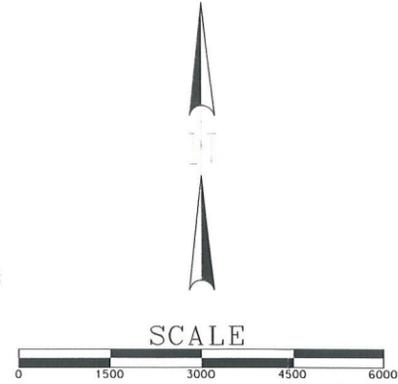


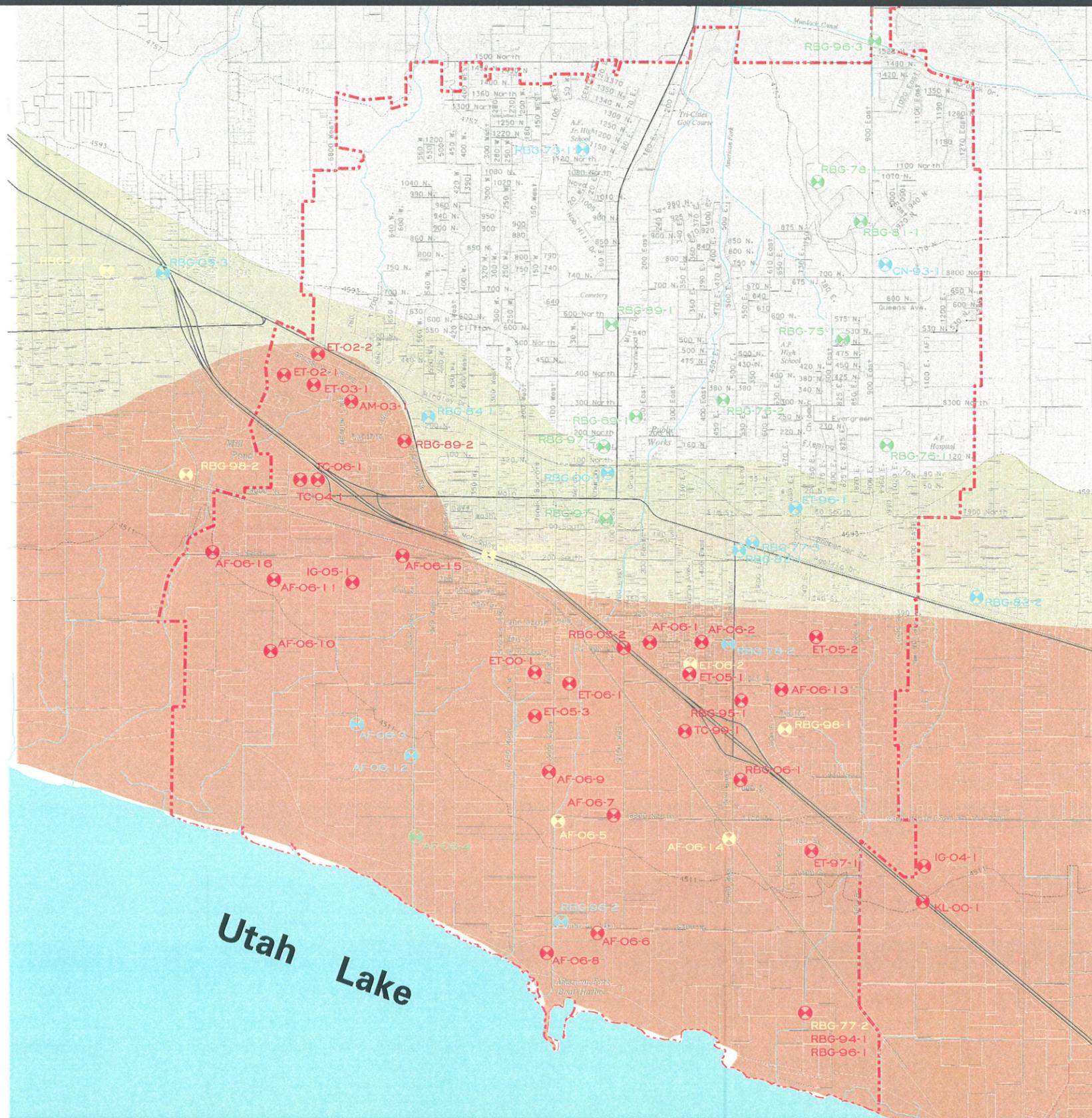
AMERICAN FORK SENSITIVE LANDS

DEPTH TO GROUNDWATER

SITE-SPECIFIC GROUNDWATER DEPTHS*	
●	0 to 5 ft.
⊗	5 to 10 ft.
⊕	10 to 20 ft.
⊗	BELOW 20 ft.
⊗	GROUNDWATER LEVEL UNCERTAIN
⊕	ARTESIAN

*SHALLOWEST DEPTH TO GROUNDWATER REPORTED FOR SITE





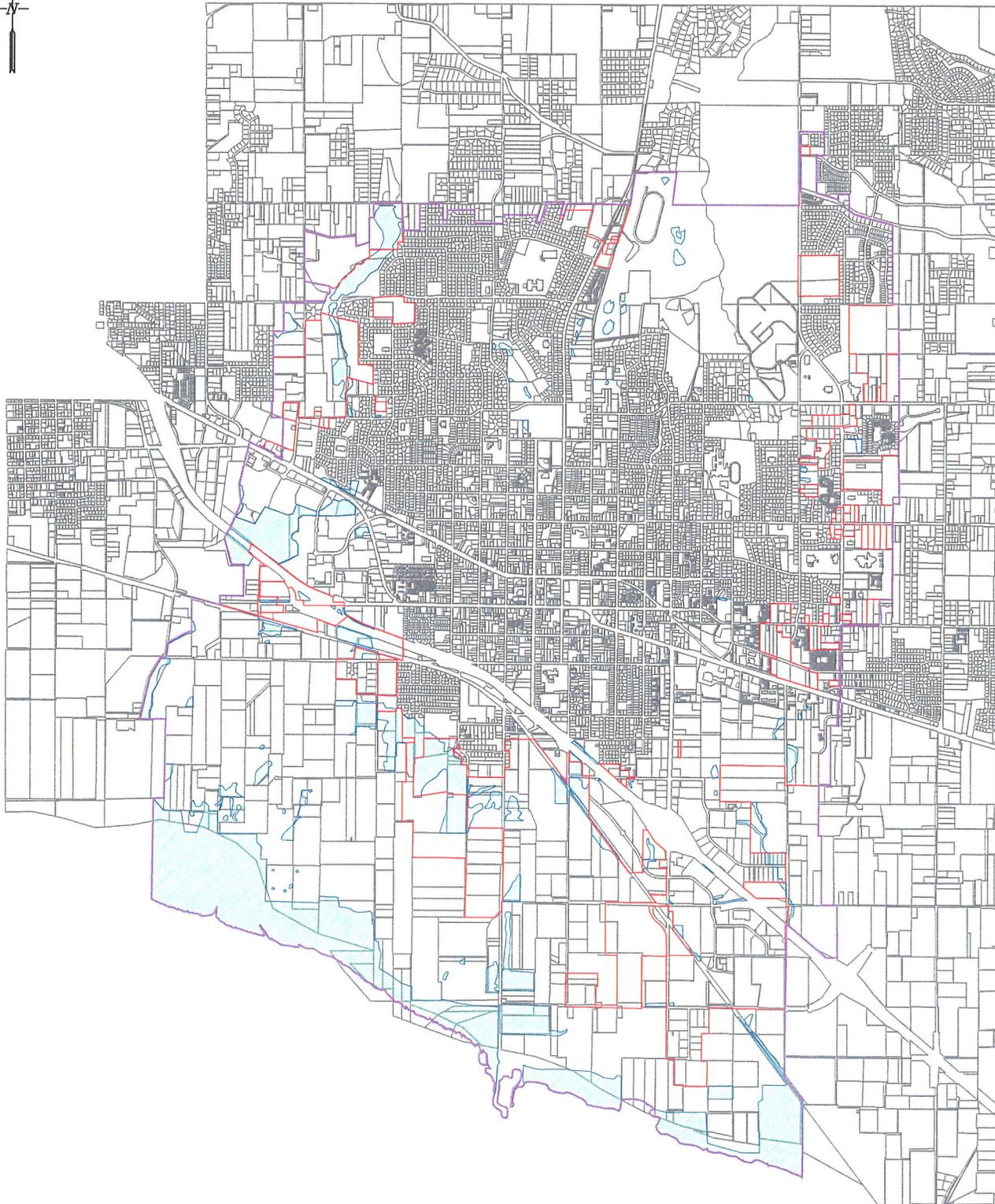
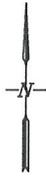
SITE-SPECIFIC LIQUEFACTION HAZARD	
	HIGH
	MODERATE
	LOW/MODERATE
	LOW
LIQUEFACTION ZONES (MODIFIED FROM UTAH COUNTY LIQUEFACTION POTENTIAL MAP)	
	HIGH
	MODERATE
	LOW



**RB&G
ENGINEERING
INC.**
Provo, Utah

AMERICAN FORK SENSITIVE LANDS

PROPOSED LIQUEFACTION HAZARD MAP



LEGEND

— ANNEXATION BOUNDARY

— CITY LIMITS

□ POTENTIAL WETLAND



SCALE: 1" = 1000'

NOTE:

This map is for planning purposes only, and does not represent a jurisdictional wetland delineation. It was developed using aerial photography and the National Wetland Inventory maps and while it illustrates all of the major wetland areas, it may not represent every wetland within the City boundary.

HORROCKS
ENGINEERS

AMERICAN FORK CITY WETLAND IDENTIFICATION