



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION AGENDA**Tuesday, December 13, 2022**

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

VIRTUAL PARTICIPATIONYouTube Live: <http://bit.ly/HC-youtube>Email comments prior to meeting: planningcommission@highlandcity.org**7:00 PM REGULAR SESSION**

Call to Order – Audrey Moore, Chair

Invocation – Commissioner Jay Roundy

Pledge of Allegiance – Commissioner Tracy Hill

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. **Approval of Meeting Minutes** *General City Management – Heather White, Planning Commission Secretary*
Regular Planning Commission Meeting – October 25, 2022
- b. **2023 Planning Commission Meeting Schedule** *General City Management – Kellie Smith, Planner & GIS Analyst*
Planning Commission will consider the 2023 Annual Meeting Schedule. The Commission will take appropriate action.

3. PUBLIC HEARING: PRELIMINARY PLAT – ABBIES ACRES *Land Use (Administrative) – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Peak Real Estate & Development LLC for preliminary plat approval of a 6-lot subdivision located at approximately 4943 W 11200 N. The Planning Commission will take appropriate action.

4. PUBLIC HEARING: PRELIMINARY PLAT – HAWKINS PROPERTY *Land Use (Administrative) – Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Mike Hawkins for preliminary plat approval of a 7-lot subdivision located at approximately 11200 N and Alpine Highway. The Planning Commission will take appropriate action.

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PARK OR PLANTER STRIPS *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 3-621 Park or Planter Strips to require xeriscaping in park strips and update the permitted tree list in park strips. The Planning Commission will take appropriate action.

6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- January 3, City Council, 7:00 pm, City Hall
- January 17, City Council, 7:00 pm, City Hall
- January 24, Planning Commission, 7:00 pm, City Hall
- February 7, City Council, 7:00 pm, City Hall

Legislative: An action of a legislative body to adopt laws or policies.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

ELECTRONIC PARTICIPATION

Members of the Planning Commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

CERTIFICATE OF POSTING

I, Kellie Smith, the City Planner, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda 8th day of December, 2022.

Kellie Smith, City Planner

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES

Tuesday, October 25, 2022

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

VIRTUAL PARTICIPATION

YouTube Live: <http://bit.ly/HC-youtube>Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Audrey Moore, Chair

Invocation – Commissioner Tracy Hill

Pledge of Allegiance – Commissioner Christopher Howden

The meeting was called to order by Commissioner Jerry Abbott as a regular session at 7:03 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Tracy Hill and those in attendance were led in the Pledge of Allegiance by Commissioner Christopher Howden.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Tracy Hill, Chris Howden, Claude Jones, Audrey Moore, Jay Roundy, and Trent Thayn

CITY STAFF PRESENT: City Attorney Rob Patterson, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White

OTHERS PRESENT: Jon Hart

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

None was offered.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes *Administrative*
Regular Planning Commission Meeting – September 27, 2022

Commissioner Thayne MOVED to approve the minutes for September 27, 2022 as written. Commissioner Roundy SECONDED the motion. All present were in favor. The motion carried.

3. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - DAYCARES, PRESCHOOLS, AND IN-HOME INSTRUCTION *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction. The Planning Commission will take appropriate action.

Ms. Smith explained that in the fall a resident applied for a home occupation license for a daycare. Staff reviewed the application and informed the applicant that the application did not meet current requirements of the Development Code. The resident then spoke at a recent Council meeting and shared her concern of Highland's need for affordable childcare. As part of a discussion item at the same meeting, staff presented inconsistencies in approving daycares and preschools under the existing home occupation regulations. The Council was in favor of drafting an ordinance for daycares and preschools based on Lehi City's code and directed staff to move forward with a text amendment.

Commissioner Jones arrived at the meeting at 7:07 PM.

Ms. Smith pointed out that according to the current Development Code, home occupations needed to be completely inside the dwelling unit. She said daycares and preschools typically could not do that. She spoke about state requirements versus the current city code. After discussing with the applicant about what was permitted and what was not, Staff concluded that it was necessary to update city code to clarify what level of impact was allowed for daycares and preschools. She pointed out that preschools would have everyone coming and leaving at the same time. Daycares could have people coming and going all hours of the day. She talked about the traffic impact of daycares and preschools. She mentioned that current daycares and preschools in Highland were grandfathered in under old applications. She talked about aspects of the State Code, Highland's Municipal Code, and the proposed code amendments. She mentioned that the home occupation regulations would not apply to individuals who were homeschooling their own children. It would only apply to people instructing children not living in the home and getting paid for it. She pointed out that Staff recommended background checks for instructors with students under 18 years of age. This requirement would apply to daycare and preschool instructors as well as music teachers, swim lesson instructors, etc., even if the instructor was a teen.

Ms. Smith asked the Commissioners to consider the following points:

- maximum number of children permitted for preschools and in-home instruction
- maximum number of children permitted for daycares
- possible site requirements for daycares with 9-16 children
- possible site improvements required for all daycares no matter how many children were in attendance
- should caregivers not living in the home be permitted

Commissioner Roundy mentioned that he researched and observed preschools in the area. He saw one area in particular that had drivers using neighbors' driveways to drop off and pick up kids. He said flag poles had been bent and cars and trailers were regularly parked on the street rather than in a driveway so parents could use the

driveway for drop-off and pick-up. He voiced concern with residents having to use traffic cones because they felt the need to protect their property. He was concerned with increased cars and other automobiles parked on streets.

Commissioner Moore opened the public hearing at 7:37 PM and called for public comment. Hearing none, she closed the public hearing at 7:38 PM. She asked for additional discussion.

The Planning Commission discussed and considered details pertaining to the minimum number of caregivers for daycares, the requirement for instructors to have to live at the home, off- and on-street parking needs, the maximum number of children permitted, and the increased number of trips per day.

Commissioner Roundy said he spoke to a lot of residents about daycares and preschools. He said the consensus was that both should not be in residential areas.

Commissioner Moore thought it was important to not limit just one instructor for preschools. She also thought it was a very appropriate in-home business that was needed in Highland. She pointed out that Highland had a limited number of commercial areas.

Commissioner Howden wondered how many residents requested the change over the last 12 months. He wondered if the city was asked to solve a problem that didn't exist. Ms. Smith explained that this was the only requested amendment in the last 12 months. She said Highland currently had six licensed preschools and two licensed daycares. Ms. Smith pointed out that in the past the applications were, in her opinion, approved without meeting code. She explained that the approval process in the past involved obtaining signatures from neighbors. She said she would not be able to approve any other applications unless they complied with code. She said the applicant spoke about the need for affordable childcare in Highland. Ms. Smith thought it was a needed use within Highland with working moms. She said preschools and daycares did not currently meet Highland home occupation regulations and that they were currently prohibited in residential areas.

Commissioner Moore mentioned the numerous internet posts regarding families in Highland looking for local daycares or preschools.

The Commissioners discussed the potential traffic impact. They discussed business owner rights and resident neighborhood rights as well as potential impact to the neighborhood. They talked about the fact that family parties could also bring lots of traffic. They discussed whether there was a need for the proposed uses.

Commissioner Jones thought the uses were absolutely vital to communities. He thought everyone benefitted from in-home preschools and daycares. He wondered if there were on-going complaints throughout the year. Ms. Smith explained that the city received complaints for one specific preschool that was given a business license over 10 years ago requesting 30 children. She said over the years the city tried to work with the owner to mitigate the impact of the business. There had been no complaints for any other preschool or daycare business.

The Planning Commissioners discussed residents who provided lessons in the home, i.e. swim lessons, music teachers, etc. They considered requiring background checks and talked about what was involved in obtaining one.

The Commission considered the proposed types of daycares, Type 1 and Type 2, and the different code requirements for each. They discussed the proposed quarter mile radius requirement. Commissioner Moore pointed out that more women needed to work. She understood the conflict with having too many within a neighborhood and liked the quarter mile radius restriction.

Commissioner Roundy was not sure preschools and daycares were needed in residential areas. He thought swim instructors and piano teachers fell into a different category. Commissioner Thayn thought the issue was about affordability. He explained that daycares in commercial areas were \$2,000 - \$2,500 per month or more. He said many people weren't able to afford them. The commissioners agreed that having more than 12 kids at a home business was too many.

Commissioner Howden left the meeting at 8:53 PM.

Additional discussion and deliberation ensued. Commissioner Moore called for a motion.

Commissioner Thayn moved that the Planning Commission recommend approval of the text amendment as proposed by staff to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction with the following changes:

Daycares:

- *Type 1 – as written*
- *Type 2 – 9-12 kids*
- *Type 1 and 2 - 1 off-street parking space per caregiver required*
- *Type 1 and 2 - must have a traffic plan submitted showing parking and adequate traffic flow*
- *Type 1 and 2 - A background check is required for teachers or instructors for students younger than 18 years of age*

In-home Instruction:

- *Maximum of 12 students per day provided that no student attend for more than 4 hours*
- *Remove time blocks*

Commissioner Moore **SECONDED** the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Absent
Commissioner Chris Dayton (Alternate)	Absent
Commissioner Tracy Hill	Yes
Commissioner Christopher Howden	Absent
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Yes
Commissioner Trent Thayn	Yes

Motion carried 5:0

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - SEWER LIFT STATIONS *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 5-9-107 Underground Utilities and Sanitary Sewer relating to sewer lift stations. The Planning Commission will take appropriate action.

Ms. Smith explained that Highland currently maintained three sewer lift stations. Because of the substantial costs of maintaining and replacing sewer lift stations, the City Council directed Staff to draft an amendment to the Development Code which prohibited new development from being served by publicly owned sewer lift stations. She said the proposed amendment would not eliminate the options for developers to have their own lift station for the development if they chose to go that route. She reviewed maintenance and replacement costs which was over \$2.2 million during FY21-22 and FY22-23.

Commissioner Moore opened the public hearing at 9:26 PM and asked for public comment. Hearing none, she closed the public hearing at 9:26 PM and asked for additional comments.

Ms. Smith explained that this would apply to new development. The Planning Commission discussed the difference between a publicly and privately owned lift stations. They discussed how to protect the city from having to take over a lift station that was once privately owned. Commissioner Moore called for a motion.

Commissioner Jones MOVED that the Planning Commission recommend approval of the proposed amendment to Section 5-9-107 Underground Utilities and Sanitary Sewer relating to sewer lift stations, with the added provision that private lift stations must prove adequate provisional funding for maintenance and repair in perpetuity.

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 5:0

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PARK OR PLANTER STRIPS *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 3-621 Park or Planter Strips to clarify that the maintenance is the responsibility of the adjacent property owner. The Planning Commission will take appropriate action.

Ms. Smith explained that the Development Code did not specify that park strips would be maintained by the adjacent property owner. She explained that the City had been enforcing it by policy for many years.

Commissioner Moore opened the public hearing at 9:40 PM and asked for public comment. Hearing none, she closed the public hearing at 9:40 PM and asked for additional discussion.

Commissioner Thayn wondered if the amendment applied to properties adjacent to trails. Ms. Smith explained that this was an entirely different issue. She said the Council approved an encroachment and maintenance agreement policy in July. The space next to trails was City owned open space rather than a right of way, therefore, the amendment would not apply to property adjacent to trails.

Commissioner Roundy suggested specifying “adjacent property owner.” He explained that he did not agree with some of the xeriscape plant materials on the list because they were considered weeds. He did not think the city should adopt the plant list from the Department of Agriculture. Regarding Exhibit A in the staff report, he was fine with #1, but suggested removing #2 and #3. He said some of the plants on the list were noted for having extremely weak wood or an unpleasant odor. He said he would change the whole list because it did not include smaller species. He suggested adding “...as approved by the city or a nationally licensed landscape architect within the city boundaries.”

Commissioner Moore voiced concern about making residents incur higher fees by requiring everyone to get approval from a landscape architect. She thought a list of plants more applicable to Highland would be helpful because not everyone would be able to afford a landscape architect.

Commissioner Roundy said residents could find a plant list online from Utah State University or other universities. He said people could research items on the list because he didn’t want residents to think it was all inclusive. Commissioner Roundy pointed out that plants might be different depending on where they lived in the city. Commissioner Moore called for a motion.

Commissioner Moore MOVED that the Planning Commission recommend approval of the proposed amendment to Section 3-621 Park or Planter Strips to clarify that the maintenance of park strips is the responsibility of the owner directly adjacent to that sidewalk, with the stipulation that the list of specific vegetation selection and choice be reviewed at a future date.

Question on the motion: Commissioner Roundy asked about noxious weeds. He said some plants listed as weeds were actually good. Ms. Smith thought it needed more research and review. She said the noxious weed list seemed to be everything that was not native to Utah. She pointed out that the Municipal Code tree list was not the same as the list in the Development Code and was happy to work with Commissioner Roundy to review them.

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Yes</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>

Motion carried 5:0

6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- November 1, City Council, 7:00 pm, City Hall
- November 15, Planning Commission, 7:00 pm, City Hall
- December 6, City Council, 7:00 pm, City Hall
- December 13, Planning Commission, 7:00 pm, City Hall

ADJOURNMENT

Commissioner Hill moved to adjourn the meeting. Commissioner Thayn seconded the motion. All present were in favor.

The meeting was adjourned at 10:07 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 25, 2022. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary



PLANNING COMMISSION AGENDA REPORT ITEM #2b

DATE: December 13, 2022
TO: Planning Commission
FROM: Kellie Smith, Planner & GIS Analyst
SUBJECT: **ACTION:** 2023 Planning Commission Meeting Schedule
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The Planning Commission will consider the 2023 Regular Meeting Schedule. The Commission will take appropriate action.

BACKGROUND:

Staff proposes that the Planning Commission continue to hold their 2023 regular meetings as follows:

Regular Meeting	Date
January	24
February	28
March	28
April	25
May	23
June	27
July	25
August	29
September	26
October	24
November	28
December	12

This schedule may be modified as needed throughout the year.

FISCAL IMPACT:

This action will not have any additional impact on this fiscal year's expenditures.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve the 2023 Regular Meeting Schedule

MOTION TO APPROVE:

I move that the Planning Commission **APPROVE** the 2023 Regular Meeting Schedule.



PLANNING COMMISSION AGENDA REPORT ITEM #3

DATE: December 13, 2022
TO: Planning Commission
FROM: Kellie Smith, Planner & GIS Analyst
SUBJECT: **PUBLIC HEARING:** Preliminary Plat – Abbies Acres
TYPE: **LAND USE (ADMINISTRATIVE)**

PURPOSE:

The Planning Commission will hold a public hearing to consider a request by Peak Real Estate & Development LLC for preliminary plat approval of a 6-lot subdivision located at approximately 4943 W 11200 N. The Planning Commission will take appropriate action.

BACKGROUND:

The property is approximately 6.12 acres and is zoned R-1-40. The square footage allows for a 6-lot subdivision in the R-1-40 Zone.

SUMMARY OF THE REQUEST:

1. The applicant is requesting preliminary plat approval of six (6) single-family residential lots located at approximately 4943 W 11200 N.
2. Drive and utility access to the site will be from 11200 N. One (1) of the lots will face S.R.92 using an existing driveway access.
3. The subdivision includes one 21,151 square foot lot. The rest of the lots are greater than 30,000 square feet.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was sent to all residents within 500' of the subject property. Notice of this public hearing was also posted on the state and city websites on December 1, 2022. A sign was also posted on the property notifying of the date and time of the public hearing. Staff received one communication from a resident concerned that it did not meet R-1-40 square footage requirements. Staff shared the section in the Development Code that details the area and width requirements in the R-1-40 Zone.

STAFF REVIEW:

Zoning

- The property is designated as Low-Density Residential in the General Plan Land Use Map. It is zoned R-1-40.
- The properties directly north, east, and west of the proposed project are zoned R-1-40. The property south of S.R.92 is zoned R-1-20. The proposed subdivision is compatible with the surrounding uses.

Density

- The subdivision consists of 6.12 acres. With R-1-40 density requirements, the developer is allowed 6 lots.
- There is one (1) lot that is less than 30,000 square feet. This meets the requirement that no more than 25% of the lots can be under 30,000 square feet in the R-1-40 Zone.

Access and Utilities

- The proposed cul-de-sac meets the requirement in Section 5-8-105 of the Development Code that “cul-de-sacs shall not exceed 600 feet in length and shall have a minimum terminal radius of 50 feet.”
- The applicant contacted the Utah Department of Transportation (UDOT) seeking one additional road access onto S.R.92. UDOT stated that the only way they would allow one road access was if the resident adjacent gave up their driveway access on S.R.92 and accessed from the new road. This resident refused.
- Lots 1-5 will receive utility access from 11200 N. Lot 6 will use existing water and sewer laterals from S.R.92.

FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- The preliminary plat is consistent with the General Plan.
- The preliminary plat is compliant with R-1-40 Zoning requirements.
- The proposed subdivision meets the applicable requirements in Article 5-8 General Requirements of All Subdivisions in the Development Code.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year’s budget expenditures.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed preliminary plat with the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received November 16, 2022.
2. The existing ditch along the east side of the property be abandoned by the Lehi Irrigation Company and filled by the developer.
3. All public improvements shall be installed as required by the City Engineer.
4. The civil construction plans shall meet all requirements as determined by the City Engineer.

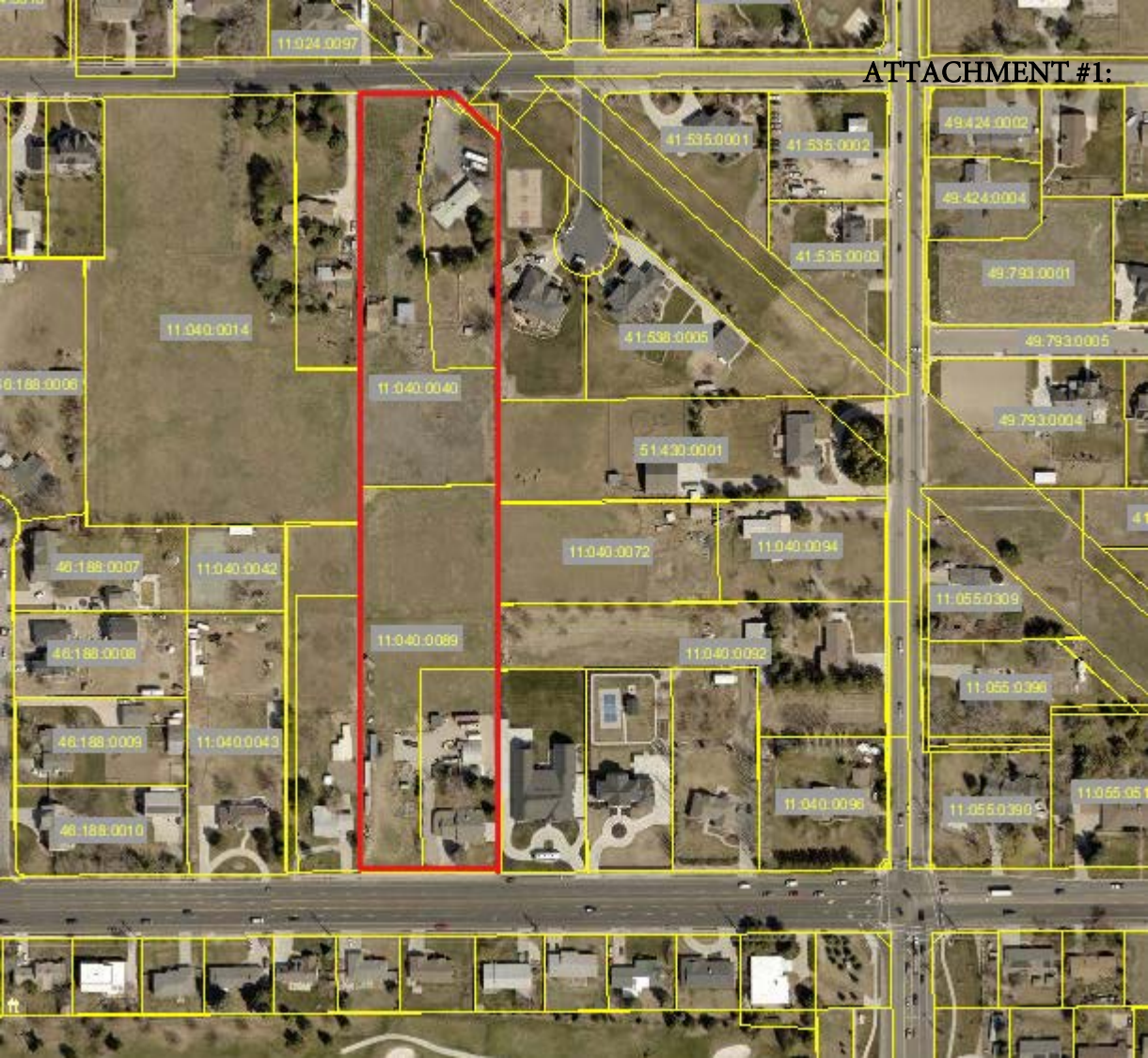
MOTION TO APPROVE:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the preliminary plat for the Abbies Acres subdivision subject to the stipulations recommended by Staff.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Preliminary Plat
3. Utility Plan

ATTACHMENT #1:



11200 NORTH STREET

500 WEST STREET

11100 NORTH STREET

SITE

SAMSON DRIVE

MANOR DRIVE

TIMPANOGOS HIGHWAY (SR-92)

4800 WEST STREET

COUNTRY CLUB DRIVE

I, **PATRICK M. HARRIS**, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. **268682** in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyor's Act. I further certify that by authority of the Owners, I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17 and have verified all measurements; that the reference monuments shown on this plat are located as indicated and are sufficient to accurately establish the lateral boundaries of the herein described tract of real property; and has been drawn correctly to the designated scale and is a true and correct representation of the herein described lands included in said subdivision, based upon data compiled from records of the county recorders office. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

A parcel of land situate in the Northeast Quarter of Section 36, Township 4 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Southerly Right-of-Way line of 11200 North Street, said point being South 89°49'50" West 872.46 feet along the Section Line and South 0°10'10" East 26.92 feet from the Northeast Corner of Section 36, Township 4 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence North 89°42'00" East 183.48 feet along said Southerly Right-of-Way line;
thence South 48°12'59" East 47.36 feet;
thence South 00°10'10" East 1,199.55 feet to the Northerly Right-of-Way line of Timpanogos Highway (SR-92);
thence South 89°43'50" West 218.70 feet along said Northerly Right-of-Way line;
thence North 00°10'10" West 1,231.18 feet to the point of beginning.

Contains 268,712 Square Feet or 6.169 Acres and 7 Lots.

We, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets, and easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public. The public utility easements to all providers, public or private, and the irrigation easements to all lot owners, and their successors and assigns in perpetuity.

In witness hereof we have set our hands this _____ day of _____, A.D. 20 _____

By:

STATE OF UTAH)
County of Utah) S.S.

On the _____ day of _____ A.D., 20_____,
personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of
Utah, who after being duly sworn, acknowledged to me that He/She is the _____
of _____ a Limited
Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for
the purposes therein mentioned and acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES: _____

RESIDING IN _____ COUNTY.

NOTARY PUBLIC

THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSE FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20____.

APPROVED BY MAYOR _____

APPROVED _____ ATTEST _____
CITY ENGINEER CLERK-RECORDER
(SEE SEAL BELOW) (SEE SEAL BELOW)

APPROVED AS TO FORM THIS _____ DAY OF _____, A.D. 20____.

HIGHLAND CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, A.D. 20____.

PLANNING COMMISSION CHAIR

There are conditions of approval attached to this subdivision which are indicated on this plan. These conditions have been recorded with this subdivision. Potential buyers are requested to read these conditions carefully and obtain a copy of these conditions and restrictions prior to purchasing or contracting to purchase any lots within this subdivision. These conditions are binding and have been imposed by the legislative body of Highland City. A copy of these conditions may be obtained through the Utah County Recorder's office or the Highland City Recorder's office. In addition, Highland City has approved binding zoning laws through a legally binding Development Code. It is the intent of the City to ensure due diligence in obtaining all accurate information and/or regulations that may directly or indirectly affect the use of property prior to purchasing or contracting to purchase any property anywhere. Conditions of approval conveyed on this property by the legislative body of Highland City, which are in addition to the Development Code, are as follows:

- 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certificate of occupancy.
- i) Landscaping and construction materials of any type are not permitted upon or within the street, curb & gutter, park strip or sidewalk (street right-of-way) with the exception of the park strip which requires 75% to be landscaped.
- j) A fence that abuts open space or a trail has additional restrictions of size and opacity. Fences along open space or a trail must comply with Highland City Ordinance. A fence permit is required for all fences.
- k) Highland City Ordinances restrict height of foundations above curb. It is the responsibility of the buyer to contact the city prior to purchasing any lot. This restriction applies to all lots in this subdivision.

ABBIES ACRES SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 36,
TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
HIGHLAND CITY, UTAH COUNTY, UTAH

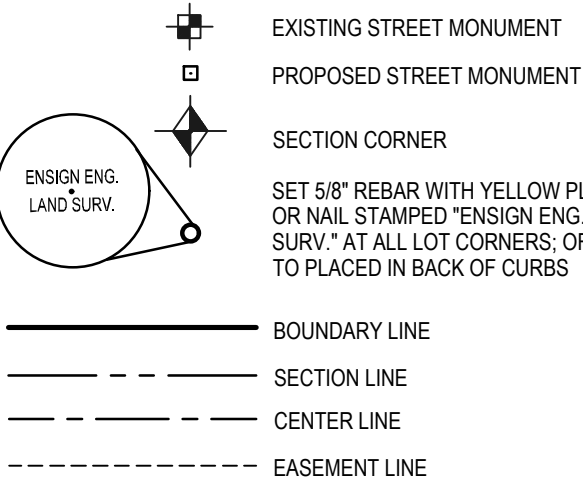
SURVEYOR'S SEAL

NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

CITY RECORDER SEAL

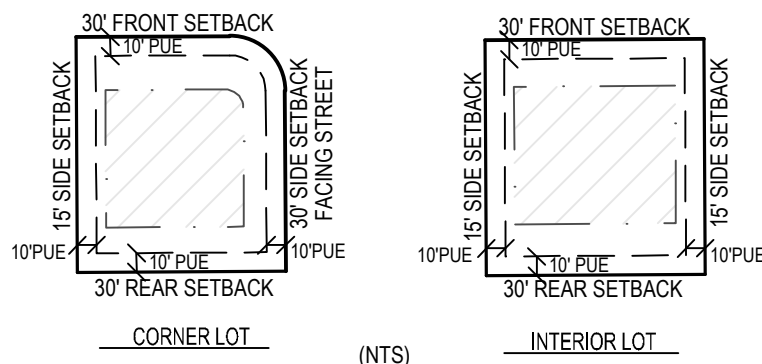
LEGEND



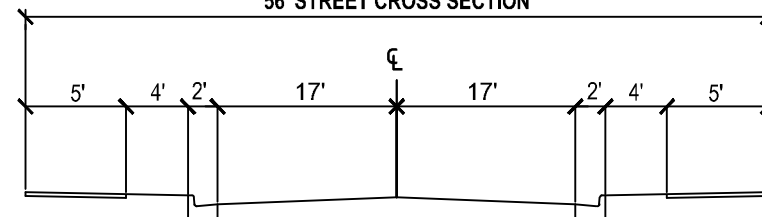
POINT TABLE		
POINT #	NORTHING	EASTING
M1	7327513.37	1564297.95
M2	7327505.52	1561643.35
M3	7327510.87	1563453.49
M4	7326910.88	1563455.27
M5	7326910.94	1563477.27

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	19.00'	22.80'	68°45'26"	S34°32'53"E	21.46'
C2	50.00'	91.05'	104°20'00"	S16°45'35"E	78.98'
C3	50.00'	125.83'	144°11'42"	N72°29'44"W	95.16'

TYPICAL BUILDING SETBACKS



SS SECTION



SHEET 1 OF 1

PROJECT NUMBER : 11378
MANAGER : JBG
DRAWN BY : SJL
CHECKED BY : PMH
DATE : 11/15/22



SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT. 84070
Phone: 801.255.0529
Fax: 801.255.4449
WWW.ENSIGNENG.COM

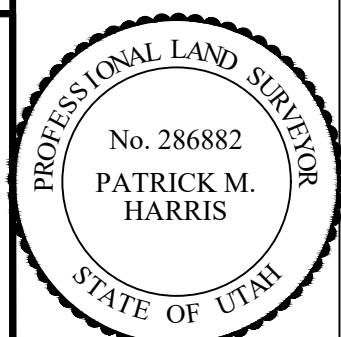
LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3690

CEDAR CITY
Phone: 435.885.1453

RICHFIELD
Phone: 435.590.0187

COLORADO SP
Phone: 719.476.0119



811

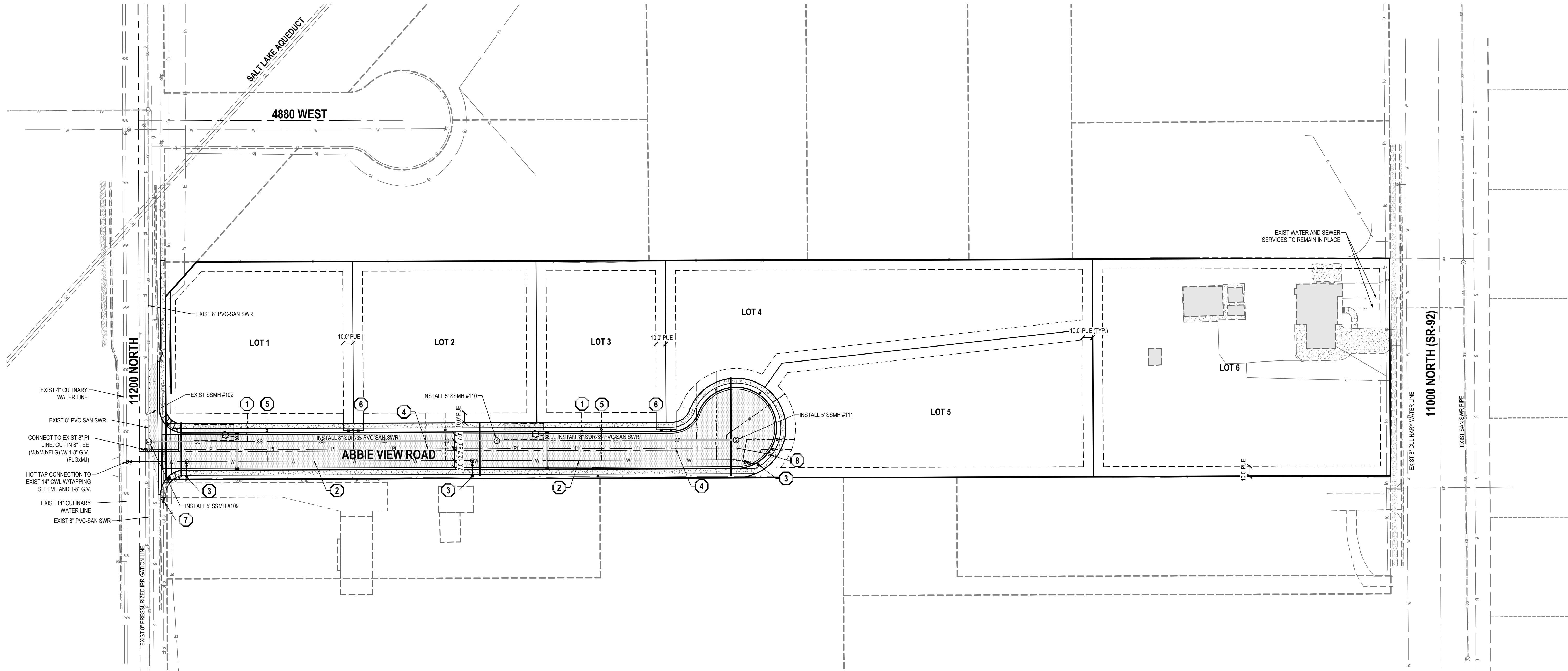
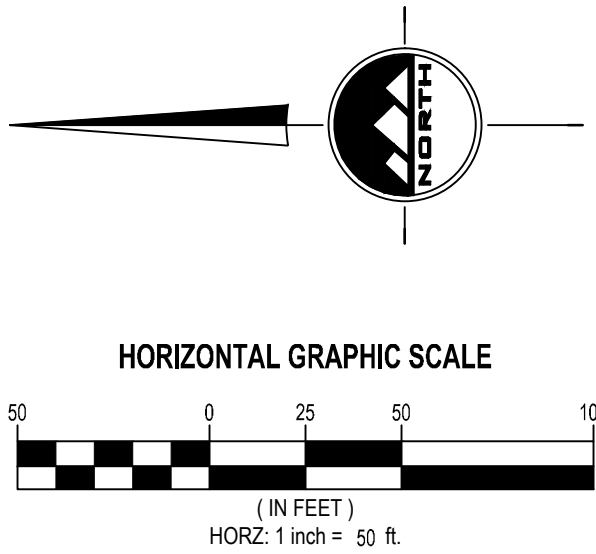
Know what's below.
Call before you dig.

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK

NORTHEAST CORNER OF SECTION 36,
TOWNSHIP 4 SOUTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN

ELEV = 4946.68'



GENERAL NOTES

- ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
- EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
- ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY STANDARD PLANS AND SPECIFICATIONS.
- ALL WATER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY OR APWA STANDARD PLANS AND SPECIFICATIONS.
- DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
- PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
- THE CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL/PLUMBING PLANS.
- NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
- THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- 4" SDR-35 PVC SANITARY SEWER LATERAL @ 2.00% MIN SLOPE PER HIGHLAND CITY STD DETAIL SS-01 AND SPECIFICATIONS.
- 8" CLASS 350 DIP POLYWRAPPED POTABLE WATER LINE PER HIGHLAND CITY STANDARDS AND SPECIFICATIONS.
- FIRE HYDRANT ASSEMBLY COMPLETE PER HIGHLAND CITY STD DETAIL DW-03 AND SPECIFICATIONS.
- 8" C-900 DR-18 PVC PRESSURIZED IRRIGATION LINE PER HIGHLAND CITY STANDARDS AND SPECIFICATIONS.
- 3/4" CULINARY WATER METER AND 3/4" SERVICE LINE PER HIGHLAND CITY STD DETAIL DW-01 AND SPECIFICATIONS (SERVICE LINE TO BE TYPE K COPPER UP TO METER, AFTER METER, 1" DIA. DR-9 POLY PIPE CAN BE USED).
- 1" PRESSURIZED IRRIGATION METER AND 1" PURPLE POLY SERVICE LINE PER HIGHLAND CITY STD DETAIL PI-01, PI-02, AND SPECIFICATIONS (FOR DUAL SERVICES, SERVICE LINE TO BE 1-1/2" FROM MAINLINE TO LATERAL TEE).
- INSTALL RELOCATED POWER POLE (COORDINATE WITH ROCKY MOUNTAIN POWER).
- INSTALL BLOW-OFF VALVE PER HIGHLAND CITY STANDARDS AND SPECIFICATIONS.



SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
BON-CO REAL ESTATE LLC

CONTACT:
COREY JONES
PHONE: 801-656-8916

ABBIES ACRES
PRELIMINARY PLAT
4922 W 1100 NORTH
HIGHLAND, UTAH

2022.11.14, PRELIM.

UTILITY PLAN

PROJECT NUMBER
11378
DRAWN BY
AH
PROJECT MANAGER
JG

PRINT DATE
11/15/22
CHECKED BY
RQE

C-400



PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: December 13, 2022
TO: Planning Commission
FROM: Kellie Smith, Planner & GIS Analyst
SUBJECT: **PUBLIC HEARING:** Preliminary Plat – Hawks Landing
TYPE: **LAND USE (ADMINISTRATIVE)**

PURPOSE:

The Planning Commission will hold a public hearing to consider a request by Mike Hawkins for preliminary plat approval of a 7-lot subdivision located at approximately 11200 N and Alpine Highway. The Planning Commission will take appropriate action.

BACKGROUND:

The property is approximately 7.12 acres and is zoned R-1-40. The square footage allows for a 7-lot subdivision in the R-1-40 Zone.

SUMMARY OF THE REQUEST:

1. The applicant is requesting preliminary plat approval of seven (7) single-family residential lots located at approximately 11200 N and Alpine Highway.
2. Road and utility access to the site will be from 11200 N. The applicant is providing half street improvements plus ten (10) feet of asphalt on the north side of the subdivision to provide road and utility access to the undeveloped property to the north.
3. All proposed lots are greater than 30,000 square feet.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was sent to all residents within 500' of the subject property. Notice of this public hearing was also posted on the state and city websites on December 1, 2022. A sign was also posted on the property notifying of the date and time of the public hearing. Staff received one resident comment that was concerned that the lots were smaller than an acre. Staff shared the section in the Development Code that details the area and width requirements in the R-1-40 Zone.

STAFF REVIEW:

Zoning

- The property is designated as Low-Density Residential in the General Plan Land Use Map. It is zoned R-1-40.
- The properties directly north, south, east, and west of the proposed project are zoned R-1-40. The proposed subdivision is compatible with the surrounding uses.

Density

- The subdivision consists of 7.12 acres. With R-1-40 density requirements, the developer is allowed 7 lots.
- The zoning allows for one (1) lot to be less than 30,000 square feet. All of the proposed lots are greater than 30,000 square feet.

Access and Utilities

- Road and utility access to the site will be from 11200 N.
- The proposed subdivision provides road and utility access to the undeveloped land directly north. This additional road access allows for future connectivity through local streets without having to access Alpine Hwy.
- The Development Code and the Highland City Design Criteria for Public Improvements require half street improvements plus ten (10) feet of asphalt for local roads along subdivision boundaries. The proposed plat meets this requirement.
- There is an existing Lehi Irrigation ditch that serves property to the north, and another ditch along 11200 N that serves property on the west side of Alpine Hwy. This ditch is required to be piped. The Lehi Irrigation Company will review and approve plans associated with the ditch. A stipulation has been added to address this.

FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- The preliminary plat is consistent with the General Plan.
- The preliminary plat is compliant with R-1-40 Zoning requirements.
- The proposed subdivision meets applicable requirements in the Highland City Design Criteria for Public Improvements.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed preliminary plat with the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received November 23, 2022.
2. Right-of-way along 11200 N must be dedicated and improved to match the City standard park strip and sidewalk configuration as approved the City Engineer.
3. The Lehi Irrigation Company shall review and approve the construction plans involving relocating and piping the existing irrigation ditches.
4. All public improvements shall be installed as required by the City Engineer.
5. The civil construction plans shall meet all requirements as determined by the City Engineer.

MOTION TO APPROVE:

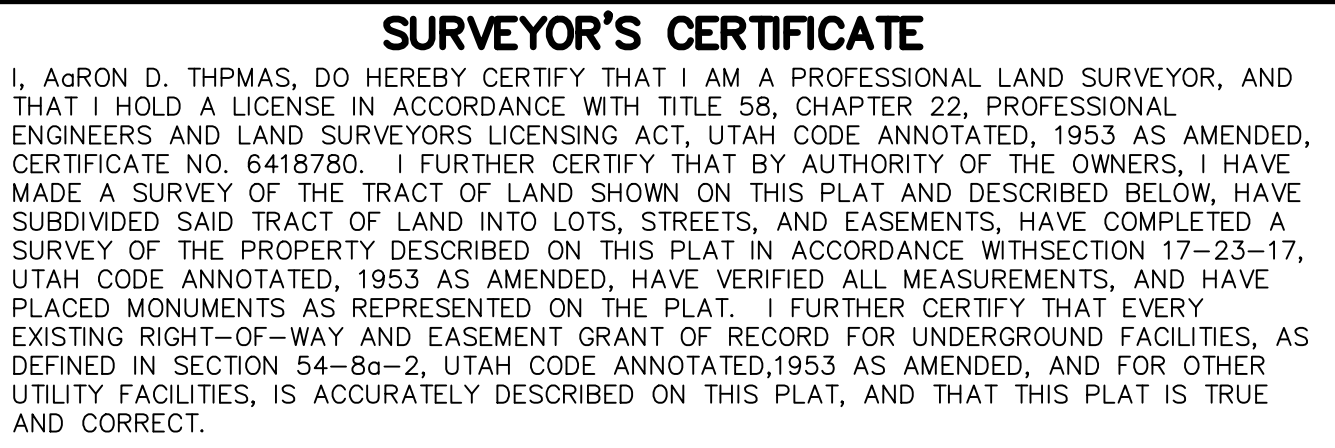
I move that the Planning Commission accept the findings and recommend **APPROVAL** of the preliminary plat for the Hawks Landing subdivision subject to the stipulations recommended by Staff.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Preliminary Plat
3. Utility Plan

ATTACHMENT #1:





2654.40
(BASIS OF BEARING)

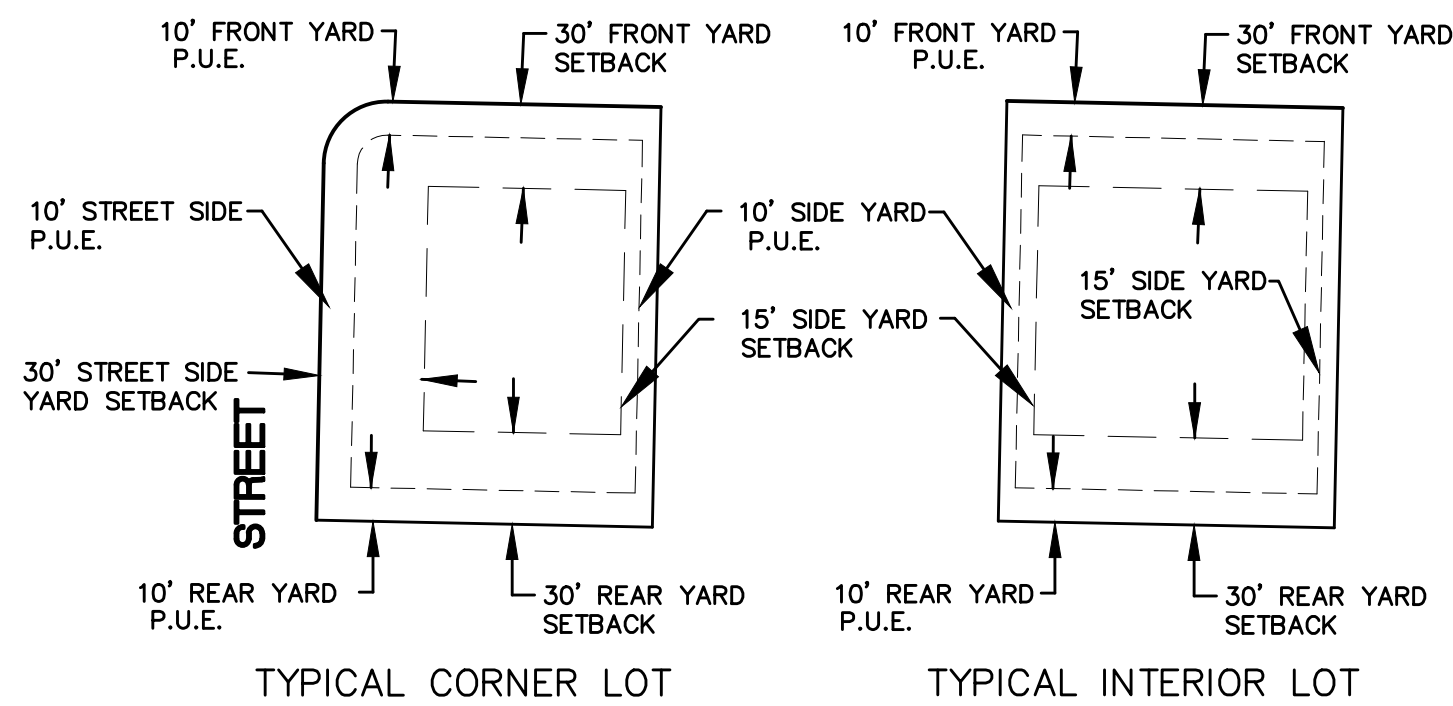
LEGEND

- | | |
|---|---------------------------|
|  | FOUND BRASS CAP |
|  | SUBDIVISION MONUMENT |
|  | SET 5/8" IRON PIN |
|  | FOUND 5/8" IRON PIN |
|  | CALCULATED POINT, NOT SET |
|  | PROPERTY BOUNDARY |
|  | CENTERLINE |
|  | RIGHT-OF-WAY LINE |
|  | LOT LINE |
|  | SECTION LINE |
|  | EASEMENT |
|  | EXISTING DEED LINE |

THESE ARE CONDITIONS OF APPROVAL ATTACHED TO THIS SUBDIVISION WHICH ARE INDICATED ON THIS PLAT. THESE CONDITIONS HAVE ALSO BEEN RECORDED WITH THIS SUBDIVISION. POTENTIAL BUYERS ARE REQUESTED TO READ THESE CONDITIONS CAREFULLY PRIOR TO PURCHASING OR CONTRACTING TO PURCHASE ANY LOT. A COPY OF THESE CONDITIONS MAY BE OBTAINED THROUGH THE UTAH DEPARTMENT OF HERITAGE, 160 EAST 300 SOUTH, SALT LAKE CITY, UTAH 84111. IN ADDITION, HIGHLAND CITY HAS A DEVELOPMENT CODE, WHICH MAY BE OBTAINED BY THE LEGISLATIVE BODY OF HIGHLAND CITY, WHICH ARE AS FOLLOWS:

- 1) 70% OF THE FRONT YARD LANDSCAPING SHALL BE INSTALLED BY THE HOMEOWNER WITHIN ONE YEAR AFTER RECEIVING A CERTIFICATE OF OCCUPANCY.
- 2) LANDSCAPING AND CONSTRUCTION MATERIAL OF ANY TYPE ARE NOT PERMITTED UPON OR WITHIN THE STREET, CURB & GUTTER, OR SIDEWALK (STREET RIGHT-OF-WAY) WITH THE EXCEPTION OF THE PARK STRIP WHICH REQUIRES 75% TO BE LANDSCAPED.
- 3) A FENCE THAT ABUTS OPEN SPACE OR A TRAIL HAS ADDITIONAL RESTRICTIONS OF SIZE AND CAPACITY. FENCES ALONG OPEN SPACE OR TRAIL MUST COMPLY WITH HIGHLAND CITY ORDINANCE. A FENCE PERMIT IS REQUIRED FOR ALL FENCES.
- 4) HIGHLAND CITY ORDINANCES RESTRICT HEIGHT OF FOUNDATION ABOVE CURB. IT IS THE RESPONSIBILITY OF THE BUYER TO CONTACT THE CITY PRIOR TO PURCHASING ANY LOT. THIS RESTRICTION APPLIES TO ALL LOTS IN THIS SUBDIVISION.

STREET



TYPICAL CORNER LOT

TYPICAL INTERIOR LOT

TABULATIONS	
TOTAL DEVELOPMENT	7.12 ACRES
ZONE:	R-1-40
ROAD AREA:	1.31 ACRES
OVERALL LOTS:	5.81 ACRES
MINIMUM LOT SIZE:	0.72 ACRES
AVERAGE LOT SIZE:	0.83 ACRES
TOTAL LOTS:	7
FLOOD ZONE DESIGNATION: X	
FIRM MAP PANEL #:	49049C0166F
EFFECTIVE DATE:	JUNE 19, 2020
BENCHMARK	
SOUTH 1/4 CORNER	
SEC. 25 T. 4S.,	
R. 1E., SLB&M	
ELEV= 4915.94	



1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

DATE _____ AARON D. THOMAS, P.L.S.

BOUNDARY DESCRIPTION

Beginning at a point located South 89°49'50" West along section line 453.26 feet and North 27.10 feet from the South Quarter Corner of Section 25, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence North 34°13'44" East along the easterly right-of-way of State Road 74 a distance of 365.77 feet; thence North 89°59'31" East 1080.60 feet; thence South 0°00'57" East 180.90 feet; thence South 89°59'47" West 235.31 feet; thence along the boundary of Parke Manor Plat 100 feet, following the following courses and distances: 1) North 23°23' East 0.21 feet, 2) North 89°59' West 240.00 feet, and 3) South 33°23' West 183.72 feet; thence South 89°55'01" West along the northerly right-of-way of 11200 North Street a distance of 620.71 feet to the point of beginning.

Area = 7.12 Acres

OWNER'S DEDICATION

WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC, THE PUBLIC UTILITY EASEMENTS TO ALL PROVIDERS, PUBLIC OR PRIVATE, AND THE IRRIGATION EASEMENTS TO ALL LOT OWNERS, AND IN WITNESS WHEREOF WE SET OUR HANDS THIS DAY OF _____, A.D. 20 ____.

ACKNOWLEDGMENT

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }

ON THIS _____ DAY OF _____, IN THE YEAR 20____
_____, ME, _____, PERSONALLY APPEARED _____,
WHO DULY ACKNOWLEDGED TO ME THAT (S)HE IS A _____, [MEMBER
WITH MANAGEMENT AUTHORITY] [MANAGER] OF _____, A UTAH LIMITED
LIABILITY COMPANY, AND IS AUTHORIZED TO EXECUTE THE FOREGOING AGREEMENT IN
ITS BEHALF AND THAT HE OR SHE EXECUTED IT IN SUCH CAPACITY.

NOTARY PUBLIC _____
 NOTARY FULL NAME _____ A NOTARY COMMISSIONED IN UTAH
 COMMISSION NUMBER _____ MY COMMISSION EXPIRES _____.

ACCEPTANCE BY LEGISLATIVE BODY

THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____ A.D. 20 ____.

APPROVED BY MAYOR _____

APPROVED _____ ATTEST _____
CITY ENGINEER (SEE SEAL BLOW) CLERK-RECORDER (SEE SEAL BLOW)

LEIN HOLDER CONSENT

THE UNDERSIGNED BENEFICIARY HEREBY CONSENTS TO THE RECORDING OF THIS PLAT
FOR THE HEREIN DESCRIBED PROPERTY AND THE DEDICATION PROVIDED HEREIN.

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20__.

HIGHLAND CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS ____ DAY OF _____ A.D. 20 ____, _____
PLANNING COMMISSION CHAIR

COMMUNITY DEVELOPMENT DIRECTOR

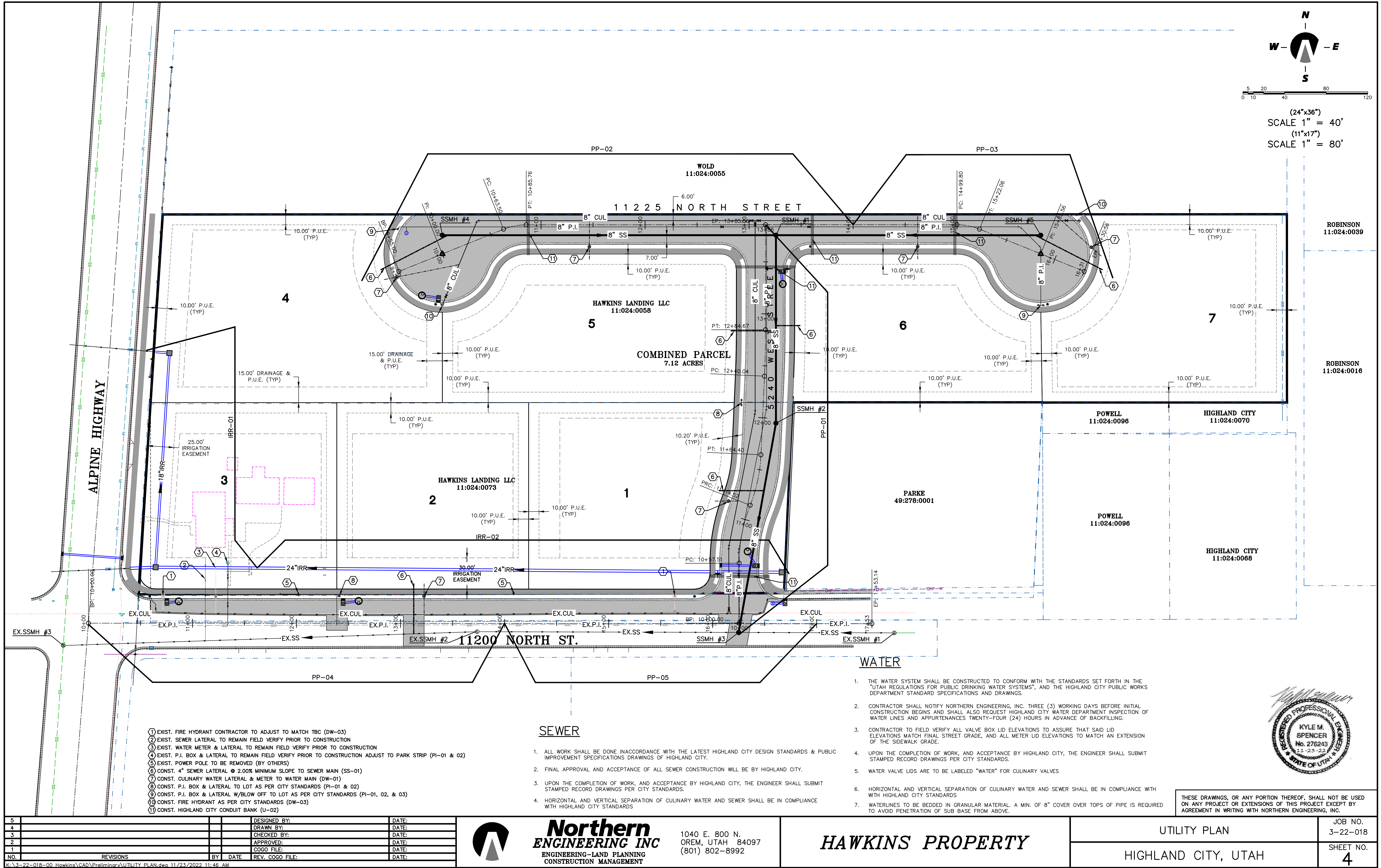
**HAWKINS PROPERTY
PRELIMINARY PLAT A**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 25,
TOWNSHIP 4 SOUTH, RANGE 1 EAST SALT LAKE BASE & MERIDIAN

HIGHLAND CITY _____ UTAH COUNTY, UTAH

SCALE: 1" = 50 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	UTAH COUNTY RECORDER STAMP
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PLANNING COMMISSION AGENDA REPORT ITEM #5

DATE: December 13, 2022
TO: Planning Commission
FROM: Kellie Smith, Planner & GIS Analyst
SUBJECT: **PUBLIC HEARING/ORDINANCE:** Text Amendment – Park or Planter Strips
TYPE: **DEVELOPMENT CODE UPDATE (LEGISLATIVE)**

PURPOSE:

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Section 3-621 Park or Planter Strips to require xeriscaping in park strips and update the permitted tree list in park strips. The Planning Commission will take appropriate action.

PRIOR COUNCIL DIRECTION:

On October 18, 2022, Commissioners Howden and Moore presented to the City Council. They proposed that new developments be required to xeriscape park strips, parkway detail, and planters. Councilmembers emphasized they like xeriscaping designs that include a certain amount of vegetation rather than 100 percent rock/hard surface.

BACKGROUND:

Section 3-621 of the Development Code details which types of landscaping is allowed in park strips in City right-of-way. An amendment to this section was reviewed by the Planning Commission October 25th, 2022. The Planning Commission recommended approval of the amendment with a stipulation that the list of tree types and other vegetation be reviewed at a future date.”

SUMMARY OF THE REQUEST:

1. The proposed amendment requires xeriscape or water-wise landscaping methods in park strip areas of new subdivisions.
2. A sentence is added referencing to Chapter 10 Definitions for the definition of xeriscape:
 - a. ***Xeriscape.*** *Xeriscape is interpreted to be landscaping in a manner that reduces the need for supplemental irrigation, conserves water and enhances the beauty of the property. At least 25% of the xeriscape area within the front setback of a residence must contain plants, trees and shrubs. Residents should be conscientious of utilizing plants, trees and shrubs appropriate to the climate to avoid losing water to evaporation and run- off. Xeriscape areas shall consist of an attractive mix of plantings, rocks and other landscaping materials.*
3. The proposed amendment removes the outdated tree list and refers to Section

2.36.160 (J) Tree Class Divisions in the Highland City Municipal Code for the permitted Class I trees (see table below for the list found in the Municipal Code).

Class I Trees					
Botanical Name	Common Name	Height/Spread		Form	Under Powerlines
Acer campestre	Hedge Maple	25'	25'	Round	Yes
Acer ginnala	Amur Maple	15'	10'	Round	Yes
Acer grandidentatum	Bigtooth Maple	25'	15'	Irregular	Yes
Acer griseum	Paperbark Maple	25'	20'	Rounded	Yes
Acer tataricum	Tatarian Maple	20'	15'	Oval	Yes
Aesculus pavia	Red Buckeye	20'	25'	Round	Yes
Cercis canadensis	Eastern Redbud	25'	25'	Round	Yes
Koelreuteria paniculata	Goldernraintree	25'	20'	Round	No
Malus spp.	Flowering Crab	25'	10'	Round	Yes
Prunus serrulata	Flowering Cherry	25'	15'	Vary	Yes
Prunus blireiana	Flowering Plum	25'	20'	Round	Yes
Syringa reticulata	Japanese Tree Lilac	25'	15'	Oval/Round	Yes

In order to help residents understand xeriscaping options and maintenance of the Class I trees in park strips, staff will put together a park strip help sheet that will be available online and at the City offices.

CITIZEN PARTICIPATION:

Notice of the public hearing to be held at the Planning Commission meeting was posted on the state and city websites and three public places on December 1, 2022.

STAFF REVIEW/FINDINGS:

The proposed amendment meets the following findings:

1. It eliminates inconsistencies between the Development and Municipal Codes.
2. It clarifies the definition of xeriscaping.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed amendment.

MOTION TO RECOMMEND APPROVAL:

I move that the Planning Commission recommend **APPROVAL** of the proposed amendment to Section 3-621 Park or Planter Strips to require new park strips to be xeriscape or water-wise landscaping and update the tree list as presented.

ATTACHMENTS:

1. Ordinance

ATTACHMENT 1:

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-621 PARK OR PLANTER STRIPS OF THE HIGHLAND CITY DEVELOPMENT AS SHOWN IN FILENAME TA-22-18.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on December 13, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on January 3, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Section 3-621 Park or Planter Strips of the Development Code is hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 3, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, January 3, 2023

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Sarah D. Petersen	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

EXHIBIT A

3-621 Park Or Planter Strips

All park strip areas, the area between the sidewalk and the curb, shall be landscaped and maintained by the property owner directly adjacent to that sidewalk using ~~traditional and/or~~ Xeriscape or water-wise methods as defined in Chapter 10 Definitions. Lawn shall not be installed in park strips.

1. Vegetation such as ornamental grasses, flowers, ground covers and shrubs shall not exceed 22-inches in height. Vegetation shall not include weeds identified on the State of Utah Department of Agriculture and Food Designated Noxious Weed List for Colorado (CO), Idaho (ID), Kansas (KS), Montana (MT), Nebraska (NE), North Dakota (ND), South Dakota (SD), Utah (UT), Wyoming (WY) but may include approved drought tolerant plants.
- ~~1.2.~~ The park strip may be covered with non-living material such as wood chips or decorative landscaping rocks (rock diameter of one inch minimum and six inches maximum) if commonly practiced xeriscape landscaping procedures are followed.
- ~~2.3.~~ Trees planted in the park strip may be separated by non-living materials only if a water source is available at each tree (not from a hose, or above ground sprinkler).
- ~~3.~~ Only trees from the city approved Class I Trees list may be planted within a park strip. See Section 2.36.160 (J) Tree Class Divisions in the Highland City Municipal Code for the permitted Class I trees. as follows:
 - ~~a. acer campestre; Hedge Maple~~
 - ~~b. acer ginnala; Amur Maple~~
 - ~~c. acer grandidentatum; Big Tooth Maple~~
 - ~~d. acer tataricum; Tatarian Maple~~
 - ~~e. koelreuteria paniculata; Goldenrain Tree~~
 - ~~f. prunus serrulata; Flowering Cherry~~
 - ~~g. prunus blireiana; Flowering Plum~~
 - ~~h. Pyrus fauriei, (syn. C. calleryana var. Fauriei) Korean Flowering pear~~
 - ~~i. Pyrus calleryana, 'Callery X Chanticleer Cultivar', Chanticleer (Callery) flowering pear~~
 - ~~j. Pyrus calleryana, 'Cleveland Select', Cleveland Select flowering pear~~
 - ~~k. Pyrus salicifolia, >Pendula' (syn. Silver Frost') Weeping Willowleaf pear~~
 - ~~l. syringe reticulate; Japanese Tree Lilac~~