

AGENDA
HIGHLAND CITY COUNCIL MEETING
March 18, 2014

7:00 p.m. Regular City Council Session
Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

7:00 P.M. REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER – Mayor Mark Thompson
INVOCATION – Brian Braithwaite
PLEDGE OF ALLEGIANCE – Dennis LeBaron

APPEARANCES

- 1. Time has been set aside for the public to express their ideas, concerns, and comments.**
(Please limit your comments to three minutes each.)

PRESENTATION

- 2. Randy Paul** – Economic Development
- 3. Kent Loosle** – IASIS Healthcare, Mountain Point Medical Center

CONSENT

- 4. MOTION: Approval of Meeting Minutes for City Council Work Session** – February 11, 2014.
- 5. MOTION: Approval of Meeting Minutes for City Council Regular Session** – March 4, 2014.
- 6. MOTION: Approval of Meeting Minutes for City Council Work Session** – March 4, 2014
- 7. MOTION: Ratifying the Mayors appointment to Open Space Committee** – Roger Mickelsen
- 8. MOTION: Ratifying the Mayors Re-Appointments to the Tree Commission** – Ed Barfuss and Jim MacDuff

ACTION ITEMS

9. **PUBLIC HEARING/MOTION: Disposal of Surplus Property** – Canterbury Circle Subdivision
10. **PUBLIC HEARING/MOTION: Disposal of Surplus Property** – Apple Blossom Lane Subdivision
11. **PUBLIC HEARING/RESOLUTION: Disposal of Surplus Property** – Chamberry Fields Subdivision
12. **PUBLIC HEARING/RESOLUTION: Disposal of Surplus Property** – Beacon Hills Subdivision, Plat I

CITY COUNCIL/MAYOR & COMMUNICATION ITEMS *(These items are for information purposes only.)*

13. **Haskett Setbacks** – Nathan Crane
14. **Time has been set aside for the City Council & Mayor to make comments.**

#	Description	Requested/Owner	Due Date	Status
1.	Setback ordinance recommendations. A request from the Haskett family	Tim Irwin Nathan Crane	3/18/2014	Reviewing
2.	Funding plan for Capital Facilities Plan update and certified impact fee.	Nathan Crane		In Progress
4.	Committee assignments for council members	Rod Mann Mayor Thompson		On going
5.	Handicap Parking/ Freedom Elementary School	Rod Mann Mayor Thompson		On going
6.	Dumpster in SCALO Zone – Code Amend	Brian Braithwaite Nathan Crane		In Progress

ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this **12th day of March, 2014**, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pmn.utah.gov>) and City websites (www.highlandcity.org).

JOD'ANN BATES, City Recorder

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings,
Please call the City Recorder's Office at least 3 working days prior to the meeting at (801) 772-4505

**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, February 11, 2014

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

PRESENT: Mayor Mark Thompson, Conducting
Councilmember Brian Braithwaite
Councilmember Rod Mann
Councilmember Tim Irwin
Councilmember Dennis LeBaron
Councilmember Jessie Schoenfeld

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
JoD’Ann Bates, Executive Secretary/ Recorder
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Shannon Garlick, Secretary

OTHERS: Ed Barfuss, Jeff Conley, Andrew Conley.

WORK SESSION: 5:00 P.M.

The meeting was called to order by Mayor Mark Thompson as a work session at 5:10 p.m. 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 Rod Mann.

DISCUSSION:

Aaron Palmer stated the Council needs to decide where they would like to see the City this year, in five years, in ten years, and so forth. He explained the Council needs to decide what their priorities are and then they may set goals for those priorities.

The Council decided the topics to discuss are as follows:

- Public Safety
- Economic Development

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- 1 • Infrastructure (Roads, Sewer, Water, Pressurized Irrigation, Parks and Recreation)
- 2 • Financial Health
- 3 • Citizen Involvement
- 4 • Communication with Residents
- 5 • Organizational Structure
- 6 • Library
- 7 • Arts and Culture
- 8 • Cemetery
- 9 • Intergovernmental Relations

10

11 **PUBLIC SAFETY**

12

13 Chief Brian Gwilliam stated the average response time for the police in an emergency situation is
14 3-4 minutes, depending on where they are in the jurisdiction. He stated the average response time
15 to a non-emergency call would be 7-8 minutes if the officers are not busy, and up to 30 minutes
16 or an hour if they are busy. He stated an emergency call would be anytime an officer needs to use
17 their lights and sirens or when an officer feels their presence will prevent further criminal
18 activity or save a life. He stated his biggest concern, from an officer safety standpoint; is that
19 there are times when there is only one officer on duty, so they have to rely on neighboring cities
20 for backup. He stated there is a national suggested standard to have one officer per 1,000
21 residents. He stated they are currently at .76 officers per 1,000. He stated they are at the same
22 level as they were in 2008, yet the population continues to increase. He stated in order to reach
23 that 1 per 1000 suggested ratio they would need to hire 5-6 more officers. He stated they have 20
24 officers right now, and he would feel more comfortable having 23. He mentioned the first year
25 salary, benefits and equipment of an officer is approximately \$120,000. It then it drops down to
26 \$65-70,000 the next year for salary and benefits.

27

28 Chief Brad Freeman stated the Fire/EMS response time is 2-4 minutes for Highland City and 2-6
29 minutes for the whole District. He stated they have 14 full time employees. He explained they
30 have the equivalent of two companies responding out of three stations, and they would like to
31 have 9 employees on shift at the same time. He stated that a quarter of the time they only have 8,
32 so the Alpine station only has 2 employees. He stated the Fire/EMS is also suggested by NFPA
33 (National Fire Protection Agency) to have 1 fire fighter per 1,000 residents, which would be
34 approximately 38 full-time or the equivalent of part time employees covering 3 shifts. He stated
35 they use interns and part time employees to be closer to that number and keep costs low. He

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1 stated they need to have an aerial device which the ladder truck provides. He stated the ladder
2 truck goes horizontal and vertical and they use the ladder truck often.

3 4 **Discussion Items**

- 5 • There will be pressure from residents to not pay more and to not increase the number of
6 officers, but to reduce staff and extend the life of vehicles.
- 7 • The citizens believe the service is good, but they need to think about response time.
- 8 • The Public Safety District needs to maintain their level of service, and the Council was
9 concerned that there are times when there is just one officer on duty.
- 10 • The Council had no complaints with the service level from the police.
- 11 • Citizens are concerned with the ladder truck; they don't believe the District needs to pay
12 for one so large, and if so, the City needs to do a better job of explaining why they have
13 the ladder truck.
- 14 • There are concerns that there are too many stations and employees and too high of an
15 overall cost for the Fire Department.

16 17 **ECONOMIC DEVELOPMENT**

18 19 **Discussion Items**

- 20 • Highland is a bedroom community and most residents would like to keep it that way.
- 21 • Any growth needs to pay for itself.
- 22 • Fast Food will not bring in enough revenue for the City, but residents would not approve
23 a large supermarket or auto mall.
- 24 • There was the suggestion of a nice restaurant.
- 25 • Highland is not a destination city; commercial should be things people need, like, gas
26 stations and grocery stores.
- 27 • Sales tax revenue needs to increase to avoid increasing property taxes.
- 28 • 95% of residents are spending their money in other cities, so they need to promote local
29 businesses.
- 30 • There is the possibility of creating an ADHOC Committee.
- 31 • There was an ADHOC Committee in the past and staff believes it did not work.
- 32 • Councilmember Brian Braithwaite believed the ADHOC Committee did not flop and it
33 was valuable for residents to get engaged with the community.
- 34 • Economic Development is very important, because all of these items need money to
35 support them.

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INFRASTRUCTURE

Discussion Items

- *Roads are a priority*, with parks as a second priority.
- Infrastructure includes roads, pressurized irrigation, culinary water, storm drain, parks, cemetery, sewer, right of way (median divides and parkway details), curb and gutter.
- The parkway detail is paid for partially in the Open Space Fund and in the General Fund under parks.
- One year, five year, and ten year goals need to be set for each infrastructure, because each item is a capital expense.
- Matt Shipp is currently working on a long term road maintenance plan.
- The Council needs to know the needs of each item; they are hard to prioritize without knowing those needs.
- Plans need to be put in place for each so none of them are being neglected and become a huge issue in the future.
- There are two categories: The issues the City can visibly see and the issues they cannot visibly see. There needs to be a report for the longevity of each.
- The general funds may be placed wherever the Council would like, but the City needs to keep the excess enterprise funds in savings for future needs in each area.
- The Council needs to decide if they are comfortable with having 6 month, 1 year, or 2 year reserves. There is a limit by law, because the City cannot have too high of savings.
- Eventually storm water may have to be filtered before going into the rivers which would have an additional cost to the City.
- Staff explained they have limited resources, the Council needs to decide which things they would like accomplished first and where their priorities are.
- The Council would at least like recommendations and estimated plans for each item.
- The City needs to communicate the needs and the plans with the residents or they will not be willing to pass anything to increase funds.
- Pressurized Irrigation, Culinary, and Storm Water detailed plans will be pushed till next year. They will focus on the roads, parks, and either the right of way, open space, or sewer this year. Then tackle two or three next year, but work on all of them within the next three years.
- Each of the items on this list needs an annual report, even if it is just a couple paragraphs. The report should include what they did the current year and what they plan to do the following year. The staff could stagger the reports a little bit so they are not

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1 overwhelmed. The Council would need them close to the beginning of January, so they
2 have the reports when discussing the fiscal year budget.

- 3 • The parks are the second priority, so the Council needs to prioritize the parks and have
4 plans for future parks. The Council would like to have a Work Session to prioritize the
5 parks; the Council mentioned they would like staff to present development in existing
6 and future parks during that Work Session.
- 7 • The City needs to work on communication with the residents, so they can begin to build
8 credibility.

10 **CITIZEN INVOLVEMENT**

12 **Discussion Items**

- 13 • There are some very active residents, and the City needs to work with them and keep
14 them informed or the City will always be defeated. There is usually a lack of information,
15 so if they help those residents understand they will be able to work together.
- 16 • The City needs to focus on the website, open houses, and the newsletter.
- 17 • The City should hold a clean-up day; where each stake goes somewhere within the City
18 and perform a service.
- 19 • Make sure the website is relevant and current; volunteer staff could update the website
20 and newsletter. The City could review what is posted before it is added to the website.
- 21 • The website needs to be more user-friendly for the residents.
- 22 • The City could hold polls and surveys on the website so the residents can give their input
23 before the Council makes decision. It could be done weekly so there is some consistency
24 and the residents know to get online and give their opinion.

26 **ORGANIZATIONAL STRUCTURE**

28 **Discussion Items**

- 29 • The Council needs to take a look at the levels of management.
- 30 • The City Offices could be open five days a week instead of four. The employees could
31 still have a four day work week, but work the scheduling out so the office is open
32 Monday-Friday.
- 33 • The Council needs to understand how the system works and who reports to whom.
- 34 • Things are taking too long to be approved; more power needs to be given to staff.

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- Previous Councils required the staff to have support from at least 3 Councilmembers before moving forward with an item. The Council needs to decide how to give direction to staff.

LIBRARY

Discussion Items

- The library is an important asset to the City.
- It needs to be more interactive and report to the Council.
- The library should try to get certified with the County and provide additional resources.
- The Council needs to speak to the Library Board, see what their needs are and how they can meet those needs.
- The City needs to find an appropriate way to identify how often the library is used; the library could report how many books are being checked out. The problem is some residents just go to story time or just use the computers/read in the library and don't check out books.
- The Council would like to know what time of day most citizens utilize the library.

PARKS AND RECREATION/ EVENTS

Discussion Items

- There should be focus on the Highland City Fling and youth sports.
- Highland just entered a recreation agreement with Cedar Hills and Alpine.
- There is land reserved for parks and the City needs to have plans for the reserves. The General Plan states certain parcels of land will be a park, but the Council needs to make plans and decide when things will be done. Future Councils can change those plans, but there would at least be an overview.
- There is valuable land is not being utilized; the City could possibly lay grass for now.
- The City needs to focus on promoting self-funding events.

CEMETERY

Discussion Items

- The Council needs to decide if they want to expand the cemetery or if they are happy with the current size.

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- If expanded they could place it in another location, does not necessarily have to be on the same land.

INTER-GOVERNMENTAL RELATIONS

Discussion Items

- There is a lot of potential interaction with the neighboring cities on the borders.
- Aaron Palmer speaks to Cedar Hills's and Alpine's City Administrators quite often.
- The City should decide whether or not to charge Cedar Hills and Alpine a non-resident rate to use the library. It's \$40 a year per card for a non-resident, but residents pay approximately \$50 a year in property taxes. Alpine reimburses their residents when getting a library card; maybe they could convince Alpine to donate to the library.
- Cities don't share sales tax with neighboring cities when there is a business on the border. There is no benefit in giving another City a portion of the sales tax.

BUDGET

Discussion Items

- The Council needs to give direction to staff for the budget.
- The City could possibly try starting with a zero base budget. Staff likes to have the history, so they know where they've been and show where they are going.
- The final budget needs to be done by the end of June.

ADJOURNMENT

MOTION: Jessie Schoenfeld moved to adjourn.

Brian Braithwaite seconded the motion;

Unanimous vote, motion carried.

Meeting adjourned at 9:22 p.m.

JoD'Ann Bates, City Recorder

Date Approved: March 18, 2014

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ITEM #5

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MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, March 4, 2014

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

7 **PRESENT:** Mayor Mark Thompson, Conducting
8 Councilmember Brian Braithwaite
9 Councilmember Rod Mann
10 Councilmember Tim Irwin
11 Councilmember Dennis LeBaron
12 Councilmember Jessie Schoenfeld

15 **STAFF PRESENT:** Aaron Palmer, City Administrator
16 Matthew Shipp, Public Work Director/ City Engineer
17 JoD'Ann Bates, Executive Secretary/ Recorder
18 Nathan Crane, Community Development Director
19 Gary LeCheminant, Finance Director
20 Kasey Wright, City Attorney
21 Shannon Garlick, Secretary

23 **OTHERS:** Shellie Biesele, Kym Miles, Corey Miles, Jeremy Crane, Tyson Andrew, Chase
24 Andrew, Jake B. Hardy, Jesse J. Hardy, Connor McMurray, Kevin McMurray, Sharon Dale,
25 Megan Dale, Tom Harward, Spencer Edwards, Cameron Edwards, Kira Hannemann, Amy
26 Crane, Ed Barfuss, Jenny Thacker, Kent Slade.

27
28 The meeting was called to order by Mayor Mark Thompson as a regular session at 7:01 p.m.
29 The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior
30 to the meeting. The prayer was offered by Rod Mann and those assembled were led in the
31 Pledge of Allegiance by Scout Cory Miles.

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33
34 **APPEARANCES:**

35
36 Jenny Thacker, Director of the Miss Northern Utah County Pageant, thanked Highland City for
37 all of the support the City has given to the pageant. She explained they have met with the Mayor
38 and would like to do more service for the City.

39
40 Kira Hannemann, Miss Northern Utah County, stated her platform for the pageant is Celebrating
41 Their Cultural Diversity. She stated she is holding a Cultural Diversity Talent Night where many
42 different cultures will perform their talents and their traditional dances. She stated it will be held
43 on March 18th at Westfield Elementary from 6:30-8:00 pm. She stated embracing your culture

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1 along with everyone else's will help bring the community closer together. She invited the
2 Council and anyone in the community who would like to attend to join them.

3
4 Shellie Biesele, resident of Highland, stated she lives on the northwest corner of 11000 North
5 and 4800 West and asked for a sound wall to be placed on the 11000 North side of the street. She
6 stated she has lived in Highland for twelve years and the City has grown so much. She explained
7 in 2003 they had some City Council members come to her home and they determined that it was
8 very loud, but the zoning laws for sound barriers were different than they are now. She also
9 stated that there are serious wrecks in the 4800 West and 11000 North intersection that affect
10 them as residents. She asked the Council to do whatever they can to assist with those issues.

11 12 13 **CONSENT:**

14
15 *MOTION: Approval of Meeting Minutes for City Council Work Session – February 11, 2014.*
16 *Pulled by Brian Braithwaite for further discussion*

17
18 *MOTION: Approval of Meeting Minutes for City Council Regular Session – February 18, 2014.*

19
20 *MOTION: Ratification of the Appointment of Committee Members – Open Space ADHOC*
21 *Committee.*

22
23 **MOTION: Tim Irwin moved the City Council to approve the consent items on the agenda.**

24
25 **Dennis LeBaron seconded the motion.**

26 **Unanimous vote, motion carried.**

27
28
29 **MOTION: Approval of Meeting Minutes for City Council Work Session – February 11,**
30 **2014.**

31 **Pulled by Brian Braithwaite for further discussion**

32
33 Brian Braithwaite stated there were several items on the minutes from the work session that
34 needed better explanation. He stated if someone tried to read the minutes in the future they
35 would be unable to understand the full context of the discussion. He stated there were some
36 items throughout the discussion that one or a couple Council members brought up, but the way
37 the minutes are set up it appears as if those were the feelings of the whole Council. He stated he
38 would change the bullets to "Discussion Items". He suggested having a disclaimer placed toward
39 the beginning of the minutes that reads, "The comments from the discussion reflect the feelings
40 of one or more Council members, but not necessarily the full Council". He stated the minutes
41 read that Chief Gwilliam stated there is supposed to be 1 officer for every 1,000 residents, but he
42 believes that was a *recommendation* through some group, not a requirement.

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1 Discussion ensued regarding what the correct ratio of officers should be in the minutes.

2
3 Brian Braithwaite stated Chief Freeman talked about having fourteen full time employees, but
4 there are also full time equivalents. He explained those equivalents are not made clear in the
5 minutes so it seems like there are only 14 employees when there should be 38. He explained with
6 the part time employees the Fire Department is much closer to the correct number.

7
8 Mayor Thompson questioned if the Council would like to add their responses and pass the
9 minutes or continue the item to the next meeting and get specific information from both Chief
10 Gwilliam and Chief Freeman.

11
12 Brian Braithwaite stated he believes the item should be continued so they can get the accurate
13 information from the Chiefs. He stated he has other items he believes need to have more depth
14 that he will send to Jody to give to the Council to look over and the rest of the Council may add
15 their changes as well. He stated there are some double negatives and other wording that can be
16 explained more clearly. He explained these were discussion items so some of them are out in left
17 field which is okay, but the wording needs to be changed to better express the ideas and feelings
18 from the meeting.

19
20 **MOTION: Brian Braithwaite moved the City Council to continue the item, Approval of**
21 **Meeting Minutes for City Council Work Session – February 11, 2014, to the next City**
22 **Council meeting so these changes can be made.**

23
24 **Rod Mann seconded the motion.**
25 **Unanimous vote, motion carried.**

26 27 28 **CITY COUNCIL / MAYOR ITEMS & COMMUNICATION ITEMS:**

29
30 Tim Irwin stated he was invited to the Westfield 6th grade class to discuss their project called The
31 First Lego League. He mentioned it introduces young students to real world engineering
32 challenges. He explained they build Lego based robots that complete tasks on a thematic playing
33 surface as well as coming up with a project that has not been developed before that has
34 community benefit. He stated because of Alpine City's mudslides and flash floods the class
35 developed an early warning system to alert the City and its surrounding residents. He stated
36 before they went to the State finals, the kids needed to speak with a City representative. He
37 stated he was extremely impressed with what he saw and the class won first place at State. He
38 asked the Council to recognize this class for their accomplishment. He suggested putting out a
39 Proclamation and inviting the class to come to the Council meeting to be recognized. He stated
40 the Council should try to promote the youth to be innovative and creative.

41
42 The Council supported the decision to put out a Proclamation.

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1 Mayor Thompson stated Tim Irwin can communicate with Jody Bates to write the Proclamation.
2

3 Tim Irwin stated he has a meeting with the superintendent of Alpine School District to discuss
4 the issue. He stated he missed the last meeting and really likes having the chart Rod Mann
5 requested. He stated on the chart it states that the Setback Ordinance he requested is completed,
6 but he believes it is not complete until the Council finds a resolution for the Haskett family. He
7 stated the Council needs to find a resolution that meets both the City's needs and the needs of the
8 family. He explained he understands the concern for making exceptions as the Council goes
9 along. He stated the Council needs to take a look at the Ordinance and change the setback
10 requirements for all of the open space subdivisions or narrow it to just corner lots in open space
11 subdivisions. He stated the City has reduced those setbacks in certain developments.
12

13 Nathan Crane stated they have modified the setbacks for all open space subdivisions, including
14 this subdivision.
15

16 Tim Irwin stated he would like to look at the Ordinance again and see if there is an opportunity
17 to make further changes. He asked if at least one other Council member agrees to put the item
18 back on the agenda for discussion.
19

20 Dennis LeBaron stated he is willing to have the issue put back on the agenda for discussion, but
21 stated this home already had their setbacks adjusted once.
22

23 Tim Irwin stated that exception was made when the home was built. He stated it was not a
24 remodel project when they asked for an exception, but it was done during the development
25 process. He stated this is their home and their property, it is not meeting their needs but they
26 would like to stay in their home and it does not have a negative impact on the neighbors. He
27 stated the developments could have bigger setbacks based on their CC&Rs, but the City could
28 have the least possible setbacks.
29

30 Rod Mann stated he does not believe in over regulating everything, but he also does not believe
31 the Council needs to continually change the Ordinances every time someone wants something
32 different. He stated if the Council is going to reexamine the Ordinance, they need to do with the
33 point of view of what is good for the whole City.
34

35 Tim Irwin stated he just wants to discuss the setbacks and how it impacts the open space areas.
36 He stated doing so may reduce the number of requests going to Nathan Crane for changes.
37

38 Rod Mann stated whatever line is drawn someone will want to cross, so there will always be
39 requests. He stated he is open to discussing the issue, but there will always be people that are not
40 happy with the current regulations.
41

42 Tim Irwin stated he is just asking for a reasonable line, and the current line may not be
43 reasonable.

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1 Brian Braithwaite questioned if someone has options and they are not exactly what that person
2 wants, but they are options, if it is the duty of the Council to change the law to what they want.
3 He stated the family can do a cantilever out over it, but they are concerned with bugs underneath.
4 He stated there is an available option and the family can build it, but they just can't build it the
5 exact way they want to build it.
6

7 Tim Irwin stated yes, there's the option, but it's their property, so they ought to be able to build it
8 the way they would like to if it does not negatively impact the surrounding properties. He stated
9 this is not a personal favor, but is something that should apply to everyone. He stated he would
10 like to have the issue come back on the agenda so the Council can discuss a reasonable setback.
11 He explained City Councils have the right to set whatever setbacks they would like and there is
12 the compunction to control other peoples behavior which always has unintended consequences.
13 He stated he is just attempting to minimize those consequences.
14

15 Brian Braithwaite stated the intent is to try to minimize those consequences, but there is a point
16 in time where you have enough little exceptions and that line continues to move until those
17 unintended consequences come from moving the line too far.
18

19 Tim Irwin stated there are two people willing to have the issue placed back on the agenda, so it
20 should come back to the Council for discussion.
21

22 Mayor Thompson stated he is willing to have the item placed on the agenda again for discussion.
23

24 Rod Mann questioned what kind of information is needed to have an effective discussion on the
25 open space setbacks.
26

27 Tim Irwin stated he would be interested in knowing the actual setbacks, if there are setbacks that
28 apply to every open space area and what those are and how they are applied. He stated he would
29 also like to have the comparison between corner lots and regular lots within those subdivisions.
30 He stated he would also like to know how many requests the City gets for changes to those
31 setbacks.
32

33 Nathan Crane replied this is the first request in the three years he has been with the City for a
34 change in the open space setbacks. He stated open space setbacks are in the Development Code
35 and are based on lot size. He explained the smaller the lot, the less restricted it is.
36

37 Rod Mann asked to have that information provided for the Council before the meeting.
38

39 Brian Braithwaite stated there are two bills that were passed at the State level that affect the City.
40 He stated they have been working on building an East West Corridor over by the Developmental
41 Center for as long as he has been in office. He explained it was one of the platforms he was
42 pushing for, and there was a Joint-Resolution that was passed and is now waiting for approval
43 from the Governor that allows the Developmental Center to move forward with developing their

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1 property. He stated because the Development Center is in City limits, they will have to come
2 back to the City for approval of their development plan. He explained they can at least begin to
3 move forward with the plan and have the adjustments made to provide an East West Corridor.
4 He stated himself, the Mayor, Matt Shipp, and Aaron Palmer went to one of the last discussions
5 and there were several people from Pheasant Hollow that were debating whether or not they still
6 want that corridor. He stated there is still work to do; Pheasant Hollow was concerned about
7 negotiating until there was an agreement that the development would happen, and now that it
8 will, they can begin those negotiations.
9

10 Rod Mann questioned if the Resolution passed along with a companion Bill. He stated they were
11 going to pass a Resolution stating they support it, and then they would pass a Bill.
12

13 Brian Braithwaite stated it is a Resolution that approves the plan that was passed by both the
14 House and Senate. He stated the other issue that impacts the City is that two years ago the City
15 wanted to increase the property tax to improve the roads. He explained at that time, if someone
16 wanted to file a petition they could and the amount of time they had to get the names submitted
17 to the County pushed the issue to the following year's election. He stated last year, the problem
18 was not resolved, so they approached a road fee that would go toward roads. He stated this year
19 the Senate passed Senate Bill 134 and the House has not yet passed an accompanying Bill, but
20 there is no significant opposition. He explained this Bill adjusts all the time frames so if a City
21 Council were to pass a tax and there was a referendum, the timing will work out so the issue
22 would happen in the same tax year.
23

24 Tim Irwin questioned if this will reduce the amount of time petitioners have to collect signatures.
25

26 Brian Braithwaite replied the way it was previously written, they could have it set up so they
27 only had 25 days to collect signatures. He explained they had 45 days, but 20 of those days were
28 set up in a way that they could be taken away through other issues that were going on. He stated
29 they had 45 days, but the issue would be pushed till the next year or they had 25 days if they
30 wanted to get the issue on that year's ballot. He explained they have now pushed the dates back
31 far enough that it took five days off the total amount, but they have a full 40 days to submit the
32 signatures and still have the issue that year.
33

34 Tim Irwin questioned if a City Council would have to pass the Truth and Taxation earlier in the
35 year in order for that to happen.
36

37 Brian Braithwaite stated he does not know all of the ramifications and it could still have some
38 changes when the Bill goes through the House. He stated his other concern is that in the
39 discussion regarding the Ashford Project two weeks ago the issue was brought up regarding the
40 location of the dumpster. He explained in the SCALO District there is no requirement for the
41 dumpster and in the R-P District the dumpster is required to be a certain amount of footage away
42 from the surrounding properties. He stated he believes the SCALO District should have an
43 amendment made so some distance is applied if there is abutting residential to the SCALO

DRAFT

1 District. He asked to have that issue brought up and pushed through Planning Commission so it
2 does not have a negative impact in the future.

3
4 Rod Mann and Dennis LeBaron stated they were in favor of having the issue go to Planning
5 Commission and an amendment be made to the SCALO Overlay.

6
7 Jody Bates stated they have an email from Randy Paul who would like to come and do a
8 presentation for the Council regarding Economic Development. She asked for some direction
9 from the Council if they would like the presentation put on the agenda.

10
11 Brian Braithwaite, Dennis LeBaron, and Tim Irwin stated they are in favor of a presentation.

12
13 Jody Bates stated Judge Poulsen is going to retire and Utah Courts is in process of taking
14 applications for the position. She stated they handle the applications and interviews, but it does
15 have to come back to the Council for review. She stated Utah Courts is afraid that they are not
16 going to have the public hearings and interviews done in time to get the Council the names by
17 the April 1st meeting, but the April 15th meeting may be too far away. She stated they are asking
18 the Council to hold a special meeting just to consider those names the second week of April.

19
20 Mayor Thompson questioned if there was a specific date they would like to hold the meeting.

21
22 Jody Bates stated there is not a specific date, but just sometime between those two dates. She
23 stated they don't need the full Council, just a quorum; the Council is not choosing the judge, just
24 making a recommendation back to the State.

25
26 Mayor Thompson stated if it candidate is a sitting judge it cuts down the time to when they can
27 proceed. He explained if they are not, they will at least have to go through the training process
28 before they can sit.

29
30 Tim Irwin stated it would be nice for the Council to have the requirements and the information
31 regarding what they are looking for in a candidate.

32
33 Mayor Thompson stated that information can be found on the City website and in the newspaper.
34 He stated the requirements are very minimal; they are just looking for an individual who can
35 function in the capacity without three years of training.

36 37 38 **ADJOURNMENT**

39
40 **MOTION: Tim Irwin moved to adjourn.**

41 **Jessie Schoenfeld seconded the motion.**

42 **Unanimous vote, motion carried.**

43 Meeting adjourned at 7:51 p.m.

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JoD'Ann Bates, City Recorder

Date Approved: March 18, 2014

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1 Mayor Thompson stated the Council needs to take a look at their concerns which are aging
2 infrastructure, streets, water, sewer, etc., whatever they are and whatever condition they are in.
3 Regulatory requirements surrounding clean water. Regulatory and financial requirements of all
4 agencies, including the Federal Affordable Care Act and how that affects us; maintain a healthy
5 retail environment and expanding that; attracting retail and commercial development to the areas
6 that we designate. Support and enhance the City's parks and trails. He stated the goals are
7 maintaining City services within the budgetary constraints of the City. Emphasize continual
8 improvement, customer service, team work, empowerment of employees, and measuring
9 success. Be sensitive to the ever changing needs of our citizens, employees, businesses and our
10 neighbors. Exercise prudent community planning through maintaining Capital Facilities Plans,
11 Master Plans, fee schedules, and the Municipal Code. We need to budget to adequately meet the
12 needs of the community and its employees to allow the City to fully meet its own
13 responsibilities. Be supportive and respectful to those hard working employees who are on the
14 front line representing the City. He stated the long term goals should be to be financially and
15 fiscally prudent; be good stewards of all the resources entrusted to the City in whatever form,
16 and be cognoscente of all the responsibilities of the City, including but not limited to, financial,
17 quality of life, governance, safety, and life maintenance duties. Maintain a general fund balance
18 of whatever the Council would like to set to allow for emergency appropriations, budgetary
19 adjustments, and unexpected events. Budget all balances annually. Implement strategic planning
20 to care for not only current needs, but also future needs. Retire debt service obligations whenever
21 possible to allow a more flexible budgeting process. The goals are what we want to get to, and
22 the concerns are these issues that we want to have a goal to make each of these functions better
23 than they are or at least meet the needs of what the citizens would like them to be.

24

25 **INFRASTRUCTURE**

26

27 **ROADS:**

28

29 Five Year Maintenance Plan for Fiscal Year 2014-2015 (approx. April)

30 Budget with Maintenance Plan

31 Capital Improvements Plan (approx. September)

32

Prioritize and Communicate to Residents for Fiscal Year 2015-2016

33

34 Discussion Items

35

- There needs to be long term plans for the fees of all City infrastructures. The Council would like to know what the maintenance and repair costs are. The fees are updated

36

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1 depending on City growth. The last water update was done in 2008 and the last storm
2 water update was done in 2007.

- 3 • A Council goal could be freeing up space in the budget for the roads.
- 4 • There needs to be better bookkeeping and records of when the roads were laid, who laid
5 them, and when those roads need to be repaired and redone.
- 6 • Matt Shipp is shooting to have the Five Year Maintenance Plan done by the end of April.
7 The Maintenance Plan does not include the Capital Plan. The Maintenance Plan is a five
8 year rotating plan focusing on the A, B, and C grade roads.
- 9 • Matt Shipp will shoot to have the Capital Plan completed by the end of September.
10 Therefore, it will not be on this year's budget, but the following year.
- 11 • The D and F grade roads are the Capital Improvement Roads. They will be a long term
12 plan that the Council will need to find a way to pay for it.
- 13 • The Council would like to begin the communication for the Capital Plan this year, so
14 there is time to meet with the active residents and avoid opposition to the plan in the
15 future. The Council needs to know what the City's needs and costs are for the roads so
16 they can ask for the funding from the residents.
- 17 • The roads are a top priority, the Council needs to decide what funds they will allocate.
- 18 • The staff has the funds they have been given in the past. The Council needs to know
19 where those funds leave the City; does it cover all the road maintenance costs or does it
20 leave the City falling behind, and if so, how far behind.
- 21 • There was the suggestion of having the City work on whichever roads need it the most
22 rather than sticking to specific zones.
- 23 • The zones are something that can eventually be done in a cycle, but the staff has the
24 flexibility to move between zones during the beginning until they are ready to stick to the
25 cycle.
- 26 • There needs to be a Preliminary Plan for the 2015 fiscal year. It takes such a long time to
27 communicate things with the residents; they can already have a plan to propose for the
28 following year. The plan should be done so there enough time for a 6 month buffer to
29 send out mailers, hold open houses, meet with active residents, and set goals and dates to
30 help the Council make sure things are getting done the following year. They need to
31 decide what will be on next year's budget for roads.

32 33 **PARKS/OPEN SPACE:**

34
35 Park Presentation (approx. June)

DRAFT

1 Inventory of the General Plan

2 Alternative to Maintaining and Building Parks

3 Receive Annual Report

4 Open Space – Fees in line with expenses

5 Open Space – Identify Proper Use

6

7 Discussion Items

- 8 • The Council would like to take a look at all the parks in Highland, including those in
9 open space areas.
- 10 • There was the concern that they City might have overdone themselves.
- 11 • The open space residents are not happy with being charged an additional \$20. The
12 general public is not happy about taking money out of the general fund for maintenance.
- 13 • The City needs to decide where they want to be and what they are willing to pay for.
- 14 • The City needs to make sure there is adequate parking at each of the parks. There was the
15 suggestion of just having a small number of nice parks throughout the City.
- 16 • The Council needs to decide how many parks they would like at build out and work
17 toward getting those parks.
- 18 • The Council would like an inventory of all the properties and their current condition on a
19 scale of 1-10. 1 being raw ground and 10 being all the completed infrastructures.
- 20 • The City has already adopted a parks plan based on population and future build out which
21 is included in the Master Plan. The staff had done polling with the residents and that is
22 why the specific lands have been selected for parks and those are the expected needs at
23 build out.
- 24 • There was the suggestion to take a look at the park plan and see if it is still appropriate,
25 but that would require reopening the General Plan. The Council needs to be brought up to
26 speed on current plans for the parks in order to provide a foundation to move forward
27 with future parks. The Council would like to better understand the plan.
- 28 • The City needs to have SMART (Specific, Measurable, Attainable, Realistic, and
29 Timely) goals for the parks.
- 30 • The Council would like to know how much land the City has, which of that land is active.
31 They would like to know the activities and amenities provided, what their general plan is
32 and where the City would like to go with that.
- 33 • The City could explore different alternatives to building and maintaining the parks. There
34 could be both private and public recreations in certain areas. Other entities could utilize

DRAFT

1 the parks and help fund them. The City could decide how much they would like to be
2 funded and then work with these entities to allocate those funds.

- 3 • There are City parks even in the open space areas; the City needs to see what impact
4 those have on the surrounding residents. There was a concern that kids go to the
5 surrounding homes to use their bathrooms, so they need to decide if there is the need for
6 porter potties at those parks.
- 7 • Removal of the open space will reduce calls concerned with the lack of maintenance on
8 the open space. The only open space being removed is natively or lightly maintained.

9 10 **ECONOMIC DEVELOPMENT**

11
12 Create a Highland City Chamber of Commerce

13 Create an ADHOC Advisory Committee from members of the community

14 Utilize other organizations

15 Create a city direction and/or “brand”

16
17 Discussion Items

- 18 • There was the suggestion of creating a Highland Chamber of Commerce. The City could
19 encourage local business owners to create one, but it would ultimately be up to them.
- 20 • They need to talk to the businesses to see if they are even interested in having a Chamber
21 of Commerce. The businesses are the ones who fund it, support it, and the Chamber is
22 there to help them grow, so if the businesses do not want it, there is no point in creating
23 one.
- 24 • The City needs to start meeting with a few of the business owners. They need to know
25 what the City can help with and what the benefits would be of having a commerce. Jessie
26 Schoenfeld was nominated to speak with the business owners.

27 28 **ADHOC COMMITTEES:**

29
30 Identify businesses

31 Status report to City Council

32 Final Recommendation in 6 months’ time

33
34 Discussion Items

DRAFT

- 1 • Half of the Committee could be current business owners. The people that are currently in
2 business can let the Council know what the current needs are and how the City can help
3 with those.
- 4 • The Committee can help develop new businesses that are appropriate for Highland.
- 5 • The Committee would be able to help find out what the people want.
- 6 • The Committee could also help identify and target potential businesses that would come
7 to Highland.
- 8 • They would need to expect to report to the City Council on their progress and goals.
9 After they are established they could report after three months, but once a final
10 recommendation is made it dissolves the Committee. They can give status reports to the
11 Council.
- 12 • The Final Recommendation should be given in six months.

13

RESIDENT INVOLVEMENT & COMMUNICATION

14

WEBSITE IMPROVEMENT & TRAFFIC:

15

- 16 Ensure information is up-to-date
- 17 Organize and assign an “owner”
- 18 Refresh the look

19

Discussion Items

- 20 • The staff needs to work with the website people and could also work with a volunteer that
21 understands websites.
- 22 • There was concern for how the ad banner for Dubli looked on the website. It drew
23 attention away from the rest of the homepage, possibly because the website needs to be
24 updated.
- 25 • The website needs to be up-to-date and accurate, as well as improve the organization.
- 26 • The City needs to make sure the site is user-friendly; make it easy for residents to find
27 information. Make sure that when the site it updated that it remains simple enough for the
28 residents to use.
- 29 • The staff needs to make sure the website gets refreshed periodically. They don’t have to
30 change the content, just the look. It needs to be done before the end of the year.
- 31 • There needs to be a staff member accountable for the website.

34

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- Utah is the highest State for volunteers; so it works to run things with volunteers. They could have a volunteer come in and show the staff how to use things like the website and Facebook.

SURVEY/POLLS:

Discussion Items

- The newsletter could direct the residents every month to go to the website and vote on City issues.
- Each ward has someone assigned for Public Relations. There was the suggestion to go to each ward, have three people picked out to take the polling information and send their response within a time frame; that would create a sample that the City can read and understand.
- There will be a meeting at Tim Irwin's home on March 13 where they will be learning about polling and he invited the Council to join.
- There weren't any real goals set, just a lot of good ideas. The Council will move forward with the surveys/polls at a later time.

CLEANUP DAYS:

Discussion Items

- The City needs to reach out and communicate the cleanup days better.
- The City can send the information to the leaders of the ecclesiastic groups in the City to get people to help. In the past the City has just assigned areas and had volunteers go out and do service.
- There was a significantly large volunteer base in the past; need to utilize that again.

ORGANIZATIONAL STRUCTURE:

Discussion Items

- Some residents are concerned with the City Hall only being open four days a week.
- John Park had done a survey and there was a positive response. They had 25 to 4 in favor of doing a four day work week, because the residents liked having the City Hall open for longer hours. Staff has not had any formal complaints.
- There was the suggestion of still having longer hours and being open five days a week.

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- 1 • They need to find a way to accurately poll the issue and see what the residents would
2 like.
- 3 • Staff answers their phones during the weekend and if it is an emergency they are willing
4 to come in on a Friday or Saturday.
- 5 • The City needs to decide if they can afford being open another day with such a small
6 staff.
- 7 • There needs to be a way to measure the success and improve it. Make sure that the City is
8 giving the best possible service.
- 9 • The Council would like to know how many complaints the City receives; how quick
10 people get a response to their concerns and how often the “Report a Concern” on the
11 website is utilized.
- 12 • The Council would like to know the levels of management an issue goes through from
13 resident to the Mayor for approval. Staff stated it all depends on the issue.
- 14 • Staff has adjusted their pay period to start on Thursday so if someone needs to come in
15 over the weekend they can make up for it sometime later in the week to minimize
16 overtime.
- 17 • They want to have improved relationships between staff, Mayor, and Council.
18
19

ADJOURNMENT

20
21
22 **MOTION: Rod Mann moved to adjourn.**

23
24 **Tim Irwin seconded the motion;**
25 **Unanimous vote, motion carried.**

26
27 Meeting adjourned at 9:34 p.m.
28
29
30

31 _____
32 JoD’Ann Bates, City Recorder

33 Date Approved: March 18, 2014
34



CITY COUNCIL AGENDA REPORT

ITEM #7

DATE: March 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Mark S. Thompson, Mayor

BY: Mark S. Thompson, Mayor

SUBJECT: RATIFY THE MAYOR'S APPOINTMENT OF A MEMBER OF THE OPEN SPACE COMMITTEE.

STAFF RECOMMENDATION:

Mayor Thompson recommends the City Council ratify the appointment of Roger Mickelsen as a member of the Open Space ADHOC Committee:

BACKGROUND:

On February 4, 2014, the City Council approved a Resolution forming an ADHOC Open Space Committee, in order to address issues regarding Open Space subdivisions, orphan parcels and the surplus of those parcels within the open space subdivisions.

On February 15, 2011 the City Council passed Ordinance O-2011-07 defining the duties and terms of those members to include. "Members shall be appointed by the Mayor with the advice and consent of the City Council".

FISCAL IMPACT:

No Impact

ATTACHMENTS:

Volunteer Statement



Highland City • 5400 W. Civic Center Dr., Suite 1 • Highland, UT 84003
(801) 756-5751 ext. 4523 • Fax (801) 756-6903

Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town.

In order to encourage this participation, Mayor Richie is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor and the Community Enhancement Coordinator will review the statements, conduct interviews and make a selection(s).

If you are interested in serving as a volunteer within Highland City, please submit this Statement of Interest to the City Offices: Attention: Community Enhancement Coordinator

Name Roger Mickelsen Date 1-18-10

Phone number _____ Email address _____

Residence address _____

Please fill out the following form or attach a resume type document listing expertise, experience, interests, etc.

How long have you resided in Highland City? 8 Years

Occupation Quality Manager Mrs. Fields Famous Brands

Education B.S. Zoology - M.S. Zoology M.S. Minor Microbiology B.S. Food Science & Nutrition

Are you able to meet in the evenings? Yes Semi-monthly Yes Monthly Yes

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: My father was the secretary of the Draper Irrigation Company which supplied water to the unincorporated city of Draper. In my teens I regularly worked in deep muddy trenches fixing leaks and installing laterals and meters. At an early age I learned to appreciate the complexity of bringing water to my home. Professionally I am a Certified Quality Manager. I have worked in the domestic and international production of foods and cosmetics. Experience has taught me that the manufacture and distribution of high quality products requires carefully planning and execution.

Please state why you would like to serve: I like Highland. We moved to Highland to move our children from a deteriorating neighborhood in Orem. My personal and professional experience has taught me the need for good planning. I believe that this experience can be beneficial in the growth and development of Highland.

If not selected for an immediate opening, do you wish to be considered for the next opening? _____

Additional comments: Yes

Please select your interest:

Arts Council

Tree Commission

Beautification

Youth Council

Highland Fling

Other Planning Commission

Submittal of a Statement of Interest does not guarantee an appointment to a committee.



CITY COUNCIL AGENDA REPORT

ITEM #8

DATE: March 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Mark S. Thompson, Mayor

BY: Mark S. Thompson, Mayor

SUBJECT: RATIFY THE MAYOR'S RE-APPOINTMENT OF MEMBERS OF THE TREE COMMISSION.

STAFF RECOMMENDATION:

Mayor Thompson recommends the City Council ratify the re-appointment of Ed Barfuss and Jim MacDuff as members of the Tree Commission:

BACKGROUND:

Pursuant to Highland City Municipal Code: 2.36.040 Term of Office

"The six appointed members of the community tree commission shall serve for three-year terms and until their successors are appointed; provided that the members first appointed shall be appointed so that the terms of two members shall expire annually thereafter. The term of office of each appointed member shall commence on the first day of February in the year in which such member is appointed. Community tree commission members may be appointed to subsequent terms."

Ed Barfuss and Jim MacDuff have previously served on the Tree Commission. Their terms expired on January 31, 2014. Mayor Thompson feels that having these individuals be re-appointed and continue on the Tree Commission would be a great asset to the city.

FISCAL IMPACT:

No Impact

ATTACHMENTS:

None



CITY COUNCIL AGENDA REPORT

ITEM #9

DATE: March 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: PUBLIC HEARING/MOTION – DISPOSAL OF SURPLUS PROPERTY – CANTERBURY
CIRCLE SUBDIVISION

STAFF RECOMMENDATION:

Hold the required public hearing to surplus public property

BACKGROUND:

The Canterbury Circle Subdivision was recorded on January 31, 2001 and has 16 lots. The City received the property from the developer in 2013.

The property owners within the subdivision are requesting the disposal of approximately 3.744 acres of open space property within the subdivision. The property requested for disposal does not include any of the land within the park.

Chapter 2.44 Disposal of Public Property of the Municipal Code regulates the disposal of property. The first step in the process is for the City Council to declare the property surplus by resolution which occurred on July 16, 2013. The second step is for the Council to hold a public hearing after the hearing has been advertised in the Daily Herald.

After the public hearing if the Council chooses to dispose of the property, an appraisal will be done to determine the purchase amount. Once completed purchase agreements will be prepared and executed.

CITIZEN PARTICIPATION:

A petition has been submitted showing support from 23 of the 26 property owners (excluding LLC's) within the subdivision has been submitted, which represents 88% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

A petition has been submitted showing support from 13 of the 14 property owners (excluding LLC's) adjacent to the open space has been submitted, which represents 92% of the property owners in the subdivision. The petition exceeds the minimum requirement of 80%. The owner of lot 2 did not sign

the petition. However, the adjacent owners are willing to purchase the property if the owner of lot 2 does not. As a result, the entire City owned property is accounted for.

Notice of the City Council public hearing was published in the Daily Herald on March 4, 2014. The property was posted on March 3, 2014. Notice was sent to all property owners on March 3, 2014. Three of the lots are owned by an LLC. The LLC's has been sent notice via certified mail of the proposal on March 3, 2014. No comments have been received.

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Open Space Disposal Application

February 04, 2014

Highland City – City Council
5400 W. Civic Center Dr.
Suite 1
Highland, UT 84003

RE: Canterbury Circle Subdivision

- **Designation of Open Space Property for Disposal/Chapter 12.32**

Dear City Council Members:

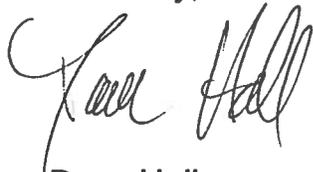
Thank you for your time in reviewing our petition to purchase the city owned open space property adjacent to the homes within Canterbury Park Circle Subdivision.

With the exception of only 1 person (who does not live in the subdivision), every single homeowner within the subdivision is in favor of the changes proposed by the new ordinance (Chapter 12.32). We may still get the last signature, but at this point have not been able to contact the legal owner of the property.

By petitioning Highland City to dispose of city owned open space property to the adjacent property owners within the subdivision, it gives the homeowners adjacent to this property the opportunity to improve the look and feel of our neighborhood, Canterbury Park Circle Subdivision.

We greatly appreciate the support that has been given from everyone on this phase in the overall open space purchase process.

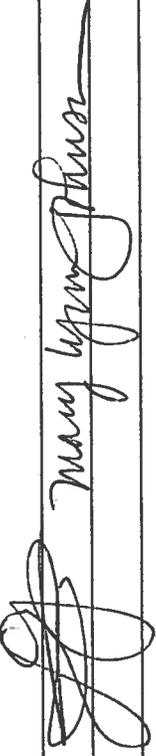
Sincerely,



Dave Hall
Representative, Canterbury Circle Subdivision
801-602-9666

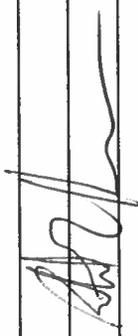
**Designation of Open Space Property for Disposal - Chapter 12.32
Real Property Owner Authorization (80%)
Canterbury Circle Subdivision—Highland City (84003)**

A petition of the *property owners in Canterbury Circle Subdivision* whose homes are adjacent to city owned open space property and adjacent owner is willing to purchase said property.

Property Owner Name	Lot #	Address	Signature (s)
Sargent, Brian P.	1	9646 North 6000 West	
BTM LLC (Morris, Shane)	2	9664 North 6000 West	
Yamada, Takuto & Stacey Leigh	3	9682 North 6000 West	
Murdock, Kenneth K.	4	5947 North 9700 North	
Edgel, David & Paula	5	5931 West 9700 North	
Walker, James & Melinda	6	5913 W. Canterbury Park Circle	
Beck, Michael	7	5893 W. Canterbury Park Circle	
Atkin, Joseph R. & Jamie Y.	8	5873 W. Canterbury Park Circle	
Phillips, Stanley J. Jr. & Lori A.	9	9712 N. Canterbury Park Circle	
Henderson, Richard & Christy	10	9728 N. Canterbury Park Circle	
Hall, Wendy A & David B.	11	9748 N. Canterbury Park Circle	
Saari, Camille M.	12	9766 N. Canterbury Park Circle	
Sorensen, Daniel V.	13	9788 N. Canterbury Park Circle	
Johnson, David & Mary Lynn	14	5845 W. Canterbury Park Circle	

**Designation of Open Space Property for Disposal - Chapter 12.32
Real Property Owner Authorization (70%)
Canterbury Circle Subdivision—Highland City (84003)**

A petition of the *property owners* within the *Canterbury Circle Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic. (Page 1)

Property Owner Name	Lot #	Address	Signature (s)
Sargent, Brian P.	1	9646 North 6000 West	
BTM LLC (Morris, Shane)	2	9664 North 6000 West	
Yamada, Takuto & Stacey Leigh	3	9682 North 6000 West	
Murdock, Kenneth K.	4	5947 North 9700 North	
Edgel, David & Paula	5	5931 West 9700 North	
Walker, James & Melinda	6	5913 W. Canterbury Park Circle	
Beck, Michael	7	5893 W. Canterbury Park Circle	
Atkin, Joseph R. & Jamie Y.	8	5873 W. Canterbury Park Circle	
Phillips, Stanley J. Jr. & Lori A.	9	9712 N. Canterbury Park Circle	
Henderson, Richard & Christy	10	9728 N. Canterbury Park Circle	
Hall, Wendy A & David B.	11	9748 N. Canterbury Park Circle	
Saari, Camille M.	12	9766 N. Canterbury Park Circle	
Sorensen, Daniel V.	13	9788 N. Canterbury Park Circle	
Johnson, David & Mary Lynn	14	5845 W. Canterbury Park Circle	
Sannar, David M. & Maureen	15	5864 W. Canterbury Park Circle	
Morris, Timothy H.	16	5884 W. Canterbury Park Circle	
Bradshaw, C. Roshau	17	5902 W. Canterbury Park Circle	
Bogh, Todd & Marquelle B.	18	9813 North 5920 West	
Kramer, Ronald J. & Sherry	19	9785 North 5920 West	
Andrus, David & Yvonne	20	9759 North 5920 West	
Tillotson, Robert H.	21	9740 North 6000 West	

**Designation of Open Space Property for Disposal - Chapter 12.32
Real Property Owner Authorization (70%)
Canterbury Circle Subdivision—Highland City (84003)**

A petition of the *property owners* within the *Canterbury Circle Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic. (Page 1)

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Sargent, Brian P.	1	9646 North 6000 West	
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Atkin, Joseph R. & Jamie Y.	8	5873 W. Canterbury Park Circle	
Phillips, Stanley J. Jr. & Lori A.	9	9712 N. Canterbury Park Circle	
Murrin, J. Scott	10	9728 N. Canterbury Park Circle	
Hall, Wendy A & David B.	11	9748 N. Canterbury Park Circle	
Saari, Camille M.	12	9766 N. Canterbury Park Circle	
Sorensen, Daniel V.	13	9788 N. Canterbury Park Circle	
Worthington, R. Troy & Colette	14	5845 W. Canterbury Park Circle	
Sannar, David M. & Maureen	15	5864 W. Canterbury Park Circle	
Morris, Timothy H.	16	5884 W. Canterbury Park Circle	
Bradshaw, C. Roshaun	17	5902 W. Canterbury Park Circle	
Bogh, Todd & Marquellle B.	18	9813 North 5920 West	
Kramer, Ronald J. & Sherry	19	9785 North 5920 West	
Andrus, David & Yvonne	20	9759 North 5920 West	
Tillotson, Robert H.	21	9740 North 6000 West	

A petition of the **property owners within the Canterbury Circle Subdivision** to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic. (Page 2)

Property Owner Name	Lot #	Address	Signature (s)
Lesser, Jared B.	22	9738 North 6000 West	
Stephenson, Richard Jr. & Marianne	23	9737 North 5920 West	
Gurney, Howard R. & Shannan	24	9719 N. 5920 West	
Washburn, Allen & Ilene A.	25	5954 West 9700 North	
Kalt, Manuel & Stacey	26	5982 West 9700 North	
Serendipity LLC (Yates)	27	5905 W. Canterbury Park Circle	
Smithworx, LLC (Smith)	28	5891 W. Canterbury Park Circle	
Golding, John L.	29	5875 W. Canterbury Park Circle	
Taylor, Glenn T. & Wendy R.	30	5861 W. Canterbury Park Circle	

jsm/041513

NOTE: The attached graphic/plat map with boundary lines drawn in, is a preliminary map. It is not 100% accurate. Accurate boundary lines will be shown on actual appraisal.

Land/property appraisal will be completed once all necessary signatures have been obtained and submitted to Highland City for further processing.

Designation of Open Space Property for Disposal - Chapter 12.32

Real Property Owner Authorization (80%)

Canterbury Circle Subdivision—Highland City (84003)

A petition of the *property owners in Canterbury Circle Subdivision* whose homes are adjacent to city owned open space property and adjacent owner is willing to purchase said property.

Property Owner Name	Lot #	Address	Signature (s)
Sargent, Brian P.	1	9646 North 6000 West	
BTM LLC (Morris, Shane)	2	9664 North 6000 West	
Yamada, Takuto & Stacey Leigh	3	9682 North 6000 West	
Murdock, Kenneth K.	4	5947 North 9700 North	
Edgel, David & Paula	5	5931 West 9700 North	
Walker, James & Melinda	6	5913 W. Canterbury Park Circle	
Beck, Michael	7	5893 W. Canterbury Park Circle	
Atkin, Joseph R. & Jamie Y.	8	5873 W. Canterbury Park Circle	
Phillips, Stanley J. Jr. & Lori A.	9	9712 N. Canterbury Park Circle	
Murrin, J. Scott	10	9728 N. Canterbury Park Circle	
Hall, Wendy A & David B.	11	9748 N. Canterbury Park Circle	
Saari, Camille M.	12	9766 N. Canterbury Park Circle	
Sorensen, Daniel V.	13	9788 N. Canterbury Park Circle	
Worthington, R. Troy & Colette	14	5845 W. Canterbury Park Circle	



CITY COUNCIL AGENDA REPORT

ITEM #10

DATE: March 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: PUBLIC HEARING/MOTION – DISPOSAL OF SURPLUS PROPERTY – APPLE
BLOSSOM SUBDIVISION

STAFF RECOMMENDATION:

Hold the required public hearing to surplus public property

BACKGROUND:

The Apple Blossom Subdivision was recorded on November 21, 2000 and has 16 lots. The City received the property from the developer in 2008.

David and Amber Clegg are requesting the disposal of approximately 0.06 acres (2,613 square feet) of open space property within the Apple Blossom Subdivision. This acquisition will allow the Clegg's to subdivide their property with the new lot having access onto 9680 North. Acquisition of this property will also require relocation of the existing trail. Staff believes the Clegg's should be responsible for the costs of relocating the trail.

Chapter 2.44 Disposal of Public Property of the Municipal Code regulates the disposal of property. The first step in the process is for the City Council to declare the property surplus by resolution which occurred on July 16, 2013. The second step is for the Council to hold a public hearing after the hearing has been advertised in the Daily Herald.

After the public hearing if the Council chooses to dispose of the property, an appraisal will be done to determine the purchase amount. Once completed purchase agreements will be prepared and executed.

CITIZEN PARTICIPATION:

A petition has been submitted showing support from 15 of the 16 property owners' (excluding LLC's) has been submitted, which represents 93% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

Notice of the City Council public hearing was published in the Daily Herald on March 4, 2014. The

property was posted on July 3, 2013. Notice was sent to all property owners on March 3, 2014. One of the lots is owned by an LLC. The LLC has been sent notice via certified mail of the proposal on March 3, 2014. No comments have been received.

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Open Space Disposal Application

David & Amber Clegg
5528 West 9620 North
Highland, UT 84003
801-787-7736
davidnclegg@gmail.com

May 23, 2013

Highland City Community Development Department
5400 W. Civic Center Dr., Suite 1
Highland, UT 84003

Subject: Application to designate open space on the corner of 9700 North and Alpine Highway for disposal

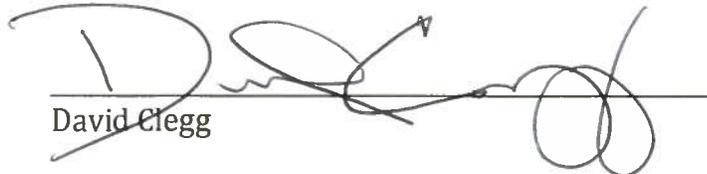
Dear City Council of Highland City,

Under Highland City Ordinance No. 0-2013-03 Title 12 Chapter 12.32, please consider this letter a formal application to designate the 160 feet of Open Space, located in the Apple Blossom subdivision starting 30 feet from the Southeast corner of 9700 North and the Alpine Highway between the Robinson property line and 9700 North, for disposal (graphic attached).

As the adjacent property owner of this Open Space property, the purpose of this request is to gain the necessary frontage to create a residential, build-ready lot for a home that our family will build and occupy in the near future.

We request your consideration of this request via a public hearing at your earliest convenience. It should be noted that a petition for this request has been signed and is supported by 100% of the real property owners included in the Apple Blossom subdivision.

Thank you,



David Clegg



Amber Clegg

Graphic A (Apple Blossom Open Space, Highland, UT)



Designation of Open Space Property for Disposal - Chapter 12.32
Real Property Owner Authorization (70%)
 Apple Blossom Subdivision - Highland City (84003)

A petition of the property owners within the *Apple Blossom Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic.

Property Owner Name	Address	Signature
Buhler, Mark Kent & Becky	9748 North 5520 West	
Barnett, Rebecca A	9756 North 5520 West	
Christensen, Lee	9768 North 5520 West	
Whiting, John R & Lucille C	9778 North 5520 West	
Starr, Zachary Jon & Andrea M	9784 North 5520 West	
Wallace, Shane S & Judy	9783 North 5520 West	
Plaisted, Trevor J & Tori B	9777 North 5520 West	
Hill, Burke C & Lucinda O	9763 North 5520 West	
Robbins, Robert & Jennifer	9774 North 5580 West	
Freeze, William D & Linda L	9758 North 5580 West	
Bazzelle, Suchada Phillips	9744 North 5580 West	
Snell, Bill & Susan	9735 North 5580 West	
Galloway, Glen A & Teresa P	9743 North 5580 West	
Horton, Matthew & Genise	9757 North 5580 West	
Star Vest LLC	9771 North 5580 West	
Yeates, Matthew	9783 North 5580 West	

**Designation of Open Space Property for Disposal - Chapter 12.32
 Real Property Owner Authorization (70%)
 Apple Blossom Subdivision - Highland City (84003)**

A petition of the property owners within the *Apple Blossom Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic.

Property Owner Name	Address	Signature
Buhler, Mark Kent & Becky	9748 North 5520 West	
Barnett, Rebecca A	9756 North 5520 West	
Christensen, Lee	9768 North 5520 West	
Whiting, John R & Lucille C	9778 North 5520 West	
Starr, Zachary Jon & Andrea Ma	9784 North 5520 West	
Wallace, Shane S & Judy	9783 North 5520 West	
Johnson, Blaine K and Jill C	9777 North 5520 West	
Hill, Burke C & Lucinda O	9763 North 5520 West	
Robbins, Robert & Jennifer	9774 North 5580 West	
Freeze, William D & Linda L	9758 North 5580 West	
Bazzelle, Suchada Phillips	9744 North 5580 West	
Snell, Bill & Susan	9735 North 5580 West	
Galloway, Glen A & Teresa P	9743 North 5580 West	
Horton, Matthew & Genise	9757 North 5580 West	
Star Vest LLC	9771 North 5580 West	
Yeates, Mattew	9783 North 5580 West	

Designation of Open Space Property for Disposal - Chapter 12.32

Real Property Owner Authorization (70%)

Apple Blossom Subdivision - Highland City (84003)

A petition of the property owners within the *Apple Blossom Subdivision* to allow the disposal of city owned open space property to the adjacent property owner as shown on the attached graphic.

Property Owner Name	Address	Signature
Johnson, Blaine K and Jill C	9777 North 5520 West	



CITY COUNCIL AGENDA REPORT

ITEM #11

DATE: March 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: PUBLIC HEARING/RESOLUTION – DISPOSAL OF SURPLUS PROPERTY –
CHAMBERRY FIELDS SUBDIVISION

STAFF RECOMMENDATION:

Hold the required public hearing to surplus public property

BACKGROUND:

The Chamberry Fields Plat B Subdivision was recorded in 2004 and has 18 lots. The Chamberry Fields Plat C Subdivision was recorded in 2006 and has 16 lots.

The property owners within the subdivision are requesting the disposal of approximately .70 acres of open space property on the north and east boundary of the subdivision (Attachment A). Both parcels were originally planned for trails. These trails were not included in the 2013 update to the Trails Master Plan.

The parcel to the east has an existing public culinary water service line. A pressurized irrigation line is also planned to be constructed in this area. The length of these lines is approximately 735 feet. Staff is concerned with having water lines in an easement rather than on property owned by the City. For all new development staff is requiring land dedications instead of easements.

In this instance, if the property is sold, access to the water lines for repair and maintenance would be problematic at best as the water line would be landlocked. Access would have to come through individual lots which would have a substantial impact on any landscaping, structures, and fencing. Further the installation of fencing, landscaping, and other improvements will complicate and escalate the cost of repair. It is also problematic for the construction of the pressurized irrigation line. In addition, relocating the pressurized irrigation line will increase the costs of installation as the line will need to be built in an existing road. Therefore, staff recommends disposal of the property on the northern side but not on the eastern side.

Chapter 2.44 Disposal of Public Property of the Municipal Code regulates the disposal of property. The first step in the process is for the City Council to declare the property surplus by resolution (attached). The second step is for the Council to hold a public hearing.

After the public hearing if the Council chooses to dispose of the property, an appraisal will be done to determine the purchase amount. Once completed purchase agreements will be prepared and executed.

CITIZEN PARTICIPATION:

Chamberry Fields Plat B and C (East Side)

A petition has been submitted showing support from 21 of the 26 property owners (excluding LLC's) within the subdivision has been submitted, which represents 80% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

A petition has been submitted showing support from all property owners adjacent to the open space has been submitted, which represents 100% of the property owners in the subdivision. The petition exceeds the minimum requirement of 80%.

Chamberry Fields Plat B and C (North Side)

A petition has been submitted showing support from 21 of the 26 property owners (excluding LLC's) within the subdivision has been submitted, which represents 80% of the property owners in the subdivision. The petition exceeds the minimum requirement of 70%.

A petition has been submitted showing support from all property owners adjacent to the open space has been submitted, which represents 100% of the property owners in the subdivision. The petition exceeds the minimum requirement of 80%.

Notice of the City Council public hearing was published in the Daily Herald on March 4, 2014. The property was posted on March 3, 2014. Notice was sent to all property owners on March 3, 2014. Three of the lots are owned by an LLC. The LLC's has been sent notice via certified mail of the proposal on March 3, 2014. No comments have been received.

According to the applicant's there have been no new property owners since August 2013.

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Resolution
2. Chamberry Fields Constraint Map
3. Open Space Disposal Application

RESOLUTION NO. R-2014-**

**A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE CHAMBERRY FIELDS
SUBDIVISION**

WHEREAS, the Highland City Council has established a process of designating open space property for disposal.

NOW, THEREFORE be it resolved by the City Council of Highland City that the Open Space Property in the Chamberry Subdivision, outlined and shown in Exhibit "A" is hereby designated for disposal the City Council hereby authorizes the City Administrator to begin the disposal process of the above-mentioned property following State and City Code.

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 18th day of March 2014.

HIGHLAND CITY, UTAH

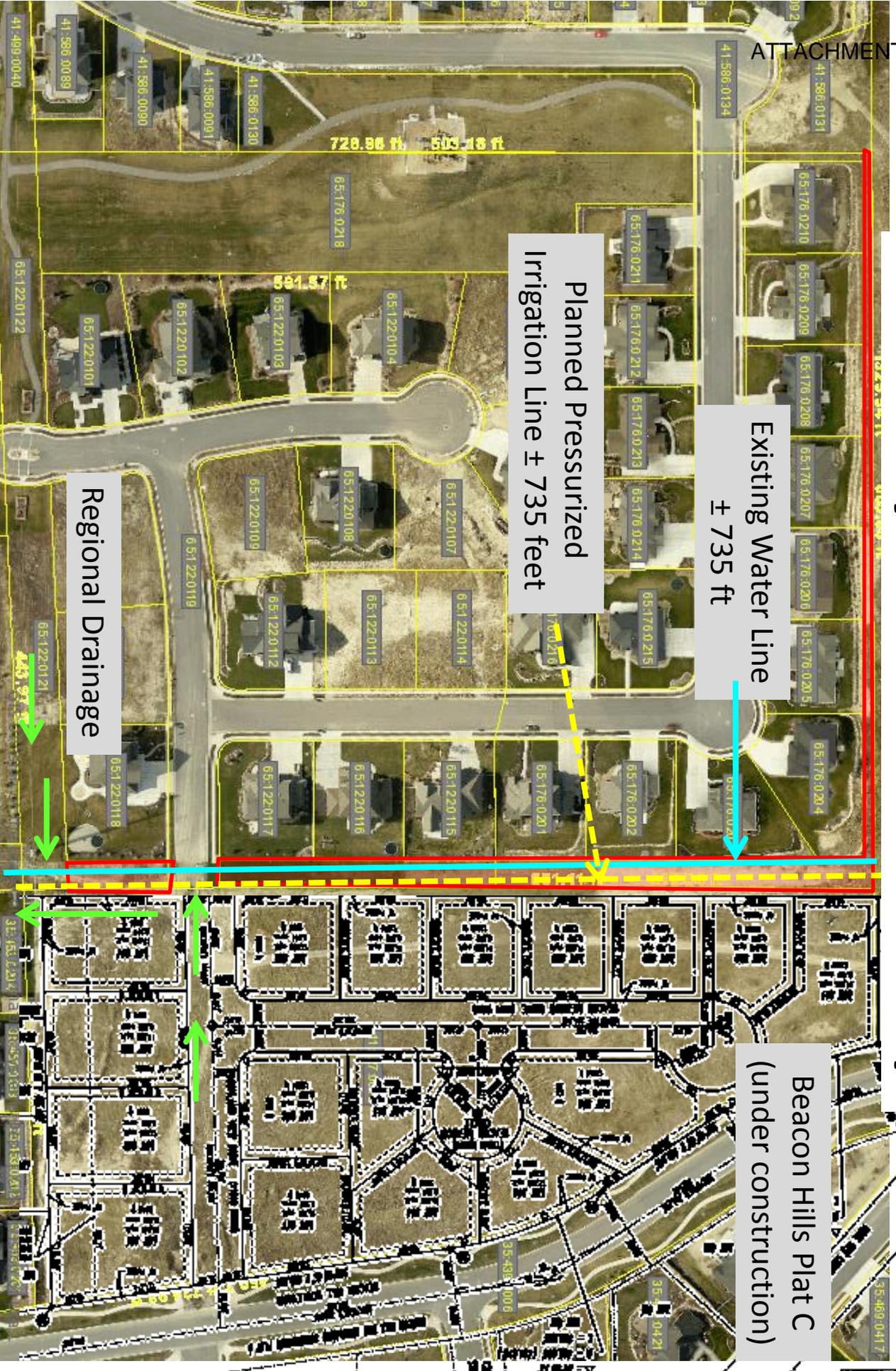
Mark Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis Lebaron	<input type="checkbox"/>	<input type="checkbox"/>
Rodd Mann	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>

Chamberry Fields Constraint Map



Existing Water Line
± 735 ft

Planned Pressurized
Irrigation Line ± 735 feet

Regional Drainage

Beacon Hills Plat C
(under construction)

August 20, 2013

Highland City – City Council

5400 W. Civic Center Drive Suite 1

Highland, UT 84003

Plat C

RE: Chamberry Fields Subdivision, North Line of Subdivision

- Designation of Open Space Property for Disposal

Dear City Council Members:

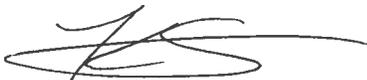
Thank you for your time in reviewing our petition to purchase (lease to own option until time period has been met that it can be sold) the city owned open space property adjacent to the homes within Chamberry Fields Subdivision.

Every Chamberry Fields resident is in favor of the changes proposed to allow the purchase of open space adjacent to affected home owners.

By petitioning Highland City to dispose of city owned open space property to the adjacent property owners within the subdivision, it gives the home owners adjacent to this property the opportunity to improve the look and feel of our neighborhood, Chamberry Fields Subdivision.

We greatly appreciate the support that has been given from everyone on this phase in the overall "lease to own" open space purchase process.

Sincerely,



Kevin Schiess

Representative, Chamberry Fields Subdivision

Kevin ~ 801-520-0657

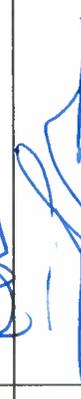
Attached are petition signatures:

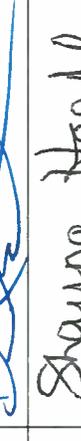
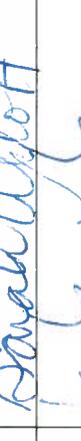
Designation of Open Space Property for Disposal – Chapter

(6 of 7) (16 of 22) Real Property Owner Authorization (80%) and (70%) of Real Property Owners within the Subdivision

Chamberry Fields Subdivision – Highland City

A petition of the property owners in Chamberry Fields Subdivision whose homes are adjacent to city owned open space property and adjacent owner is willing to purchase said property. Addition is Real Property Owners with the subdivision

Property Owners	Lot#	Address	Signatures
Adjacent to Open Space. These are the owners whom want to purchase - North Line Sorenson, Sarah & Trevor	204	6046 W. Lausanne	
Schiess, Kevin & Lindsay	205	6058 W. Lausanne	
Vick, Kevin & Kristi	206	6074 W. Lausanne	
Abbott, Kevin & Sarah	207	6088 W. Lausanne	
Vaughn, Kordon & Rachelle	208	6104 W. Lausanne	
Doyle, Jeremy & Gigi	209	6120 W. Lausanne	
Eastman, Zach & Margaret	210	6134 W. Lausanne	

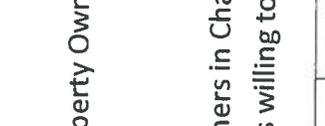
Property Owners within Subdivision - North Line	Lot#	Address:	Signatures
Thomas, John & Mary	101	11987 N. Chamberry Court	
Mefford, Samuel & Brea	102	12003 N. Chamberry Court	
Hepworth, Jack & Marjorie	103	12013 N. Chamberry Court	
Brown, Liana	104	12029 N. Chamberry Court	
Uffens, Daniel & Cynthia	106	22042 N. Chamberry Court	
Smith, Nathan & Lynsie	108	12022 N. Chamberry Court	
Butler, Dave & Melissa	114	12037 N. Grenoble	
Haehl, Shawn Isaacs, Jason & Mary	113 112	12027 N. Grenoble 12013 N. 6050 W.	 
Schiess, Kevin & Lindsay	205	12051 N. Grenoble	
Vick, Kevin & Kristi	206	6074 W. Lausanne	
Abbott, Kevin & Sarah	207	6088 W. Lausanne	
Vaughn, Kordon & Rachelle	208	6104 W. Lausanne	
Doyle, Jeremy & Gigi	209	6120 W. Lausanne	
Eastman, Zach + Margaret	210	6134 W. Lausanne	
Frandsen, Paul & Amy	211	6129 W. Lausanne	
BLAVIK, Shawn + Barbara	216	12051 N. Grenoble	

Designation of Open Space Property for Disposal- Chapter

Real Property Owner Authorization (80%) and (70% of Real Property Owners within the Subdivision)

Chamberry Fields Subdivision- Highland City

A petition of the property owners in Chamberry Fields Subdivision whose homes are adjacent to city owned open space property and adjacent owner is willing to purchase said property. Addition is Real Property Owners within the subdivision

Property Owners of Plat B Adjacent to Open Space these are the owners whom want to purchase - East Line	Lot#	Address:	Signatures
Stevensons, Adam & JoAnn	118	6037 W. Chamberry Way	
Brown, Ray & Violeta	117	12010 N. 6034 W. Grenoble	
Scotts, Robert & Jennifer	116	12024 N. Grenoble	
Cottle, Christopher & Amy	115	12034 N. Grenoble	
Property Owners of Plat C Adjacent to Open Space these are the owners whom want to purchase - East Line	Lot#	Address:	Signatures
Greer, Lance & Kim	201	12048 N. Grenoble	
Harris, Spencer & Laura	202	12062 N. Grenoble	
Matern, Todd & Julie	203	12074 N. Grenoble	
Sorenson, Sarah & Trevor	204	6046 W. Lausanne	

Jackson, Sterling & Jamie	212	6113 W. Lausanne	
Buhrley, Brook & Gretchen	213	6097 W. Lausanne	
Saunders, Todd & Harmony	214	6083 W. Lausanne	
Empty Lots	105, 107, 109, 110, 111		
Reeves, David & Kristi	215	12063 N. Grenoble	

August 19, 2013

Highland City- City Council
5400 W. Civic Center Drive
Suite 1
Highland, UT 84003

RE: Chamberry Fields Subdivision
Plat B and C
East Side of Subdivision

- Designation of Open Space Property for Disposal

Dear City Council Members:

Thank you for your time in reviewing our petition to purchase (lease to own option until time period has been met that it can be sold) the city owned open space property adjacent to the homes within Chamberry Fields Subdivision.

Every Chamberry Fields resident is in favor of the changes proposed to allow home owners to purchase the open space on the East side of subdivision.

By petitioning Highland City to dispose of city owned open space property to the adjacent property owners within the subdivision, it gives the home owners adjacent to this property the opportunity to improve the look and feel of our neighborhood, Chamberry Fields Subdivision.

We greatly appreciate the support that has been given from everyone on this phase in the overall "lease to own" open space purchase process.

Sincerely,



Amy Cottle and Lance Greer
Representatives, Chamberry Fields Subdivision
Amy- 801-756-8642 Lance -801-234-9838

Attached are petition signatures.

Designation of Open Space Property for Disposal- Chapter

Real Property Owner Authorization (80%) and (70% of Real Property Owners within the Subdivision)

Chamberry Fields Subdivision- Highland City

A petition of the property owners in Chamberry Fields Subdivision whose homes are adjacent to city owned open space property and adjacent owner is willing to purchase said property. Addition is Real Property Owners within the subdivision

Property Owners of Plat B Adjacent to Open Space these are the owners whom want to purchase	Lot#	Address:	Signatures
① Stevensons, Adam & JoAnn	118	6037 W. Chamberry Way	
② Brown, Ray & Violeta	117	12010 N. 6034 W. Grenoble	
③ Scotts, Robert & Jennifer	116	12024 N. Grenoble	
④ Cottle, Christopher & Amy	115	12034 N. Grenoble	
Property Owners of Plat C Adjacent to Open Space these are the owners whom want to purchase	Lot#	Address:	Signatures
⑤ Greer, Lance & Kim	201	12048 N. Grenoble	
⑥ Harris, Spencer & Laura	202	12062 N. Grenoble	
⑦ Matern, Todd & Julie	203	12074 N. Grenoble	
⑧ Sorenson, Sarah & Trevor	204	6046 W. Lausanne	

	Property Owners within Subdivision	Lot#	Address:	Signatures
9	Thomas, John & Mary	101	11987 N. Chamberry Court	
10	Mefford, Samuel & Brea	102	12003 N. Chamberry Court	
11	Hepworth, Jack & Marjorie	103	12013 N. Chamberry Court	
12	Brown, Liana	104	12029 N. Chamberry Court	
13	Uffens, Daniel & Cynthia	106	12042 N. Chamberry Court	
14	Smith, Nathan & Lynsie	108	12022 N. Chamberry Court	
15	Butler, Dave & Melissa	114	12037 N. Grenoble	
16	Hoehl, Shawn	113	12027 N. Grenoble	
17	Isaacs, Jasbn & Mary	112	12013 N. 6050 W. (Grenoble)	
18	Schiess, Kevin & Lindsay	205	12051 N. Grenoble	
19	Vick, Kevin & Kristi	206	6074 W. Lausanne	
20	Abbott, Kevin & Sarah	207	6088 W. Lausanne	
21	Vaughn, Kordon & Rachelle	208	6104 W. Lausanne	
22	Doyle, Jeremy & Gigi	209	6120 W. Lausanne	
23	Eastman, Zach + Margaret	210	6134 W. Lausanne	
24	Frandsen, Paul & Amy	211	6129 W. Lausanne	
25	BLAVIK, Shawn + Barbara	216	12051 N. Grenoble	

26	Jackson, Sterling & Jamie	212	6113 W. Lausanne	
27	Buhrley, Brook & Gretchen	213	6097 W. Lausanne	
28	Saunders, Todd & Harmony	214	6083 W. Lausanne	
	Empty Lots	105, 107, 109, 110, 111		
29	Reeves, David & Kristi	215	12063 N. Grenoble	
30	EMPTY LOTS	111	6059 W. Chamberberry Way	Property Owner: Chamberberry Fields Development 3020 Creek Road, Park City, UT 84098
31	EMPTY LOT	110	6075 W. Chamberberry Way	Landgreen, Cheri 6726 So. 2680 E. SLC UT 84121
32	EMPTY LOT	109	6078 W. Chamberberry Court	Chamberberry Fields 3020 Creek Road Park City, UT 84098
33	EMPTY LOT	105		"Chamberberry Fields 3020 Creek Road Park City, UT 84098
34	Empty LOT	107		Edge Land 14 LLC 480 W. 800 NO. #200 Orem, UT 84057





CITY COUNCIL AGENDA REPORT

March 18, 2014

ITEM #12

DATE:

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: PUBLIC HEARING/RESOLUTION – DISPOSAL OF SURPLUS PROPERTY – BEACON HILLS PLAT I SUBDIVISION

STAFF RECOMMENDATION:

Hold the required public hearing to surplus public property

BACKGROUND:

The Beacon Hills Plat I Subdivision was recorded in 2005 and has 80 lots. Due to the size of the Beacon Hills Development, only a petition with owners adjacent to the property is required.

The property owners within the subdivision are requesting the disposal of approximately 0.87 acres of open space property on the east boundary of the subdivision. This parcel was originally planned for a trail. This trail was not included in the 2013 update to the Trails Master Plan as it is adjacent to an existing trail corridor in Alpine.

A petition has been submitted showing support from 12 of the 19 property owners (excluding LLC's and Corporations) adjacent to the trail has been submitted, which represents 63% of the property owners in the subdivision. The petition does not meet the minimum requirement of 80%. However, the applicants will be providing affidavits showing that the property owned by the LLC's and Corporation are owner occupied. If the affidavits are provided they will meet the minimum requirements.

Chapter 2.44 Disposal of Public Property of the Municipal Code regulates the disposal of property. The first step in the process is for the City Council to declare the property surplus by resolution (attached). The second step is for the Council to hold a public hearing.

After the public hearing if the Council chooses to dispose of the property, an appraisal will be done to determine the purchase amount. Once completed purchase agreements will be prepared and executed.

CITIZEN PARTICIPATION:

Notice of the City Council public hearing was published in the Daily Herald on March 4, 2014. The property was posted on March 3, 2014. Notice was sent to all property owners on March 3, 2014. Three of the lots are owned by an LLC. The LLC's has been sent notice via certified mail of the proposal on March 3, 2014. No comments have been received.

FISCAL IMPACT:

Unkown

ATTACHMENTS:

1. Resoultion
2. Open Space Disposal Application

RESOLUTION NO. R-2014-**

**A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING OPEN SPACE PROPERTY FOR DISPOSAL PROPERTY IN THE BEACON HILL SUBDIVISION
PLAT I**

WHEREAS, the Highland City Council has established a process of designating open space property for disposal.

NOW, THEREFORE be it resolved by the City Council of Highland City that the Open Space Property in the Beacon Hills Subdivision, Plat I, as outlined and shown in Exhibit "A" is hereby designated for disposal the City Council hereby authorizes the City Administrator to begin the disposal process of the above-mentioned property following State and City Code.

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 18th day of March 2014.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis Lebaron	<input type="checkbox"/>	<input type="checkbox"/>
Rodd Mann	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>

August 20, 2013

Highland City
5400 W. Civic Center Drive
Suite 1
Highland, UT 84003

RE: Beacon Hill The Highlands Plat I, Subdivision Petition – Removal of Neighborhood Option Trail

To whom it may concern,

The homeowners of Beacon Hill The Highlands Plat I, lots 1-19 are petitioning for removal of the Neighborhood Option Trail under Highland City Ordinance No. O-2013-03, Chapter 12.30. Enclosed is a petition signed by each homeowner requesting the disposal of the neighborhood option trail. The Alpine Trail space will remain open as platted.

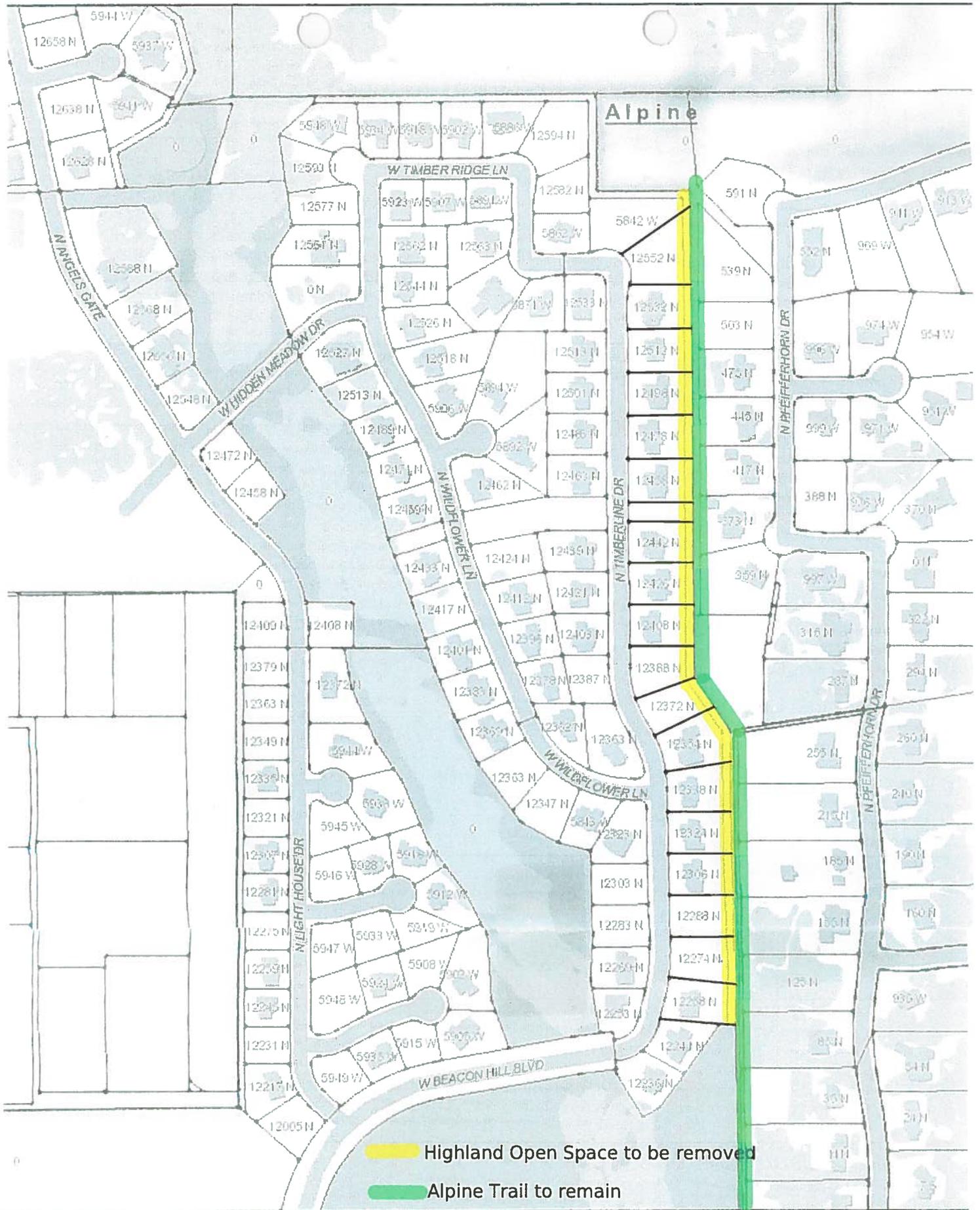
We are enclosing the petition signed by the lot owners, the highlighted map detailing which area shall be removed from the open space, as well the list of all property owners in the community (highlighting owner that are non-owner occupied). The addressed, stamped, and sorted envelopes are ready to be mailed (excepting the certified mail that must be stuffed before metering).

We ask that the City review our petition in earnest. Any additional information requested by the City will be provided immediately as to expedite the resolution of this matter. Thank you in advance for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Steve Marx", with a stylized flourish at the end.

Steve Marx
12552 Timberline Drive
Highland, UT 84004
801-471-7276



Beacon Hill The Highlands Plat I, Subdivision

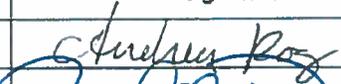
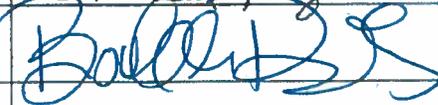
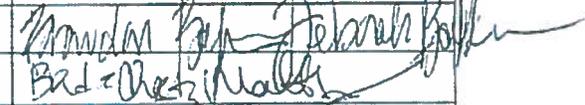
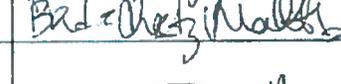
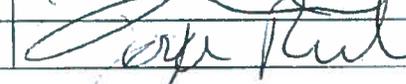
Petition – Removal of Neighborhood Option Trail

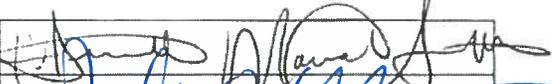
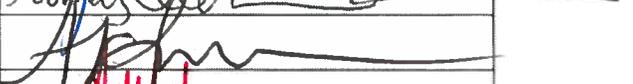
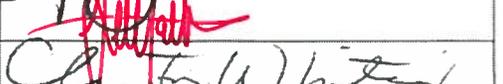
This is a petition for Highland City Ordinance No. O-2013-03, Chapter 12.30. Signing this petition gives your authorization:

1. To allow the Neighborhood Option Trail shown in Exhibit A to be removed (specifically, the Highland Open Space, not the Alpine Trail).

- Property Owners
- Total Signatures (16 required – 80%)

2. Parcels will no longer be maintained by Highland City and will be solely maintained by property owners subject to lease-purchase agreement.
3. The following Property Owners would like to enter into lease-purchase agreements with Highland City subject to a final review of said agreements provided by Highland City.

Lot No.	Property Address	Owner	Signature
1	12258 N Timberline Drive	Andrea Roy	
2	12274 N Timberline Drive	Kelly and Sarah Hamblin c/o Lane Myers Construction LLC	
3	12288 N Timberline Drive	Raymond & Tamara Fujikawa	
4	12306 N Timberline Drive	Douglas & Michelle Cunningham	
5	12324 N Timberline Drive	Spring Terrace Inc	
6	12338 N Timberline Drive	Brandon Deborah Balkman	
7	12354 N Timberline Drive	Bradford & Christy Matthews	
8	12372 N Timberline Drive	Kevin Taylor & Alecia Jeppson	
9	12388 N Timberline Drive	Stephen Broadbent	
10	12408 N Timberline Drive	Brad Giles	
11	12426 N Timberline Drive	Buckhorn Ventures LLC	

12	12442 N Timberline Drive	Maria & Michael Jemmett	
13	12458 N Timberline Drive	Highland Leasing Inc	
14	12478 N Timberline Drive	Coray & Mindy Christensen	
15	12498 N Timberline Drive	Andrew Smith	
16	12512 N Timberline Drive	Jeremy Matthews	
17	12532 N Timberline Drive	Christy Whiting	
18	12552 N Timberline Drive	Steve Marx	
19	5842 W Timber Ridge Drive	Thomas & Vanessa Sutton	



CITY COUNCIL AGENDA REPORT

ITEM #13

DATE: March 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: Review of setbacks for the Haskett property and Open Space subdivisions

STAFF RECOMMENDATION:

Review of setbacks for the Haskett property and Open Space Subdivisions and provide staff with direction.

PRIOR REVIEW:

The Council considered this item at the February 18, 2014 City Council Meeting.

BACKGROUND:

Open Space Setbacks

Prior to June 2010, all Open Space Subdivisions were required to meet the setbacks of the R-1-40 (Single Family Residential) District as follows: Front 30', Side 15', Rear 30'. However, the City used setbacks established when the specific subdivision was approved. In 2010, the Development Code was amended to allow setbacks to be determined by the majority of lot sizes in the subdivision. It appears that the intent of the amendment was to address development in the Highland Hills subdivision.

Due to the complexity of the ordinance and to give the maximum benefit to the property owner staff as interpreted and applied the setbacks on a lot by lot basis.

Haskett Summary

- The Haskett are proposing a 304 square foot addition to their home located at 10598 N 5470 W and is a corner lot.
- The proposed rear yard setback is 22 ft.
- The addition does not include a basement only a crawl space.
- The home is located in the Town Center Meadows Subdivision which is an open space subdivision
- The setbacks when the home was built were: 30' front, 15' side, 30' rear
- At the time home was built the second story was allowed to encroach into the rear yard

setback by approximately 5 ft.

- In June/July 2010, The Council approved an amendment to the required setbacks for open space subdivision. Instead of setbacks being determined by subdivision, they were determined by lot size. As a result of the amendment, the setbacks for the Haskett home are: 25 ft front, 12.5 ft or 10 ft min/25 ft total side, 25 ft rear. The proposed rear yard setback is 22 ft.
- The Hasketts applied for a variance last summer. The variance was denied by the Appeal Authority as the request was a self-imposed hardship.

There are nine corner lots in the subdivision. Of these there are two lots that do not meet the required setbacks: 5534 West 10600 North and 10618 North 5400 West. There is no record in the file regarding how and why these homes were approved. In looking at the lots, staff assumes that the rear yards were considered side yards but there is nothing in the record to substantiate or clarify the previous action.

Possible Solutions

In order to accommodate the addition, staff provided the following solution. The setback is measured to foundation. As a result, the addition could be cantilevered by three feet into the rear yard setback. This is commonly done for breakfast nooks and areas with bay windows. The home owner was not in favor of this option due to the dirt and bugs underneath the cantilever. This solution would not require an amendment to the Development Code.

Amend the Development Code to reduce the setbacks for open space subdivisions. Staff is concerned with this option and the unintended consequences. Reducing the rear yard setbacks will have significant impacts on the other open space subdivisions see Highland Hills, Viewpoint, the Canterbury, etc.

Draft an amendment to the Development Code that allows the Zoning Administrator authority to grant variances under certain circumstances. Staff is concerned with this option as it will lead to inconsistent decisions, could lead to accusations of playing favorites and could be viewed as arbitrary and capricious. Any amendment would need to be specific enough to address these issues.

Below is an example from Orem that limits authority that may address the arbitrary and capricious concerns of staff. Under Orem's ordinance this provision only applies to subdivisions in standard districts (i.e. R-1-40 and R-1-20). It appears it would not apply to open space subdivisions given the existing custom setbacks for these developments. Please note that the proposed request would not meet these criteria.

The Director of Development

Services may approve a setback that is less than that required by this Article, provided that:

- i. the corresponding setback on at least seventy percent (70%) of the lots within a distance of three hundred feet (300') in all directions, excluding lots within planned residential developments, is less than that required above; and
- ii. The reduced setback is no less than the average of all the corresponding yard setbacks in "(1)" above.

Please note, an amendment to the Development Code, depending on meeting dates takes up to three-

four months to process.

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Open Space Subdivision Setbacks
2. Minutes of the February 18, 2014 City Council Meeting
3. Minutes of the June 22, 2010 City Council Meeting
4. Staff Report from the June 22, 2010 City Council Meeting

ATTACHMENT 1

- (19) Setbacks within the Open Space Density Bonus Overlay may be determined by lot depth and lot frontage. Setbacks shall be consistent with the underlying zone unless a minimum of 80% of the lots within an approved Open Space Density Bonus subdivision meet the following dimensions; if 80% of the lots meet the following dimensions, then setbacks shall be as follows:

FRONTAGE	DEPTH	SETBACKS		
		<i>Front</i>	<i>Rear</i>	<i>Side</i>
<90'	<110'	25'	10'	12.5' or (10' min. 25' total)
90' - 100'	<110'	25'	15'	12.5' or (10' min. 25' total)
90' - 120'	110' - 130'	25'	25'	12.5' or (10' min. 25' total)
110' - 130'	130' - 180'	30'	30'	12.5' or (10' min. 25' total)
>130'	>180'	30'	30'	15'

(Ord. No. 2010-07, Amended, 06/22/2010)

Minutes of the February 18, 2014 City Council Meeting

PRESENT: Mayor Mark Thompson, Conducting
Councilmember Brian Braithwaite
Councilmember Rod Mann
Councilmember Dennis LeBaron
Councilmember Jessie Schoenfeld

EXCUSED: Councilmember Tim Irwin

COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:

- Open Space Setbacks – Nathan Crane, Community Development Director

BACKGROUND: Nathan Crane stated he wanted to follow up with the Council on the email regarding the summary of the Haskett situation and find out what direction the Council would like staff to take.

Rod Mann stated he is not in favor of changing the Ordinance to revise the setbacks, because once it's changed, the Ordinance is changed for everyone and the City does not know what the unintended consequences will be.

Dennis LeBaron and Jessie Schoenfeld agreed they are not in favor of changing the Ordinance.

Mayor Thompson questioned if there were exceptions made for properties in the subdivision.

Nathan Crane stated there are nine corner lots in this subdivision and two of the lots that are closer in setbacks with no explanation. He stated when the Haskett home was built, an exception was already given to them to allow them to extend into the rear yard. He stated then there was a reduction in setbacks for the open space subdivisions, so the home is no longer an exception.

Minutes of the June 22, 2010 City Council Meeting

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Larry Mendenhall
Councilmember Kathryn Schramm
Councilmember Scott L. Smith

STAFF PRESENT: Lonnie Crowell, Community Development/Interim City
Administrator

Ordinance 2010-07: Amending Sections 3-4806 and 3-4808 in the Open Space Density Bonus Overlay to define reduced setbacks within the open space subdivisions (Agenda Item 7.1)

Lonnie Crowell noted problems that are beginning to surface within the Highland Hills subdivision resulting from required setbacks. The setbacks for the final two phases of the Highland Hills subdivision are greater than required for the first two phases; Plats A & B were approved with a 10' rear yard setback while Plats C & D required a 25' rear yard setback. Changes in the rear yard setbacks occurred because of issues with the smaller 10' setback, including encroachment onto the publicly owned open space by some property owners; however, requiring larger setbacks on smaller lots reduced the available space for a home footprint. The concern with less available space is that the footprint/house plans originally approved by the City Council only allowed the builder to use each plan 10 times within the subdivision. The change in the rear setback has resulted in home footprints and plans that cannot provide for second story decks that are necessary to meet the requirements of the Building Code; a deck of any dimension constructed on the back of these homes will encroach into the setback. If the ordinance is amended to reduce setback limits, the City Council may then consider amending the conditions of approval to permit these homes/decks to be constructed.

State Law requires that zoning restrictions be defined in the municipality's Land Use Ordinance (Highland City Development Code) in order to be considered. The City's Development Code restricts all open space subdivisions to the same setbacks as required for properties in the R-1-40 Zone. Typical lots in the R-1-40 Zone are much larger with greater frontages than those in open space subdivisions. The Development Code does not specify setbacks originally approved as an option for the Highland Hills Subdivision (or many other Open Space subdivisions) consequently this does not provide the Council the opportunity to amend these restrictions for anything other than those setbacks defined within the R-1-40 Zone. The Mayor has created an

Open Space Committee that will be addressing concerns such as the maintenance and development of the open space, however this process may not resolve the setback issues. The Planning Commission discussed different options for setbacks at their meeting on June 8, 2010 and recommended amendments to the ordinance.

Brian Braithwaite asked how this change would affect other Open Space subdivisions and Lonnie Crowell indicated it would make the setbacks for the other subdivisions legitimate. He added that based on a recent decision by City Attorney Kasey Wright, the City would have to require R-1-40 setbacks for every subdivision, regardless of if it was developed as an open space subdivision. Lonnie Crowell noted he looked at other subdivisions in the City to ensure these amendments would work. Brian Braithwaite asked if there would be a negative impact with the ordinance change. Lonnie Crowell stated at least half the Open Space subdivisions have a reduced setback and he did not foresee a negative impact.

Scott Smith feels impact will be felt most where a lot abuts another lot. Lots that abut open space to the rear will not really be affected.

MOTION: Brian Braithwaite moved to adopt Ordinance 2010-07: Amending Sections 3-4806 and 3-4808 in the Open Space Density Bonus Overlay to define reduced setbacks within the open space subdivisions with the amendment that lot frontages less than 90 feet may have a rear setback of 10 feet instead of the proposed 15 feet. Larry Mendenhall seconded the motion.

Clarification on the motion took place regarding specific setbacks for various frontages.

MOTION TO AMEND: Scott Smith moved to amend the proposed ordinance so that rear setbacks for lot frontages between 90 feet and 100 feet are 15 feet instead of the proposed 20 feet. Kathryn Schramm seconded the motion.

Encroachment into open space was a concern. It was noted there is quite a bit of current encroachment on the open space now and Lonnie Crowell had the feeling that reducing setbacks may exacerbate that. Brian Braithwaite discussed entitlement feelings from residents and that some feel entitled to use the open space as their rear yard.

Kathryn Schramm talked about the Open Space ordinance which requires developers to install delineation between private property lines and proposed open space. She feels the building inspector should be able to tell residents if their house is being built too close to the open space areas. She also noted that any new open space subdivisions are required to submit a delineation plan. With these previous changes she does not think any new open space developments will pose as big a problem as they have in the past.

Lonnie Crowell noted the delineation of open space and setbacks are two different concepts. The building inspector does ensure a home is built within the setbacks, however open space delineation is on the part of the developer but it is also inspected by the City.

Scott Smith discussed points in favor of the amendment. He does not think the shorter setback will automatically make people assume ownership of the open space any more than any one else. He thinks people should have the right to build what they need to on their own home, such as decks. He agrees the property owner should not be able to build permanent structures on the open space.

Tom Butler feels the depth of the lot is the most important factor to address with rear setbacks. He noted the depth of lots also decreases with reduced frontage to offset the difference in rear setbacks.

Mayor Ritchie called for a vote on the motion to amend. Those voting aye: Tom Butler, Kathryn Schramm, and Scott Smith. Those voting nay: Brian Braithwaite and Larry Mendenhall. The motion carried with a majority vote of 3:2.

AMENDED MOTION: Adopting Ordinance 2010-07: Amending Sections 3-4806 and 3-4808 in the Open Space Density Bonus Overlay to define reduced setbacks within the open space subdivisions with the following amendments to the setbacks:

FRONTAGE	DEPTH	SETBACKS		
		<i>Front</i>	<i>Rear</i>	<i>Side</i>
<90' total)	<110'	25'	45' 10'	12.5' or (10' min. 25'
90' - 100' total)	<110'	25'	20' 15'	12.5' or (10' min. 25'
90' - 120' total)	110' - 130'	25'	25'	12.5' or (10' min. 25'
110' - 130' total)	130' - 180'	30'	30'	12.5' or (10' min. 25'
>130'	>180'	30'	30'	15'

Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

Item 7.1: Adoption of an Ordinance Amending Sections 4-806 and 4-808 in the Open Space Density Bonus Overlay to define reduced setbacks within the open space subdivisions

Recommended Motion:

City Council move to Adopt an Ordinance Amending Sections 4-806 and 4-808 Open Space Density Bonus Overlay in the Highland City Development Code to define reduced setbacks within the open space subdivisions per the Recommendations of the Planning Commission and Staff.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director

Findings:

The City Council may use findings to Approve or Not Approve this application

Background:

There are problems beginning to surface within the Highland Hills subdivision resulting from required setbacks. The setbacks for the final two phases of the Highland Hills subdivision are greater than required for the first two phases; Plat A & B were approved with a 10' rear yard setback while Plats C & D required a 25' rear yard setback. Changes in the rear yard setbacks occurred because of issues with the smaller ten foot (10') setback, including encroachment onto the publicly owned open space by some property owners; however, requiring larger setbacks on smaller lots reduced the available space for a home footprint. The concern with less available space is that the footprint/house plans were originally approved by the City Council and the approval only allowed the developer/builder to use each plan ten (10) times within the subdivision. The change in the rear setback has resulted in home footprints and plans that cannot provide for second story decks that are necessary to meet the requirements of the Building Code; a deck of any dimension constructed on the back of these homes will encroach into the setback as currently written. If the ordinance is amended to reduce setback limits, the City Council may then consider amending the conditions of approval to permit these homes/decks to be constructed.

State Law requires that zoning allowances and restrictions be specifically defined within each municipality's Land Use Ordinance (Development Code) in order for those allowances or restrictions to be considered. The Highland City Development Code presently restricts all open space subdivisions to the same setbacks as that required for properties within the R-1-40 Zone; lots in the R-1-40 Zone are typically much larger with greater frontages than those in open space subdivisions. The Development Code should be Amended to reflect the setbacks that have been permitted by the City Council for various open space subdivisions. The Development Code does not specify the setbacks that were originally or presently approved as an option for the Highland Hills Subdivision (or many other Open Space subdivisions); consequently, this does not provide the Council the opportunity to re-consider or amend these restrictions for anything other than those setbacks defined within the R-1-40 Zone.

The Mayor has created an Open Space Committee (Represented by Council person Scott Smith) which will be addressing concerns such as the maintenance and development of the open space, however this process may not resolve the issues stated above; the ordinance may need to be amended again following the Open Space Committee review.

During the Planning Commission meeting held on June 8, 2010 the Planning Commissioners discussed different options for setbacks. The Planning Commission did recommend the ordinance which is attached. Staff is proposing a minor addition for clarification purposes which is indicated by bold green text in the attached ordinance; it is proposed to add "Open Space" between the words "All" and "subdivisions" in 3-4808(2)(b)(iv).

Legal Authority:

- Chapter 9, Amendments to Title and Zone Map, Highland City Development Code
- 10-9a-501-503; Chapter 10-9a, Land Use Development and Management Act, Utah Code

Fiscal Impact:

N/A

List of Attachments:

- Proposed Ordinance as Recommended by the Planning Commission; June 8, 2010
- Planning Commission minutes; June 8, 2010

ORDINANCE NO. O-2010-**

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING SECTIONS 4-806, and 4-808 OF THE HIGHLAND CITY
DEVELOPMENT CODE; OPEN SPACE DENSITY BONUS OVERLAY
TO DEFINE REDUCED SETBACKS**

PREAMBLE

The City Council of Highland City finds certain setbacks coupled with small lots sizes in the Open Space Density Bonus Overlay are not allowing proper use of residential property.

BE IT ORDAINED by the City Council of Highland City, Utah:

Section 1. All of the required public notices and other prerequisites to the amendments of the Development Code have been completed as required by law. The Planning Commission held a public hearing on the proposed amendments.

Section 2. The Highland City Development Code is hereby amended as set forth in the attached document incorporated herein as Exhibit "A".

Section 3. This Ordinance shall take effect immediately upon its first posting or publication.

ADOPTED by the City Council of Highland City, Utah, this 22nd day of June, 2010.

HIGHLAND CITY, UTAH

Lynn V. Ritchie, Mayor

ATTEST:

Gina Peterson, City Recorder

ATTACHMENT

HIGHLAND CITY DEVELOPMENT CODE

ARTICLE 4.8

(Adopted 5/18/99 as 5-4-400b - 5-4-409b
- section numbers changed 3/7/2000)

OPEN SPACE DENSITY BONUS

Adopted: 5/18/99

- 3-4801: Definitions
- 3-4802: Purpose
- 3-4803: Land Area
- 3-4804: Density
- 3-4805: Minimum Percentage of Open Space
- 3-4806: Open Space Bonus**
- 3-4807: Location of Open Space
- 3-4808: Application Procedures for Open Space Bonus Subdivisions**
- 3-4809: Ownership and Maintenance of Open Space

3-4806: Open Space Bonus.

(19) **Setbacks within the Open Space Density Bonus Overlay may be determined by lot depth and lot frontage. Setbacks shall be consistent with the underlying zone unless a minimum of 80% of the lots within an approved Open Space Density Bonus subdivision meet the following dimensions; if 80% of the lots meet the following dimensions, then setbacks shall be as follows:**

FRONTAGE	DEPTH	SETBACKS		
		<i>Front</i>	<i>Rear</i>	<i>Side</i>
<90'	<110'	25'	15'	12.5' or (10' min. 25' total)
90' - 100'	<110'	25'	20'	12.5' or (10' min. 25' total)
90' - 120'	110' - 130'	25'	25'	12.5' or (10' min. 25' total)
110' - 130'	130' - 180'	30'	30'	12.5' or (10' min. 25' total)
>130'	>180'	30'	30'	15'

3-4808: Application Procedures for Open Space Bonus Subdivisions.

- (2) Sketch Plan.
 - (b) Sketch Plan Requirements.
 - (iv) The sketch plan shall show the proposed private residential space and proposed number of lots within contiguous areas and the total lot count with average, minimum, and maximum lot size. The sketch plan does not include lot lines, but will address building set-backs and roadway profile. **All Open Space subdivisions shall be regulated by setbacks as defined in 3-4806 of this Code.**

Proposed Ordinance/ Code Amendment

1 A Commissioner commented that there are several two-story homes in the Highland Hills
 2 subdivision and inquired as to why staff suggests a fifteen-foot setback rather than a ten-foot
 3 setback. Lonnie Crowell reiterated that the first two phases of the Highland Hills subdivision
 4 were approved with ten-foot setbacks and staff received many complaints of encroachment into
 5 the open space. He cautioned that a ten-foot setback could have been the cause of the
 6 encroachment concern, although a twenty-five foot setback seems to be too large for smaller lots.
 7
 8 It was also clarified that a deck can be cantilevered into the setbacks (the setback is measured
 9 from the foundation); however, no part of the deck can intrude into the Public Utility Easement.
 10
 11 A resident commented that very few existing decks within the Highland Hills subdivision would
 12 violate a ten foot setback.
 13

14 **ORIGINAL MOTION: Roger Dixon moved to Recommend that the City Council Adopt an**
 15 **Ordinance Amending Section 3-4806: Open Space Density Bonus and Section 3-4808:**
 16 **Application Procedures for Open Space Bonus Subdivisions as follows:**
 17

18 **3-4806: Open Space Bonus.**

19
 20 **(19) Setbacks within the Open Space Density Bonus Overlay may determined by lot**
 21 **depth and lot frontage. Setbacks shall be consistent with the underlying zone**
 22 **unless a minimum of 80% of the lots within an approved Open Space Density**
 23 **Bonus subdivision meet the following dimensions; if 80% of the lots meet the**
 24 **following dimensions, then setbacks shall be as follows:**

FRONTAGE	DEPTH	SETBACKS		
		<i>Front</i>	<i>Rear</i>	<i>Side</i>
<90'	<110'	25'	15'	12.5' or (10' min. 25' total)
90'-100'	<110'	25'	20'	12.5' or (10' min. 25' total)
90'-120'	110'-130'	25'	25'	12.5' or (10' min. 25' total)
110'-130'	130'-180'	30'	30'	12.5' or (10' min. 25' total)
>130'	>180'	30'	30'	15'

35
 36 **3-4808: Application Procedures for Open Space Bonus Subdivisions.**

37
 38 **(2) Sketch Plan.**

39 **(b) Sketch Plan Requirements.**

40 **(iv) The sketch plan shall show the proposed private residential space and**
 41 **proposed number of lots within contiguous areas and the total lot**
 42 **count with average, minimum, and maximum lot size. The sketch plan**
 43 **does not include lot lines, but will address building set-backs and**
 44 **roadway profile. All subdivisions shall be regulated by setbacks as**
 45 **defined in 3-4806 of this Code.**
 46

47 **Motion seconded by Christopher Kemp.**

48
 49 **AMENDED MOTION: Tim Irwin moved to Recommend that the City Council Adopt an**
 50 **Ordinance Amending Section 3-4806: Open Space Density Bonus and Section 3-4808:**
 51 **Application Procedures for Open Space Bonus Subdivisions as follows:**
 52

53 **3-4806: Open Space Bonus.**
 54

(19) Setbacks within the Open Space Density Bonus Overlay may determined by lot depth and lot frontage. Setbacks shall be consistent with the underlying zone unless a minimum of 80% of the lots within an approved Open Space Density Bonus subdivision meet the following dimensions; if 80% of the lots meet the following dimensions, then setbacks shall be as follows:

FRONTAGE	DEPTH	SETBACKS		
		<i>Front</i>	<i>Rear</i>	<i>Side</i>
<90'	<110'	25'	10'	12.5' or (10' min. 25' total)
90'-100'	<110'	25'	15'	12.5' or (10' min. 25' total)
90'-120'	110'-130'	25'	20'	12.5' or (10' min. 25' total)
110'-130'	130'-180'	30'	25'	12.5' or (10' min. 25' total)
>130'	>180'	30'	30'	15'

3-4808: Application Procedures for Open Space Bonus Subdivisions.

(3) Sketch Plan.

(b) Sketch Plan Requirements.

(iv) The sketch plan shall show the proposed private residential space and proposed number of lots within contiguous areas and the total lot count with average, minimum, and maximum lot size. The sketch plan does not include lot lines, but will address building set-backs and roadway profile. All subdivisions shall be regulated by setbacks as defined in 3-4806 of this Code.

Amended motion died for lack of a second.

VOTE ON THE ORIGINAL MOTION: Those voting aye: Roger Dixon, Tim Irwin, Christopher Kemp, Steve Rock, Jay Roundy, Melissa Wright. The motion passed with a unanimous vote.

DEFINITION OF A FAMILY – CODE AMENDMENT ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 7)

Lonnie Crowell explained that during the recent Legislative Session, the Utah State Legislature Adopted State Bill 45 defining a “family” as follows:

10-9a-505.5. Limit on single family designation.

- (1) As used in this section, “single-family limit” means the number of unrelated individuals allowed to occupy a unit in a zone permitting occupancy by a single family.
- (2) A municipality may not adopt a single-family limit that is less than:
 - (a) three, if the municipality has within its boundary:
 - (i) a state university; or
 - (ii) a private university with a student population of at least 20,000; or
 - (b) four, for each other municipality.

To be consistent with Utah State Law, staff recommends that the definition in the Highland City Development Code be amended to permit four persons rather than two (as seen below). Staff has also included suggested language at the end of the second sentence to provide for groups of