

AGENDA
HIGHLAND CITY COUNCIL MEETING
April 1, 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 – Dennis LeBaron
PLEDGE OF ALLEGIANCE – Tim Irwin

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.)

CONSENT

- 2. MOTION: Ratify the Mayor’s appointment of a member of the Open Space Committee – Kristi Vick**
- 3. MOTION: Ratify the Mayor’s appointment of a member of the Library Board – Scott Smith**
- 4. ORDINANCE: Amend the Highland City Municipal Code 15.04.010 - Adopting the State Construction Codes**

ACTION ITEMS

- 5. MOTION: Final Plat Approval Pincock Estates – 10215 North Alpine Highway**
- 6. ORDINANCE: Amend Chapter 12.30 & Chapter 12.31 of the Highland City Municipal Code - Removal of a Neighborhood Option Trail and Designation of Open Space Property for Disposal.**

MAYOR/ CITY COUNCIL & STAFF COMMUNICATION ITEMS

(These items are for information purposes only.)

- 7. Appraisal Methodology Discussion – Nathan Crane**

8. Road Maintenance Presentation & Discussion – Matt Shipp

9. Time has been set aside for the City Council & Mayor to make comments.

Description	Requested/Owner	Due Date	Status
Setback ordinance recommendations. A request from the Haskett family	Tim Irwin Nathan Crane	-	Completed
Funding plan for Capital Facilities Plan update and certified impact fee.	Nathan Crane		In Progress
Committee assignments for council members	Rod Mann Mayor Thompson		On Going
Handicap Parking/ Freedom Elementary School	Mayor Thompson		On Going
Dumpster in SCALO Zone – Code Amend	Brian Braithwaite Nathan Crane		In Progress
Elementary School Proclamation	Tim Irwin		In Progress
5 Year Road Maint. Plan for FY 14-15	City Council Matt Shipp	April 2014	In Progress
Parks Presentation	City Council Matt Shipp/ Nathan Crane	June 2014	In Progress
Road Capital Improvement Plan for FY 15-16	City Council Matt Shipp	Fall 2014	

ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this **25th 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

- In accordance with the Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-772-4505, at least 3 days in advance to the meeting.
- The order of agenda items may change to accommodate the needs of the City Council, the staff and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.



CITY COUNCIL AGENDA REPORT

ITEM #2

DATE: April 1, 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 Kristi Vick 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:

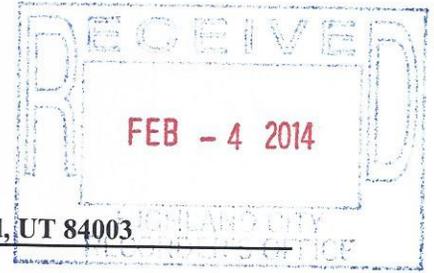
No Impact

ATTACHMENTS:

Volunteer Statement



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

Name Krish Vick Date 2/3/14
Phone number 801-625-8560 Email address Kvandkv@msn.com
Residence address 6074 W. Lausanne

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? 10 yr
Occupation _____
Education _____

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: Tree Commission, open space committee

Please state why you would like to serve: interest in improving open space

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

Please select your interest:

Standing Committees

Arts Council

Beautification

Highland Fling

Tree Commission

Youth Council

Planning Commission

Ad Hoc Committees

Economic Development

Open Space

Parks

Transportation

Ad Hoc Open Space



CITY COUNCIL AGENDA REPORT

ITEM #3

DATE: April 1, 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 HIGHLAND LIBRARY BOARD.

STAFF RECOMMENDATION:

Mayor Thompson recommends the City Council ratify the appointment of Scott Smith as a member of the Highland Library Board:

BACKGROUND:

Scott will assist the Library Board in its policy making and advocacy duties. State law allows members to be appointed to a maximum of two terms, each term to be three years.

Current board member Kathy Judd has submitted her resignation. Scott would be fulfilling her term upon approval and conclude June 30, 2015.

FISCAL IMPACT:

No Impact

ATTACHMENTS:

Volunteer Statement



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Highland City Volunteer Statement of Interest

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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.

Name Scott L. Smith MD Date 2/17/14
Phone number 801-360-1214 Email address scottlsmith.dr@msn.com
Residence address 9813 N. Meadow Lane Highland, Utah 84007

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? 25 years

Occupation Physician, Business owner

Education BYU, U of U, Duke University, Harvard University

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: Served on City Council 2010-2013 Served on Animal Control Board 2010-2012

Served on Fire Board 2012-2013 HOA president 3 times

Served on Open Space Committee 2010-2013 I have studied the Municipal Development Code

Please state why you would like to serve: I enjoy community service. I feel I have an understanding of many of the issues confronting the City and have valuable input of ideas

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

Additional comments: I have years of experience and activity; have donated time and finances to the City

Please select your interest:

Standing Committees

Arts Council

Beautification

Highland Fling

Tree Commission

Youth Council

Planning Commission

Library Board

Ad Hoc Committees

Economic Development

Open Space

Parks

Transportation



CITY COUNCIL AGENDA REPORT

ITEM #4

DATE: Tuesday, April 1, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: AMEND THE HIGHLAND MUNICIPAL CODE 15.04.010 TO ADOPTING THE STATE CONSTRUCTION CODES

STAFF RECOMMENDATION:

Amend Title 15 Buildings and Construction Chapter 15.04 Construction and Codes Adopted to adopt the Municipal Code to adopt the State Construction Codes.

BACKGROUND:

The State of Utah has mandatory standards for building construction which are the International Residential Code (I.R.C.) and the International Building Code (I.B.C.) and related codes such as the mechanical code, fire code, etc. Each local municipal entity is required to implement and adhere to these Codes. New codes are adopted by the State every three years. Most builders are already following the 2012 Codes

Currently, the Municipal Code needs to be amended every three years once the State codes are adopted. Staff is proposing a modification to the Municipal Code that would automatically adopt the new codes once they are adopted by the State. This change will improve efficiency and ensure the proper codes are used.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Ordinance
2. Building Codes

ORDINANCE NO. O-2014-***

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING TITLE 15 BUILDINGS AND CONSTRUCTION OF THE HIGHLAND CITY
MUNICIPAL CODE BY AMENDING CHAPTER 15.04 CONSTRUCTION CODES ADOPTED**

PREAMBLE

Whereas, the City Council of Highland City (the “City”) finds that the State of Utah mandatory construction standards for building construction have been amended to adopt the International Residential Code (I.R.C.) and the International Building Code (I.B.C.) and related codes which are incorporated by reference (the “Codes”) and revised and amended by the State of Utah and each local municipal entity is required to implement and adhere to the Codes and under the I.R.C. and I.B.C., and the City is required to separately impose fees and charges for issuing permits required under the related, revised, and incorporated Codes; and,

Whereas, the fees and charges required for building permit applications under the former Uniform Building Code in place and used by Highland City at the date of this Ordinance are fair and reasonable and should be continued.

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 Highland City Municipal Code have been completed as required by law.

Section 2. The Highland City Municipal Code Title 15 Chapter 15.04 Construction Codes Adopted is hereby amended as follows:

15.04.010 Building Codes

The codes to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in Highland City shall be those current State codes adopted by the State of Utah in Section 15A-2-103 and the Statewide Amendments as adopted in Section 15A-13 of the Utah State Code as amended.

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

ADOPTED by the City Council of Highland City, Utah, this 1st day of April 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"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Rodd Mann	<input type="checkbox"/>	<input type="checkbox"/>

Current Building Codes

1. The 2012 edition of the International Building Code, including Appendix J, issued by the International Code Council
2. The 2012 edition of the International Residential Code, issued by the International Code Council;
3. The 2012 edition of the International Plumbing Code, issued by the International Code Council;
4. The 2012 edition of the International Mechanical Code, issued by the International Code Council;
5. The 2012 edition of the International Fuel Gas Code, issued by the International Code Council;
6. The 2011 edition of the National Electrical Code, issued by the National Fire Protection Association;
7. The 2009 edition of the International Energy Conservation Code
8. State Adopted Amendments



CITY COUNCIL AGENDA REPORT

ITEM #5

DATE: April 1, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, AICP
Community Development Director

SUBJECT: LARRY AND VICKI PINCOCK ARE REQUESTING FINAL PLAT APPROVAL FOR PINCOCK ESTATES A FIVE LOT SUBDIVISION LOCATED AT 10215 NORTH ALPINE HIGHWAY.

STAFF RECOMMENDATION:

The City Council review a request for final plat approval for Pincock Estates, a five lot subdivision located at 10215 North Alpine Highway.

BACKGROUND:

The owners and applicants are Larry and Vicki Pincock.

The property is designated as Low Density Residential on the General Plan Land Use Map. The property is zoned R-1-20 (Single Family Residential). The R-1-20 District allows one lot per 20,000 square feet. The minimum lot size is 20,000 square feet.

The final plat was originally approved by the City Council on May 6, 2008. The approval has since expired.

Subdivision review is an administrative decision.

SUMMARY OF THE REQUEST:

1. The applicant is requesting final plat approval for a five lot residential subdivision at a density of 1.62 units per acre. The lot sizes are as follows:

Lot	Square Feet
1	22,450
2	23,385
3	25,495
4	22,375
5	22,629

2. Access to the site is provided from Alpine Highway via Pincock Circle (10220 North).

ANALYSIS

- The property is designated as low density residential on the General Plan Land Use Map. The proposed subdivision density of 1.62 units per acre is consistent with the General Plan.
- The proposed subdivision is compatible with the existing surrounding uses.
- Utilities will be extended to the site through existing culinary water and pressurized irrigation lines in Alpine Highway. A sewer line will need to be extended through lot 4, across the south side of Mountain Ridge Junior High to 5480 West. This will require an agreement between the applicant, the City and Alpine School District. A stipulation has been included requiring the recording of the agreement prior to final plat recordation. An easement for the parkway detail has also been included. Landscape plans will need to be approved prior to final plat recordation.
- Water shares are required to be dedicated prior to final plat recordation.

FINDINGS:

The proposed plat meets the following finding with stipulations:

- It is in conformance with the General Plan, the R-1-20 District, and the Highland City Development Code.

RECOMMENDATION AND PROPOSED MOTION:

The City Council should hold a public meeting and **APPROVE** the proposed final plat subject to the following stipulations:

1. The recorded plat shall conform to the final plat date stamped March 20, 2014 except as modified by these stipulations.
2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to recordation of the final plat as required by the Development Code.
3. All required public improvements shall be installed as required the City Engineer.
4. The civil construction plans shall meet all requirements as determined by the City Engineer.
5. Prior to final plat recordation or issuance of a permit for site construction, the sewer agreement shall be recorded.
6. The owner shall provide a letter from UDOT approving the location of Pincock Circle.
7. Landscape plans shall be approved prior to the recordation of the final plat.
8. Prior to the issuance a permit for site construction or recording of the final plat.
9. A theme wall shall be installed along the Alpine Highway as required by Section 3-612 of the Highland City Development Code. Further, the design of the wall shall meet the requirements of Section 3-612 of the Development Code.

I move that the City Council accept the findings and **APPROVE** case FP-14-01 a request for final plat approval for Pincock Estates, a five lot residential subdivision subject to the nine stipulations recommended by staff.

ALTERNATIVE MOTION:

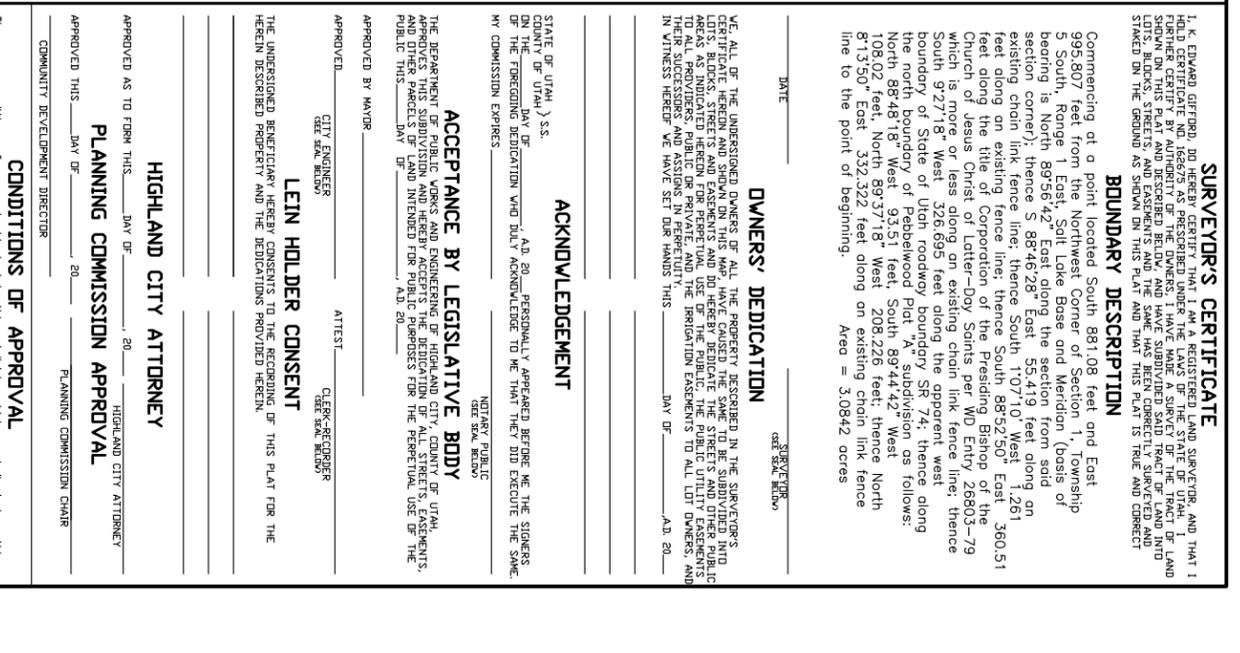
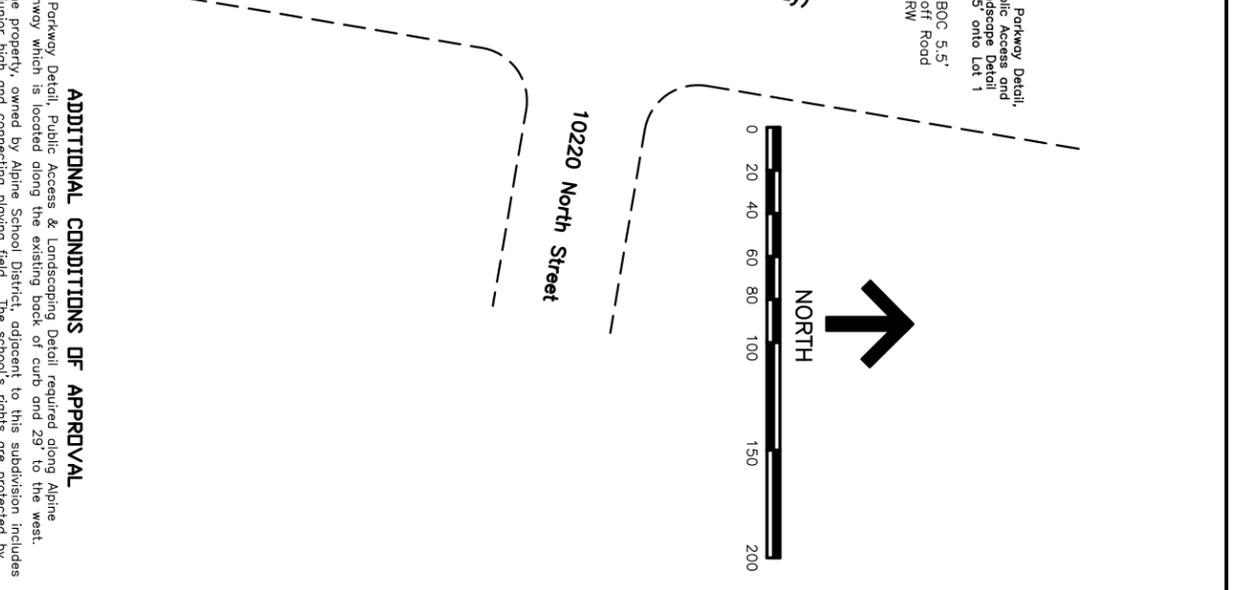
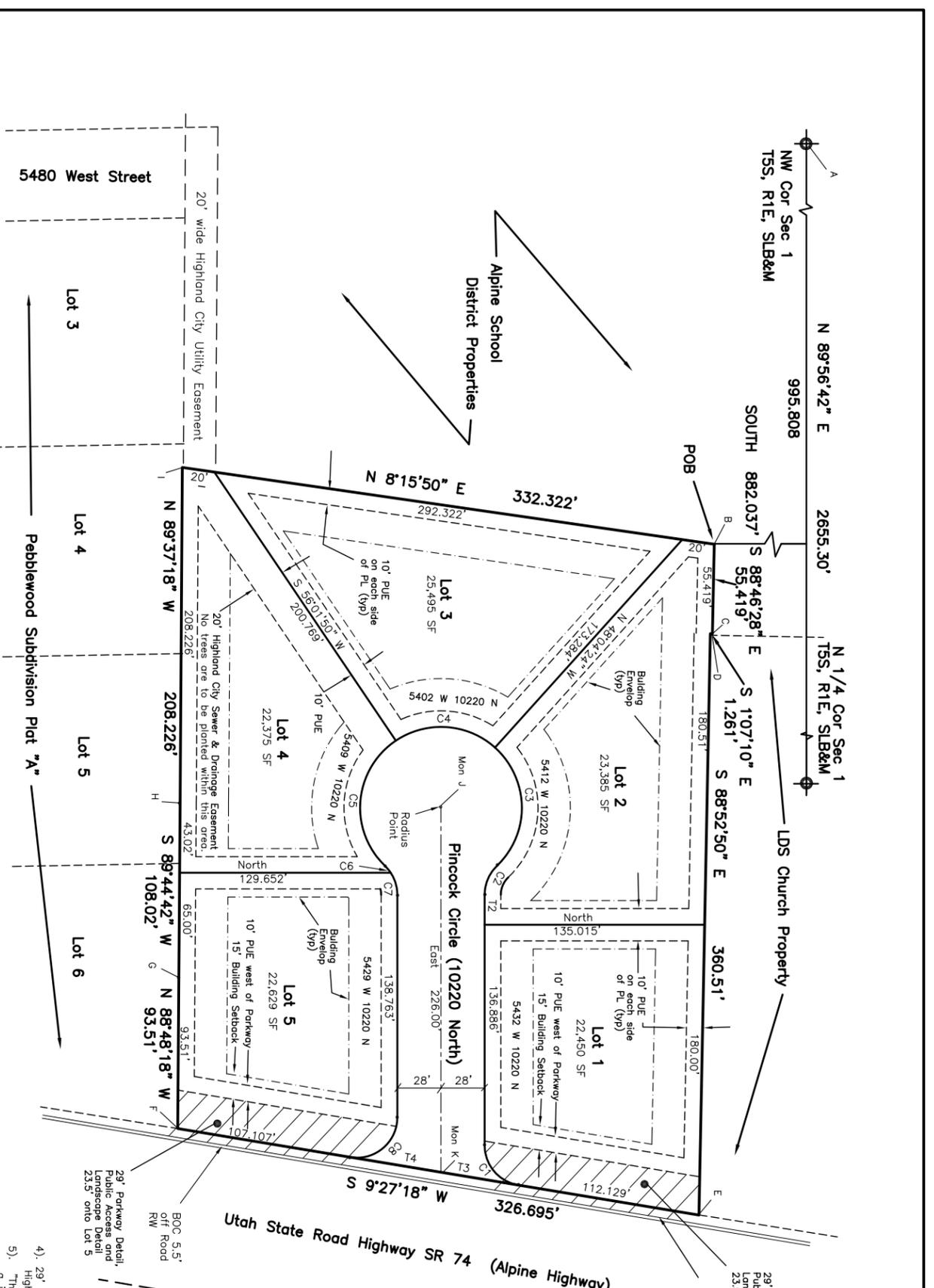
I move that the City Council DENY case FP-14-01 based on the following findings: (The Council should draft appropriate findings.)

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Proposed Plat



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD DIST.	CHORD BEG.	BELETA
C1	25.00'	35.144'	32.321'	S 49°43'39" W	80°32'42"
C2	25.00'	19.651'	18.149'	N 67°28'56" W	45°02'08"
C3	50.00'	61.233'	72.603'	S 86°28'52" W	93°06'33"
C4	50.00'	66.232'	61.485'	S 35°43'43" W	75°53'46"
C5	50.00'	86.197'	77.199'	S 84°30'09" E	101°03'59"
C6	25.00'	6.375'	6.358'	N 52°16'12" E	14°36'40"
C7	25.00'	13.275'	13.112'	N 74°47'16" E	30°25'28"
C8	25.00'	43.385'	38.149'	S 40°16'21" E	99°27'18"

T TABLE

#	BEARING	DIST.	REMARKS
1	S 1°07'10" W	1.26'	
2	EAST	19.531'	
3	S 9°27'18" W	49.567'	
4	S 9°27'18" W	57.893'	

MONUMENT TABLE

Scale Factor For SFC = 0.9997138

MONUMENT	BEARING	DIST.	REMARKS
A	N 89°56'42" E	995.808	
B	S 88°46'28" E	53.419	
C	S 1°07'10" E	1.261	
D	S 88°52'50" E	360.51'	
E	N 1/4 Cor Sec 1	2655.30'	
F	N 89°37'18" W	208.226'	
G	S 89°44'42" W	108.02'	
H	N 88°48'18" W	93.51'	
I	S 9°27'18" W	43.02'	
J	N 89°37'18" W	208.226'	
K	N 89°37'18" W	208.226'	
L	N 89°37'18" W	208.226'	
M	N 89°37'18" W	208.226'	
N	N 89°37'18" W	208.226'	
O	N 89°37'18" W	208.226'	

VICINITY MAP

ADDITIONAL CONDITIONS OF APPROVAL

- 29' Parkway Detail, Public Access & Landscaping Detail required along Alpine Highway which is located along the existing back of curb and 29' to the west.
- The property, owned by Alpine School District, adjacent to this subdivision includes a junior high and connecting playing field. The school's rights are protected by both the Municipal and Development Codes of Highland City. There are noises and other events associated with this property that can occur all hours throughout the day, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property.
- Lot 4 has an exclusive 20 foot sewer & drainage in favor of Highland City. No trees are to be planted within this area.

QUESTAR GAS COMPANY LOCAL SUBDIVISION STREET

UTILITIES APPROVAL

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the public utility easement shown on this plat. The utility easement shall be a minimum of 10 feet wide and shall be located within the plat. The utility easement shall be a minimum of 10 feet wide and shall be located within the plat. The utility easement shall be a minimum of 10 feet wide and shall be located within the plat.

BOUNDARY DESCRIPTION

Commencing at a point located South 881.08 feet and East 995.807 feet from the Northwest Corner of Section 1, Township 5 South, Range 1 East, Salt Lake Base and Meridian (basis of bearing is North 89°56'42" East along the section from said section corner); thence S 88°46'28" East 53.419 feet along an existing chain link fence line; thence South 88°52'50" East 360.51 feet along an existing fence line; thence South 88°52'50" East 360.51 feet along the title of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints per WD Entry 26803-79 which is more or less along an existing chain link fence line; thence South 9°27'18" West 326.695 feet along the State of Utah boundary of Pinckney Parkway (SR 74), thence along the boundary of Pinckney Parkway (SR 74), thence South 108°02' West 108.02 feet, North 89°37'18" West 208.226 feet; thence North 81°35'0" East 332.222 feet along an existing chain link fence line to the point of beginning. Area = 3.0842 acres

ACKNOWLEDGEMENT

STATE OF UTAH } SS
COUNTY OF UTAH }
I, _____, Clerk of the County of Utah, do hereby certify that the foregoing Dedication was duly acknowledged to me that they did execute the same in compliance with the provisions of the laws of this State.

ACCEPTANCE BY LEGISLATIVE BODY

THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, PUBLIC UTILITIES AND INTENDED FOR PUBLIC USE FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, 20__.

ACKNOWLEDGEMENT

APPROVED BY MAYOR _____ DAY OF _____, 20__

APPROVED BY CITY ENGINEER _____ DAY OF _____, 20__

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

APPROVED AS TO FORM THIS _____ DAY OF _____, 20__ HIGHLAND CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, 20__ PLANNING COMMISSION APPROVAL

COMMUNITY DEVELOPMENT DIRECTOR _____ PLANNING COMMISSION CHAIR

CONDITIONS OF APPROVAL

There are conditions of approval attached to this subdivision which are indicated on this plat. These conditions have also been recorded with this subdivision. Potential buyers are requested to read these conditions carefully and obtain a copy of these conditions and the plat before purchasing any lot in this subdivision. These conditions are binding and have been imposed by the legislative body of Highland City. A copy of these conditions may be obtained through the Utah County Recorder's Office or the Utah County Planning Department. It is the responsibility of the buyer to do their due diligence in obtaining all accurate information and/or regulations that may directly or indirectly affect the use of property prior to purchasing or contracting to purchase property in this subdivision. The use of property in this subdivision shall be in accordance with the legislative body of Highland City, which are in addition to the development Code, are as follows:

- 70% of the front yard landscaping shall be installed by the homeowner within one year of the subdivision plat.
- Landscaping and construction materials of any type are not permitted upon or within the street curb & gutter, park strip or sidewalk (street right-of-way) with the exception of the park strip which requires 75% to be landscaped.
- Highland City Ordinance restricts height of foundation above curb. It is the responsibility of the buyer to contact the city prior to purchasing any lot. This restriction applies to all lots in this subdivision.

PINCOCK ESTATES PLAT 'A'

NAD 27
SCALE: 1" = 40 FEET

1, K. EDWARD GIFFORD, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I AM A MEMBER OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS. I HAVE MADE A CAREFUL AND THOROUGH EXAMINATION OF THE ORIGINAL RECORDS OF THE COUNTY OF UTAH AND HAVE FOUND THAT THE INFORMATION CONTAINED IN THIS PLAT IS TRUE AND CORRECT. I HAVE MADE A CAREFUL AND THOROUGH EXAMINATION OF THE ORIGINAL RECORDS OF THE COUNTY OF UTAH AND HAVE FOUND THAT THE INFORMATION CONTAINED IN THIS PLAT IS TRUE AND CORRECT.



CITY COUNCIL AGENDA REPORT

ITEM #6

DATE: April 1, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane
Community Development Director

SUBJECT: AN AMENDMENT TO CHAPTER 12.30, REMOVAL OF A NEIGHBORHOOD OPTION TRAIL AND CHAPTER 12.31 DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL OF IN THE MUNICIPAL CODE An amendment to Chapter 12.30 Removal of a Neighborhood Option Trail and Chapter 12.31 Designation of Open Space Property for Disposal of the Municipal code.

STAFF RECOMMENDATION:

Consider an amendment to Chapter 12.30 Removal of a Neighborhood Option Trail and Chapter 12.31 Designation of Open Space Property for Disposal of the Municipal Code.

BACKGROUND:

On October 16, 2012 the Council adopted procedures for the removal of neighborhood option trails and open space. With the recent Council decision regarding the disposal or trial corridors and open space, the Open Space Committee is suggesting clarifications to the Municipal Code. The proposed changes remove the option to lease the property.

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Ordinance
2. Open Space Committee Proposed Changes

ORDINANCE NO. O-2014-***

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES OF THE
HIGHLAND CITY MUNICIPAL CODE BY AMENDING CHAPTER 12.30 REMOVAL OF
NEIGHBORHOOD OPTION TRAILS AND CHAPTER 12.32 DESIGNATION OF OPEN
SPACE PROPERTY FOR DISPOSAL**

PREAMBLE

The City Council of Highland City finds that providing procedures for the removing neighborhood option trails and disposing open space properties is beneficial to the residents of Highland.

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 Highland City Municipal Code have been completed as required by law.

Section 2. The Highland City Municipal Code Title 12 Chapter 12.30 Removal of Neighborhood Option Trail is hereby amended as follows:

...

12.30.090 Disposal of Property

- A. If a Neighborhood Option Trail has been designated for removal the property for the trail shall be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. ~~If the property cannot be sold pursuant to Utah Law, the Council may consider lease to purchase agreements however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be followed.~~
- B. All of the property designated for disposal shall be ~~either purchased or leased (lease to purchase)~~ so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a subdivision is not purchased ~~or leased~~ then all the city owned open space property in the subdivision cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.

Section 2. The Highland City Municipal Code Title 12 Chapter 12.32 Designation of Open Space Property for Disposal is hereby amended as follows:

...

12.32.070 Protest Against Removal

If the owners of twenty (20) percent of more ~~of~~ OR the lots included in the subdivision file a protest in writing against a proposed removal it shall not become effective except by a favorable simple majority

vote of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

...

12.32.090 Disposal of Property

- A. If a parcel has been designated for disposal the property ~~may~~ SHALL be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. ~~If the property cannot be sold pursuant to Utah Law, the Council may consider lease to purchase agreements however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be followed.~~
- B. All of the property designated for disposal shall be ~~leased~~ PURCHASED so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a subdivision is not purchased ~~or leased~~ then all the city open space owned property in the subdivision cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.

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

ADOPTED by the City Council of Highland City, Utah, this 1st day of April 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"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Rodd Mann	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. O-2013-03

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES OF THE
HIGHLAND CITY MUNICIPAL CODE BY ADDING CHAPTER 12.30 REMOVAL OF
NEIGHBORHOOD OPTION TRAILS AND CHAPTER 12.32 DESIGNATION OF OPEN
SPACE PROPERTY FOR DISPOSAL**

PREAMBLE

The City Council of Highland City finds that providing procedures for the removing neighborhood option trails and disposing open space properties is beneficial to the residents of Highland.

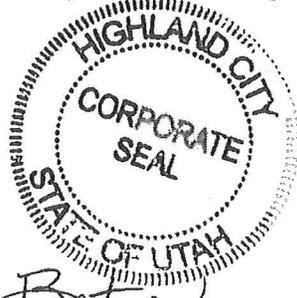
BE IT ORDAINED by the City Council of Highland City, Utah:

Section 1. All of the required public notices and other prerequisites to the amendments of the Highland City Municipal Code have been completed as required by law.

Section 2. The Highland City Municipal Code Title 12 is hereby amended as shown on 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 5th day of February 2013.



HIGHLAND CITY, UTAH

Lynn V. Ritchie

Lynn V. Ritchie, Mayor

ATTEST:

JoAnn Bates

JoAnn Bates, City Recorder

COUNCILMEMBERS VOTING "AYE"

Brian Braithwaite
Tom Butler
Tim Irwin
Jessie Schoenfeld
Scott Smith

COUNCILMEMBERS VOTING "NAY"

Exhibit A

Chapter 12.30 Removal of Neighborhood Option Trails

12.30.010 General

Removal of a Neighborhood Option Trail, as shown on the General Plan Trails Master Plan shall be approved in the manner set forth in this section.

12.30.020 Definitions

For the purpose of this chapter the following words and phrases shall have the following meanings:

Neighborhood Option Trail: A trail provided as part of an open space development that serve the local neighborhoods. These trails are shown in gold/yellow on the General Plan Trails Master Plan.

Subdivision: All phases located within a project area regardless of phase as defined by the development agreement, final plat, preliminary plat and/or concept plan approval as determined by the City Administrator. A subdivision does not include individual phases rather all phases are considered part of a subdivision.

12.30.030 Application Process

Applications for removal of a Neighborhood Option Trail shall be made in the Community Development Department on an application form with required documentation and accompanied with the appropriate fees as required. After the Zoning Administrator has determined that an application is complete a public hearing with the City Council will be scheduled.

12.30.040 Petition Required

- A. As part of the application to remove a Neighborhood Option Trial, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision.
- B. The petition shall include a map identifying the trail proposed for removal and proposed disposal plan.
- C. Said petition shall include the authorization from real property owners within the subdivision as follows:

Number of Lots within a Subdivision	Percent of Real Property Owners within the Subdivision	Percent of Real Property Owners adjacent to the Trail
0-50	70%	80%
50-99	65%	75%
100-199	60%	70%
200 +	55%	65%

- D. Signatures from owners in the subdivision for the removal of Neighborhood Option Trails that is adjacent to an existing trail corridor in an adjacent city are not required. However, a petition with eighty (80) percent of the signatures of those owners adjacent to the trail is required. Further, all property owners of subdivision shall be notified of the public hearing in accordance with Section 12.30.060 Public Notice.

12.30.050 Public Hearing

The City Council may approve, approve with conditions, or deny an application for removal of a Neighborhood Option Trail at a public hearing. The City Council may only approve removal if the trail is identified as Neighborhood Option Trail on the General Plan Trails Master Plan.

12.30.060 Public Notice

No public hearing shall be conducted without first providing notice as follows:

- A. A notice shall be sent by first class mail to each real property owner, as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision. The applicant shall be responsible to provide addressed stamped envelopes for the mailing.
- B. Owners of each non-owner occupied lot shall be notified by certified mail of the petition and public hearing. The applicant shall be responsible to provide addressed stamped envelopes for the mailing.
- C. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Community Development Department for such public notice. The posted notice shall be placed on the property at least ten (10) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.
- D. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

12.30.070 Protest Against Removal

If the owners of twenty (20) percent or more of the lots included in the subdivision file a protest in writing against a proposed removal it shall not become effective except by a favorable simple majority vote of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

12.30.080 Removal Adopted by Resolution

Removal of a Neighborhood Option Trail shall be by a resolution adopted by the City Council.

12.30.090 Disposal of Property

- A. If a Neighborhood Option Trail has been designated for removal the property for the trail shall be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. ~~If the property~~ 

~~cannot be sold pursuant to Utah Law, the Council may consider lease to purchase agreements~~
~~however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be~~
~~followed.~~ e

- B. All of the property designated for disposal shall be ~~either purchased or leased (lease to purchase)~~
so that there are no isolated parcels to be owned and/or maintained by the City. If one or more
parcels of city owned property in a subdivision is not purchased ~~or leased~~ then all the city owned
open space property in the subdivision cannot be disposed of under this ordinance. The City
Council may approve exceptions to this requirement if the City owned property can be accessed
without the need to cross private property. e

Chapter 12.32 Designation of Open Space Property for Disposal

12.32.010 Purpose

The purpose of this section is to identify the process by which property that has been dedicated to the city as open space within a subdivision can be disposed. This section shall only apply to open space subdivisions approved by the City Council prior to 2013.

12.32.020 Definitions

For the purpose of this chapter the following words and phrases shall have the following meanings:

Open Space: Property that has been dedicated to the City as part of an Open Space Subdivision that has been designated for disposal by the City Council.

Subdivision: All phases located within a project area regardless of phase as defined by the development agreement, final plat, preliminary plat and/or concept plan approval as determined by the City Administrator. A subdivision does not include individual phases rather all phases are considered part of a subdivision.

12.32.030 Application Process

Applications to designate open space for disposal shall be made in the City Administrators Office on an application form with required documentation and accompanied with the appropriate fees as required. After the City Administrator has determined that an application is complete a public hearing with the City Council will be scheduled.

12.32.040 Petition Required

- A. As part of the application to remove open space for disposal, an applicant shall include a petition signed by real property owner(s), as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision.
- B. The petition shall include a map identifying the open space proposed for disposal and proposed disposal plan.
- C. Said petition shall include the authorization from real property owners within the subdivision as follows:

Number of Lots within a Subdivision	Percent of Real Property Owners within the Subdivision	Percent of Real Property Owners adjacent to the Open Space
0-50	70%	80%
50-99	65%	75%
100-199	60%	70%
200 +	55%	65%

12.32.050 Public Hearing

The City Council may approve, approve with conditions, or deny an application for disposal of open space property at a public hearing.

12.32.060 Public Notice

No public hearing shall be conducted without first providing notice as follows:

- A. A notice shall be sent by first class mail to each real property owner, as shown on the records of the Utah County Assessor's Office, whose real property is included in the subdivision. The applicant shall be responsible to provide addressed stamped envelopes for the mailing.
- B. Owners of each non-owner occupied lot shall be notified by certified mail of the petition and public hearing. The applicant shall be responsible to provide addressed stamped envelopes for the mailing.
- C. A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the Community Development Department for such public notice. The posted notice shall be placed on the property at least ten (10) days prior to the date of the scheduled public hearing. It shall not be the responsibility of the City to maintain the posting once erected.
- D. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

12.32.070 Protest Against Removal

If the owners of twenty (20) percent ~~of~~ ^{or} more of the lots included in the subdivision file a protest in writing against a proposed removal it shall not become effective except by a favorable simple majority vote of the City Council. The written protests shall include the name(s), address of property owned by the protesting party and signature.

12.32.080 Removal Adopted by Resolution

Designation of open space property for disposal shall by a resolution adopted by the City Council.

12.32.090 Disposal of Property

- A. If a parcel has been designated for disposal the property ~~may~~ ^{shall} be sold in accordance with Utah Law and Chapter 2.44 Disposal of Public Property. ~~If the property cannot be sold pursuant to Utah Law, the Council may consider lease to purchase agreements however in all cases the procedures in Chapter 2.44 Disposal of Public Property shall be followed.~~
- B. All of the property designated for disposal shall be ~~leased~~ ^{purchased} so that there are no isolated parcels to be owned and/or maintained by the City. If one or more parcels of city owned property in a subdivision is not purchased ~~or leased~~ ^e then all the city open space owned property in the subdivision cannot be disposed of under this ordinance. The City Council may approve exceptions to this requirement if the City owned property can be accessed without the need to cross private property.