7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Council Member Timothy A. Ball
Pledge of Allegiance – Council Member Kim Rodela

1. UNSCHEDULED PUBLIC APPEARANCES
   Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

2. PRESENTATIONS (10 minutes)
   a. AED PRESENTATION – Fire Chief Reed Thompson
   b. 2020 FLING THEME – Civic Events Coordinator Corrine Prestwich

3. CONSENT ITEMS (5 minutes)
   Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.
   a. **ACTION: Approval of Meeting Minutes** Administrative
      Regular City Council Meeting January 14, 2020
   b. **ACTION: Ratifying the Mayor’s Appointments on the Planning Commission** Administrative
      The Council will consider the Mayor’s request to ratify the appointment of Jerry Abbott, Ron Campbell, Chris Howden, and Mino *Morgese to serve on the Planning Commission. The Council will take appropriate action.
   c. **ACTION/RESOLUTION: Changing the Hearing Date for the Sales and Franchise Tax Revenue Refunding Bonds** Legislative
      City Council will consider adopting the resolution changing the hearing date for the Highland City Council’s approximately $3,800,000 Sales and Franchise Tax Revenue Refunding Bonds and ratify the publication of the revised notice with regard to such hearing and related matters. The City Council will take appropriate action.
   d. **ACTION: Ratifying the Mayor’s Appointment on the Timpanogos Special Service District (TSSD)** Administrative
      The City Council will consider the Mayor’s request to ratify the appointment of Brian Braithwaite to continue serving on the Timpanogos Special Service District (TSSD). The City Council will take appropriate action.

4. **PUBLIC HEARING/ORDINANCE: AMENDING CHAPTER 5 SUBDIVISION OF THE DEVELOPMENT CODE TO ALLOW FLAG LOTS (TA-20-01)** Legislative (15 minutes)
   The City Council will hold a public hearing to consider a request by Roy Huntsman to amend Chapter 5 Subdivision of the Highland City Development Code to allow flag lots. The City Council will take appropriate action.
5. **PUBLIC HEARING/ORDINANCE: AMEND SECTION 10-102 OF THE DEVELOPMENT CODE RELATING TO THE DEFINITION OF “FAMILY” (TA-20-03)** Legislative (10 minutes)
The City Council will hold a public hearing to consider a request by Highland City Staff to amend Section 10-102 of the Highland City Development Code relating to the definition of a family. The City Council will take appropriate action.

6. **PUBLIC HEARING/ORDINANCE: AMEND SEVERAL SECTIONS OF THE DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS (TA-20-02)** Legislative (15 minutes)
The City Council will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Highland City Development Code related to requirements for accessory dwelling units. The City Council will take appropriate action.

7. **PUBLIC HEARING/ORDINANCE AMEND SECTION 5-8-101 OF THE DEVELOPMENT CODE RELATING TO SUBDIVISION LAYOUT (TA-20-04)** Legislative (5 minutes)
The City Council will hold a public hearing to consider a request by Highland City Staff to amend Section 5-8-101 of the Highland City Development Code. The City Council will take appropriate action.

8. **ACTION: MEMORANDUM OF UNDERSTANDING FOR ROAD AND UTILITY ACCESS** Administrative (15 minutes)
The Council will consider a request by GCII, LLC, Robert and Connie Strang, Divecha Family Limited Partnership, and Perry Land Investments, LLC for a Memorandum of Understanding regarding road and utility access for approximately 70 acres located between Beacon Hills Boulevard and Cyprus Drive north of Southerland Drive. The City Council will take appropriate action.

9. **DISCUSSION: PRESSURIZED IRRIGATION AND AGRICULTURAL USES** Administrative (20 minutes)
Todd Trane, City Engineer and Tavis Timothy, Engineering Consultant will present information to the City Council regarding the impact of serving agricultural uses on the City’s pressurized irrigation system. This item will be presented for discussion only. No action will be taken.

10. **MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS**
    a. Referendum Calendaring
    b. Victor View Lift Station
    c. *Review of Court Ruling on Pleasant Grove Transportation Utility Fund
    d. Future Meetings
       • March 3, City Council Meeting (Cancelled due to Elections)
       • March 10, Special City Council Meeting, 7:00 pm, City Hall
       • March 17, City Council Meeting, 7:00 pm, City Hall

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

**ELECTRONIC PARTICIPATION**
Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

**CERTIFICATE OF POSTING**
I, Stephannie Cottle, the duly appointed City Recorder certify that the foregoing agenda was posted in three public places within Highland City, on the Public Notice Website (http://pmn.utah.gov), and on Highland City’s website (www.highlandcity.org).

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

*Amended, posted and dated this 14th day of February, 2020*

Stephannie Cottle
City Recorder
HIGHLAND CITY COUNCIL MINUTES  
Tuesday, January 14, 2020  
Waiting Formal Approval

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Timothy A. Ball, Brittney P. Bills, Kurt Ostler, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheeminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Rob Patterson, and City Recorder Cindy Quick

OTHERS:

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Lance Rodela
Pledge of Allegiance – Lt. Dave Boerner

The meeting was called to order by Mayor Rod Mann as a regular session at 7:00 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 Lance Rodela and those assembled were led in the Pledge of Allegiance by Lt. Dave Boerner.

Mayor Mann stated that Doug Courtney was excused from tonight’s meeting for family reasons.

1. UNSCHEDULED PUBLIC APPEARANCES

Michael Clay, JRock Construction, presented a packet of information detailing his company’s services and capabilities. He explained that JRock Construction was a large company and had worked on many projects. In speaking with Todd Trane, City Engineer, it was explained to him that JRock Construction did not have the capabilities for the City’s current needs; however, if they were to team up with another contractor then perhaps they could meet the requirements for building the bridge. Mr. Clay noted that he sought out S&S Electric, a large NSA contractor, and they indicated they wanted to help JRock build the project. Together, he explained, these two companies presented the best price to the City, coming in as the lowest bidder by $10,000. He explained the nature of the tasks that would be carried out as part of the project and guaranteed a quality performance.
2. CONSENT ITEMS (5 minutes)

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

a. ACTION: Approval of the Officer Involved Critical Incident Task Force Agreement (Administrative)
   City Council will consider approving the Utah County Officer Involved Critical Incident Task Force Agreement. The Council will take appropriate action.

b. ACTION: Approval of a Bid with Widdison Turbine Services, LLC to Proceed with the Rehabilitation of the 11800 North Pressure Irrigation Well (Administrative)
   City Council will consider approving a contract with for the rehabilitation of 11800 Well. The City Council will take appropriate action.

c. ACTION: Approval of a Bid with VanCon, Inc. to Proceed with the Reconstruction of Culinary Well House #2 (Administrative)
   City Council will consider a request to approve a bid with VanCon, Inc. to proceed with the reconstruction of Culinary Well House #2 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

d. ACTION: Proposal from Lewis, Young, Robertson, and Burningham, Inc. for Preparation of the 2020 Impact Fee Update (Administrative)
   City Council will consider a request to approve the proposal from Lewis, Young, Robertson, and Burningham, Inc. (LYRB) for the preparation of the 2020 Impact Fee Update for the not to exceed amount of $48,900 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

e. ACTION/ORDINANCE: A Request by Andrew Patterson for a Site Plan Amendment of the Professional Office Zone South of 11251 N Sunset Drive (SP-19-02 & CU-19-02) (Administrative)
   City Council will consider adoption of an ordinance instituting approval of the Councils December 3, 2019, action approving a site plan amendment for two flex office buildings located at 11251 N. Sunset Drive in the Professional Office zone. The Council will take appropriate action.

f. ACTION/RESOLUTIONS: Ratifying the Mayor’s Assignments for Boards and Committees and Adopting Resolutions as Required (Administrative)
   City Council will consider ratifying the appointments of Mayor and Council for 2020. The Council will take appropriate action.

Council Member Scott L. Smith asked that items 2a., b, c, d, and 2e be pulled off the consent agenda for further discussion. He felt that the new Council Members may benefit from further explanation of how items were placed on the consent agenda.

Mayor Mann asked for a motion on Item 2f., Ratifying the Mayor’s Assignments for Boards and Committees and Adopting Resolutions as Required.

Council Member Kurt Ostler MOVED to APPROVE consent item 2f. as listed on the agenda. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Timothy A. Ball  Yes
Council Member Brittney P. Bills  Yes
Council Member Kurt Ostler  Yes
Council Member Kim Rodela  Yes
Council Member Scott L. Smith  Yes

The motion passed 5:0.

2a. Approval of the Officer Involved Critical Incident Task Force Agreement
Council Member Scott L. Smith explained that he thought the information was interesting to read about the task force. He wondered when it was last approved and if it was approved for a three-year period. Lt. Dave Boerner confirmed it was scheduled for a three-year renewal and would be automatically renewed every three years for 50 years.

Council Member Scott L. Smith questioned whether they needed to see all the signature pages in the document or if those for other cities could be left out. Council Member Kurt Ostler wondered the same thing. City Attorney Rob Patterson explained that all signature pages were part of the complete contract. He stated that if the Council preferred those pages to be omitted, staff could do so. Council Member Kurt Ostler asked if it was hard to change the contract at this point for any other city. City Attorney Rob Patterson responded that this would be difficult to do at this point in the process.

Council Member Scott L. Smith MOVED that City Council APPROVE the Mayor signing the document allowing participation in the Utah County Officer Involved Critical Incident Task Force. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:
Council Member Timothy A. Ball  Yes
Council Member Brittney P. Bills  Yes
Council Member Kurt Ostler  Yes
Council Member Kim Rodela  Yes
Council Member Scott L. Smith  Yes

The motion passed 5:0

2b. Approval of a Bid with Widdison Turbine Services, LLC to Proceed with the Rehabilitation of the 11800 North Pressure Irrigation Well
Council Member Scott L. Smith explained that this item pertained to the 11800 North Pressurized Irrigation well. He asked City Engineer Todd Trane why the well only produced 1200 gallons per minute when the original goal was 2,500 to 3,000 gallons per minute.

City Engineer Todd Trane explained that several years ago when this well was drilled, well drillers used drilling mud to stabilize the drill hole. While they anticipated 2,500-3,000 gallons per minute, what they ended up getting was approximately 1,000 gallons per minute, which was significantly under the target amount. The City hired a Peterson Brothers, a well rehabilitation company, to come in several years ago to have them redevelop the well. There was some success in this process, and Peterson Brothers was able to get the well to produce 1,200 gallons per minute. City Engineer Todd Trane explained that the well mud would get stuck in the aquifer, thereby restricting the flow. Staff had since consulted with an expert well designer to see what they could do to further rehabilitate the existing well, because the alternative was to drill another well. There were ways to redevelop the well with chemicals in order to break the muds and clean out the system. City Engineer Todd Trane said that while this process did not guarantee that the well would reach its targeted amount, it was likely that it would facilitate improvement. Furthermore, this was a less expensive alternative to simply drilling another well. City Engineer Todd Trane noted that a question and answer document was distributed to the Council for review.
City Engineer Todd Trane showed the location of the well and explained how the existing structure pumped to the pond. The project went out to bid and while four contractors responded, only one submitted a bid. Reason being, there was an access issue with the well and part of the bid included the provision of this access. The process would include building a structure over the top of the well and punching supports. Staff looked at alternatives and a solution was reached to remove the corner of the building temporarily for access on the north side, because the west side had large power lines. Staff wanted to reconstruct the building so the access problem was no longer an issue. City Engineer Todd Trane noted that Widdison Turbine Services was the original builder and they modified their bid to take down the corner of the building. Therefore, instead of spending $402,000 they could do all of it for $366,200.

Council Member Scott L. Smith asked what the next step would be if this process was unsuccessful. City Engineer Todd Trane responded that in this case the City would need to drill another well, which he noted was in the master plan. In speaking with experts, the indication was that Widdison Turbine Services was the best in the State. While the treatments were relatively new, they had proven successful in rehabilitating wells over the last 10 years. City Engineer Todd Trane knew it was a gamble, but said he had a good feeling that they would see substantial success. Council Member Scott L. Smith expressed concerned about chemicals, to which City Engineer Todd Trane responded that chemicals would not be an issue.

Council Member Timothy A. Ball he asked more clarification on the “good feeling” statement. City Engineer Todd Trane said Widdison Turbine Services provided case examples of this treatment, include best- and worst-case scenarios. He noted that developers with Hansen Allen Luce had also suggested that the City go this route before drilling another well. City Engineer Todd Trane said engineering staff expected a high chance of success. Council Member Timothy A. Ball asked if Widdison Turbine Services provided a range of how much of an increase they could expect to see. City Engineer Todd Trane said no, but the worst-case scenario still yielded a 10% increase. He then noted that the most successful case yielded an increase of 260%. Council Member Timothy A. Ball inquired on buildout, to which City Engineer Todd Trane reported that there was an 80% build out in the area.

In response to a question from Mayor Mann, City Engineer Todd Trane responded that it would cost approximately $1.5 million for a well. The prices were increasing because there was a lot of work and not competition.

In response to a question from Council Member Kurt Ostler, City Engineer Todd Trane stated that Widdison Turbine Services was very good at what they did and had the equipment for the task; other contractors did not. City Engineer Todd Trane opined that when other contractors found out Widdison was submitting a bid, they simply did not feel they had a chance of winning.

Council Member Brittney P. Bills inquired as to what equipment was needed, to which City Engineer Todd Trane noted they would be using a brush truck. The process would be noisy during the day. He described the process of breaking down the muds and cleaning out the well.

Council Member Timothy A. Ball said the process sounded like fracking. City Engineer Todd Trane concurred, noting that it was like drilling a new well. He further explained that the area would be fenced off during construction. City Attorney Rob Patterson added that all precautions would be enforced to ensure safety.

Council Member Scott L. Smith MOVED that the City Council APPROVE and authorize the City Administrator to sign a contract with Widdison Turbine Service LLC to proceed with the rehabilitation of the 11800 N Pressure Irrigation Well for $307,800 as well as for C4 Construction to proceed with the building modifications of the well house for $58,400 and all funds to be used from the Pressurized Irrigation fund. Council Member Kurt Ostler SECONDED the motion.
The vote was recorded as follows:

- Council Member Timothy A. Ball: Yes
- Council Member Brittney P. Bills: Yes
- Council Member Kurt Ostler: Yes
- Council Member Kim Rodela: Yes
- Council Member Scott L. Smith: Yes

The motion passed 5:0.

2c. Approval of a Bid with VanCon, Inc. to Proceed with the Reconstruction of Culinary Well House #2

Council Member Scott L. Smith felt that the reconstruction needed to be done. However, he wondered about the need to proceed with chlorinating the culinary water and asked for further explanation. City Engineer Todd Trane noted that the well was located off SR-92 on the east side of town, which he identified on an aerial map. He noted that the well was reliable and worked 90% of the time. The building had a leaking and was not ventilated properly, thereby creating issues with the electrical. The plan was to reconstruct the building, the plans of which were presented to the Council. Additionally, a chlorination room would be added on. It was noted that Highland was probably the last large city that did not chlorinate its water, and the State was encouraging that this be changed. This was part of the City’s capital improvement plan and the chlorine would be a low dosage.

City Administrator Nathan Crane added that it was not smart to build a facility without installing a chlorination room. The City would go through an education campaign before implementing the chlorination process. The City had bid out the equipment, however, it won not go inline until other facilities were ready.

Council Member Scott L. Smith mentioned that there were several pages of engineering specs and he wondered if this information could be summarized. City Engineer Todd Trane said staff liked to include documents as a whole because it supported them in what they were asking the Council to do. Staff sought to help the Council make informed decisions. Council Member Scott L. Smith felt the discussion was important. He liked seeing bids and a summary of capital improvements, but not all the pipe fittings.

City Administrator Nathan Crane explained that JRock Construction was the lowest bidder and their letter was included in the staff report. Staff’s recommendation, however, was to go with the second lowest bid because of a qualification issue. Either way, staff would support the Council’s decision on the matter.

Council Member Kurt Ostler explained that the recommendation from the City’s consultant was to go with VanCon for this project. City Engineer Todd Trane explained and read from the letter, explaining that JRock Construction put together a great team. However, the prime contractor was supposed to have certain experience that JRock Construction did not have. For this reason, staff recommended VanCon.

Council Member Scott L. Smith MOVED that the City Council APPROVE and authorize the City Administrator to sign a contract with VanCon Inc. to proceed with the reconstruction of Culinary Well House#2 for $294,500. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

- Council Member Timothy A. Ball: Yes
- Council Member Brittney P. Bills: Yes
- Council Member Kurt Ostler: Yes
- Council Member Kim Rodela: Yes
- Council Member Scott L. Smith: Yes

The motion passed 5:0.
2d. Proposal from Lewis, Young, Robertson, and Burningham, Inc. for Preparation of the 2020 Impact Fee Update
Council Member Scott L. Smith stated that he had a good discussion with City Administrator Nathan Crane regarding the proposal and understood that the fees were supposed to be updated every five years. He had concerns with the Ridgeview project densities and the loss of 31 acres. He understood that the Murdock Connector would be funded by MAG, however, the City may have to pay for it. City Administrator Nathan Crane clarified that MAG had a portion and the City had a portion; anything over $4 million required the City to cover a portion. The impact study included the City’s portion. It was noted that the MAG agreement expired in 2016.

Council Member Kurt Ostler MOVED to APPROVE the proposal from Lewis, Young, Robertson, and Burningham, Inc. (LYRB) for the preparation of the 2020 Impact Fee Update for the amount of $48,900 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Timothy A. Ball  Yes
Council Member Brittney P. Bills  Yes
Council Member Kurt Ostler  Yes
Council Member Kim Rodela  Yes
Council Member Scott L. Smith  Yes

The motion passed 5:0.

2e. A Request by Andrew Patterson for a Site Plan Amendment of the Professional Office Zone South of 11251 N Sunset Drive (SP-19-02 & CU-19-02)
Council Member Kurt Ostler reported a conflict of interest and recused himself from discussion and vote on this item.

Council Member Scott L. Smith believed that the warehouses were supposed to be two buildings and he questioned whether there were two buildings or one. City Administrator Nathan Crane said it would be two buildings as approved on December 3, 2019. Council Member Scott L. Smith questioned why there were still plans for one building. City Administrator Nathan Crane explained that it appeared to be a landscape plan that was not updated. The landscape for the site was briefly discussed.

Council Member Scott L. Smith MOVED to APPROVE the proposal by Andrew Patterson for a site plan adjustment for the office on 11251 North Sunset Drive and adopt Ordinance O-2020-01. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:
Council Member Timothy A. Ball  Yes
Council Member Brittney P. Bills  Yes
Council Member Kurt Ostler  recused
Council Member Kim Rodela  Yes
Council Member Scott L. Smith  Yes

The motion passed 4:0.

3. PUBLIC HEARING/ORDINANCE: ADJUSTING THE COMMON BOUNDARIES BETWEEN LEHI AND HIGHLAND CITY Legislative (10 minutes)
City Engineer Todd Trane oriented the City Council with the request to adjust the common boundaries between Lehi and Highland City. He explained that months ago there was an agreement for the Dry Creek
Lake project. One item was to change the boundary in the lake. The current boundary was located on the far west side in Highland City. Lehi was proposing that Highland change the boundary to the center of the lake. Both cities were ready to move forward in the process.

Mayor Mann explained that Highland would return to the original intent of having the boundary down the center of the lake between the different outlets. There was an agreement stating that as properties went in, the entire parcel was annexed rather than surrounding the boundary. Council Member Kurt Ostler added that this area was owned by Utah Water Conservancy District for pressurized irrigation.

Council Member Scott L. Smith stated that when he ran for Council, he didn’t want to annex pieces of Highland. He had always thought that the boundary was down the middle of the lake. Highland would also be getting a parking lot and Lehi would build a trail over the pipeline. It would be a nice trail that would run through Highland as well. Lehi was also paying Highland $400,000, so, this was a big win for Highland.

Council Member Kurt Ostler added that Lehi had been a fair partner to work with.

**Mayor Mann opened the public hearing at 7:51 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.**

**Citizen Comments:**

Devirl Barfus noted that City Engineer Todd Trane proposed to fence the east side along near a residential area. Council Member Kurt Ostler wondered if they could get access to the creek which was owned by the North Utah County Conservancy District. There was subsequent discussion regarding access.

**Mayor Mann closed the public hearing at 7:52 PM**

Council Member Scott L. Smith stated that no motorized boat traffic was allowed which should keep the noise down. He complimented Council Member Kurt Ostler and staff for their efforts in working with Lehi.

**Council Member Kurt Ostler MOVED that the City Council APPROVE Ordinance O-2020-02 adjusting the common boundaries between Lehi and Highland City per the cooperative agreement.** Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

- Council Member Timothy A. Ball: Yes
- Council Member Brittney P. Bills: Yes
- Council Member Kurt Ostler: Yes
- Council Member Kim Rodela: Yes
- Council Member Scott L. Smith: Yes

The motion passed 5:0.

**4. PUBLIC HEARING/ORDINANCE: AMENDING SECTION 3-520.5E OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO REQUIREMENTS FOR RECREATION AREAS FOR PLANNED DEVELOPMENTS ON LESS THAN THREE ACRES (TA-19-14) Legislative (15 minutes)**

Planner & GIS Analyst Tara Tannahill oriented the City Council with a request by Garret Seely representing SBGS Ridgeline Holdings to amend Section 3-520.5.e of the Highland City Development Code relating to requirements for recreation areas for Planned Developments on less than three acres. She explained that PD Districts had to be in mixed use developments. There were currently sections still available on the map; however, only two were remaining and information background was provided. It was noted that Fairfield
went through the rezone process and that SGBS purchased the property. They felt that an HOA would be too costly for six residential units of that portion of the property. For this reason, they were requesting text amendments. The Council reviewed these meetings during the Council meeting held on December 3, 2019, and at the time had requested further review. Staff found there would be new subdivisions that went into the area. Therefore, the district was created to include six subdivisions for which to provide maintenance.

Mayor Mann asked if this text amendment was approved tonight rather than at a future date, would the Council have to approve the project based on the amendment. Planner & GIS Analyst Tara Tannahill answered affirmatively. She further explained the Fairfield Cove would be required to go through an amendment to their master plan that was approved last May (2019). This would come back to the Council for review. The properties where this amendment could potentially apply were then identified.

Planner & GIS Analyst Tara Tannahill explained that regarding citizen participation on this item, staff went through all the proper procedures. She said she had not received any written correspondence. However, public comments were made during the respective Council and Planning Commission meetings in which this item was discussed. Assistant City Administrator Erin Wells noted that she received two written correspondence emails against this proposal as of today. Those emails were subsequently forwarded to the Council Members.

Garrett Sealy, applicant, stated that this process was preliminary to any other review processes they’d be required to undergo. Mayor Mann asked Mr. Sealy if they were still okay to participate in the open space district, to which Mr. Sealy answered affirmatively. He noted that they wanted to be good neighbors. There was subsequent discussion regarding the option of either paying a fee or participating in the open space district and why this language wasn’t included in the amendment. City Administrator Nathan Crane stated that the Council could include it as part of the motion.

Council Member Kim Rodela asked what the lot sizes would be if the recreation area was removed. Staff noted that the lot sizes would range from 8,200 to 12,000 square feet, whereas before they were 2,800 to 3,000 square feet. The lots were more traditional now. There was continued deliberation regarding the anticipated financial contribution that would be made by the developer.

Mayor Mann opened the public hearing at 8:05 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Wade Hadlock noted that he lived in the open space subdivision. He said that while he was in support of the developer’s project, he was against the wording of the proposed amendment. Specifically, he did not like that the amendment indicated a developer could opt to pay a fee rather than participate in the open space district. The agreement was that they could annex into the open space district and provide improvements. He stated that it was a good requirement having the developer participate in the open space district, and he did not like that an opt-out option was being provided. He further elaborated on this point.

City Administrator Nathan Crane explained that the open space special service district was only a way to maintain open space. The district required a minimum amount of open space to be dedicated and this requirement needed to be modified due to the current number of lots. The text amendment allowed the Council to collect money within the subdivision under two different zoning districts.

Council Member Kurt Ostler asked how much acreage was included in the open space, to which an answer of 3.7 acres was given. Most of that space was centered in a park, but there were also trails.
Jared Wright said he supported the developer. He noted it was said the City would “perhaps” use the money. If it was not a fee to the City and developer used it, the question then was why the City wouldn’t want it as a fee and then use it in another park. Mr. Wright said the residents would benefit from this. It was an egress and ingress to the neighborhood and through the park; therefore, if there was an improvement to be made then it should be to the park. He stated that any fee would be passed on to those residents anyway.

Laurie Wright said she supported the project because she planned on being there long term. It was noted that there were two parcel lots behind them; in actuality, there were ten lots that just were not for sale yet. Ms. Wright was concerned that five of those lots would not have any open space based on how this amendment was worded. She said Highland was a wonderful place and the residents wanted to keep it that way.

Mayor Mann closed the public hearing at 8:17 PM.

Council Member Kurt Ostler said that no other cities had anything like this; the PD district was what made Highland different. The buy-in was that they would have to pay fair market value, and the estimated cost for the grass and sprinklers would be approximately $80,000. City Engineer Todd Trane explained that the City needed to sit down and look at the final plan before going with fair market value, which would be between $40,000 to $80,000. Currently, there wasn’t a final plan and the developer would still need to go through an additional process to make sure the road and utility designs were complete. The City could then conduct a final cost analysis.

Council Member Kurt Ostler asked if the open space would be 24,600 square feet. Planner & GIS Analyst Tara Tannahill said that was the lot size, not the open space requirement.

Council Member Brittney P. Bills clarified that tonight the decision was simply whether to approve the amendment, to which City Engineer Todd Trane said this was correct. He continued that there would be only a few select locations where this amendment would apply. He said it was better if we put improvements into a local park nearby.

Council Member Scott L. Smith said he lived in Pheasant Hollow which was an R-140 neighborhood. There was a small development just on the north side of their property called Quail Hollow and at the time it was developed, it made the most sense to be combined with Pheasant Hollow. However, the Council had decided against it. This had caused several issues in maintaining the shared utilities and infrastructure between the two developments. He supported the request being made tonight by the applicant, stating that it was common sense and would save a lot of trouble later. There was discussion as to an appropriate motion to make on this item.

Council Member Scott L. Smith MOVED that the City Council accept the findings and APPROVE the proposed amendment that for developments in residential areas of less than two acres, in lieu of providing a recreation area, the City Council may approve the subdivider or developer paying a fee equal to the value of the recreational area. He would also like to add, for clarification and not part of the code, a stipulation that if they are adjacent to another neighborhood park that it be one of the top priorities for use of the funds.

No second was provided and the motion failed. Mayor Mann asked for a substitute or new motion.

Council Member Kurt Ostler MOVED that the City Council accept the findings and APPROVE Ordinance 0-2020-03 for the proposed amendment based on the following findings: that for the developments with residential areas less than two acres, in lieu of providing a recreation area, the City Council may approve the subdivider or developer paying a fee equal to the value of the recreational area required by this section in an amount equal to the cost of the fair market value of the land and estimated cost of a playground, grass,
and sprinkler system as determined by the City Engineer and approved by the City Council. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball  Yes
Council Member Brittney P. Bills  Yes
Council Member Kurt Ostler  Yes
Council Member Kim Rodela  Yes
Council Member Scott L. Smith  Yes

The motion passed 5:0.

5. ACTION: MORATORIUM ON THE DISPOSAL OF OPEN SPACE AND REMOVAL OF NEIGHBORHOOD OPTION TRAILS  Administrative (15 minutes)

Council Member Kurt Ostler oriented the City Council with a proposed resolution for a moratorium on the disposal of open space and removal of neighborhood option trails. He explained that there had been a lot of issues regarding the proposals presented. The City could do a one-year moratorium and work to go through the cost of maintaining all parks and trails. They could also determine what constituted a City park as opposed to discussing and evaluating the open space service district fee and determining which trail should be left. Staff reviewed all open space parcels and spelled out criteria to determine a price and approval process for the sale of open space property.

Council Member Scott L. Smith agreed with the proposal. He said that while he didn’t live in an open space neighborhood, he had been involved with open space issues since 2009. In 2010, Mayor Ritchie created the committee to address concerns. There were 18 neighborhoods in the City it was a great concept, but he thought there were flawed designs in each of these neighborhoods, and they had become controversial. People hadn’t liked the trails behind their homes. They heard from 8 of the 18 neighborhoods that they paid $20/month and $240/year. It set an expectation that there would be better maintenance than the City could provide. People wanted more amenities and didn’t want to sell off the parks; however, there wasn’t enough revenue to maintain them. He provided additional history on this issue and stated that he would support the moratorium, but they needed to make good movement in solving the issue. He asked if the open space fee was fair.

After subsequent discussion, it was determined that maintenance was key and needed to be prioritized. Council Member Kim Rodela also suggested a one-year deadline attached to the moratorium to ensure action was taken. Council Member Scott L. Smith wondered if six months was feasible.

In response to a question from Council Member Scott L. Smith, City Engineer Todd Trane said that over 200 parcels were encroaching on public property.

Council Member Kurt Ostler reviewed the following goals of this moratorium: (1) determine the cost of maintaining all open space parks and city parks/trails; (2) discuss what constitutes a City versus Neighborhood park; (3) develop a multi-year maintenance plan for trails and parks; (4) review the Highland City open space district and fee; (5) create budgets and determine whether or not to keep the fee; (6) review all neighborhood option trails and determine whether or not they remain as such; (7) have staff review which open space parcels should be available for sell; (8) review the process of selling open space parcels and the criteria required for the property by the trails; (9) discuss pricing of open space trails and determine the pricing moving forward; (10) review the approval process for selling open space property and note whether or not the city wants to sell parcels without the requirement to obtain signatures.

City Engineer Todd Trane noted that staff had started some of these processes, some of which were quite long. They were getting close on some of these items, however, next year would be the busiest year for
Highland with various projects. He stressed the need to prioritize projects and requested that the moratorium period be for one year rather than six months, as he didn’t want to burden staff with tasks they wouldn’t be able to accomplish.

Council Member Kurt Ostler MOVED that the City Council APPROVE the resolution R-2020-04 establishing a one-year moratorium for new applications requesting the disposal of neighborhood option trails or open space property under section 12.30 or 12.32 of the Highland City Municipal Code. Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:
- Council Member Timothy A. Ball  Yes
- Council Member Brittney P. Bills  Yes
- Council Member Kurt Ostler  Yes
- Council Member Kim Rodela  Yes
- Council Member Scott L. Smith  Yes

The motion passed 5:0.

6. ACTION/ORDINANCE: AMENDING SECTIONS 4.12.80 AND 2.36 OF THE HIGHLAND CITY MUNICIPAL CODE REGULATING PARK, TRAIL, AND TREE COMMISSION Legislative (10 minutes)

Mayor Rod Mann oriented the City Council with a request to amend Sections 4.12.80 and 2.36 of the Highland City Municipal Code replacing the Tree Commission with a Parks, Trails, and Tree Commission (PTTC). He explained that the action accompanied the moratorium and reviewed the two sections that were specifically affected. Section 2.36 would be removed and Section 4.12.80 would establish a Tree Commission with the general objective of helping to maintain parks and trails. The Commission would be a seven-member body appointed by the Mayor and ratified by the Council.

Council Member Scott L. Smith said he liked the idea but was concerned that parks and trails were in open space neighborhoods. He inquired as to the criteria for participation on the Commission. Mayor Mann said names would be presented this week. So far, he suggested Brian Braithwaite as chair, Wesley Warren, Devirl Barfuss, and Ken Afton. Two other Commission members were needed, and he would be asking for recommendations from Brittney and Kim on the matter. Ideally, the Commission would have a mix of representation. Members who participated were expected to have time to do the work. Council Member Scott L. Smith asked if the Commission positions could be publicized, to which Mayor Mann answered affirmatively. Hopefully, the Commission would begin meeting in February.

Council Member Scott L. Smith asked if the Commission members would be paid, to which City Attorney Rob Patterson said no. The differences between the nature of a committee versus commission was then discussed.

Council Member Scott L. Smith MOVED that the City Council APPROVE the proposed amendment to Municipal Code 4.12.080, replace references to the Tree Commission in Municipal Code 2.36, and eliminate Municipal Code 2.36.030 through 2.36.070 and create a Park, Trail, and Tree Commission. Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:
- Council Member Timothy A. Ball  Yes
- Council Member Brittney P. Bills  Yes
- Council Member Kurt Ostler  Yes
- Council Member Kim Rodela  Yes
- Council Member Scott L. Smith  Yes
The motion passed 5:0.

7. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS
   a. Future Meetings
      • January 21, City Council Meeting, 7:00 pm, City Hall
      • January 28, Planning Commission Meeting, 7:00 pm, City Hall

Mayor short meeting. . . and then work meeting. Budget adjustments and then closed session.

8. CLOSED SESSION
   The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual as provided by Utah Code Annotated §52-4-205

   Mayor Mann announced that the closed session was cancelled and would be continued to the January 21, 2020 City Council meeting. It was noted that the Open Space Committee did not expire.

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Kurt Ostler MOVED to adjourn the meeting and Council Member Scott L. Smith SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 9:19 PM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 14, 2020. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder
CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: February 18, 2020
TO: Honorable Mayor and Members of the City Council
FROM: Rod Mann, Mayor
PREPARED BY: Cindy Quick, City Recorder
SUBJECT: ACTION: Ratifying the Mayor’s Appointment of Jerry Abbott, Ron Campbell, Chris Howden, and Mino Margese to Serve on the Planning Commission. Administrative

PURPOSE:
The Council will consider the Mayor’s request to ratify the appointment of Jerry Abbott, Ron Campbell, Chris Howden, and Mino Margese to the Planning Commission. The Council will take appropriate action.

BACKGROUND:
The Planning Commission is made of seven members appointed by the Mayor with the advice and consent of the City Council. Commissioners serve four year terms beginning February first of each year. The Commission provides recommendations to the City Council on land use matters.

With the election of Brittney Bills and Tim Ball to the City Council, two seats need to be replaced. In addition, there are two seats in which the terms have expired. The Mayor interviewed interested residents and is recommending the following be appointed:

<table>
<thead>
<tr>
<th>Seat</th>
<th>Name</th>
<th>Term Expiration</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Christopher Kemp</td>
<td>2023</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Claude Jones</td>
<td>2023</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Sherry Carruth</td>
<td>2022</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Chris Howden</td>
<td>2021</td>
<td>Formerly Council member Ball’s seat</td>
</tr>
<tr>
<td>5</td>
<td>Mino Margese</td>
<td>2021</td>
<td>Formerly Council member Bills’ seat</td>
</tr>
<tr>
<td>6</td>
<td>Jerry Abbott</td>
<td>2024</td>
<td>Expired term previously filled by Jerry Abbott since 2018</td>
</tr>
<tr>
<td>7</td>
<td>Ron Campbell</td>
<td>2024</td>
<td>Expired term previously filled by Ron Campbell since 2016</td>
</tr>
<tr>
<td></td>
<td>Alternate</td>
<td>2021</td>
<td></td>
</tr>
</tbody>
</table>

Alternate | Audrey Wright | 2021

FISCAL IMPACT:
None
PROPOSED MOTION:
I move that the City Council ratify the Mayor’s appointment of Jerry Abbott to serve a four-year term, Ron Campbell to serve a four-year term, Chris Howden to serve a one-year, and Mino Margese to serve a one-year term on the Planning Commission.

ATTACHMENTS:
1. Chris Howden Volunteer Statement
2. Mino Margese Volunteer Statement
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, the Mayor is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor will review the statements, conduct interviews and make selections. If you are interested in serving as a volunteer within Highland City, please submit this statement of interest to the City Offices.

Name: Christopher Howden  Date: 30 Oct 2019
Residence address: 11366 North 6000 West
Phone number: 801-319-4330  Email: chowden@gmail.com

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

How long have you resided in Highland City? 18 Dec 1997 (22 yrs); back when we had no traffic lights, etc
Occupation: CEO
Education: Master's (Cornell)

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: Community interest & involvement since 1997; strategic planning & all aspects of biz (finance, capital fund raising, sales & marketing, operations, pricing, product management); led global teams (Europe, China, North/South American). Extensive global travel. Lived in multiple continents & countries.

Please state why you would like to serve: I want to ensure Highland sticks to the Master plan (focus on core strategy. I also have the personal time to really get involved in city issues. Ensure dialogue & citizen communication is civil & polite despite differences. Creative fundraising/increase city income.

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

Additional comments: pragmatic solutions are needed & I want Highland to create "more" of what we already have. More beauty, more community service, more neighbour support. More goodness.

Please select which committee(s) you are interested in serving on: (submit of this form does not guarantee an appointment)

**Standing Committees**
- [x] Planning Commission
- [ ] Arts Council
- [ ] Highland Fling
- [ ] Tree Commission
- [ ] Youth Council
- [ ] Library
- [ ] Library Board
- [ ] Historical Society
- [ ] Friends of the Library

**Ad Hoc Committees**
- [ ] Beautification Committee
- [ ] Open Space
- [ ] Web and Social Media

Christopher Howden
30 Oct 2019
11366 North 6000 West
801-319-4330
chowden@gmail.com
18 Dec 1997 (22 yrs); back when we had no traffic lights, etc
CEO
Master's (Cornell)
Yes  Yes  Yes  Yes

Community interest & involvement since 1997; strategic planning & all aspects of biz (finance, capital fund raising, sales & marketing, operations, pricing, product management); led global teams (Europe, China, North/South American). Extensive global travel. Lived in multiple continents & countries.

I want to ensure Highland sticks to the Master plan (focus on core strategy. I also have the personal time to really get involved in city issues. Ensure dialogue & citizen communication is civil & polite despite differences. Creative fundraising/increase city income.

I want Highland to create "more" of what we already have. More beauty, more community service, more neighbour support. More goodness.

pragmatic solutions are needed & I want Highland to create "more" of what we already have. More beauty, more community service, more neighbour support. More goodness.

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

Additonal comments: pragmatic solutions are needed & I want Highland to create "more" of what we already have. More beauty, more community service, more neighbour support. More goodness.
Highland City Volunteer Statement of Interest

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If you are interested in serving as a volunteer within Highland City, please submit this statement of interest to the City Offices.

Name: HUNO MORGESSE Date: 12/10/2019
Residence address: 6308 Sutherland Drive
Phone number: 801-815-1291 Email: hunomorgese@gmail.com

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

How long have you resided in Highland City? Y
Occupation: MANUFACTURING ENGINEER MANAGER
Education: BS in ELECTRICAL & COMPUTER ENGINEER
Are you able to meet in the evenings? Y Semi-monthly: Y Monthly: Y

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: AS AN ENGINEER I'M CUSTOM TO COLLECT & ANALYZE DATA WHILE TRANSITION INTO APPROPRIATE COMMUNICATION FOR TARGET AUDIENCES, ABILITY TO COLLABORATE & DIRECT CROSS FUNCTIONAL TEAMS & FOUNDATION DELIVERABLES

Please state why you would like to serve: I'VE BEEN SERVING THE COMMUNITY THAT I LIVED IN SINCE I WAS A TEENAGER: EU CIVIL PROFESSION (09-11) INTERNATIONAL RED CROSS (09-11) UDQ STAND ASSOCIATE COMMITTEE VP (10-11)

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

Additional comments:

Please select which committee(s) you are interested in serving on:

- [ ] Library Board
- [ ] Historical Society
- [ ] Friends of the Library
- [ ] Planning Commission
- [ ] Arts Council
- [ ] Highland Fling
- [ ] Tree Commission
- [ ] Youth Council
- [ ] Library
- [ ] Beautification
- [ ] Open Space
- [ ] Web and Social Media

Submittal of a Statement of Interest does not guarantee an appointment to a committee
DATE: February 18, 2020  
TO: Honorable Mayor and Members of the City Council  
FROM: Gary LeCheminant, Finance Director  
SUBJECT: RESOLUTION: Changing the Hearing Date for the Highland City Council’s Approximately $3,800,000 Sales and Franchise Tax Revenue Refunding Bonds; Ratifying the Publication of the Revised Notice with Regard to Such Hearing; and Related Matters

PURPOSE:
City Council will consider adopting the resolution changing the hearing date for the Highland City Council’s Approximately $3,800,000 Sales and Franchise Tax Revenue Refunding Bonds and ratify the publication of the revised notice with regard to such hearing and related matters. The City Council will take appropriate action.

BACKGROUND:
During the February 4, 2020 City Council Meeting, City Council Members discussed the parameters for refunding the 2009 Pressurized Irrigation General Obligation Bond and the 2015 Sales and Franchise Tax Revenue Bond (the Building Bond). As presented the new bond would be called the Sales and Franchise Tax Revenue Refunding Bond, Series 2020. Two different options were reviewed and ultimately the City Council approved a motion to adopt the resolution as it relates to the issuance of the Sales and Franchise Tax Revenue Refunding Bond, Series 2020.

The resolution that was passed indicated that a public hearing on the matter would be held on March 3, 2020. However, City Council will not hold a meeting that evening due to the Presidential Primary Election. As such, due to the conflict, the date of the public hearing needs to be changed to March 17, 2020 and a new notice will be published.

FISCAL IMPACT:
The issuance of the new bond may save the City $118,000 ($102,000 in present value terms) from Fiscal Year 2020 through Fiscal Year 2027. The savings on the 2015 Bond would be $80,000 and the savings on the 2009 Bond would be $22,000 (present value terms). These savings include the fees associated with refinancing the bonds. Again, final numbers will not be known until the City formally seeks to refinance.

The payment on the part of the new bond that relates to refunding the PI bond will still be made out of the Pressurized Irrigation Fund so that there is not additional money flowing
out of the General Fund to make the new 2020 Bond payment.

RECOMMENDATION:
Staff recommends that the City Council adopt the resolution changing the date of the hearing to March 17, 2020 and causing the publication of the corrected notice in connection with the new hearing date.

PROPOSED MOTION:
I move that the City Council approve the resolution changing the date of the public hearing for the issuance of is Sales and Franchise Tax Revenue Refunding Bonds, Series 2020 to March 17, 2020.

ATTACHMENTS:
1. Resolution
Highland, Utah
November 18, 2020

The City Council (the “Council”) of Highland City, Utah (the “Issuer”), met in
regular public session at the regular meeting place of the Council in Highland City, Utah,
on Tuesday, February 18, 2020, at the hour of 7:00 p.m., with the following members of
the Council being present:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
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<tbody>
<tr>
<td>Rod Mann</td>
<td>Mayor</td>
</tr>
<tr>
<td>Timothy Ball</td>
<td>Councilmember</td>
</tr>
<tr>
<td>Brittany Bills</td>
<td>Councilmember</td>
</tr>
<tr>
<td>Kurt Ostler</td>
<td>Councilmember</td>
</tr>
<tr>
<td>Kim Rodela</td>
<td>Councilmember</td>
</tr>
<tr>
<td>Scott Smith</td>
<td>Councilmember</td>
</tr>
</tbody>
</table>

Also present:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Quick</td>
<td>City Recorder</td>
</tr>
</tbody>
</table>

Absent:

After the meeting had been duly called to order and after other matters not pertinent
to this resolution had been discussed, there was presented to the Council a Certificate of
Compliance with Open Meeting Law with respect to this February 18, 2020, meeting, a
copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed,
and pursuant to motion duly made by Council Member ___________ and seconded by
Council Member ___________, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:
RESOLUTION NO. R-2020-XX

A RESOLUTION OF THE CITY COUNCIL OF HIGHLAND CITY, UTAH (THE “ISSUER”) CHANGING THE HEARING DATE FOR THE ISSUER’S APPROXIMATELY $3,800,000 SALES AND FRANCHISE TAX REVENUE REFUNDING BONDS; RATIFYING THE PUBLICATION OF THE REVISED NOTICE WITH REGARD TO SUCH HEARING; AND RELATED MATTERS.

WHEREAS, on February 4, 2020, the City Council (the “Council”) of the Issuer authorized the issuance of its Sales and Franchise Tax Revenue Refunding Bonds, Series 2020 (the “Series 2020 Bonds”) and called a public hearing on March 3, 2020 in connection therewith; and

WHEREAS, because of a conflict, the Council desires to change the hearing date to March 17, 2020 and ratify the publication of a revised notice in connection therewith.

NOW, THEREFORE, it is hereby resolved by the City Council of the Highland City, Utah, as follows:

Section 1. The hearing date for the Series 2020 Bonds is hereby changed to March 17, 2020 and the Council hereby ratifies the publication of a corrected notice in connection with the new hearing date.

Section 2. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.
APPROVED AND ADOPTED this February 18, 2020.

(SEAL)

By:____________________________
      Mayor

ATTEST:

By:____________________________
      City Recorder
(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

By:_________________________________

Mayor

ATTEST:

By:_________________________________

City Recorder
STATE OF UTAH  )
COUNTY OF UTAH  )

I, Cindy Quick, the duly appointed and qualified City Recorder of Highland City, Utah (the “City”), do hereby certify according to the records of the City Council of the City (the “Council”) in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Council held on February 18, 2020, including a resolution (the “Resolution”) adopted at said meeting as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this February 18, 2020.

(SEAL)

By: ________________________________
   City Recorder
EXHIBIT A
CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Cindy Quick, the undersigned City Recorder of Highland City, Utah (the “City”), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the February 18, 2020, public meeting held by the City Council of the City (the “Council”) as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Daily Herald pursuant to its subscription to the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2020 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Council to be held during the year, by causing said Notice to be (a) posted on the principal office of the City, (b) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year and (c) provided to at least one newspaper of general circulation within the geographic jurisdiction of the City pursuant to its subscription to the Utah Public Notice Website (http://pmn.utah.gov).

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this February 18, 2020.

(SEAL)

By:__________________________

City Recorder
SCHEDULE 1

NOTICE OF MEETING
SCHEDULE 2

ANNUAL MEETING SCHEDULE
PURPOSE:
The City Council will hold a public hearing to consider a request by Roy Huntsman to amend Chapter 5 Subdivision of the Highland City Development Code to allow flag lots. The City Council will take appropriate action.

BACKGROUND:
The applicant’s property is located at 5451 W 11200 N in the Stoneridge Subdivision. Stoneridge subdivision was recorded in 1976 and shows mixed zoning with R-1-40 on the east side of 5500 West and non-conforming R-1-20 on the west side of 5500 West. The applicant’s home is zoned R-1-40.

In 1983, a previous owner of lot number 15 in the Stoneridge Subdivision did an illegal subdivision and split the lot into two parcels. The newly created northern portion of the lot was then split again into two parcels. This created a total of three (3) lots on lot number 15 in the Stoneridge Subdivision. The north-eastern portion of the lot was sold to the owner of lot number 17, while the north-western lot was retained by the owner of lot number 15.

The applicant’s home is lot number 17 on Stoneridge Subdivision map. The front property is 0.97 acres and the back property is 0.50 acres for a total acreage of 1.47 acres or 64,033 square feet. This would allow each property to potentially have 32,000 square feet. The applicant’s subdivision has the density ability to offer more lots and the frontage has enough room to allow a flagpole width. However, the subdivision doesn’t have the density to allow smaller lots under 30,000 square feet.

Currently, flag lots are not permitted in Highland City. The proposed amendment would be for all subdivisions that meet the requirements for flag lots throughout the City.

A development code amendment is a legislative process.
SUMMARY OF THE REQUEST:
1. The proposed amendment allows flag lots in the R-1-40 zone.

2. The applicant provided wording similar to Provo City’s wording. However, staff has been working with the applicant to revise the wording to meet other standards that are required with other subdivisions. See attachment 2 for the proposed revised wording.

CITIZEN PARTICIPATION:

4. Notice of the City Council Public Hearing was published in the Daily Herald on February 2, 2020 and posted on the state website January 30, 2020. No written correspondence has been received.

ANALYSIS:
• Currently, the development code doesn’t allow flag lots in the city.

• Other surrounding City’s that allow or don’t allow flag lots:

<table>
<thead>
<tr>
<th>City</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpine</td>
<td>No</td>
</tr>
<tr>
<td>American Fork</td>
<td>Yes</td>
</tr>
<tr>
<td>Cedar Hills</td>
<td>Yes</td>
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<tr>
<td>Draper</td>
<td>Yes</td>
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<tr>
<td>Lehi</td>
<td>Yes</td>
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<tr>
<td>Orem</td>
<td>Yes</td>
</tr>
<tr>
<td>Pleasant Grove</td>
<td>Yes</td>
</tr>
<tr>
<td>Provo</td>
<td>Yes</td>
</tr>
</tbody>
</table>

• Although neighboring cities offer flag lots majority that responded confirmed that they don’t allow them very often and have restrictions to restrict the potential of flag lots. Some also responded that they have not heard of any issues with the flag lots that they have.

• Flag lots may create an opportunity for infill development in established areas. Highland City is getting closer to being built out and this could create an opportunity for more homes and alternative housing options.

• Flag lots could also create an opportunity for residents who wish to have their parents or children reside in either the base lot or the flag lot and they reside in the other home.

• Flag lots could have a negative impact on existing surrounding land uses.
• Chief Gwilliam with Lone Peak Police and Chief Thompson with Lone Peak Fire District expressed concerns about visibility with the address or noticing the small lane for emergency access. This could create a potential delay in emergency response if they are unable to locate the flagpole for the flag lot.

• Requiring a density calculation to be based on what would have been approved from the original subdivision restricts the potential number of lots that could propose a flag lot. This is a standard requirement for all other subdivisions.

• There are potentially 265 flag lot property locations available in the city based on the acreage requirement of 40,000 square feet or greater, removing all other zones besides R-1-40 zone, and removing the lots that are in a subdivision that doesn’t have the available density.

• Of those 265 available potential flag lot locations, 117 total flag lots could potentially be approved and 54 of those could be 20,000 square feet to 30,000 square feet. Some of the 265 lot locations are located in a subdivision that only has room for one more lot in their subdivision.

• As part of the subdivision process the developer would have been required to provide the necessary water shares for the site.

• If the text amendment is approved the process will become an administrative process and if the applicant meets the requirements, they will be able to create a flag lot.

**FINDINGS:**
The proposed text amendment appears to meet the following findings:

• The proposed amendment is not consistent with the General plan.
• The proposed amendment may have adverse impacts on surrounding properties.
• The Police and Fire Chief have expressed potential public safety concerns with the proposed amendment.

**PLANNING COMMISSION ACTION:**
The Planning Commission held a public hearing on January 28, 2020. There was one resident comment for the proposed amendment and the resident was in favor of flag lots. The Commission voted unanimously to recommend denial of the text amendment because of emergency response time finding the flagpole, potential impacts to surrounding properties, and that they felt it wouldn’t be a good design for the City.
RECOMMENDATION:
The City Council will discuss if the change is appropriate for all of Highland City. Allowing flag lots is not a decision made without giving ample consideration of all potential negative effects on the City and its residents. The following questions have been provided to assist the Council in determining their decision:

- Is offering flag lots and creating higher density in the best interest of the city and its residents?
- Should there be restrictions on the number of flag lots permitted from one flagpole?
- Should newer subdivision development be allowed to utilize flag lots to get higher density?
- Should all zones be allowed to offer flag lots?
- Any potential additional requirements to help signal emergency vehicles of the flagpole entrance for flag lots?
- In some areas of the city properties have utility easements, should these properties be excluded?
- What is the impact on the roads with the additional utility connections?

Staff recommends that the City Council conduct a public hearing, discuss the issues, and DENY the proposed amendment as recommended by the Planning Commission.

PROPOSED MOTION:
I move that the City Council DENY case TA-20-01 a request for a text amendment to allow flag lots based on the following findings: (The Council will need to draft appropriate findings.)

ALTERNATIVE MOTION:
I move that the City Council accept the findings and ADOPT the ordinance approving the amendment to Chapter 5 Subdivision of the Highland City Development Code pertaining to Flag Lots.

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

ATTACHMENTS:
1. Applicants Narrative
2. Text Amendment
3. Ordinance
4. Email correspondence from other cities and staff about flag lots
5. Millcreek questionnaire response
6. Highland City potential flag lots map
ATTACHMENT 1:

Highland City has no flag lot ordinance that would allow or forbid the creation of flag lots. In Highland, there are many landlocked parcels that sit unused and wasting. The City needs to create a flag lot ordinance that will allow landowners the choice to put their landlocked, underutilized parcels to good use.

Many nearby cities have adopted flag lot ordinances to their benefit. Provo’s ordinance was changed and updated in 2016 to be more permissive because flag lots have proven useful. I suggest that Highland City use Provo’s ordinance as a guide in creating an ordinance that Highland City landowners can use without undue burden. I have almost copied Provo’s flag lot ordinance in this Proposed Flag Lot Ordinance, as follows:

Flag lots.

Each flag lot shall meet the following minimum design standards:

(1) the lot has at least twenty (20) feet of frontage on a dedicated public street which frontage serves as access only to the subject lot;

(2) the flag pole portion of the lot is least twenty (20) feet wide and not longer than necessary;

(3) the flag portion or body of the lot meets the lot area, width, and depth requirements of the applicable zone;

(4) the minimum square footage of the flag portion or body of the lot is the same as required in the applicable zone;

(5) the front, rear, and side yard setback requirements of the flag portion or body of the lot is the same as required in the applicable zone;

(6) no accessory building is located on the flag pole portion of the lot except aesthetic entry features such as decorative mail boxes, raised landscape beds or similar structures; and

(7) each flag lot has a hard-surfaced driveway at least twelve (12) feet wide from the street to the required parking area. When the flag pole portions of two (2) flag lots are side by side, a common curb cut and a driveway at least twenty (20) feet wide shall be required from the street to the required parking area. Unpaved areas of the flag pole portion of a flag lot shall be landscaped.
Note: I believe a preliminary approval process should be implemented to allow landowners to determine whether their lots would gain flag lot approval before they were required to build a hard-surfaced roadway.

I hope that the City adopts a policy and ordinance that is more friendly to landowners within its borders.

Sincerely,

Roy Huntsman
ATTACHMENT 2:
3-4114 Flag Lot (Added)

To facilitate the best use of interior areas of large existing parcels, the use of flag lots are allowed in all R-1-40 zones with an approved subdivision. The use of flag lots is intended to be restricted to the interior of deep parcels or other properties not otherwise accessible using residential street standards. It is not the intent or purpose of this section to encourage odd shaped lots or the inclusion of flag lots in proposed new residential subdivisions merely to maximize the number of lots within the subdivision. Flag lots may be allowed when it can be shown that there will be sufficient street connections and accessibility for emergency vehicles, and without creating landlocked situations for neighboring properties.

1. Application and Fees: The subdivider of a flag lot, shall file an application for approval with the Zoning Administrator on a form prescribed by the City, together with such prints and data for a flag lot as may be required from time to time by the City Zoning Administrator. At the same time, the subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule.

2. Density: Subdividing an existing lot in a subdivision for the purposes of this section, the density requirement is calculated using the number of lots that would have been permitted under the original plat of the subdivision. If a subdivision was platted with less than the maximum number of lots, an existing lot may be further subdivided if both lots meet all the requirements of the Development Code.

3. Area and Width Requirements:
   i. Maximum number of flag lots served by one flagpole is one (1) unless the flagpole is a shared flagpole with the flag lot and the front base lot (see figure 1).
   ii. The required setbacks, frontage, and minimum lot area for the base lot shall match the requirements for the zone, as is required for all standard subdivisions. Except the rear setback is 40 feet (40') minimum.
   iii. The required setbacks and minimum lot area for the flag lot shall match the requirements for the zone, as is required for all standard subdivision.
   iv. Additional requirements may be made by the City Engineer and Public Works Director with regard to the pavement, parking, or other issues on any half cul-de-sac street related to safety issues and other City street standards.

4. Driveway Access and Paving:
   a) An accessway not less than twenty feet (20') in width shall connect the building site portion of the lot with a designated city street and not more than two-hundred feet (200') long. Said accessway shall be owned in fee as part of the lot and maintenance of the flagpole is the responsibility of the flag lot owner. If the flagpole is a shared flagpole, the maintenance of the flagpole is the responsibility of both lot owners; and
      i. If the flagpole is over one-hundred and fifty feet (150') from the designated city street the flag lot will need to have an approved turnaround or emergency access, as approved by the Fire Marshall.
   b) Fire Protection Required: Every flag lot residence must be within two hundred twenty-hundred feet (200') of a fire hydrant (measured along the flagpole and}


public street). All fire hydrants and supply lines must satisfy the International Fire Code.

c) A paved or all weather, hard surfaced area must be provided as determined by the City Engineer and Fire Marshall on each flag lot for the turnaround accommodation of emergency vehicles. The flagpole may be included as part of the necessary turnaround area.

5. The portion of a flagpole not hard surfaced shall be landscaped. Landscaping shall not hinder safe vehicular line of sight.

6. Off street parking required and each dwelling lot shall provide at least four (4) hard surfaced parking spaces, two (2) of which shall be covered with a garage. No parking is permitted in the flagpole; and
   a. The flag lot shall still have 70% of their front yard landscaped as defined in Section 3-4107 and 3-621, Highland City Development Code.

7. No accessory building is allowed on any portion of a flagpole or common flagpole.

8. Utility Service:
   a) Each flag lot requires individual utility lines and meters. The maintenance and service of utility lines outside of the public street is the responsibility of the flag lot owner.
   b) The entire flagpole shall be dedicated as a public utility, sewer and right-of-way easement.

9. Garbage Collection, Mailbox Location, and Sign Requirements:
   c) Garbage collection will be provided only at the street curb.
   d) Mailbox location will be provided at the street curb.
   e) Flag Lot property address shall be visible from the street near the flagpole entrance.

10. Flag Lot application, process, and additional requirements shall follow chapter 5 Subdivision, as is required for all standard subdivisions.
Figure 1
ATTACHMENT 3:

ORDINANCE NO. O-2020-XX

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 3-4114 AS SHOWN IN FILENAME TA-20-01.

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

WHEREAS, the Commission held a public hearing on this Ordinance on January 28, 2020 and

WHEREAS, the City Council held a public hearing on this Ordinance on February 18, 2020.

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

SECTION 1. ADOPTION “3-4114 Flag Lot” of the Highland City Development Code, is hereby added as follows:

3-4114 Flag Lot (Added)
To facilitate the best use of interior areas of large existing parcels, the use of flag lots are allowed in all R-1-40 zones with an approved subdivision. The use of flag lots is intended to be restricted to the interior of deep parcels or other properties not otherwise accessible using residential street standards. It is not the intent or purpose of this section to encourage odd shaped lots or the inclusion of flag lots in proposed new residential subdivisions merely to maximize the number of lots within the subdivision. Flag lots may be allowed when it can be shown that there will be sufficient street connections and accessibility for emergency vehicles, and without creating landlocked situations for neighboring properties.

11. Application and Fees: The subdivider of a flag lot, shall file an application for approval with the Zoning Administrator on a form prescribed by the City, together with such prints and data for a flag lot as may be required from time to time by the City Zoning Administrator. At the same time, the subdivider shall pay all application fee(s) as published in the Consolidated Fee Schedule.

12. Density: Subdividing an existing lot in a subdivision for the purposes of this section, the density requirement is calculated using the number of lots that would have been permitted under the original plat of the subdivision. If a subdivision was platted with less than the maximum number of lots, an existing lot may be further subdivided if both lots meet all the requirements of the Development Code.

13. Area and Width Requirements:
  v. Maximum number of flag lots served by one flagpole is one (1) unless the flagpole is a shared flagpole with the flag lot and the front base lot (see figure 1).
vi. The required setbacks, frontage, and minimum lot area for the base lot shall match the requirements for the zone, as is required for all standard subdivisions. Except the rear setback is 40 feet (40') minimum.

vii. The required setbacks and minimum lot area for the flag lot shall match the requirements for the zone, as is required for all standard subdivision.

viii. Additional requirements may be made by the City Engineer and Public Works Director with regard to the pavement, parking, or other issues on any half cul-de-sac street related to safety issues and other City street standards.

14. Driveway Access and Paving:

d) An accessway not less than twenty feet (20') in width shall connect the building site portion of the lot with a designated city street and not more than two-hundred feet (200') long. Said accessway shall be owned in fee as part of the lot and maintenance of the flagpole is the responsibility of the flag lot owner. If the flagpole is a shared flagpole, the maintenance of the flagpole is the responsibility of both lot owners; and

i. If the flagpole is over one-hundred and fifty feet (150') from the designated city street the flag lot will need to have an approved turnaround or emergency access, as approved by the Fire Marshall.

e) Fire Protection Required: Every flag lot residence must be within two hundred twenty-five feet (225') of a fire hydrant (measured along the flagpole and public street). All fire hydrants and supply lines must satisfy the International Fire Code.

f) A paved or all weather, hard surfaced area must be provided as determined by the City Engineer and Fire Marshall on each flag lot for the turnaround accommodation of emergency vehicles. The flagpole may be included as part of the necessary turnaround area.

15. The portion of a flagpole not hard surfaced shall be landscaped. Landscaping shall not hinder safe vehicular line of sight.

16. Off street parking required and each dwelling lot shall provide at least four (4) hard surfaced parking spaces, two (2) of which shall be covered with a garage. No parking is permitted in the flagpole; and

a. The flag lot shall still have 70% of their front yard landscaped as defined in Section 3-4107 and 3-621, Highland City Development Code.

17. No accessory building is allowed on any portion of a flagpole or common flagpole.

18. Utility Service:

f) Each flag lot requires individual utility lines and meters. The maintenance and service of utility lines outside of the public street is the responsibility of the flag lot owner.

g) The entire flagpole shall be dedicated as a public utility, sewer and right-of-way easement.

19. Garbage Collection, Mailbox Location, and Sign Requirements:

h) Garbage collection will be provided only at the street curb.

i) Mailbox location will be provided at the street curb.

j) Flag Lot property address shall be visible from the street near the flagpole entrance.
20. Flag Lot application, process, and additional requirements shall follow chapter 5 Subdivision, as is required for all standard subdivisions.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect from February 18, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, February 18, 2020
HIGHLAND CITY, UTAH

______________________________
Rodney W. Mann, Mayor

ATTEST:

______________________________
Stephannie Cottle, City Recorder

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Email from Adam Olson with American Fork on January 8, 2020:
Tara,

American Fork allows flag lots under certain circumstances. In general, they are not allowed. They are allowed, however, in certain PUD's where open space is preserved, and in what the City calls “Inner-Block Developments”. Inner Block Developments are found in the interior of the downtown City blocks, where interior property is under-utilized and development of smaller lot single-family residences is encouraged. From time to time, individuals will ask if flag lots can be used in standard developments, and we have said no.

I have not heard of any issues with the ones we do have.

I hope this helps.

Thanks,

Adam

Email from Robert Mills with Provo City on January 9, 2020:
Hi Tara,

Amanda Ercanbrack forwarded your email to me regarding Flag Lots and asked me to respond.

Our code regulations related to flag lots can be found online at the link below.

https://provo.municipal.codes/Code/14.34.140

Historically, flag lots were highly discouraged in Provo, and they are still not encouraged. However, flag lots can create an opportunity for infill development in established areas that would not be possible otherwise. Allowing flag lots, in some instances, can result in more efficient land utilization. We have especially seen this in our more established neighborhoods with very large lots that exceed the lot area requirements of the underlying zone, i.e. a 30,000 square foot lot in a R1.10 zone with a 10,000 square foot minimum lot
area requirement.

In some instances it has also allowed residents of a particular neighborhood to age in place because one of their children may move into the original house and the elderly parents may build a newer home without stairs in the back portion of the original lot (or vice versa).

In summary, Provo allows flag lots where contextually appropriate, but not as a common subdivision alternative.

Hope this helps. If you have any additional questions, you are welcome to reach out.

Best of luck!
Robert
Wild Rose Resident

Email from David Stroud with Saratoga Springs on January 13, 2020:
Tara,
Flag lots have not been used much in Saratoga Springs. However, when I worked in Orem, they were often used in subdivisions. From my experience, if you allow flag lots, I would suggest you include language that only permits such lots from the beginning of the process. In Orem, a flag lot was only a permitted as an initial lot request and a plat could not be amended in the future to create a flag lot. I see no problem with flag lots if designed with the original preliminary/final plat.

David Stroud, AICP
Planning Director

Email from Chief Gwilliam with Lone Peak Police on January 10, 2020:
I am not a fan of flag lots. It is easy to drive past a small lane and the addresses can be difficult to locate in an emergency. They are rarely marked or flagged properly.

Best Regards,
Brian Gwilliam
MEMORANDUM

TO: Tara Tannahill, City Planner, Highland City
CC: Nathan Crane, City Administrator, Highland City
FROM: Reed M. Thompson, Fire Chief

SUBJECT: FLAG lots

DATE: 9 December 2019

The following is for discussion purposes associated with the possibility of considering “flag lots” in Highland City.

There are several concerns with this concept that present challenges with public safety containing, but not limited to:

The update to those plans and review of the new plans have the following items that need to be addressed:

- Anytime we cannot reach all areas of the proposed occupancy within 150 feet of the street, it requires additional planning for suppression tactics. This design generally occurs at the onset of the development to insure that water mains meet required fire flows and that travel corridors and access roads are installed to meet the fire code. With flag lots this is an afterthought and presents challenges.
- Fire hydrant spacing may be required to be updated with additional hydrants installed based on distances and flow requirements.
- Finding an address in an emergency response is critical. Flag lots present additional challenges with crews being able to locate rear flag lot addresses, adding to response time. Address posting requirements at the street would need to be addressed with signage.
- Access roads whether private or public need to be all weather access, including weigh and width requirements, and snow removal. Any in excess of 150 feet require an approved turnaround.
Address for flag lot __several on Gregson at about 2440 E_

Are the side and rear yards comfortable? Side yards ok, rear yards not always Is it too close to other homes? Varies Is the height in keeping with surrounding units? Seems like the rear homes are bigger but not if all the homes are new (knock down situations) Does the size of the home fit in with its’ surroundings? Sometimes, but generally bigger

For the owners in flag: What do you like about living here? Quiet

Did you build or have the home built for you? Some yes – good indicator that they like it

What would you do differently if you were going to start over? Wider driveway, maybe not shared, figure out a way to parallel park in the driveway, think thru snow removal/drainage better

Do you know your neighbors? All do, but there may be some tension with the shared driveway issues. All were new enough that the driveways were in good shape

Have your neighbors ever voiced any issues concerning your home here? Parking – sometimes they are forced to park out on the adjacent street, RV or boat parking, snow issues, turning radius to a detached garage

How do you handle snow removal? Tricky when the pole driveway is not wide enough.

For the front lot and bordering lots: Has the home in the back bothered you in any manner? Some feel like they are building too big, too much density, sometimes the front lot has not been left enough rear yard

Are there any changes you would make to that flag lot, if you could? One said “not have it”, another wanted it further back from the front lot

Would you build a home in the back of your lot if you had room? Yeses and two no

Do you know your neighbor? All do

Is this a good solution to these mostly vacant back yards? Sometimes but not always, some disappointment in the McMansions, yes if there is more room

Other thoughts you have? Detached garages issues (1’ from back lot?), need to slope to the street, lots of hard surface, not enough rear yard parking, turnarounds, long private utility lines, a place for the mailbox, maneuvering into the side entry garages, a place for the garbage cans that have to be rolled out, back lot gates (good or bad?), double lot flag has marginal separation between the old home and shared driveway area between the two new homes, lot 2 of the three lots has not yard space, 12’ sideyards ok(maybe no need for 20’), home in back often needs to be built up to get utilities to work(which increases the apparent height)
The City Council will hold a public hearing to consider a request by Highland City Staff to amend Section 10-102 of the Highland City Development Code relating to the definition of a family. The City Council will take appropriate action.

On February 1, 2011 the City Council voted to change the definition of family to allow a residence to be occupied a traditional family and by two adults and their children. A homeowner in Highland may rent space to two unrelated individuals if the renters and the residing family share a common household. A common household is defined as sharing living and eating areas, laundry facilities, and access to rooms. In addition, there cannot be a separate entrance. This would prohibit a separate apartment. This allowed a homeowner to rent the home without having to go through the basement apartment requirements with the building code.

Staff receives questions weekly about the development codes definition of family in regards to multi-family rental and basement apartment rental.

A development code amendment is a legislative process.

**SUMMARY OF THE REQUEST:**

1. The proposed amendment removes the ability for a homeowner to rent their home to multiple families and requires them to go through the proper procedures to have a legal accessory dwelling unit if they want to rent a portion of their home out, i.e. basement apartments.

2. The proposed amendment is as follows:

Amended Section 10.102.23

*Family*
a) One or more persons related by blood, marriage, adoption or legal guardianship, including foster children, and no more than two adults and their children who are unrelated to the residing family; or
b) A group of not more than four persons not related by blood, marriage, adoption or legal guardianship, including foster children living together as a common household

CITIZEN PARTICIPATION:
Notice of the Planning Commission meeting was published in the Daily Herald on January 12, 2020 and posted on the state website January 9, 2020.

Notice of the City Council Public Hearing was published in the Daily Herald on February 2, 2020 and posted on the state website January 30, 2020. No written correspondence has been received.

ANALYSIS:
• Currently, the development code allows for a single-family home to be rented out to two unrelated adults and their family. This has caused homes to become multi-family rentals. This change would only allow one family or up to four unrelated individuals.

• The current wording also allowed homeowners to not building code requirements for a separate unit. This change would require the homeowner building code requirements.

FINDINGS:
The proposed amendment appears to meet the following findings:

• The amendment is needed to update the Development Code.

PLANNING COMMISSION ACTION:
The Planning Commission held a public hearing on January 28, 2020. There were no resident comments for the proposed amendment. The Commission voted unanimously to recommend approval of the text amendment due to the current code allowing multi-family dwelling units which is not the intent of the code.

RECOMMENDATION AND PROPOSED MOTION:
I move that the City Council accept the findings and APPROVE the proposed amendment.

I move that the City Council accept the findings and ADOPT the ordinance approving the amendment to Section 10-102 of the Highland City Development Code pertaining to the definition of “Family”.

ALTERNATIVE MOTION:
I move that the City Council DENY case TA-20-03 a request for a text amendment for the definition of family based on the following findings: (The Council will need to draft appropriate findings.)

FISCAL IMPACT:
This action will not have a financial impact on this fiscal year’s budget expenditure.

ATTACHMENTS:
1. Ordinance
2. Current Development Code Section 10.102.23 Definition of Family
ATTACHMENT 1:

ORDINANCE NO O-2020-XX

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 10-102 AS SHOWN IN FILENAME TA-20-03

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

WHEREAS, the Commission held a public hearing on this Ordinance on January 28, 2020 and

WHEREAS, the City Council held a public hearing on this Ordinance on February 18, 2020.

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

SECTION 1. AMENDMENT “10-102 Definition” of the Highland Development Code is hereby amended as follows:

Amended Section 10.102.23

Family

a) One or more persons related by blood, marriage, adoption or legal guardianship, including foster children, and no more than two adults and their children who are unrelated to the residing family; or

b) A group of not more than four persons not related by blood, marriage, adoption or legal guardianship, including foster children living together as a common household

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect from February 18, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, February 18, 2020
HIGHLAND CITY, UTAH

_________________________________
Rodney W. Mann, Mayor

ATTEST:

_________________________________
Stephannie Cottle, City Recorder

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ATTACHMENT 2:

23. **Family.**

a. One or more persons related by blood, marriage, adoption or legal guardianship, including foster children, and no more than two adults and their children who are unrelated to the residing family; or

b. A group of not more than four persons not related by blood, marriage, adoption or legal guardianship, including foster children living together as a common household (see Utah Code 10-9a-505.5).

(Ord: #2011-TBD, 02/01/2011)
DATE: February 18, 2020
TO: Honorable Mayor and Members of the City Council
FROM: Tara Tannahill
Planner and GIS Analyst
SUBJECT: PUBLIC HEARING/ORDINANCE – A Request by Highland City Staff to Amend Several Sections of the Development Code Relating to Accessory Dwelling Units. (TA-20-02). Legislative

PURPOSE:
The City Council will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Highland City Development Code related to requirements for accessory dwelling units. The City Council will take appropriate action.

BACKGROUND:
On October 7, 2008 the City Council voted to allow basement apartments in residential homes in the basement portion of the home. As part of the application process the applicant will have to submit a request for a Conditional Use Permit to Council for approval. Conditional uses are uses that are meant to give limited flexibility in the review of an application. In Highland, the Planning Commission makes a recommendation to the City Council and the City Council can either approve or deny the request. A conditional use is regulated through Utah State Code 10-9a-507 and is an administrative process.

Basement apartments require the unit to be a part of the main dwelling unit, homeowners to reside in the main dwelling unit, provide off-street parking, provide separate utilities, additional trash cans, meet International Building Code (IBC) standards, and meet International Fire Code (IFC) standards.

On November 12, 2019 the Council updated the cities moderate income housing element in the General Plan with four goals to satisfy the state mandated requirement with SB 34 Moderate Income Housing. One element that the City adopted was to review and update the regulations for accessory dwelling units within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents. Highland City will be required to demonstrate progress for the chosen implementation strategies to the state by December 2020.

Staff currently receives weekly phone calls about the definition of family and basement apartments.
A development code amendment is a *legislative* process.

**SUMMARY OF THE REQUEST:**

1. The proposed amendment removes the requirement of the applicant to have to submit a request for a Conditional Use Permit for a basement apartment.

2. The amendment re-categorizes basements as accessory dwelling units. Accessory dwelling are proposed to be located either in any part of a home as long as it is attached to the main structure.

3. The applicant will also no longer have to provide separate utilities, which requires separate stubs of sewer and water onto the property.

4. The applicant will need to provide signage demonstrated from the front for the accessory dwelling unit. This is needed for emergency response time.

5. The proposed amendment is as follows:

**3-624 Accessory Dwelling Unit**

Accessory Dwelling Unit shall meet the following requirements:

a. Accessory dwelling unit shall only be permitted in single family homes that are owner occupied.

b. Accessory dwelling units shall not be permitted in detached accessory buildings.

c. A minimum of two (2) off-street spaces shall be provided.

d. The minimum 70% front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code shall be provided.

e. No more than one (1) accessory dwelling units shall be considered for each single family home.

f. The unit and home shall be modified to meet all fire, safety, health and building codes as required by the Building Official and Fire Marshall.

g. The front of the home shall *NOT* be modified in any form that will give the appearance that separate units are incorporated within the home including except separate addresses and mailboxes.

h. The primary entrance for the accessory dwelling units shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing or landscaping and is not visible from the street.

i. Applications for Accessory Dwelling Units shall be made in the Community Development Department on an application form with required documentation and accompanied with appropriate fees as required. All Accessory Dwelling Units shall be subject to review and approval by the Zoning Administrator.
Section 10-102 Definitions

6. Accessory Dwelling Unit. An Accessory Dwelling Unit (ADU) is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. An ADU shall be attached to the single-family home.

CITIZEN PARTICIPATION:
Notice of the Planning Commission meeting was published in the Daily Herald on January 12, 2020 and posted on the state website January 9, 2020.

Notice of the City Council Public Hearing was published in the Daily Herald on February 2, 2020 and posted on the state website January 30, 2020. No written correspondence has been received.

ANALYSIS:
• Currently, the development code allows for a single-family home to have a basement apartment through a conditional use permit process. This requires the Planning Commission have a public hearing to make a recommendation to City Council, and City Council to have a public meeting to review the conditional use permit. Conditional uses are an administrative action and the City Council has limited discretion in the review of an application.

• On November 12, 2019 the Council updated the cities moderate income housing element in the General Plan with four goals to satisfy the state mandated requirement with SB 34 Moderate Income Housing. One element that the City adopted was to review and update the regulations for accessory dwelling units within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents. This text amendment would satisfy this goal.

• The development code currently requires the homeowner to provide a separate utility to the basement apartment. This requires the property to have additional stubs for sewer and water. This can be costly for new and existing properties to either pay for additional meters and connection fees, as well as, cutting into the road to make the necessary connections. A sewer connection fee is $2,125.98, pressurized irrigation meter is $372, and culinary water meter is $536. Cutting into the road will have additional fees and costs associated with it, and the City has an asphalt window from April to October.

• Highland City currently doesn’t offer a way to separate the utility services for separate units on the property and having separate connections would be contrary to this policy.
• The applicant will still be required to offer off-street parking, meet international building code and fire code standards, and the homeowner to live in the main dwelling unit.

• Having signage of the unit will help with fire and police emergency response time by knowing where the unit is.

FINDINGS:
The proposed amendment appears to meet the following findings:

• The amendment is consistent with the General Plan.
• The amendment implements the Moderate Income Housing Element.
• The amendment is needed to update the Development Code.

PLANNING COMMISSION ACTION:
The Planning Commission held a public hearing on January 28, 2020. There were no resident comments for the proposed amendment. The Commission voted unanimously to recommend approval of the text amendment due to meeting implementation requirements of the Moderate-Income Housing Element and to make it easier for residents to have an accessory dwelling unit on their property.

RECOMMENDATION AND PROPOSED MOTION:
Staff recommends that the City Council accept the findings and approve the proposed amendment.

I move that the City Council accept the findings and ADOPT the ordinance approving the amendment pertaining to Accessory Dwelling Units.

ALTERNATIVE MOTION:
I move that the City Council DENY case TA-20-02 a request for a text amendment for accessory dwelling units based on the following findings: (The Council will need to draft appropriate findings.)

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

ATTACHMENTS:
1. Ordinance
2. Current Development Code Section 4-105 Basement Apartment
ATTACHMENT 1:

ORDINANCE NO O-2020-XX

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING
HIGHLAND CITY DEVELOPMENT CODE IN SEVERAL SECTIONS AS
SHOWN IN FILENAME TA-20-03.

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

WHEREAS, the Commission held a public hearing on this Ordinance on January 28, 2020 and

WHEREAS, the City Council held a public hearing on this Ordinance on February 18, 2020.

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

SECTION 1: **AMENDMENT** “4-105 General Requirements” of the Highland Development Code is hereby *amended* as follows:

6. Basement Apartments. Basement Apartments shall have substantial requirements which may be in addition to those listed above, as follows:

   j. Basement apartments shall only be considered for residential properties that are occupied by the owner(s) of the single family residence; and

   k. Basement apartments shall only be considered for properties in which the apartment is attached to the main dwelling in the basement portion of the home; and

   i. Owners of property with a basement apartment shall be required to apply for and pay for two separate city utility charges; and

   ii. Owners of property with a basement apartment shall pay for two “first can” garbage can rates; and

l. Basement apartments shall only be considered for properties that meet parking requirements, as noted below, and properties that have completed 70% of their front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code; and

m. No more than one (1) basement apartment shall be considered for each single family residence; and

n. The home shall be modified to meet all fire, safety, health and building codes; and

o. Modifications to a home for basement apartments shall be approved and inspected by the Fire Marshall and building inspector prior to occupancy by renters; and

i. Applicants shall provide plans to be reviewed and approved by the City
Building Inspector and City Fire Marshall prior to occupancy; and
ii. Modifications shall be provided for by the homeowner to meet all current International Building Code (IBC) requirements typically associated with any legal duplex or similar multi-family construction; and
iii. Modifications shall not be made that are inconsistent with current zoning requirements as otherwise defined within the R-1-40 and R-1-20 zones.
p. The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including separate addresses and mailboxes; and
q. The primary entrance for the basement apartment shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing and is not visible from the street; and
r. One off-street parking space shall be provided per bedroom within the rented area of the home, with a minimum of two (2) off-street renter parking spaces; and
s. Permanent on-street parking of any kind shall be prohibited for occupants of any residence requesting basement apartments; and
t. Any signage associated with a basement apartment shall be prohibited including addressing, directional, or similar; and
u. The property owner shall be required to record a deed restriction upon their property immediately after approval and before occupancy notifying the County of the basement apartment and providing notice to future purchasers that the apartment use is conditionally approved with the seller, it may not continue to the buyer without additional land use approval obtained by the buyer, and is null and void at the moment of each sale of the property.
v. A basement apartment Conditional Use may be reviewed annually, semi-annually or upon complaint from adjacent property owner; and

SECTION 2: ADOPTION “3-624 Accessory Dwelling Unit” of the Highland Development Code is hereby added as follows:

3-624 Accessory Dwelling Unit(Added)
Accessory Dwelling Unit shall meet the following requirements:

a. Accessory dwelling unit shall only be permitted in single family homes that are owner occupied.
b. Accessory dwelling units shall not be permitted in detached accessory buildings.
c. A minimum of two (2) off-street spaces shall be provided.
d. The minimum 70% front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code shall be provided.
e. No more than one (1) accessory dwelling units shall be considered for each single family home.
f. The unit and home shall be modified to meet all fire, safety, health and building codes as required by the Building Official and Fire Marshall.
The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including except separate addresses and mailboxes.

h. The primary entrance for the accessory dwelling units shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing or landscaping and is not visible from the street.

i. Applications for Accessory Dwelling Units shall be made in the Community Development Department on an application form with required documentation and accompanied with appropriate fees as required. All Accessory Dwelling Units shall be subject to review and approval by the Zoning Administrator.

SECTION 3: AMENDMENT “3-4101 Residential Zone” of the Highland Development Code is hereby amended as follows:

3. Multi family dwellings (with the exception of approved basement apartments accessory dwelling units as defined within Section 4-1053-624 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

SECTION 4: AMENDMENT “3-4108 Conditional Uses” of the Highland Development Code is hereby amended as follows:

9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

SECTION 5: AMENDMENT “3-4102 Permitted Uses” of the Highland Development Code is hereby amended as follows:

13. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code.

SECTION 6: AMENDMENT “3-4201 Residential Zone” of the Highland Development Code is hereby amended as follows:

3. Multi family dwellings (with the exception of approved basement apartments accessory dwelling units as defined within Section 4-1053-624 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

SECTION 7: AMENDMENT “3-4208 Conditional Uses” of the Highland Development Code is hereby amended as follows:

11. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

SECTION 7: AMENDMENT “3-4202 Permitted Uses” of the Highland Development Code is hereby amended as follows:
11. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code

SECTION 8: AMENDMENT “3-4251 Residential Zone” of the Highland Development Code is hereby amended as follows:

3. Multi family dwellings (with the exception of approved basement apartments accessory dwelling units as defined within Section 4-1053-624 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

SECTION 9: AMENDMENT “3-4258 Conditional Uses” of the Highland Development Code is hereby amended as follows:

9. Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

SECTION 10: AMENDMENT “3-4252 Permitted Uses” of the Highland Development Code is hereby amended as follows:

12. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code

SECTION 11: AMENDMENT “10-102 Definitions” of the Highland Development Code is hereby amended as follows:

3. Accessory Dwelling Unit. An Accessory Dwelling Unit (ADU) is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit. An ADU shall be attached to the single-family home.

SECTION 12: That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 13: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 14: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 15: EFFECTIVE DATE This Ordinance shall be in full force and effect from February 18, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, February 18, 2020
HIGHLAND CITY, UTAH

_________________________________
Rodney W. Mann, Mayor

ATTEST:

_________________________________
Stephannie Cottle, City Recorder

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ATTACHMENT 2:

Basement Apartment Current Regulations

Section 4.105.06, Conditional Use:
6. Basement Apartments. Basement Apartments shall have substantial requirements which may be in addition to those listed above, as follows:

a. Basement apartments shall only be considered for residential properties that are occupied by the owner(s) of the single family residence; and
b. Basement apartments shall only be considered for properties in which the apartment is attached to the main dwelling in the basement portion of the home; and
   i. Owners of property with a basement apartment shall be required to apply for and pay for two separate city utility charges; and
   ii. Owners of property with a basement apartment shall pay for two “first can” garbage can rates; and

c. Basement apartments shall only be considered for properties that meet parking requirements, as noted below, and properties that have completed 70% of their front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code; and
d. No more than one (1) basement apartment shall be considered for each single family residence; and

e. The home shall be modified to meet all fire, safety, health and building codes; and

f. Modifications to a home for basement apartments shall be approved and inspected by the Fire Marshall and building inspector prior to occupancy by renters; and
   i. Applicants shall provide plans to be reviewed and approved by the City Building Inspector and City Fire Marshall prior to occupancy; and
   ii. Modifications shall be provided for by the home owner to meet all current International Building Code (IBC) requirements typically associated with any legal duplex or similar multi-family construction; and
   iii. Modifications shall not be made that are inconsistent with current zoning requirements as otherwise defined within the R-1-40 and R-1-20 zones.

g. The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including separate addresses and mailboxes; and

h. The primary entrance for the basement apartment shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing and is not visible from the street; and

i. One off-street parking space shall be provided per bedroom within the rented area of the home, with a minimum of two (2) off-street renter parking spaces; and

j. Permanent on-street parking of any kind shall be prohibited for occupants of any residence requesting basement apartments; and
k. Any signage associated with a basement apartment shall be prohibited including addressing, directional, or similar; and
l. The property owner shall be required to record a deed restriction upon their property immediately after approval and before occupancy notifying the County of the basement apartment and providing notice to future purchasers that the apartment use is conditionally approved with the seller, it may not continue to the buyer without additional land use approval obtained by the buyer, and is null and void at the moment of each sale of the property.
m. A basement apartment Conditional Use may be reviewed annually, semi-annually or upon complaint from adjacent property owner; and
The City Council will hold a public hearing to consider a request by Highland City Staff to amend Section 5-8-101 of the Highland City Development Code. The City Council will take appropriate action.

Staff received a question about requirements on a subdivision layout and required materials to turn in. During the review of the development code it became aware that the environmental regulations and required materials section needed to be updated. The purpose of the update is to modernize the language to be consistent with State Law and be consistent with modern practice.

A development code amendment is a legislative process.

SUMMARY OF THE REQUEST:
1. Staff is proposed to amend section 5-8-101 of the development code to be consistent with State Law and modern practices.

Amended Section 5-8-101(2)

Subdivision Layout

2. Where trees, groves, waterways, scenic points, historic spots, other City assets and landmarks, environmentally sensitive areas such as wetlands, or other features or land subject to state, federal, or other special regulation, as determined by the City, are located within a proposed subdivision, the subdivider shall identify and provide every possible means shall be provided to preserve these features as part of the proposed subdivision.
CITIZEN PARTICIPATION:
Notice of the Planning Commission meeting was published in the Daily Herald on January 12, 2020 and posted on the state website January 9, 2020.

Notice of the City Council Public Hearing was published in the Daily Herald on February 2, 2020 and posted on the state website January 30, 2020. No written correspondence has been received.

ANALYSIS:
- The change would require environmentally sensitive areas, such as wetlands, to be considered and demonstrated as part of the proposed subdivision.

- Some areas in Highland have environmentally sensitive areas that will need to be demonstrated and go through other additional federal regulatory processes. This change makes it a requirement to do so and be demonstrated.

FINDINGS:
The proposed amendment appears to meet the following findings:

- The amendment is needed to update the Development Code to be consistent with State Law and modern practices.

PLANNING COMMISSION ACTION:
The Planning Commission held a public hearing on January 28, 2020. There were no resident comments for the proposed amendment. The Commission voted unanimously to recommend approval of the text amendment because the amendment would help clarify requirements with environmentally sensitive areas.

RECOMMENDATION AND PROPOSED MOTION:
I move that the City Council accept the findings and APPROVE the proposed amendment.

I move that the City Council accept the findings and ADOPT the ordinance approving the amendment to Section 5-101 of the Highland City Development Code.

ALTERNATIVE MOTION:
I move that the City Council DENY case TA-20-04 a request for a text amendment for Section 5-8-101 based on the following findings: (The Council will need to draft appropriate findings.)

FISCAL IMPACT:
This action will not have a financial impact on this fiscal year’s budget expenditures.
ATTACHMENTS:
  1. Ordinance
  2. Current Development Code Section 5-8-101
WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on January 28, 2020 and

WHEREAS, the City Council held a public hearing on this Ordinance on February 18, 2020.

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

SECTION 1. AMENDMENT “5-8-101 Subdivision Layout” of the Highland Development Code is hereby amended as follows:

5-8-101 Subdivision Layout

2. Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, environmentally sensitive areas such as wetlands, or other features or land subject to state, federal, or other special regulation, as determined by the City, are located within a proposed subdivision, the subdivider shall identify and provide every possible means shall be provided to preserve these features as part of the proposed subdivision.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from February 18, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, February 18, 2020

HIGHLAND CITY, UTAH

______________________________
Rodney W. Mann, Mayor

ATTEST:

______________________________
Stephannie Cottle, City Recorder

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5-8-101 Subdivision Layout

1. The subdivision layout shall conform to the official General Plan and all applicable Zoning Regulations.

2. Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the City, are located within a proposed subdivision, every possible means shall be provided to preserve these features.

3. Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the major street plan, such part of the public way shall be platted and dedicated, and improved by the subdivider in the location and at the width specified.
The Council will consider a request by GCII, LLC, Robert and Connie Strang, Divecha Family Limited Partnership and Perry Land Investments, LLC for a Memorandum of Understanding regarding Road and Utility Access for approximately 70 acres located between Beacon Hills Boulevard and Cyprus Drive north of Southerland Drive. The City Council will take appropriate action.

Staff has been working with representatives from GCII, LLC, Robert and Connie Strang, Divecha Family Limited Partnership and Perry Land Investments, LLC to plan utility and road access for this area.

The property to the north and east has been developed as Beacon Hills Plats G and F. The property to the west is vacant but within Draper City. It is owned by Alpine Joint Venture, LTD. The property to the south is Sky Estates and the planned final phase of Beacon Hills.

The area is currently in unincorporated Utah County; however, it is included in the Highland Annexation Policy Plan. The area includes approximately 83 acres. Many of the parcels do not have access to a public street or utilities. The landowners have been working together to develop a plan which would allow the individual parties access to a road network and utilities.

There is one existing road connection on the north that serves the property. On the south, there are two other existing connections that will serve the property and three planned connections to the property that will be developed once the final phase Beacon Hills is developed.

There are two major physical constraints on the property. The first is the Jordan Aqueduct that delivers water to Salt Lake County. The second is naturally occurring steep slopes and ravines. These two features limit the location of roads and utilities. The MOU states that the City and the Land Owners conceptually agree that local street access will be provided by as follows:
• North Connection: A proposed future local street connection to Montauk Lane.
• Southwest Connection: A proposed future local street connection to Grant Boulevard, Cyprus Drive, and the future 12150 alignment through Beacon Hill The Highlands Subdivision Plat E. This will require a modification of the preliminary plat for this phase which will be reviewed and approved separately.
• Southeast Connection: A proposed future local street connection to the Montauk Lane alignment through Beacon Hill The Highlands Subdivision Plat E. This will require a modification of the preliminary plat for this phase which will be reviewed and approved separately.

Other provisions of the MOU include:

• All costs associated with the construction if roads will be the responsibility of the landowners.
• The zoning of the property will be determined at the time of annexation.

The owners are proposing to annex the area in two separate phases. There is a concern that this may not meet existing State Law. This will be addressed at the time of application.

Any proposed development will need to meet all Highland City standards. With the existing constraints it is difficult to calculate a potential lot yield on the property as some of the property is unbuildable and/or encumbered by easements. Preliminary conservative estimates indicate a lot yield of 70-75 lots if developed under R-1-40. This does not account for topographic constraints or existing easements.

The Council may want to discuss what if any public involvement should take place prior to approval of the MOU. Public involvement is required for annexation and zoning.

**FISCAL IMPACT:**
This action will not have any impact on the current fiscal year's expenditures.

**PROPOSED MOTION:**
I move that the City Council approve the Memorandum of Understanding.

**ATTACHMENTS:**
1. Proposed Memorandum of Understanding
MEMORANDUM OF UNDERSTANDING

FOR

ROAD AND UTILITY ACCESS

BETWEEN

THE GROUP OF LAND OWNERS

AND

THE CITY OF HIGHLAND UTAH

I. PURPOSE

The purpose of this MOU is to establish road and utility access and receive approval for these access points from Highland City.

II. INTRODUCTION

THIS MOU is non-binding on any of the parties hereto and is entered into in an effort to facilitate ongoing discussions between the group of land owners with ownership or interest in land parcels held by GCII LLC, Connie & Robert Strang, the Divecha Family Limited Partnership, and Perry Land Investments LLC (hereinafter referred to as “Land Owners”), and the city of Highland, Utah (hereinafter referred to as “The City”).

WHEREAS, the majority of the parcels of land held by the Land Owners are to be included in an application for annexation into Highland City, Utah (except for the majority of land owned by the Perry Land Investments, LLC parties) and thereafter work together to improve the land for residential use. The area that is to be included in the annexation application is shown in Exhibit A.

WHEREAS, the greater portion of the land to be developed is unincorporated land that is adjacent to the border of Highland City and a small portion of the land is within the city limits of Highland City.
III. COMMITMENTS and APPROVALS

A. The Land Owners and The City conceptually agree that access to The Property will be provided through the following three connections to the City local street system as shown on Exhibit B:

- North Connection: A proposed future local street connection to Montauk Lane.
- Southwest Connection: A proposed future local street connection to Grant Boulevard, Cyprus Drive, and the future 12150 alignment through Beacon Hill The Highlands Subdivision Plat E. This will require a modification of the preliminary plat for this phase which will be reviewed and approved separately.
- Southeast Connection: A proposed future local street connection to the Montauk Lane alignment through Beacon Hill The Highlands Subdivision Plat E. This will require a modification of the preliminary plat for this phase which will be reviewed and approved separately.

B. The Land Owners intend to work cooperatively together to allow access to these points contingent on the execution of a land swap and exchange agreements the that Land Owners currently contemplate executing.

C. All costs associated with the construction of these roads shall be the responsibility of the property owner or developer and shall not be the responsibility of the City. Again these costs shall be apportioned among the Land Owners under the contemplated land swap and exchange agreements being contemplated by the Land Owners.

D. The zoning of each individual property shall be determined at the time of annexation.

IV. EFFECTIVE DATE and TERM

This MOU is a non-binding expression of intent on behalf of the Parties hereto and shall express such non-binding intent from the signature date below until such time that a final plat is approved for the land held by the Land Owners but shall not bind the Parties in any way.

V. AMENDMENTS

This MOU may be amended at any time with the mutual consent in writing of The City and the Land Owners or any of the Parties hereto may express their desire to proceed contrary to this MOU at any time.
For THE CITY

Signed: ___________________________ Date: ________________

For the LAND OWNERS

For GCII LLC

Signed: ___________________________ Date: ________________
   Gordon Crofts

For Connie and Robert Strang

Signed: ___________________________ Date: ________________
   Robert Strang

Signed: ___________________________ Date: ________________
   Connie Strang

For Divecha Family Limited Partnership

Signed: ___________________________ Date: ________________
   Joel Kester

For Perry Land Investments LLC

Signed: ___________________________ Date: ________________
EXHIBIT A
LAND TO BE ANNEXED INTO HIGHLAND CITY