PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator / Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, City Recorder Cindy Quick, and Police Chief Brian Gwilliam

OTHERS: Linda Walton, Jennifer Knowles, Doug Cortney, Laura Botkin, Pam Erickson, Jon Eyring, Yun Sparks, Tony LaPray, Julie Cox, David Schwanke, Don Clealler, Brock Manning, Jeff Shaw, Laura Thomson, Samantha Kirby, Steve Collard, Lorraine Collard, Wayne Patterson, Sherrill Erickson, Dustin Schulties, Melanie Westcott, Kim Rodela, Clyde Redford, James Sparks, Chris Brown, Tyler Jackson, Helene Pockrus, Michelle Manning, Chelsey Olsen, Troy Dyches, Trenton Mason, Lynn LeBaron, Tami LeBaron, Anne Sward Hansen, Tim Ball, Ken Knapton, Natalie Ball, John Timothy

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Linda Walton
Pledge of Allegiance – Police Chief Brian Gwilliam

The meeting was called to order by Mayor Rod Mann as a regular session at 7:03 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 Linda P. Walton and those assembled were led in the Pledge of Allegiance by Police Chief Brian Gwilliam.

1. UNSCHEDULED PUBLIC APPEARANCES

Linda Walton, resident, stated she was concerned with garbage on the road.

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 Meeting Minutes

   Regular City Council Meeting July 16, 2019
b. **ACTION: Cell Tower Agreement**  

City Council will consider approving an American Towers Lease Extension Agreement. The Council will take appropriate action.

Council Member Kurt Ostler asked that item 2b. be pulled off the consent agenda for further discussion.

*Council Member Ed Dennis MOVED to approve consent item 2a. July 16, 2019 City Council Minutes. Council Member Brian Braithwaite SECONDED the motion.*

The vote was recorded as follows:

- Council Member Brian Braithwaite  
- Council Member Ed Dennis  
- Council Member Tim Irwin  
- Council Member Kurt Ostler  
- Council Member Scott L. Smith

The motion passed.

Council Member Kurt Ostler asked for clarification regarding the lease agreement and why they wanted to renew ten years ahead of time. He said they were selling the tower lease short. City Attorney Tim Merrill said the City Council could approve or deny the agreement. They could try to negotiate better terms. This request was a continuation with an annual 4% increase.

Council Member Kurt Ostler asked if this was a first offer, to which Mr. Merrill responded in the negative. He added that the City desired to have a cash flow in lieu of a lump sum, and they settled at $75,000 for a lump sum. Council Member Kurt Ostler commented cell towers earned more than this amount. Mr. Merrill confirmed they only leased the ground and added that they could conduct a market analysis.

Council Member Brian Braithwaite stated that this was only a good deal for the cell tower and not for the City. He said they needed to have further discussion. Council Member Tim Irwin agreed. He said there were health hazards they needed to discuss.

*Council Member Kurt Ostler MOVED to postpone the Cell Tower Agreement for further negotiations and hold a Closed Session in preparation. Council Member Brian Braithwaite SECONDED the motion.*

The vote was recorded as follows:

- Council Member Brian Braithwaite  
- Council Member Ed Dennis  
- Council Member Tim Irwin  
- Council Member Kurt Ostler  
- Council Member Scott L. Smith

The motion passed.

3. **PUBLIC HEARING/ACTION: A FINAL PLAT AMENDMENT TO BRIARWOOD RANCHES PLAT ‘A’ TO INCORPORATE THE COMMON AREA INTO EACH INDIVIDUAL LOT (10 Minutes)**

Tara Tannahill informed the City Council regarding a request by Laura Botkin for approval of a Final Plat Amendment to the Briarwood Ranches Subdivision located approximately at 6000 W 9960 N (PA-19-01). She presented the approved plat from 1986 as well as the common areas that would be incorporated. She noted the proper notifications were made and 100% of ownership approved of the disposal. She then presented the following staff stipulations:
1. The final plat shall be in substantial conformance with the final plat received July 16, 2019.
2. Prior to recording, the final plat shall be revised as required by the City Engineer.

Mayor Mann opened the public hearing at 7:17 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:

There were none.

Mayor Mann closed the public hearing at 7:17 PM

Council Member Ed Dennis asked if this was private property and not typical open space, to which Ms. Tannahill confirmed that was correct.

Council Member Ed Dennis MOVED that the City Council approve Briarwood Ranches Plat ‘A’ Amended subject to the two stipulations recommended by staff. Council Member Kurt Ostler SECONDED the motion.

Staff stipulations
1. The final plat shall be in substantial conformance with the final plat received July 16, 2019.
2. Prior to recording, the final plat shall be revised as required by the City Engineer.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed.

4. ACTION/ORDINANCE: SITE PLAN AND CONDITIONAL USE PERMIT FOR FLEX OFFICE BUILDINGS (30 minutes)

Ms. Tannahill oriented the City Council regarding a request from Andrew Patterson for approval of a site plan and conditional use permit for flex office buildings located in the Professional Office Zone south of 11251 N. Sunset Drive (SP-19-02 and CU-19-02). The applicant was proposing a 2.13 acres access from Sunset Drive. Ms. Tannahill displayed the landscaped plan and architecture elevations and referred to Utah State Code 10-9a-507 for the conditional uses. She explained that the applicant hosted a neighborhood meeting and one neighbor attended. There were 17 written correspondence and 29 emails received that were not in favor. The Planning Commission met on June 25th and recommended denial. There were seven recommendations given by the Commission:

1) Section 3-4922 Site plan does not closely conform to Exhibit “A”.
2) Section 3-4922 Architecture outline 1A address the bulk issue. Overall Architectural Outline, the bulkiness of the building needs to be addressed.
3) Section 3-4922 1B the proposed building appears to be monotonous and repetitious.
4) Section 3-4922 1G all elevations should be architecturally treated with the exemption of the back
5) Section 3-4922 1I all the buildings are required to have public restrooms, including a men’s room, women’s room and a handicapped room.
6) Section 3-4902 the zone is intended to allow for professional services, not general retail or commercial.
7) Section 3-4919 the roof design cannot be a mansard or fake mansard roof.
Four stipulations from staff were recommended:

1. Development of the site shall comply with the site plan January 23, 2019 and building elevations dated May 23, 2019 except as modified by these stipulations.
2. All signage shall require a separate permit and comply with the Development Code requirements.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
4. Final civil engineering plans shall be reviewed and approved by the Fire Marshall.

Mayor Mann opened the public hearing at 7:24 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.

Council Member Kurt Ostler stated he had a conflict of interest with this item. He recused himself until the decision was made.

Council Member Brian Braithwaite said they needed to identify where the applicant did not meet the code. Therefore, he requested that any public comments be specific on how the applicant did not meet the code. Council Member Tim Irwin clarified they were interested where the applicant did not meet the development code, not the general plan.

The public hearing began at 7:27 pm.

Clyde Reckord, resident, stated that he thought the Planning Commission did a good job of explaining why the application should be denied. He said it was not their job as residents to point out where the application did not meet the code, as they were not attorneys. Rather, it was the job of the Council and staff to make those determinations.

James Sparks, resident, stated that this application was not in compliance with the will of the residents. He said he and 17 people expressed their opposition. He was concerned about the traffic increase and the dangers associated with the traffic. When he built his home, he was held to the regulations of the code. He said it would not be fair if it was passed, and he would want an explanation as to why it was passed.

A resident said he had his attorney send a letter to the Council. He then reviewed the contents of the letter. He noted which portions of the code this application was not following, noting he was forced to hire an attorney to review the code. He was concerned about this application being passed without the resident’s knowledge.

Samantha Kirby, resident, stated it was not fair that the residents should know the intricacies of the development code. The building did not make any logical sense in the neighborhood. She asked what the designation Flex Office meant. She noted the applicant had not changed their plan since the last time this item was presented. Finally, she was concerned the building was sharing a road with the LDS church.

Anne Sward Hansen, resident, stated she wanted her comments recorded in the minutes. She urged the council to vote against the conditional use permit for flex office buildings. The Planning Commission voted against the site proposal during their last meeting. In addition, the developer did not want to meet with the conditions and criteria of the professional office zone. The conditional use permit goes against the stipulations and intentions of the zone that define flex buildings as not permitted. She referenced 3-4901 Purpose and Intent of the zone, 3-4902 and 3-4904 in the development code and noted that there were several more non-complying criteria the developer would be disregarding with the proposal. She continued to explain this development would also cause traffic hazards and would not have enough parking. She said it was clear what type development should be built in this zone.
Melanie Westcott, a resident from Country French, asked that the table referenced earlier be displayed. She noted in a Highland Related Land Use Table that Flex Use Office is not permitted. She further explained that in 2003 Patterson submitted plans that showed four buildings surrounding the storage unit and those buildings looked more like a home. She distributed a copy of the 2003 plan proposed. She further explained that those plans were presented to her when she purchased her home and what she expected to be built there. She felt what was being proposed was significantly different from the plans proposed in 2003. She felt frustrated with the possibility of a developer building something contrary to planning commission recommendations and previous plans proposed.

Andrew Highland, resident, reiterated the code did not allow for this type of development. He asked if this was the only type of property in Highland, to which Mr. Nathan Crane responded in the negative. Mr. Highland said they wanted to live in a community they loved, and this type of property would be contrary to what they wanted because it would be busy on Sundays. He noted this development would also cause an increase of traffic.

Jeff Shaw, resident, noted that a gentleman during the Planning Commission said he would put his accounting firm in this development. This was not reasonable, explaining that he had worked as a CPA for years and never worked in a building like this development. He was concerned about the Council approving this item because the Planning Commission had recommended denial.

Janet Eyring, resident, agreed with what had been said: Flex Office should not be used in this location. She noted in a table of uses that flex office is not a conditional use it he code. She noted that the city code indicated that “professional office development” space prohibits storage sheds of up to 9 acres, which had already been filled by Highland Hideaway storage. She stated that the Highland Business Park undermines permitted uses of professional office. She felt the design seemed more consistent with retail offices which were not permitted in the professional zone. She asked if the developer had any applicants for the office space.

Brooke Sweeney, resident of Country French, said most residents were in opposition. She speculated the one resident in favor was connected to the project. She said the code should not be changed because of the issues with the water table issues. She said this would set a bad precedent. Finally, she expressed concerns with the traffic.

Mayor Mann reminded those speaking that when Council discusses the item there would be no more public comment.

Anne Sward Hansen asked for Mr. Crane’s opinion on the matter. Mayor Mann noted that Mr. Crane’s opinion was provided with staff recommendations. She explained the only egress to this development would cause traffic problems.

Samantha Kirby, residents, said other states required developers to provide assistances towards schools and roads. She asked if there was anything provided for schools or roads in Utah from developers. Mayor Mann stated the developers paid impact fees.

Melanie Westcott, resident, stated Flex Office and retail space was not permitted. She noted the last meeting case studies were shared and none of these examples demonstrated when the City won. She said this was biased.

Clyde Rykert, resident, said he objected to the type of building use; the proposed building did not comply with the code.
Mayor Mann closed the public hearing at 8:03 PM.

Council Discussion:

Mayor Mann said he researched the code regarding the type of permitted uses, and the code conflicted with itself as there was some ambiguity.

Mr. Merrill said attorneys had issues agreeing on this item, as there was ambiguity in the code that worked in the developer’s favor. He explained that the language regarding compatibility allowed for this type of development. It was his opinion that there was compatibility to allow for the development.

Mr. Crane explained the table reference for permitted uses was for the Town Center Zone. In his opinion, the table was not a good argument against the development.

Council Member Brian Braithwaite explained that the code helped the City to know how to make these decisions. He said the development needed to be compatible with the master plan. He asked how much flexibility they could give the developer.

Mr. Merrill explained that the City needed to adhere to the minimum standards of the code. He said the development met all the standards of the code. Council Member Brian Braithwaite stated the City could force the developer to build what was originally designed. Mr. Merrill said this was correct but there was some flexibility to still meet the standards.

Mayor Mann asked if the Council was obligated to approve the development if it fit the conditional uses. Mr. Merrill responded in the affirmative.

Council Member Brian Braithwaite asked if they could force the developer to build the original plans. Mr. Merrill responded that he could not decide as he did not have the original plans available. Mr. Crane commented the Council could not deny the application if it met the master plan.

Council Member Brian Braithwaite asked why the developer could change the plans without the permission of the City. Mr. Crane responded that the changes were an administrative action not a legislative change. There were specific parameters which the developer could change. Council Member Brian Braithwaite said he was concerned the master plan showed two buildings not one. This was specific to the code. Mr. Merrill agreed this was an administrative action.

Council Member Scott L. Smith thanked the Patterson Construction Company and those who spoke tonight. He said he was elected to represent the people. They brought up valid concerns and it would be difficult to vote against the Planning Commission’s recommendations. He concluded that the City needed to clean up the code because there was too much ambiguity.

Wayne Patterson, developer, said they were assured nothing would be built other than professional office buildings. He said there were no promises made. He was working with applicants to build newer, modern buildings. This was a request of the residents. He noted traffic would always be an issue regardless of their developers. He also noted there were no wetlands on the property.

Council Member Brian Braithwaite asked why they were proposing the change. Mr. Patterson responded a lot of people wanted the changes. Council Member Brian Braithwaite said the residents wanted what they already developed. Mr. Patterson said this change met the same intent.

Council Member Brian Braithwaite said he favored the applicant continuing with the original plans.
Council Member Tim Irwin MOVED that the City Council approve the conditional use permit with the appropriate four stipulations and in accordance with state law and adopt the ordinance amending the site plan. There was no second to the motion.

Council Member Ed Dennis MOVED to continue the item until enough research has been done to determine whether there are items that can be substantially modified and still comply with the code. Council Member Scott L. Smith SECONDED the motion.

Council Member Brian Braithwaite asked how to compile the information and who should be responsible for this information. He said they needed to be clear what the conditions were. Mayor Mann said they needed to include in the motion to direct the Council to provide staff no later than Monday, August 12th, with specific questions the Council wanted to address.

Council Member Ed Dennis amended the motion as stated.

Council Member Ed Dennis MOVED to continue the Site Plan and Conditional Use Permit for Flex Office Buildings to allow City Council to provide staff, no later than Monday, August 12, 2019, with specific areas and questions they would like staff to address. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin No
Council Member Kurt Ostler abstain
Council Member Scott L. Smith Yes

The motion passed 3:1.

5. PUBLIC HEARING/ORDINANCE: AMENDING SECTION 3-623 OF THE DEVELOPMENT CODE RELATING TO TEMPORARY USE PERMITS FOR PRODUCE STANDS (TA-19-04) (20 minutes)

Tara Tannahill oriented the Council regarding an amendment to Section 3-623 of the Highland City Development Code relating to Temporary Use Permits for produce stands (TA-19-04). The applicant proposed wording to allow produce stands when adjacent to arterial streets. The Planning Commission recommended approval. Staff reviewed modifications to the wording to narrow down the locations and produce stands when located on intersection arterial streets.

Mayor Mann opened the public hearing at 8:44 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:

Doug Cortney, resident, said he was content with the changes but wanted to limit this to produce stands. He noted there were other uses that would possibly cause problems.

Helene Pockrus, resident, said the produce stand locations were problematic. She suggested they locate off the main highway.

Mayor Mann closed the public hearing at 8:48 PM.
The applicant said he had no problem limiting the change to produce only. They also had no issue with major wrecks on the street they operated their business.

Council Member Kurt Ostler asked if there were ever any parking issues. The applicant stated they were never too busy; it was rare if people parked across the street. Council Member Kurt Ostler asked where they paid sales tax. The applicant responded they had an exemption and paid into the general fund.

Council Member Scott L. Smith asked who owned the property. The applicant responded the property was owned by Jordan Valley Water.

Council Member Kurt Ostler said he was concerned about safety. Todd Trane said parking was allowed on SR92. He said they would address issues if there were any with parking or safety.

Council Member Tim Irwin MOVED to approve the amendment to Section 3-623 of the Highland City Development Code with the recommended changes from staff. “...AND PRODUCE STANDS WHEN LOCATED ON INTERSECTING ARTERIAL STREETS AND THE INTERSECTION OF ARTERIAL STREETS AND MINOR OR MAJOR COLLECTOR STREETS.” Council Member Ed Dennis SECONDED the motion.

Council Member Brian Braithwaite said he liked the produce stands but was concerned about other uses. He suggested they reach out to residents to inquire if they wanted other uses.

Tim Irwin MOVED the Question. Council consensus was to vote on the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler No
Council Member Scott L. Smith Yes

The motion passed 4:1

6. ACTION: TRAP & EUTHANIZE OPTION FOR URBAN DEER CONTROL PROGRAM (10 minutes)
City Recorder Cindy Quick oriented the Council with an option to trap and euthanize deer as a removal method for the Urban Deer Control Program. Background was provided showing the program had been in effect from 2014 through 2017. In February 2018, the City Council renewed the program through the 2021 fall hunting season. In 2019 DWR no longer allowed trapping and relocation of deer. The traps could be utilized in smaller areas where using archery equipment was difficult and unsafe. This option was presented by Brian Cook the Program Administrator. If there were subdivisions with close quarters but a lot of deer still frequent it would be a great option. The cost was $75 per animal (in addition to the $2,500 per site as previously approved). They had been watching a certain area where residents had been complaining about deer.

Council Member Ed Dennis reiterated that the option could be utilized in areas where there was no fencing and the homes were close together.

Council Member Scott L. Smith asked how the deer were trapped. Brian Cook, Urban Deer Program Administrator, responded that the deer were trapped in a clover trap which was a netted mechanical trap. They had been used for seven years to relocate the deer. However, the survival rate with relocating deer had
been less than 15%. The possibility of removing an animal with disease was not worth the cost or risk. City deer were not healthy deer. Their survival rate was only a 50% success rate.

Council Member Brian Braithwaite asked how the program ensured that animals or children were kept out of the traps. Mr. Cook responded the traps were monitored with cameras. The traps were not lethal, and it was not difficult to escape. The cost of the trap would include the monitoring and taking samples.

Council Member Scott L. Smith asked what became of the harvested meat. Mr. Cook responded it was donated to volunteers or to people on a waiting list.

Mr. Cook explained they were attempting to control the population, not remove them completely. He explained majority ruled to decide which neighborhoods they would set up the traps.

Mayor Mann opened the floor for public comments.

Pam Erickson, resident, commented she had deer problems in her yard. She asked how they could request this service.

Linda Walton, resident, shared that her father was in the mafia and then a hunter. She said she cared about the animals and was concerned about the growth of Utah County. She noted the deer problem would continue to increase. She suggested they come up with a solution.

Anne Sward Hansen, resident, said a lot of species had disappeared due to the growth of Utah County. She suggested they create foraging corridors for these animals. She said a study needed to be done because too many deer were being killed by cars. She said she was very compassionate about the animals and wanted a solution.

Council Discussion:

Council Member Brian Braithwaite said this program would be beneficial for Highland. He was forced to replace his trees and bushes every year. He wanted a rural life and enjoyed the deer, but they needed to be managed. He said the deer being hit by cars was a danger to the community.

Council Member Scott L. Smith said there needed to be an option for neighborhoods to not have this program.

Council Member Tim Irwin MOVED to include the Trap and Euthanize option as a deer removal method for the Urban Deer Control Program. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS
a. Motocross ATV Restrictions – City Attorney Tim Merrill
Tim Merrill said they needed to discuss options for addressing the nuisance of Motocross and ATV vehicles. Council Member Scott L. Smith asked what an ATV was, to which Mr. Merrill responded these were motorcycles and four wheelers.

Council Member Kurt Ostler explained the issue of people using these vehicles in their own backyard for extended periods of time. He said there was nothing to prevent the nuisance that occurred with the use of the vehicles.

Mayor Mann said there was a provision for dogs causing a nuisance but nothing for these vehicles. Council Member Tim Irwin said this was one of the hazards of living in a big lot community. Council Member Kurt Ostler said there were instances where people would not stop using the vehicles regardless of being asked to stop. Currently, the only current to prevent these incidents was to settle the issue in civil court. Council Member Ed Dennis said they should address the noise.

Mayor Mann opened the floor for public comment.

David Bradshaw, resident, said his neighbor had a motocross track. He was concerned about liability issues because the motorcyclist could land into his yard. He noted there was issues with dust exposure and fumes because of the vehicles. He said this met all the criteria of a public nuisance.

John Timothy, resident, shared a video with an audio clip to demonstrate the noise. He said the neighbor rides during inappropriate hours disturbing his family. He asked the Council to consider action on the matter.

Council Member Ed Dennis asked if this was a part of a business, to which Mr. Timothy responded in the negative. He said it was family and friends.

Jennifer Knowles, resident, said she lived two houses away from the motocross track. She said she could hear and smell the vehicles when she was outside. She knew the people complaining and they were not the type of people to cause trouble with their neighbors.

Michael Bradshaw, resident, challenged the idea that something could not immediately happen. He said the police should enforce the noise ordinances as this was a public nuisance. He asked they act today. Mayor Mann said this was not an action item.

Council Member Ed Dennis asked if they had a noise ordinance. Mr. Merrill read from the City code regarding air pollution and noise nuisance. He added that he wanted to update the code because it was last updated in 1988.

Mayor Mann asked the neighbors to start keeping logs of the nuisance. This would give the City the ability to enforce the code.

8. FUTURE MEETINGS
   a. Future Meetings
      • August 20, City Council Meeting, 7:00 pm, City Hall
      • August 27, Canvass Election Returns 6:00 pm, City Hall, Electronic Meeting
      • August 27, Planning Commission Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.
Council Member Scott L. Smith MOVED to adjourn the meeting and Council Member Ed Dennis SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at **10:08 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 August 6, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder
Welcome to the Highland City Council Meeting
August 6, 2019

7:00 PM REGULAR SESSION
Call to Order – Mayor Rod Mann
Invocation – Council Member Kurt Ostler
Pledge of Allegiance – Council Member Brian Braithwaite

UNSCHEDULED PUBLIC APPEARANCES
Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to three (3) minutes and state your name and address.

CONSENT ITEMS (5 MINUTES)
• Item 2a. – Approval of Meeting Minutes from July 16, 2019
• Item 2b. – Cell Tower Agreement

FINAL PLAT AMENDMENT TO BRIAR WOOD RANCHES PLAT ‘A’ TO INCORPORATE THE COMMON AREA INTO EACH INDIVIDUAL LOT (10 MINUTES)
Item 3 – Public Hearing/Action
Presented by – Tara Tannahill, Planner & GIS Analyst

Vicinity Map
Background

• Briarwood Ranches approved 1986 as a Planned Residential Development (PRD).
  – Included 8 single-family lots, 88,523 sq ft open space, and 9960 N as a private road.
• 2012 the residents in the subdivision purchased the open space. Mylar was never approved by City Council.

1986 Approved Plat

Plat Amendment Request

Citizen Participation

• Notification in the Daily Herald, State website, and mailed to property owners within 500 feet.
• 100% of property owners that have equal ownership of the common area approve the disposal.

Recommendation

• The City Council should hold a public hearing and recommend approval of the final plat amendment subject to the following stipulations:
  1. The final plat shall be in substantial conformance with the final plat received July 16, 2019.
  2. Prior to recording, the final plat shall be revised as required by the City Engineer.

SITE PLAN AND CONDITIONAL USE PERMIT FOR FLEX OFFICE BUILDINGS (30 MINUTES)

Item 4 – Action/Ordinance
Presented by – Tara Tannahill, Planner & GIS Analyst
2.13 acres
Access: Sunset Drive and shared road with LDS Church to the North.
20,064 sq ft flex office space.
Height is 35 ft maximum
46 parking stalls provided with 2 ADA stalls.
Hours: Monday – Saturday 8:00 AM – 6:00 PM

Utah State Code 10-9a-507: Conditional Uses
(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
Citizen Participation

• Neighborhood Meeting: January 8, 2019
  – 1 Resident attended. 17 written correspondence received not in favor.
• Notice of the Planning Commission meeting published on the Daily herald, state website, and mailed to property owners within 500ft.
  – 29 emails in opposition of the project.
• No notice required for City Council.

Planning Commission Action

• Planning Commission meeting June 25, 2019 and Voted 5 to 1 to recommend denial:
  1) Section 3-4922 Site plan does not closely conform to Exhibit “A”
  2) Section 3-4922 Architecture outline 1A address the bulk issue. Overall Architectural Outline, the bulkiness of the building needs to be addressed.
  3) Section 3-4922 TB the proposed building appears to be monotonous and repetitious
  4) Section 3-4922 1G all elevations should be architecturally treated with the exemption of the back.
  5) Section 3-4922 1J all the buildings are required to have public restrooms, including a men’s room, women’s room and a handicapped room.
  6) Section 3-4902 the zone is intended to allow for professional services, not general retail or commercial.
  7) Section 3-4919 the roof design cannot be a mansard or fake mansard roof

Recommended and Proposed Motion

• City Council should conduct a public meeting and approve the conditional use permit with appropriate stipulations in accordance with State Law and Adopt ordinance amending the site plan.
  – Staff has recommended four stipulations for Council to consider.

Background

Sugar Sweet Produce operates from June – September.

• Previous Location: 5452 W 11000 N
  – Moved due to development of Quick Quack Carwash
• 2017 moved to 6000 W Timpanogos Highway.
  – Currently R-1-40 Zone
  – Temporary use permits are only allowed in C-1, CR, or TCO zone

Planning Commission Action

• Temporary uses shall only be permitted in the C-1, CR, and the Town Center Overlay zoning districts. Temporary Uses are prohibited in residentially zoned areas except those with certain institutional uses, regardless of the zoning designation, AND PRODUCE STANDS WHEN ADJACENT TO ARTERIAL STREETS. Institutional uses include, but are not limited to: public or quasi public sites, city parks, city buildings, and public schools.
Staff Recommended Changes

“...AND PRODUCE STANDS WHEN LOCATED ON INTERSECTING ARTERIAL STREETS AND THE INTERSECTION OF ARTERIAL STREETS AND MINOR OR MAJOR COLLECTOR STREETS.”

• This would limit the number of possible locations to 7.

Possible Locations

Background

• August 2013 - City Council approved an Urban Deer Control Plan in conjunction with the Division of Wildlife Resources (DWR)
  – The program was for the 2013-2014 fall hunting season
  – DWR approved the continuation of the program for the 2015-2017 fall hunting season

• February 2018 – City Council approved the renewal of the program for the 2018-2021 fall hunting season

TRAP AND EUTHANIZE OPTION FOR URBAN DEER CONTROL PROGRAM (10 MINUTES)

Item 6 – Action
Presented by – Cindy Quick, City Recorder

2019 Trap and Euthanize Option

• DWR no longer allows for trapping and relocation of deer
  – Traps can be utilized in smaller areas where using archery equipment is difficult and unsafe
  – The deer would be trapped, removed from the area, and euthanized.

Cost for Trap and Euthanize Option

• $75/animal
  – Include bait and camera monitoring
  – In addition to $2,500/site
  – Total Cost depends on the amount of deer removed
MAYOR/COUNCIL AND STAFF DISCUSSION COMMUNICATION ITEMS

• Item 7a. – Motocross ATV Restrictions – City Attorney Tim Merrill

FUTURE MEETINGS

• Item 8a. – Future Meetings
  • August 20, City Council Meeting, 7:00 pm
  • August 27, Canvass Election Returns, 6:00 pm (Electronic Meeting)
  • August 27, Planning Commission Meeting, 7:00 pm