



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

March 21, 2017

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

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

Call to Order – Mayor Mark Thompson
Invocation – Councilman Dennis LeBaron
Pledge of Allegiance – Councilman Tim Irwin

APPEARANCES (10 min.)

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

CONSENT (5 min.)

1. **MOTION: Approval of Meeting Minutes for the City Council Regular Session – March 7, 2017**
2. **MOTION: Approval of a Preliminary Plat for a two-lot subdivision located at 11150 North Highland Blvd. – Requested by Scott Dunn**

ACTION ITEMS (60 min.)

3. **PUBLIC HEARING / ORDINANCE: Approval of an Ordinance Amending the Land Use Designation of the General Plan from Low Density Residential to Office for the property located at 11020 North 5500 West – Requested by Garon Larsen.**
4. **PUBLIC HEARING / ORDINANCE: Approval of an Ordinance to Re-Zone property located at 11020 North 5500 West from Single Family Residential, R-1-40 to Residential Professional (RP) Zone – Requested by Garon Larsen**
5. **PUBLIC HEARING: Request to Vacate approx. 170 feet of the Right of Way located at 5500 West north and SR92 – Requested by Resident Petition**
6. **ORDINANCE: Approval of an Amendment to the Interlocal Agreement for the Lone Peak Public Safety District – Appointment of Board Members**

MAYOR/ CITY COUNCIL & STAFF
DISCUSSION AND COMMUNICATION ITEMS (20 min.)

- Highland City Survey - Erin Wells, Assistant to the City Administrator
- Fiscal Impact Analysis – Nathan Crane, City Administrator
- Ongoing Items - Staff

CLOSED EXECUTIVE SESSION –COUNCIL CHAMBERS CONFERENCE ROOM

The City Council will hold a closed executive session pursuant to Section 52-4-205(1) of the Utah State Code Annotated for the purpose of discussing:

- The purchase, exchange, or lease of real property;
- The sale of real property;
- Reasonably imminent litigation;
- The character, professional competence, or physical or mental health of an individual.

ADJOURNMENT

ELECTRONIC PARTICIPATION

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

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this **16th day of March, 2017**, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pmn.utah.gov>) and City websites (www.highlandcity.org).
JOD'ANN BATES, City Recorder

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

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

**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, March 7, 2017

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

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Tim Irwin
Councilmember Ed Dennis

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant to the City Administrator
Gary LeCheminant, Finance Director
JoD’Ann Bates, City Recorder
Justin Parduhn, Public Works O&M Director
Brian Gwilliam, Chief of Police
Tim Merrill, City Attorney

EXCUSED: Councilmember Rod Mann

OTHERS: Scott Barlow, Jonah Metford, Matthew Greer, Nylan Higginbotham, Howard Gurney, Lia Higginbotham, Dave Hall, Ethan Parker, Ben Parker, Ty Cottle, Logan Topham, Kale Abbott, Andy Astin and Chris Cottle.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:01 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 Councilmember Brian Braithwaite and those assembled were led in the Pledge of Allegiance by Kale Abbott, a scout.

APPEARANCES:

Dave Hall, a resident of Canterbury Park Circle, stated that he served on the Open Space Committee for nearly seven years and spent hundreds of hours trying to find solutions for City properties, particularly orphan properties. Mr. Hall reported that there were three small parcels in his neighborhood that should have been designated as orphan properties that were somehow overlooked. He presented a map of the area and identified the parcels. Mr. Hall stated that the neighbors were willing to purchase and maintain those properties, if given the opportunity.

Councilman Tim Irwin asked if there were any easements on these properties, but Mr. Hall did not know. Mr. Hall explained that the residents worked around the other utility easements in Canterbury Park Circle, and they were willing to do the same with these properties.

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1 Councilman Brian Braithwaite worried that these properties may be needed for the future
2 widening of 6000 West, although there were no immediate plans for this. He suggested that the
3 properties be tied into the park rather than sold to residents. Mr. Hall explained that one of the
4 three properties was adjacent to the park and could be incorporated, but the other two were
5 separated from the park by a road or a driveway. It was more logical to sell these properties or
6 enter into maintenance agreements.

7
8 Leia Higginbotham, a resident, commented on the future widening of the road, stating that the
9 portion of the road where their houses are already has curb, gutter and sidewalk. It was unlikely
10 that this portion of the road needed to be widened.

11
12 Howard Gurney, a resident, suggested that an addendum be included in a purchase agreement
13 that would require the resident to work with the City when the road was widened.

14
15 There was a discussion regarding the width of the road and where it would need to be widened in
16 the future.

17
18 Todd Trane, City Engineer, stated that 6000 West was not consistent in width, so he would have
19 to examine the issue further. He also confirmed that he would work with Public Works to find
20 out if there were any utility easements on the properties.

21 22 CONSENT ITEMS:

- 23
- 24 **1. MOTION: Approval of Meeting Minutes for the City Council Regular Session –**
25 **February 7, 2017**
 - 26
 - 27 **2. MOTION: Approval of Meeting Minutes for the City Council Work Session –**
28 **February 21, 2017**
 - 29
 - 30 **3. MOTION: Approval of Meeting Minutes for the City Council Regular Session –**
31 **February 21, 2017**
 - 32
 - 33 **4. MOTION: Final Plat Approval of a Three (3) Lot Subdivision Located at**
34 **Approximately 6425 West 9600 North - Peck Hollow**
 - 35
 - 36 **5. MOTION: Preliminary Plat Approval of a Two (2) Lot Subdivision Located at**
37 **Approximately 11150 North Highland Blvd. - Sunset Mountain**

38
39 **MOTION: Councilmember Dennis LeBaron moved the City Council approve the consent**
40 **items on the agenda.**

41
42 **Councilmember Tim Irwin seconded the motion.**

43 **Unanimous vote. Motion carried.**

DRAFT

1 **ACTION ITEMS:**
2

3 **6. PUBLIC HEARING / ORDINANCE: Request to Amend Section 3-710, Commercial**
4 **Center Freestanding Signs - WPI**
5

6 *BACKGROUND: A development code amendment is a legislative process. WPI is requesting to*
7 *amend Section 3-710 Commercial Center Freestanding Signs to allow additional signs for the*
8 *Highland Town Center commercial development.*
9

10 Nathan Crane, City Administrator, explained that the current ordinance allows for freestanding
11 commercial signs up to 18 feet in height with a base of three feet. These signs were originally
12 intended for areas with commercial development of 10 acres or larger. WPI, the applicant,
13 approached staff about the possibility of placing two 15 foot signs in front of the Meyers
14 development, a site that is only four acres in size. The proposed amendment would reduce the
15 acreage requirement from 10 feet to four feet, increase the number of signs allowed per
16 development to two, and require 330 feet between signs. The amendment would also require the
17 removal of other monument signs on the site.
18

19 Councilman Brian Braithwaite asked if this amendment would affect more than this specific
20 development. Mr. Crane stated that the proposed changes would be applicable to the
21 Marketplace and Lone Peak Shopping Centers. However, these two developments would have
22 to revise their sign packages quite a bit to take advantage of the amendment.
23

24 In response to another question from Councilman Brian Braithwaite, Mr. Crane explained that
25 federal law requires that any regulation on the part of the City is content neutral. For example, if
26 the City wanted to ban signs for neighborhood events they could not specify it that way. Instead
27 they would ban a-frame signs. Councilman Brian Braithwaite was concerned about people
28 advertising for and making money off of things that are outside of the City. He requested more
29 information on the federal regulation.
30

31 Councilman Ed Dennis felt that the proposed ordinance was far too prescriptive and that the City
32 was overregulating signage in general. He believed that the City should be facilitating
33 reasonable advertising of commercial businesses. Mr. Crane commented that the proposed
34 amendment was actually more permissive than the current ordinance.
35

36 Councilman Dennis LeBaron asked if there were a lot of businesses in the City that chose not to
37 have any signage. Councilman Tim Irwin answered that there are many businesses just in the
38 Meyers development that don't have signage, and many of those businesses come and go. He
39 was not sure that the high turnover could be attributed to the lack of signage.
40

41 Councilman Dennis LeBaron commented that the originators of the ordinance intended to limit
42 the amount of flashing signs in the City. They did not want to have an overabundance of signs,
43 which could be very unattractive.
44

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1 Councilman Ed Dennis agreed that there should be some regulation, but the existing ordinance
2 was excessive. He believed that the ordinance should accommodate the needs of commercial
3 businesses and encourage more commercial activity in the City, while still ensuring that the City
4 looked nice. He was interested in surveying the existing businesses to see how they felt about
5 the signage ordinance.

6
7 Councilman Brian Braithwaite argued that Councilman Ed Dennis's comment were
8 contradictory. The City needed regulation in order for the City to look attractive.

9
10 Councilman Ed Dennis stated that the ordinance does not specify design requirement for signage.
11 Councilman Brian Braithwaite explained that other ordinances speak to design. He believed that
12 the ordinance shouldn't divide the City and the commercial businesses, but strike a balance
13 between what the City wants and what the businesses need. Councilman Ed Dennis did not
14 believe there was a balance in the existing code.

15
16 Councilman Tim Irwin stated that this proposal was in response to the need of a specific business
17 owner. If the City Council wanted to go beyond the request they could do that at a later date.

18
19 Mayor Thompson opened the public hearing at 7:33 p.m. Hearing no comments, Mayor
20 Thompson closed the public hearing and brought the discussion back to the Council.

21
22 **MOTION: Councilmember Tim Irwin moved the City Council Approve an ordinance**
23 **amending Section 3-710, Commercial Center Freestanding Signs**

24
25 **Councilmember Ed Dennis seconded the motion.**

26
27 **Those voting aye: Tim Irwin, Ed Dennis and Mayor Thompson**

28 **Those voting nay: Brian Braithwaite and Dennis LeBaron.**

29 **Motion carried.**

30
31 **7. ORDINANCE: Approval of an Ordinance Amending Section 13.48.220 and**
32 **Section 13.48.080 - Highland City Cemetery**

33
34 *BACKGROUND: In a recent audit and update of the cemetery records it has come to the City's*
35 *attention that the Highland City Municipal Code relating to city repurchasing any unused burial*
36 *rights is inconsistent with Utah State Code. Adoption of this Ordinance will correct that*
37 *language. During the recent cemetery records audit it has also come to staff's attentions that*
38 *there are approximately 50 lots where the recorder has in the past allowed families to place a*
39 *"hold" on adjoining lots to those purchased. With the recent discussion of the perpetual care*
40 *fund and the possibility of rates being increases, staff feels it allows the City the opportunity to*
41 *clean up the "holds" currently on City records. Staff recommends letters be sent to all those*
42 *with "holds" indicating that those "holds" will no longer be on the City records as of July 1,*
43 *2017. If residents wish to continue to have those lots they will need to either purchase those lots*

DRAFT

1 *in full at the current rate or contact the City Recorder and sign a reservation contract and pay*
2 *the 10% as required by the proposed new Ordinance based on the rates in place on July 1, 2017.*

3
4 JoD'Ann Bates, City Recorder, presented the background information above.

5
6 Councilman Brian Braithwaite did not believe that the City should be in the business of
7 repurchasing burial plots. They should allow plot owners to sell their lots to another party if they
8 desired. Ms. Bates explained that this would cause a problem with record keeping, because the
9 City would not know who owned the lots.

10
11 Councilman Brian Braithwaite suggested that the City require new lot owners to come in and
12 register the lot in their name after a sale.

13
14 Councilman Tim Irwin agreed that the City should not prevent someone from selling their lot to
15 another party.

16
17 Mayor Thompson was concerned that the City would not be able to accurately control
18 registration. The City could require registration, but that does not mean that people will follow
19 through on registering their lots.

20
21 Councilman Ed Dennis asked how this proposed policy would impact the perpetual care fund.
22 Staff did not feel that the budget would be greatly impacted by the repurchasing of lots.

23
24 Councilman Brian Braithwaite suggested that the City allow others to sell their lots to another
25 person, but charge a fee to the City to transfer ownership in their records. Ms. Bates stated that
26 the City already allows for the transfer of lots for a fee of \$25. The concern comes when people
27 transfer ownership without involving the City.

28
29 Councilman Dennis LeBaron was in favor of the reservation part of the proposal.

30
31 Councilman Brian Braithwaite asked that the language of the proposed ordinance be clarified.
32 The first request was to change the term "purchase price" to "current approved schedule". The
33 second is to specify that the 12 month period begin on the day that the agreement was made. He
34 then suggested that the ordinance be revisited to further discuss repurchasing lots.

35
36 **MOTION: Councilmember Dennis LeBaron moved the City Council approve an**
37 **Ordinance Amending Section 13.48.220 and 13.48.080 of the Highland City Municipal**
38 **Code as amended.**

39
40 **Councilmember Tim Irwin seconded the motion.**

41
42 **Those voting aye: Brian Braithwaite, Dennis LeBaron, Tim Erwin and Ed Dennis**

43 **Those voting nay: None**

44 **Motion carried.**

DRAFT

1 **8. RESOLUTION: Approval of a Resolution Supporting the Timpanogos Special**
2 **Service District Involvement in the Utah Lake Commission Water Quality Study**
3

4 *BACKGROUND: The City's water quality is determined by the many sources that feed into its*
5 *streams, rivers and lakes. These sources include runoff from snow pack, rainfall, urban storm*
6 *drains, agriculture runoff and treated discharge from waste water treatment plants. Each of*
7 *these sources carry nutrients (primarily phosphorous and nitrogen). Nutrients are critical for*
8 *the health of the City's water, but in excess those nutrients are considered a "pollutant" and can*
9 *be detrimental to plant and animal health. How much of these nutrients are too much? This*
10 *can be a complex issue as each ecosystem is different and requires different levels of nutrients.*
11 *Each responds differently to control mechanisms. Utah Lake is a particularly unique and*
12 *complex ecosystem. It would benefit from additional study and an adaptive management*
13 *approach.*
14

15 Councilman Tim Irwin asked if being part of the Utah Lake Commission would cost the City any
16 money. Mayor Thompson stated that the City was already part of the Commission and there was
17 no fee involved.
18

19 Councilman Brian Braithwaite explained that essentially they were asking that organizations
20 include the Timpanogos Special Service District (TSSD) to ensure that there were experts on
21 both sides of the issue. He believed that the majority of the Commission leaned to one side.
22

23 Mayor Thompson commented that while Highland City wants the quality of Utah Lake to
24 improve, everything is controlled by each city's ability to pay. Councilman Brian Braithwaite
25 stated that they should be putting money into the preservation of the lake, but only if they know
26 that the lake will be positively affected. Many of the scientific studies conducted show that any
27 action taken would not make a difference.
28

29 **MOTION: Councilmember Dennis LeBaron moved the City Council approve a Resolution**
30 **Supporting Timpanogos Special Service District Involvement in the Utah Lake**
31 **Commission Water Quality Study.**
32

33 **Councilmember Brian Braithwaite seconded the motion.**
34

35 **Those voting aye: Brian Braithwaite, Dennis LeBaron, Tim Irwin and Ed Dennis**

36 **Those voting nay: None**

37 **Motion carried.**
38

39 **MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS**

40 *(These items are for information purposes only and do not require action or discussion by the*
41 *City Council)*
42

- 43 • **5 Year Road Plan** – Todd Trane, City Engineer
- 44

DRAFT

1 Mr. Trane explained that staff received an electronic copy of the Road Reconstruction Master
2 Plan during the previous week. Since that time, they have been reviewing the document and
3 including additional information regarding the City's drainage issues. He explained that the road
4 study did not address drainage issues, but it would be wise to take care of those problems as they
5 fix the roads. Mr. Trane explained the charts and graphs in the presentation, emphasizing that
6 this would be a living document that needed annual updates.

7
8 Councilman Ed Dennis asked what kind of financial impact they could expect when fixing the
9 drainage issues. Mr. Trane explained that this would simply shift when the road would be
10 completed. For instance, it would most likely take seven years to complete the five year plan.
11 That may even be extended if construction or oil costs change.

12
13 Councilman Brian Braithwaite commended staff for bringing up this issue now rather than in the
14 future.

15
16 Councilman Dennis LeBaron asked how this plan would be presented to the residents. Erin
17 Wells, Assistant City Administrator, said that they would not attempt to guarantee a specific
18 timeframe for each road or even the entire project, but they would give a prioritized list showing
19 the order in which they plan to fix the roads. Staff would focus on the fact that this is a living
20 document.

21
22 Mr. Trane added that the City would be tracking the projects and how much they cost, so in three
23 years they would have a more accurate estimate of what the rest of the project will cost.

24
25 The City Council agreed that they should be upfront about the plan taking longer than five years
26 to complete.

27
28 • **Municipal Code Change** – JoD'Ann Bates, City Recorder

29
30 Ms. Bates explained that the City had chosen to change the provider that hosts the Highland City
31 Municipal Code. Every time the City changes an ordinance, staff has to upload and send that
32 change to the provider to have the code updated online. This normally takes several weeks. Ms.
33 Bates pulled up the new provider's website and pointed out a few key features. With this new
34 provider, the City would have more control over the changes being made, and it would allow for
35 more interaction online.

36
37 • **Park at the mouth of American Fork Canyon** – Mayor Thompson

38
39 Mayor Thompson presented a map of the area around the mouth of American Fork Canyon and
40 identified the subject property. Historically, the City leased this property from Utah Power and
41 Light in an attempt to stop the possible development of a power plant at this location. The
42 property is now under the City's ownership, but it is neglected. He recommended that this area
43 be improved via Eagle Scouts and to put the camping areas on the reservation list.

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1 Councilman Brian Braithwaite stated that he had never heard of this park or the camping spot.
2 Mayor Thompson stated that there were restrooms, picnic tables, and a fire pit at the camp site,
3 but they were not in great shape.
4

5 Brian Gwilliam, Chief of Police, shared his experience with the park. He was in favor of Mayor
6 Thompson's proposal of maintaining the park through volunteer work and making the camp site
7 reservation only. He also suggested limiting access from vehicles by installing a gate. These
8 things should help to improve the safety of the park.
9

10 Justin Parduhn, O&M Director, recommended installing more lights to help increase safety.
11

12 Councilman Brian Braithwaite suggested that the City host a "Name the Park" event. This
13 would help to inform the residents about the location of the park and its amenities.
14

- 15 • **Other Items**

16
17 Councilman Ed Dennis reported that the Multi-City Preparedness Event would take place on
18 Tuesday, March 14, which conflicts with the scheduled joint work session. He asked if it was
19 important for the City officials to attend the Event and reschedule the meeting.
20

21 Councilman Brian Braithwaite stated that the discussion item for the work session was time-
22 sensitive and it had already been pushed back a month. He felt that the work session was more
23 important than attending the event.
24

25 Councilman Ed Dennis then asked if the City was prepared for potential flooding as the snow
26 packs melt and come down the mountain.
27

28 Mr. Parduhn answered that the City had purchased 4,000 sandbags, although most of them had
29 not been filled. Normally, they fill the salt trucks with sand, drive to the flooding locations, and
30 fill the sandbags on site. He stated that a few residents have already purchased sandbags from
31 the City to protect their own homes.
32

33 ADJOURNMENT

34
35 **MOTION: Councilmember Ed Dennis moved to adjourn.**

36
37 **Councilmember Brian Braithwaite seconded the motion.**

38 **Unanimous vote. Motion carried.**
39

40 **Meeting adjourned at 9:05 p.m.**
41

42 _____
43 JoD'Ann Bates, City Recorder

44 Date Approved: March 21, 2017



CITY COUNCIL AGENDA REPORT

ITEM # 2

DATE: Tuesday, March 7, 2017
TO: Honorable Mayor and City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: MOTION: A request by Scott Dunn for Preliminary Plat approval of a two-lot subdivision located at 11150 North Highland Boulevard (FP-17-01).
Administrative

STAFF RECOMMENDATION:

The City Council should accept the findings and approve the subdivision subject to the stipulations recommended by the Planning Commission.

BACKGROUND:

The property is part of the Professional Office (PO) Zoning District that was approved by the City Council in December 2003. The PO District included a master site plan which was also approved in December of 2003. The master site plan was subsequently amended in February of 2005. The master site plan included 26.22 acres, which consists of 4.51 acres of office uses, 9.655 acres of storage units, and 8.13 acres of open space. The property is 1.23 acres in size and is owned by Highland Business Park, LLC.

A request for a conditional use permit for a veterinarian clinic is currently under review.

Preliminary plat approval is an administrative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of a two-lot subdivision. Lot one is 41,142 square feet and will be used for office development. Lot two is 12,377 square feet and will be open space. Lot 2 will remain in private ownership and include a conservation easement.
2. Access to the site will be from Highland Boulevard.

CITIZEN PARTICIPATION:

Notice of the February 28, 2017 Planning Commission meeting was published in the Daily Herald on February 12, 2017. Notice of the meeting was also mailed to all property owners on February 13, 2017. No comments have been received.

ANALYSIS:

- Utilities have already been extended from Highland Boulevard.
- The applicant will be installing the remaining landscaping in Highland Boulevard.
- Water shares will be dedicated as required by the Development Code prior to final plat recordation.

FINDINGS:

The proposed plat meets the following findings with stipulations:

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

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on February 28, 2017. There were two residents who were concerned about the site plan. These issues will be addressed during review of the conditional use permit. The Commission voted 6-0 to recommend approval of the subdivision subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat date stamped February 23, 2017.
2. Prior to recordation of the final plat, water shares shall be dedicated to the City as required by the Development Code.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.

RECOMMENDATION AND PROPOSED MOTION:

The City Council should accept the findings and **APPROVE** the subdivision subject to the three stipulations recommended by the Planning Commission.

I move that the City Council accept the findings **APPROVE** case FP-17-01 a request for approval of a two-lot subdivision subject to the three stipulations recommended by the Planning Commission.

ALTERNATIVE MOTION:

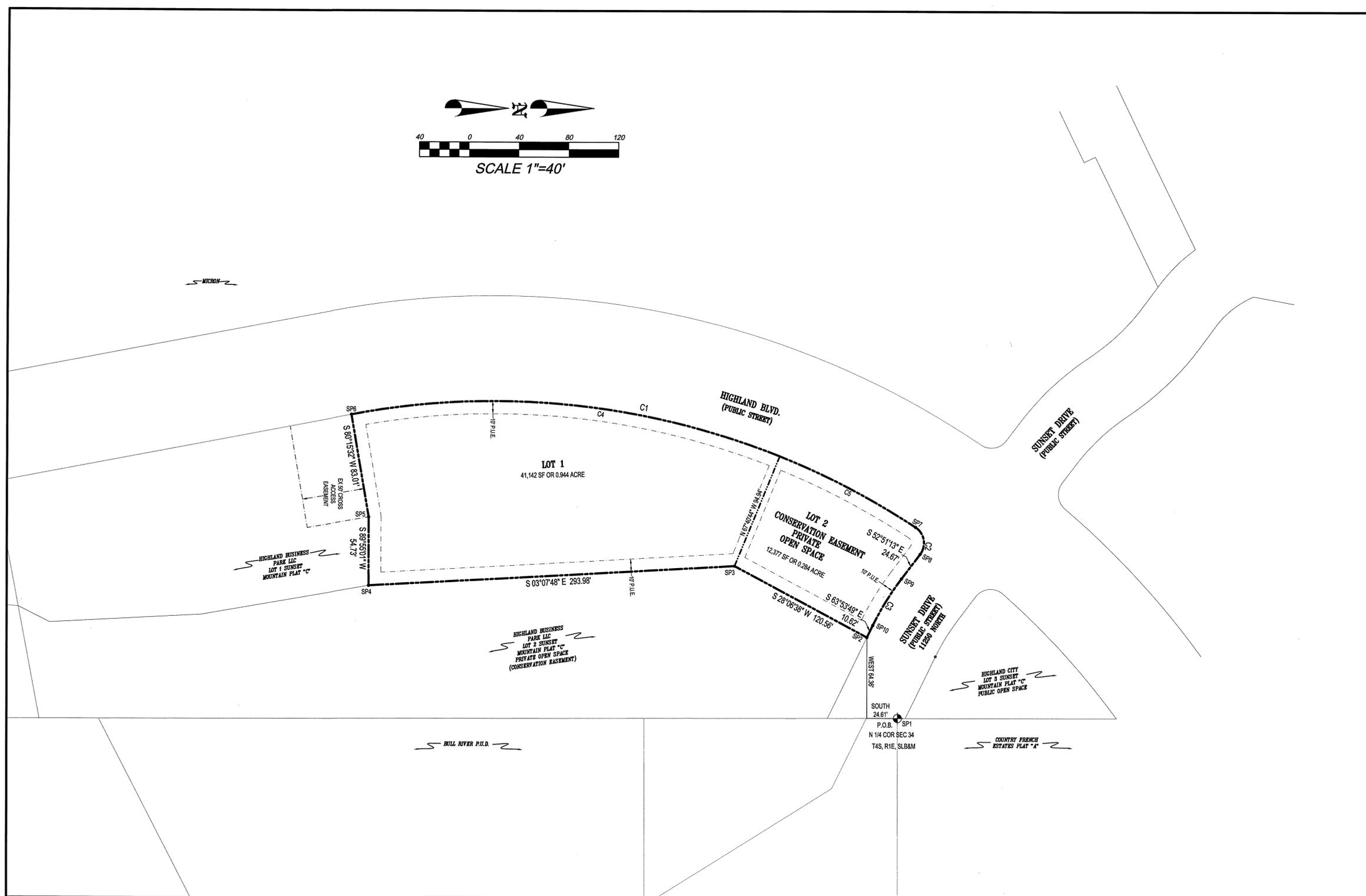
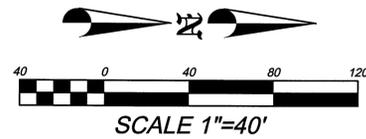
I move that the City Council deny the proposed preliminary plat subject to the following findings: (The Council should draft appropriate findings).

FISCAL IMPACT:

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

ATTACHMENTS:

- Proposed Plat



SURVEYOR'S CERTIFICATE
 I, DAVID V. THOMAS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 163947 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, OPEN SPACE AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ SURVEYOR (SEE SEAL BELOW)

BOUNDARY DESCRIPTION
 BEGINNING AT A POINT WHICH IS SOUTH 24.61 FEET AND WEST 64.36 FEET FROM THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN;
 RUNNING THENCE ALONG THE SOUTHERN LINE OF SUNSET MOUNTAIN PLAT "C" THE FOLLOWING FOUR (4) COURSES: (1) S 28°06'36" W 120.56 FEET, (2) S 03°07'48" E 293.99 FEET, (3) S 89°50'01" W 64.73 FEET, AND (4) S 80°15'32" W 83.01 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF HIGHLAND BLVD. THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSE: ALONG THE ARC OF A 618.00-FOOT RADIUS CURVE TO THE RIGHT 472.95 FEET (CURVE HAS A CENTRAL ANGLE OF 43°50'52" AND A CHORD THAT BEARS N 11°08'02" E 461.47 FEET) TO THE INTERSECTION OF HIGHLAND BLVD AND SUNSET DRIVE, THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SUNSET DRIVE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 15.00-FOOT RADIUS CURVE TO THE RIGHT 24.63 FEET (CURVE HAS A CENTRAL ANGLE OF 94°05'21" AND A CHORD THAT BEARS N 80°08'07" E 21.96 FEET), (2) S 52°51'13" E 24.67 FEET, (3) ALONG THE ARC OF A 228.00-FOOT RADIUS CURVE TO THE LEFT 43.88 FEET (CURVE HAS A CENTRAL ANGLE OF 11°02'36" AND A CHORD THAT BEARS S 58°22'31" E 43.88 FEET), AND (4) S 63°53'49" E 10.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.23 ACRES OR 53,519 SF
 BASIS OF BEARING = STATE PLANE COORDINATES

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

ACKNOWLEDGEMENT
 STATE OF UTAH) S.S.
 COUNTY OF UTAH)
 ON THE _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.
 MY COMMISSION EXPIRES: _____

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

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

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

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____ PLANNING COMMISSION CHAIR

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

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

CURVE TABLE

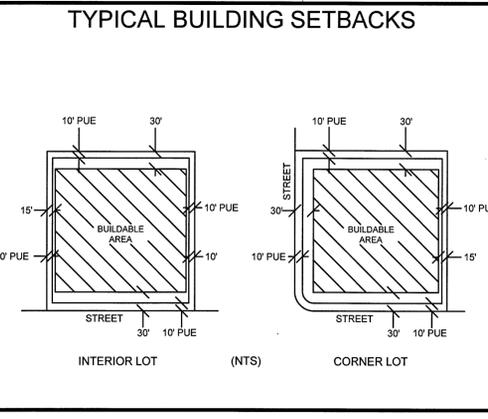
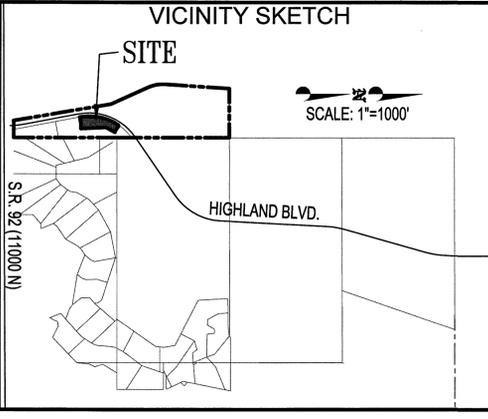
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	618.00	472.95	43°50'52"	461.47	N11°08'02"E
C2	15.00	24.63	94°05'21"	21.96	N80°08'07"E
C3	228.00	43.88	11°02'36"	43.88	S58°22'31"E
C4	618.00	349.93	32°28'32"	345.27	N05°25'50"E
C5	618.00	123.02	11°24'20"	122.82	N27°21'16"E

STATE PLANE COORDINATES

SP1	N: 765,799.83 E: 1,910,800.16	SP6	N: 765,361.31 E: 1,910,558.56
SP2	N: 765,775.21 E: 1,910,735.82	SP7	N: 765,814.00 E: 1,910,647.65
SP3	N: 765,668.90 E: 1,910,679.03	SP8	N: 765,817.77 E: 1,910,689.27
SP4	N: 765,375.43 E: 1,910,613.05	SP9	N: 765,802.88 E: 1,910,688.93
SP5	N: 765,375.35 E: 1,910,640.36	SP10	N: 765,779.88 E: 1,910,726.28

SUBDIVISION DEVELOPER: HIGHLAND BUSINESS PARK LLC
 11038 N HIGHLAND BLVD STE 100
 HIGHLAND, UT 84003
 801-756-7303

PLAT ENGINEER: BERG CIVIL ENGINEERING
 11038 N HIGHLAND BLVD STE 400
 HIGHLAND, UT 84003
 801-492-1277



QUESTAR GAS COMPANY
 Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's right-of-way department.

Approved this _____ day of _____, 20____ Questar Gas Company By: _____ Title: _____

UTILITIES APPROVAL
 Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the Public Utilities Easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove such structures at the owner's expense, or the utility may remove such structures at the owner's expense. At no time any permanent structures be placed within the PUE or any other obstructions with interferes with the use of the PUE with out the prior written approval of the utilities with facilities in the PUE.

Rocky Mtn. Power _____ Qwest _____ Comcast _____
 Date: _____ Date: _____ Date: _____

SUNSET MOUNTAIN
PLAT "D"
 LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 34
 AND A PORTION OF THE SW 1/4 OF SECTION 27
 T4S, R1E, SLB&M
 SCALE: 1" = 40 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL
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B:\0216\Highland Business Park\Sunset Mountain PLAT "D".dwg



CITY COUNCIL AGENDA REPORT

ITEM #3

DATE: Tuesday, March 21, 2017
TO: Honorable Mayor and City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: PUBLIC HEARING AND ORDINANCE: Garon Larsen is requesting an amendment the Land Use designation of the General Plan from 'Low Density Residential' to 'Office'. Property is 1.06 acres and is located at 11020 North 5500 West (GP-17-01). *Legislative*

STAFF RECOMMENDATION:

The City Council hold a public hearing, draft findings, and determine if the Land Use Map should be amended from Low Density Residential to Office.

BACKGROUND:

The property is 1.06 acres, is zoned R-1-40 Single Family Residential and owned by Todd Berry. A request to rezone the property from R-1-40 to Residential Professional is being considered as a separate agenda item.

A General Plan amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting an amendment to the Land Use Element of the General Plan from Low Density Residential to Office.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on January 26, 2017. A summary of the meeting is attached.

Notice of the February 28, 2017 Planning Commission meeting was published in the Daily Herald on February 12, 2017. Notice was sent to all property owners within 500 feet. The draft minutes from the meeting are attached.

Notice of the March 21, 2017 City Council meeting was published in the Daily Herald on March 5, 2017. Notice was sent to all property owners within 500 feet on March 6, 2017. Staff did meet with residents regarding closer of the road.

ANALYSIS:

- Currently, approximately 64.9%, (3,917 acres), of the City's planning area is designated as Low Density Residential while 2.49%, (150 acres), 2.04% (123 acres) as Commercial, 0.45% (27 acres) as Office and 0.54% (32.76 acres) as Mixed Use.
- The office designation allows for standalone office building or complexes.
- All of the land designated in the General Plan for Commercial or Office use has been entitled for development. Options for future commercial development are limited while a significant amount of land remains available or has been developed as low-density residential development.
- The site is surrounded by existing single-family residential development on the north and west. The property to the west and south is commercial. The compatibility of future development with the adjacent residential neighborhood will be ensured during the rezoning and site plan review process, which requires additional public involvement.
- The impact of the Office land use designation on water, wastewater, and public safety facilities is not an issue. The City will have the capacity to serve future demand under either land use designation.
- Utah Department of Transportation has required access to this property from 5500 West. 5500 West is a local street and existing homes front onto 5500 West. 5500 West was designed and built as a local street to serve the needs of the residents. Consequently, the road is not designed for non-residential traffic. Opening the road to non-residential traffic could negatively impact the existing residents.
- Timpanogos Highway is an arterial street and provides a direct connection from American Fork Canyon, through Highland and Lehi to I-15. It is also designated as an expressway on the Mountainland Association of Governments (MAG) Metropolitan Transportation Plan. It is owned and maintained by the Utah Department of Transportation (UDOT).

CONCLUSION:

Amending the General Plan Land Use Map is a legislative action. The following criteria should be considered by the City Council:

1. Does the development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment?

2. Does the amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners.
3. The amendment will not adversely impact the community as a whole and/or a portion of the community by (1) significantly altering acceptable land use patterns; (2) requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land uses.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on February 28, 2017. Several residents spoke at the meeting. Topics of discussion included:

- The residents expressed concerns regarding increased traffic. They are requesting that 5500 West be closed at the north property line of the property. The request will be considered as a separate agenda item.
- The residents requested a wall be constructed along the north property line. This is a standard requirement of all commercial development.
- There was also discussion regarding whether or not commercial development would continue to the west. Staff believes that the Commission and Council should begin long range planning to address alternative uses on other property.

The Commission voted 4-2 to recommend approval of the amendment.

RECOMMENDATION:

The City Council hold a public hearing, draft findings, and determine if the Land Use Map should be amended from Low Density Residential to Office.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Proposed Ordinance
2. Land Use Map
3. Conceptual Site Plan
4. Neighborhood Meeting Summary
5. Draft Minutes of the February 28, 2017 Planning Commission Meeting

ORDINANCE NO. 2017**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE GENERAL PLAN LAND USE MAP AND LAND USE DESIGNATION FOR APPROXIMATELY 1.06 ACRES LOCATED AT 11020 NORTH 5500 WEST FROM LOW DENSITY RESIDENTIAL (R-1-40) TO OFFICE.

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 February 28, 2017; and

WHEREAS, the City Council held a public meeting on this Ordinance on March 21, 2017.

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

SECTION 1. That the Highland City General Plan Future Land Use Map is hereby amended from Low Density Residential to Office for the property shown on “Exhibit A”, attached and incorporated herein by reference.

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

SECTION 4. If any provision of this Ordinance is for any reason held by ay court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, March 21, 2017.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates CMC, City Recorder

COUNCILMEMBER	YES	NO
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Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
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Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
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Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
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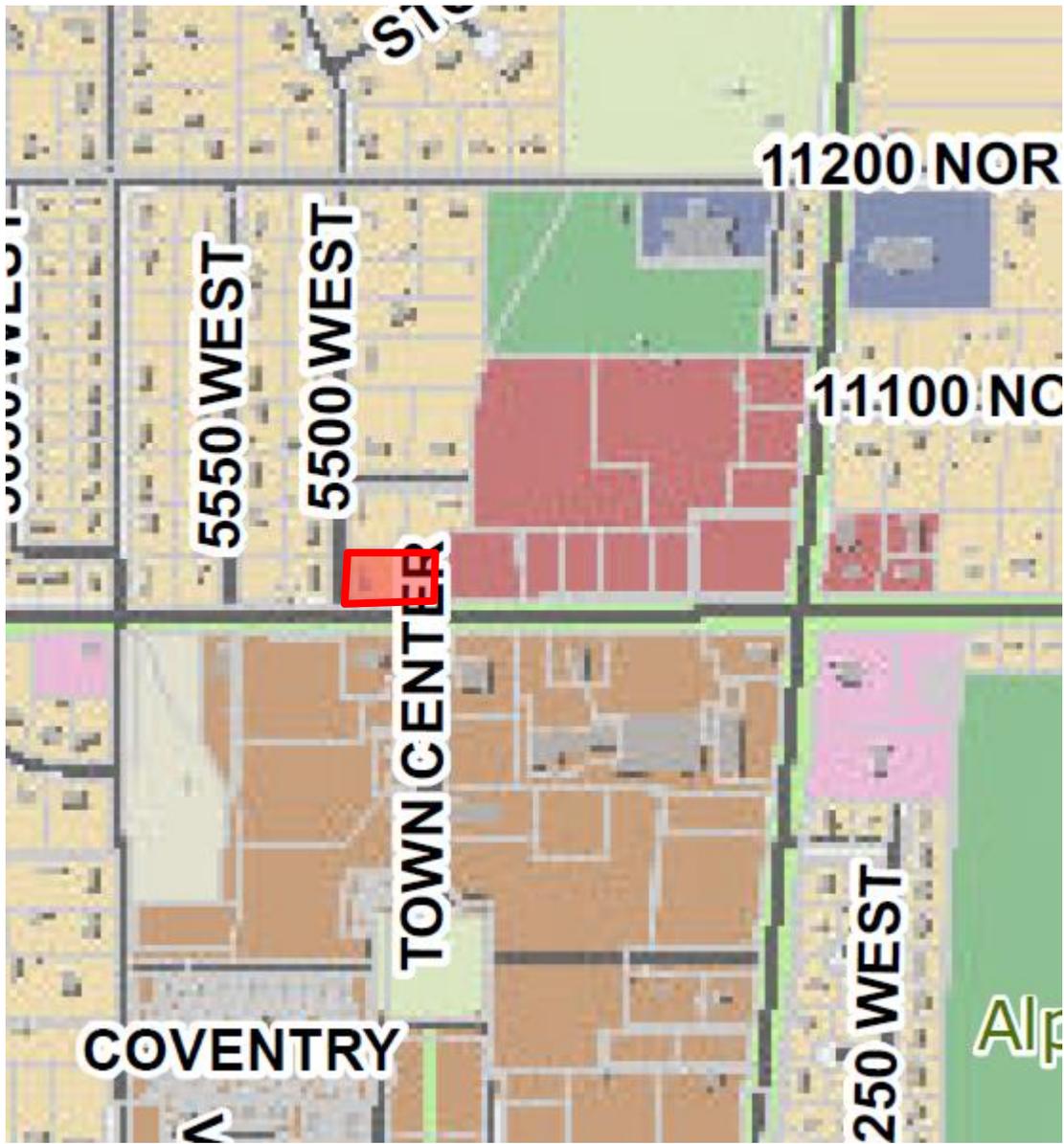
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
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Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>
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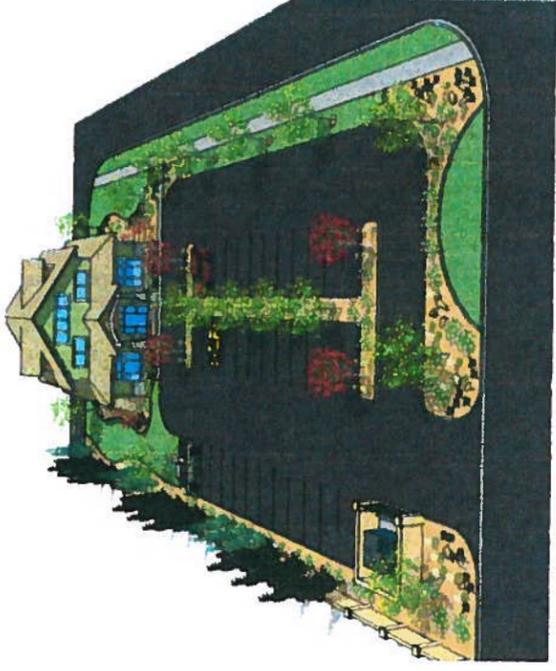
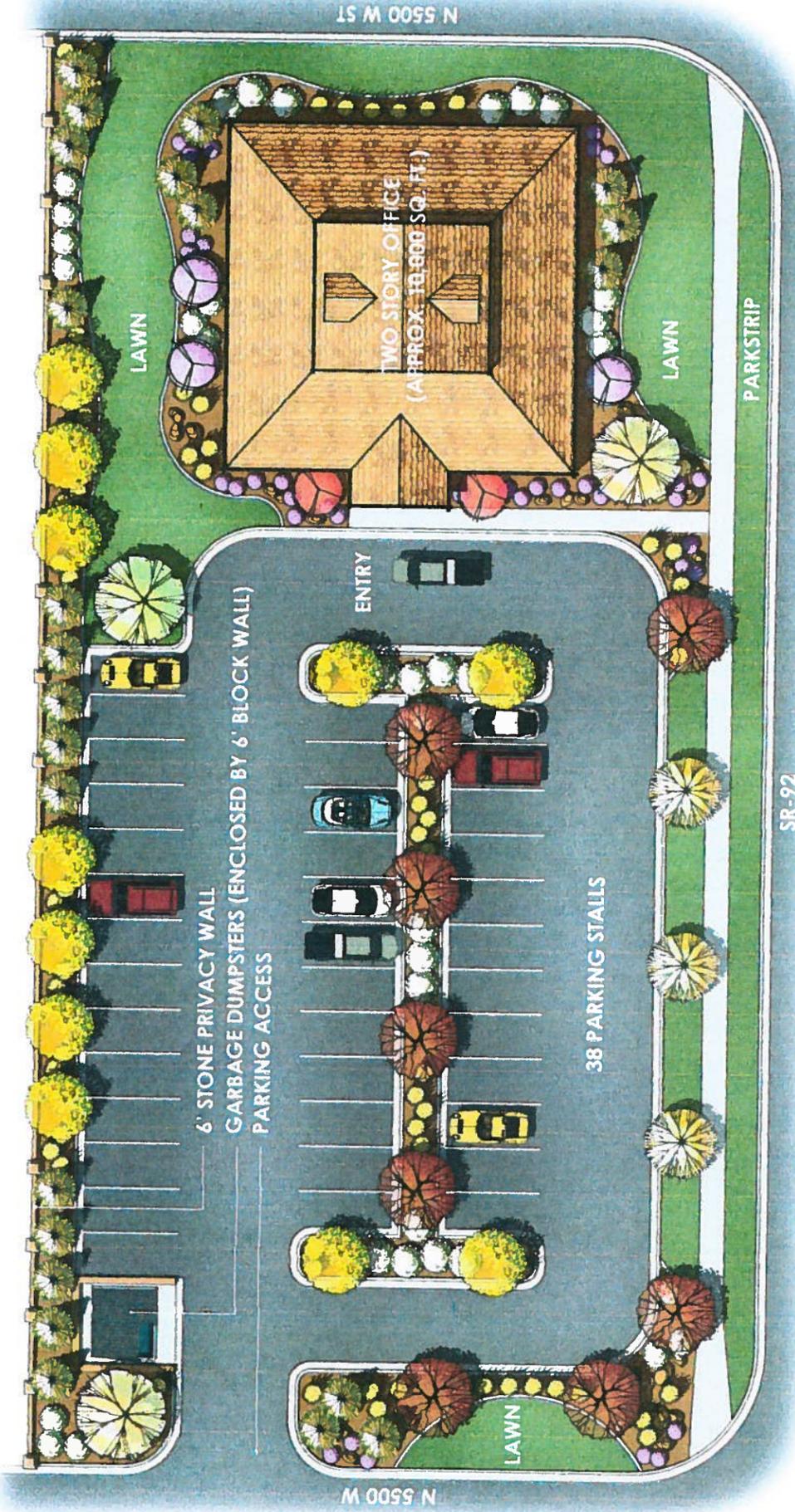
EXHIBIT A



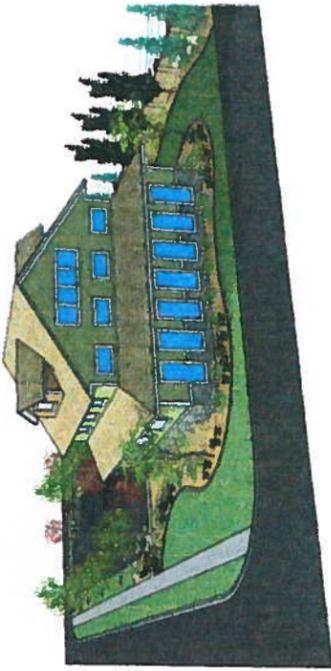
LAND USE MAP



CONCEPTUAL SITE PLAN



PERSPECTIVE - FACING EAST

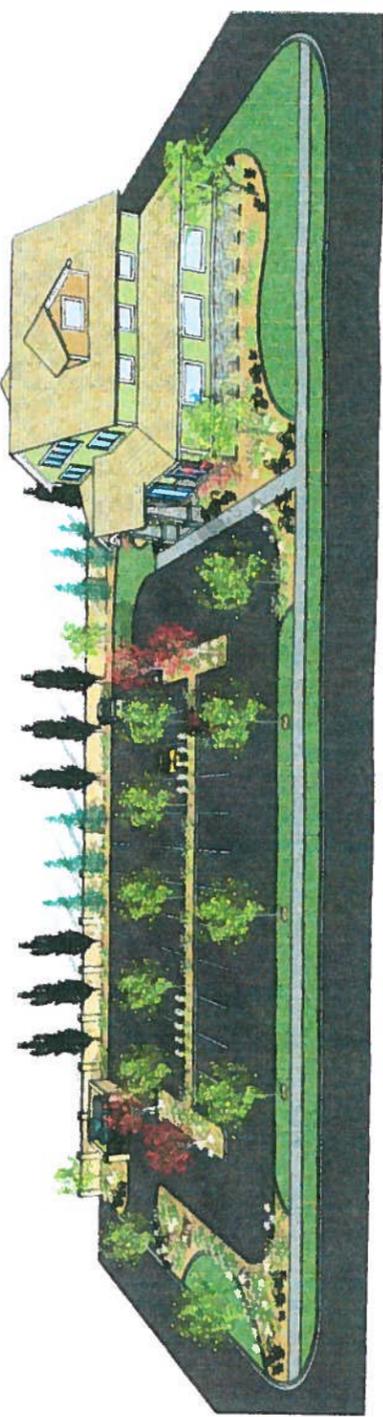


PERSPECTIVE - FACING WEST



PERSPECTIVE - BUILDING ENTRANCE

PERSPECTIVE - FACING NORTH



Larsen Professional Development
Neighborhood Meeting minutes
1/26/17
Highland City Multi-Purpose Rooms 7 p.m.

Attendance: Todd Berry, Scott Christiansen, Linda Christiansen, Roma Jean Ockler, Marie Rasmussen, DeAynne Baker

Todd Berry: My father-in-law bought this property in 1991 or 1992. He wanted to build a vet clinic. Couldn't get it to work with the city. Then Todd and his family came in to the home due to some financial difficulties. They've been waiting for an opportunity to come along like this. I've had other offers and other developers. One developer who had a lot of money wanted commercial, a big pad....I wasn't comfortable with that because I know you guys and you're my neighbors. This is not a traditional commercial development. I like this development and I think it works well for this community. That's why I chose to work with Garon Larsen. A professional office with normal dental hours I think is a good development for our neighborhood.

Scott Christensen: How far will the wall go? Can you run it as close to the road (5500 W) as possible to cut down the noise? The building style is attractive. I think this is the best case scenario for us...I'm not looking for more traffic up my street, but I still think this is the best option and best case scenario for us...Check into that cul-de-sac option of dead-ending our street. What about the garbage can location and how often will it be dumped? I prefer the masonry wall I want as much noise blocked off as possible. I really like the design of the building in the concept, green is my favorite color!

Marie: Concerned about traffic that will come up the street. Is there a way to come up with a projection for the traffic that might come up that road? Could we get a speed bump on that road? Please don't make it look like the buildings in the city center, like the other dental office and medical office across the street...

Roma Jean: I'm ok with the wall and building and everything, just make sure the utility box is on your side of the wall. Does it have to be a masonry wall? I would prefer a vinyl fence if it doesn't matter...

DeAynne Baker: I'm just concerned about the traffic on our street. I know we are renting right now, and we won't be here much longer, but wanted to know about time frame for your development, how soon would the building be built?

**EXCERPT OF THE DRAFT MINUTES
OF THE
FEBRUARY 28, 2017
PLANNING COMMISSION MEETING**

PRESENT: Commissioner: Brady Brammer
Commissioner: Ron Campbell
Commissioner: Abe Day
Commissioner: Kurt Ostler
Alternate Commissioner: David Harris
Alternate Commissioner: Brittany Bills

EXCUSED: Commissioner: Christopher Kemp
Commissioner: Sherry Carruth

STAFF PRESENT: Community Development Director: Nathan Crane
Planning Coordinator: JoAnn Scott
City Engineer: Todd Train
Planning Commission Secretary: Heather White

OTHERS: Steve Rock

3. **CP-17-01**
Garon Larsen is requesting an amendment to the Land Use designation of the General Plan from Low Density Residential to Commercial. Property is located at approximately 5500 West 11000 North.

AND

4. **Z-17-01**
Garon Larson is requesting a rezone of property located at 5500 West 11000 North from R-1-40 to RP zone.

Commissioner Brammer explained that the Business Items #3. CP-17-01 and #4. Z-17-01 would be addressed together. Upon request, Mr. Crane reviewed the applications and proposed amendments. He reviewed the location and surrounding property. He mentioned concerns at the neighborhood meeting were regarding traffic and the site plan. As they considered the General Plan amendment, Mr. Crane asked the commissioners to consider if the existing development pattern adequately provided the appropriate options for the proposed use. He said commercial and office space were currently limited within the city. He said the site was surrounded by single family residential. He mentioned the request by residents to close the neighboring residential street. He asked the Commissioners to consider if the amendment would 1. adversely impact the community by significantly altering acceptable land use patterns, 2. require larger and more expensive infrastructure improvements, or 3. adversely impact existing land uses. Mr. Crane mentioned that access was proposed to be from a local street.

Commissioner Brammer wondered who would pay for the wall that residents were requesting. Mr. Crane explained that the request would be addressed through the conditional use process and the City would probably ask the developer to be responsible for it.

Mr. Trane mentioned that he was asked to look into potential issues with building a wall and closing off the residential road. He explained that maintenance issues with sewer, water, and storm drain in the right of way would need to be resolved. He mentioned that water could flood onto SR-92. He talked about additional traffic from other residential roads and that there were no collector roads in the area. He thought closing the road might cause more traffic problems. He said fire access was "boarder line" and the code did not allow for reverse grade cul-de-sacs.

Mr. Garon Larson, applicant, thought a dental office was a good fit for highland. He said it was not a good residential lot and thought the office space could be a nice buffer between the residential area and SR-92.

Commissioner Ostler was concerned that approving the request might set a precedent for allowing commercial uses to use residential roads. He did not see 5500 West becoming a major intersection. He was concerned about changing the zoning without knowing how the traffic and roads would be impacted.

Commissioner Day pointed out that there might be people willing to live along the highway.

Commissioner Brammer noted that Mr. Christensen's request for a wall was related to these business items. Commissioner Brammer opened the public hearing at 7:50 PM.

Mr. Christensen said there was always a demarcation line between a commercial zone and residential zone. He did not think the request for a hard fence was unreasonable. He did not understand concerns with water drainage and the sewer line. He thought the area was "ripe" for commercial development and it would be helpful to have some kind of barrier to reduce noise. He hoped that the demarcation would be provided so they could continue to enjoy living in Highland.

Marilyn Owen lived on the next street and was concerned that the commercial use would continue to move down the road. She was concerned with potential traffic, noise, and congestion.

Pablo Montes talked about an imbalance between the north and south sides of the road. He thought that a wall separating the residential and commercial uses would be good for the city to provide balance as well as help maintain the value of residential areas. He talked about the noise from the highway. He thought the proposed plan was good, but said there needed a balance between residential and good commercial areas. He was in favor of rezoning the property.

Property Owner Todd Berry reviewed the history of the property. He talked about the area being too noisy for residential use and explained that they frequently received requests to purchase the property. He said he knew the neighbors and cared about what they wanted for the area. He thought a dental office was a good fit and could provide a buffer.

Resident Heather Hall agreed with Mr. Montes and liked the idea of a wall. She disagreed that the traffic would increase because she said most residents already took residential roads. She was concerned about accidents from cars trying to get onto the highway. She said patients would have to enter the parking lot from 5500 West and would learn quickly, like the local residents, that they would need to exit the parking lot onto 5500 West and weave around residential roads to the light in

order to leave safely. She said it was impossible to leave onto the highway. She agreed that the wall needed to be put up to keep the value of the homes, keep the separation of business and houses, and for safety concerns. Ms. Hall did not think there would be problems with drainage.

Commissioner Brammer asked for additional public comment. Hearing none, he asked for additional comments from the commissioners.

Commissioner Day said there needed to be a standard and was concerned about business encroachment. He wondered what precedent would be set with building the wall. He thought it was good to have a buffer with office space, but commercial brought more traffic and stopped people from coming. He wondered if the General Plan needed to be reviewed again and in order to plan for office space along SR-92 or if traffic would be limited because SR-92 remained residential in the future.

Commissioner Campbell liked the idea of a buffer with office space. He thought a lot of discussion needed to happen to make a determination for the wall. He thought the proposed office space was a good answer to an area that could be problematic.

Commissioner Ostler liked the professional office space, but was concern with traffic filtering onto residential streets. He was concerned with access and the precedent it might set. He thought there were other areas that could be developed first before the need to develop this area.

Commissioner Bills thought there was value with looking at the General Plan, but also value to looking at individual circumstances and lots. She thought the area was a prime spot for some kind of office space.

Commissioner Harris mentioned that he lived near the area and understood the concerns with the roads. He wondered if the trend with office space and a wall would continue along the SR-92. He liked the idea of the office space, but agreed with the neighbors not wanting the traffic. He agreed that the office clients would leave by using residential roads and not obey speed limits.

Commissioner Brammer talked about the 3-part criteria for determining whether zoning should change or not. He said there were not a lot of alternatives for a fresh build dental area along an arterial road in Highland. He thought the proposed amendment constituted an overall improvement to the General Plan. He thought it was good city design to put commercial around major arterials, instead of residential houses. He did not think the requested amendment would adversely impact the community as a whole or a portion by altering acceptable land use patterns and requiring more public infrastructure improvements. He said it was rare that residents would accept commercial use with only the request of a wall. Commissioner Brammer thought it was a modest proposal that made sense with a modest modification that also made sense.

Commissioner Ostler disagreed and thought closing a road was a huge modification.

Discussion continued regarding the egress and ingress of SR-92, access for residents, and access for clients of the proposed office space. Some commissioners wondered if the decision of closing the road needed to be made before a decision regarding the proposed amendment.

Mr. Christensen and Ms. Hall clarified saying that they would not be in favor of the proposed development if the road was not closed.

Commissioner Campbell told of his experience with working near a dentist office and said it had very little traffic. Commissioner Ostler pointed out that a new office could be there in the future that might bring more traffic.

Commissioner Brammer asked for a motion.

CP-17-01 Motion: Commissioner Campbell move to recommend approval of a request for amendment of the General Plan from low density residential to commercial. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.

Z-17-01 Motion: Commissioner Campbell moved to recommend approval of a rezone request from Single Family Residential R-1-40 to the Residential Professional RP zone. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.



CITY COUNCIL AGENDA REPORT ITEM #4

DATE: Tuesday March 21, 2017
TO: Honorable Mayor and City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: PUBLIC HEARING AND ORDINANCE: Garon Larsen is requesting a rezone of 1.06 acres of property located at 11020 North 5500 West from Single Family Residential R-1-40 to the Residential Professional RP zone.
Legislative

STAFF RECOMMENDATION:

The City Council hold a public hearing, draft findings, and determine if the property should be rezoned.

BACKGROUND:

The property is 1.06 acres, is currently zoned R-1-40 Single Family Residential and owned by Todd Berry. The General Plan Land Use Element designation of this property is low density residential. A request to change the land use designation to commercial is being considered as a separate agenda item.

A rezone of this nature is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to rezone the property from R-1-40 to Professional Residential.
2. The applicant proposes to construct a 2-story office building on the property and has provided a conceptual site plan of the site.
3. The applicant intends to use a portion of the office space for his dental practice. Additional office space could be leased to other users.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on January 26, 2017. A summary of the meeting is attached.

Notice of the February 28, 2017 Planning Commission meeting was published in the Daily

Herald on February 12, 2017. Notice was sent to all property owners within 500 feet. The draft minutes from the meeting are attached.

Notice of the March 21, 2017 City Council meeting was published in the Daily Herald on March 5, 2017. Notice was sent to all property owners within 500 feet on March 6, 2017. Staff did meet with residents regarding closer of the road.

ANALYSIS:

- The property is designated as Low Density Residential on the General Plan Land Use Map.
- The purpose of the RP District is to provide for various professional office, private education, and related uses. It is intended to protect and buffer residential neighborhoods from retain commercial encroachment and influence. Uses in the RP District are consistent with typical office uses.
- The surrounding property to the north and west is zoned R-1-40 and is single family homes. The property to the west is zoned Commercial Retail (CR) and is the Marketplace. The property to the south is zoned Town Center Overlay (TCO) and is a commercial center.
- Typically, office uses have less impact on adjacent residential uses than other commercial uses; however, adverse impacts do need to be mitigated. Adverse impacts include but are not limited to: building height, location, lighting, hours of operation, etc. The Commission, should discuss if measures or conditions are needed to ensure compatibility with adjacent land uses.
- Utah Department of Transportation has required access to this property from 5500 West. 5500 West is a local street and existing homes front onto 5500 West. 5500 West was designed and built as a local street to serve the needs of the residents. Consequently, the road is not designed for non-residential traffic. Opening the road to non-residential traffic could negatively impact the existing residents.
- Timpanogos Highway is an arterial street and provides a direct connection from American Fork Canyon, through Highland and Lehi to I-15. It is also designated as an expressway on the Mountainland Association of Governments (MAG) Metropolitan Transportation Plan. It is owned and maintained by the Utah Department of Transportation (UDOT).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on February 28, 2017. Several residents spoke at the meeting. Topics of discussion included:

- The residents expressed concerns regarding increased traffic. They are requesting that 5500 West be closed at the north property line of the property. The request will be considered as a separate agenda item.

- The residents requested a wall be constructed along the north property line. This is a standard requirement of all commercial development.
- There was also discussion regarding whether or not commercial development would continue to the west. Staff believes that the Commission and Council should begin long range planning to address alternative uses on other property.

The Commission voted 4-2 to recommend approval of the amendment.

RECOMMENDATION:

The City Council should hold a public hearing and determine if the proposed rezoning: 1) Is consistent with the purpose of the General Plan; 2) Will or will not adversely affect the community; and 3) Will or will not result in compatible land use relationships.

The City Council should consider any stipulations needed to ensure compatibility.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Ordinance
2. Conceptual Site Plan
3. Neighborhood Meeting Summary
4. Draft Minutes of the February 28, 2017 Planning Commission Meeting

ORDINANCE NO. 2017-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONE MAP OF HIGHLAND CITY FOR APPROXIMATELY 0.70 ACRES OF LAND GENERALLY LOCATED AT 11020 NORTH 5500 WEST AS SHOWN IN FILENAME (Z-17-01), REZONING SUCH PROPERTY FROM R-1-40 RESIDENTIAL TO RP RESIDENTIAL PROFESSIONAL AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Highland City Council desires to amend the Official Zone Map of Highland City; and

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 public hearing on this Ordinance on February 28, 2017; and

WHEREAS, the City Council held a public hearing on this Ordinance on March 21, 2017.

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

SECTION 1. That \pm 1.055 acres of certain real property located at 11020 North 5500 West more particularly described in Exhibit A attached hereto and incorporated herein, is hereby rezoned from R-1-40 Residential to RP Residential Professional subject to the following condition(s):

1. XXXX

This/These condition(s) shall run with the land, and shall apply until such time, if any, that the property is re-zoned either by failure to comply with the conditions or further zoning action by the City Council.

SECTION 2. This zone map amendment is predicated upon compliance with the conditions in Section 1. In the event any condition is violated or unfulfilled, this Ordinance shall become null and void and the zone designation for all of the subject properties shall revert to the R-1-40 Zone.

SECTION 3. 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 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, March 21, 2017.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates CMC, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

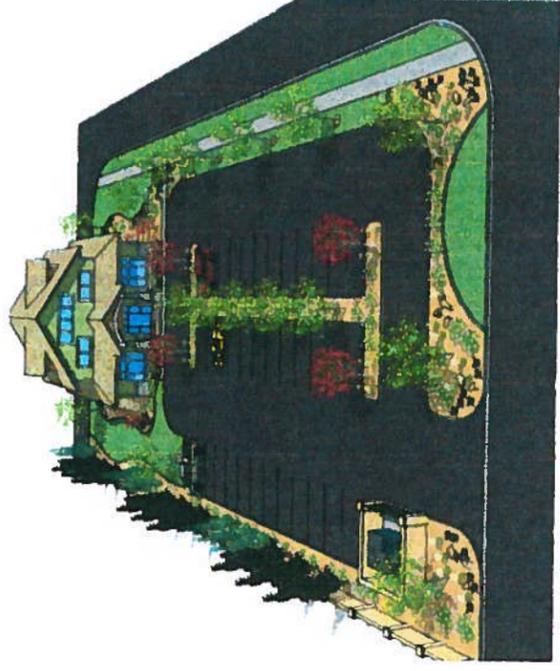
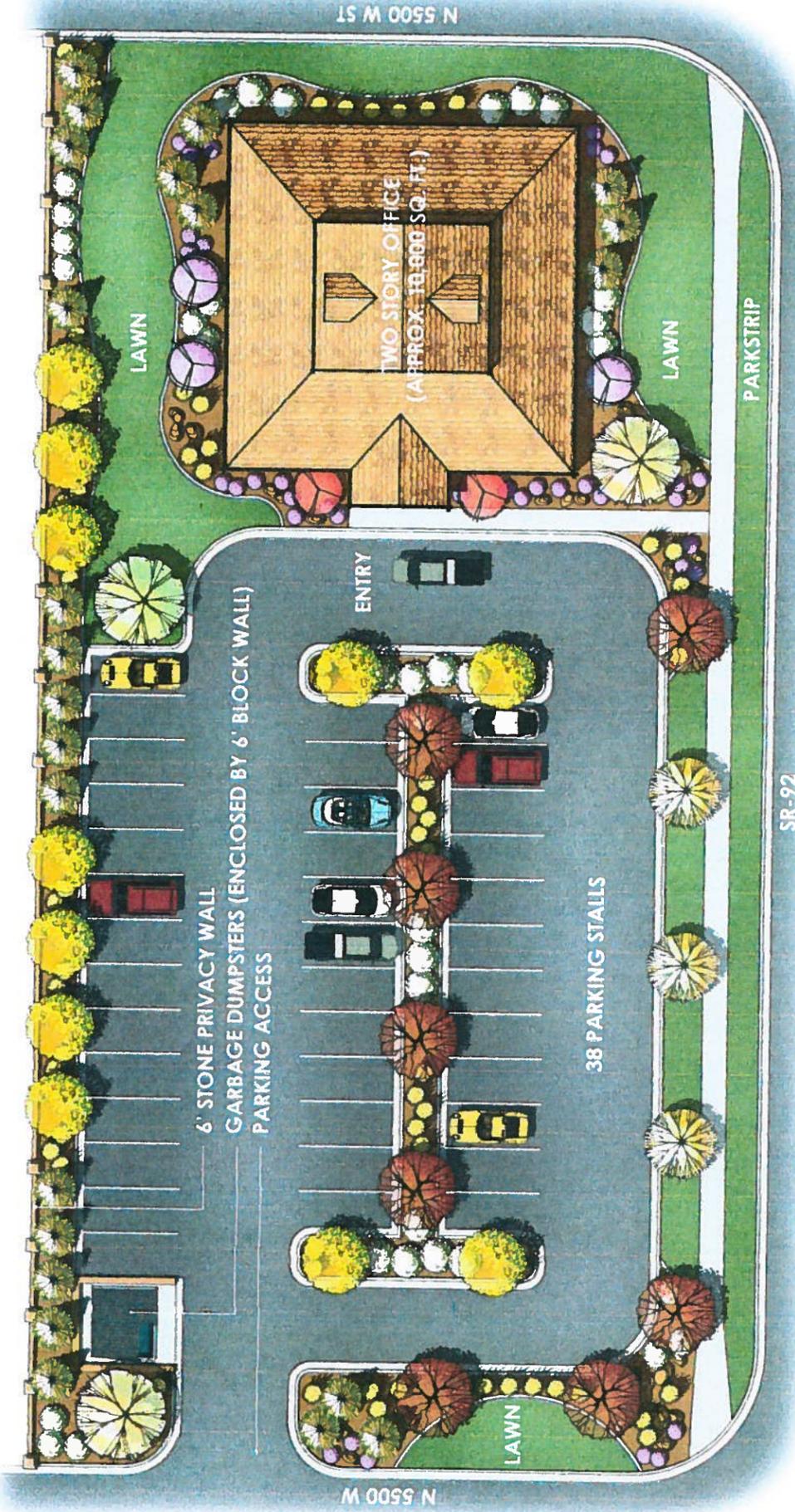
EXHIBIT A

Description:

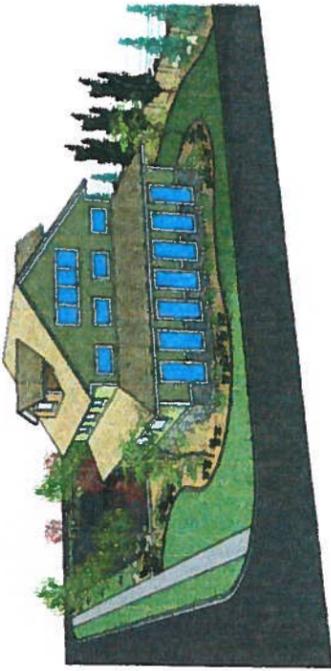
PART LOT 9, PLAT A, STONERIDGE SUBDV. DESCRIBED AS FOLLOWS; COM S 1266.42 FT & E 975.98 FT FR NW COR. SEC. 36, T4S, R1E, SLB&M.; S 89 DEG 56' 15" W 277.98 FT; ALONG A CURVE TO R (CHORD BEARS: N 44 DEG 35' 21" W 21.39 FT, RADIUS = 15 FT); N 0 DEG 42' 51" E 142.09 FT; N 89 DEG 52' 50" E 180 FT; N 89 DEG 52' 50" E 111.52 FT; S 0 DEG 6' 21" W 157.62 FT TO BEG. AREA 1.055 AC.



CONCEPTUAL SITE PLAN



PERSPECTIVE - FACING EAST



PERSPECTIVE - FACING WEST



PERSPECTIVE - BUILDING ENTRANCE



PERSPECTIVE - FACING NORTH

Larsen Professional Development
Neighborhood Meeting minutes
1/26/17
Highland City Multi-Purpose Rooms 7 p.m.

Attendance: Todd Berry, Scott Christiansen, Linda Christiansen, Roma Jean Ockler, Marie Rasmussen, DeAynne Baker

Todd Berry: My father-in-law bought this property in 1991 or 1992. He wanted to build a vet clinic. Couldn't get it to work with the city. Then Todd and his family came in to the home due to some financial difficulties. They've been waiting for an opportunity to come along like this. I've had other offers and other developers. One developer who had a lot of money wanted commercial, a big pad....I wasn't comfortable with that because I know you guys and you're my neighbors. This is not a traditional commercial development. I like this development and I think it works well for this community. That's why I chose to work with Garon Larsen. A professional office with normal dental hours I think is a good development for our neighborhood.

Scott Christensen: How far will the wall go? Can you run it as close to the road (5500 W) as possible to cut down the noise? The building style is attractive. I think this is the best case scenario for us...I'm not looking for more traffic up my street, but I still think this is the best option and best case scenario for us...Check into that cul-de-sac option of dead-ending our street. What about the garbage can location and how often will it be dumped? I prefer the masonry wall I want as much noise blocked off as possible. I really like the design of the building in the concept, green is my favorite color!

Marie: Concerned about traffic that will come up the street. Is there a way to come up with a projection for the traffic that might come up that road? Could we get a speed bump on that road? Please don't make it look like the buildings in the city center, like the other dental office and medical office across the street...

Roma Jean: I'm ok with the wall and building and everything, just make sure the utility box is on your side of the wall. Does it have to be a masonry wall? I would prefer a vinyl fence if it doesn't matter...

DeAynne Baker: I'm just concerned about the traffic on our street. I know we are renting right now, and we won't be here much longer, but wanted to know about time frame for your development, how soon would the building be built?

**EXCERPT OF THE DRAFT MINUTES
OF THE
FEBRUARY 28, 2017
PLANNING COMMISSION MEETING**

PRESENT: Commissioner: Brady Brammer
Commissioner: Ron Campbell
Commissioner: Abe Day
Commissioner: Kurt Ostler
Alternate Commissioner: David Harris
Alternate Commissioner: Brittany Bills

EXCUSED: Commissioner: Christopher Kemp
Commissioner: Sherry Carruth

STAFF PRESENT: Community Development Director: Nathan Crane
Planning Coordinator: JoAnn Scott
City Engineer: Todd Train
Planning Commission Secretary: Heather White

OTHERS: Steve Rock

3. **CP-17-01**
Garon Larsen is requesting an amendment to the Land Use designation of the General Plan from Low Density Residential to Commercial. Property is located at approximately 5500 West 11000 North.

AND

4. **Z-17-01**
Garon Larson is requesting a rezone of property located at 5500 West 11000 North from R-1-40 to RP zone.

Commissioner Brammer explained that the Business Items #3. CP-17-01 and #4. Z-17-01 would be addressed together. Upon request, Mr. Crane reviewed the applications and proposed amendments. He reviewed the location and surrounding property. He mentioned concerns at the neighborhood meeting were regarding traffic and the site plan. As they considered the General Plan amendment, Mr. Crane asked the commissioners to consider if the existing development pattern adequately provided the appropriate options for the proposed use. He said commercial and office space were currently limited within the city. He said the site was surrounded by single family residential. He mentioned the request by residents to close the neighboring residential street. He asked the Commissioners to consider if the amendment would 1. adversely impact the community by significantly altering acceptable land use patterns, 2. require larger and more expensive infrastructure improvements, or 3. adversely impact existing land uses. Mr. Crane mentioned that access was proposed to be from a local street.

Commissioner Brammer wondered who would pay for the wall that residents were requesting. Mr. Crane explained that the request would be addressed through the conditional use process and the City would probably ask the developer to be responsible for it.

Mr. Trane mentioned that he was asked to look into potential issues with building a wall and closing off the residential road. He explained that maintenance issues with sewer, water, and storm drain in the right of way would need to be resolved. He mentioned that water could flood onto SR-92. He talked about additional traffic from other residential roads and that there were no collector roads in the area. He thought closing the road might cause more traffic problems. He said fire access was "boarder line" and the code did not allow for reverse grade cul-de-sacs.

Mr. Garon Larson, applicant, thought a dental office was a good fit for highland. He said it was not a good residential lot and thought the office space could be a nice buffer between the residential area and SR-92.

Commissioner Ostler was concerned that approving the request might set a precedent for allowing commercial uses to use residential roads. He did not see 5500 West becoming a major intersection. He was concerned about changing the zoning without knowing how the traffic and roads would be impacted.

Commissioner Day pointed out that there might be people willing to live along the highway.

Commissioner Brammer noted that Mr. Christensen's request for a wall was related to these business items. Commissioner Brammer opened the public hearing at 7:50 PM.

Mr. Christensen said there was always a demarcation line between a commercial zone and residential zone. He did not think the request for a hard fence was unreasonable. He did not understand concerns with water drainage and the sewer line. He thought the area was "ripe" for commercial development and it would be helpful to have some kind of barrier to reduce noise. He hoped that the demarcation would be provided so they could continue to enjoy living in Highland.

Marilyn Owen lived on the next street and was concerned that the commercial use would continue to move down the road. She was concerned with potential traffic, noise, and congestion.

Pablo Montes talked about an imbalance between the north and south sides of the road. He thought that a wall separating the residential and commercial uses would be good for the city to provide balance as well as help maintain the value of residential areas. He talked about the noise from the highway. He thought the proposed plan was good, but said there needed a balance between residential and good commercial areas. He was in favor of rezoning the property.

Property Owner Todd Berry reviewed the history of the property. He talked about the area being too noisy for residential use and explained that they frequently received requests to purchase the property. He said he knew the neighbors and cared about what they wanted for the area. He thought a dental office was a good fit and could provide a buffer.

Resident Heather Hall agreed with Mr. Montes and liked the idea of a wall. She disagreed that the traffic would increase because she said most residents already took residential roads. She was concerned about accidents from cars trying to get onto the highway. She said patients would have to enter the parking lot from 5500 West and would learn quickly, like the local residents, that they would need to exit the parking lot onto 5500 West and weave around residential roads to the light in

order to leave safely. She said it was impossible to leave onto the highway. She agreed that the wall needed to be put up to keep the value of the homes, keep the separation of business and houses, and for safety concerns. Ms. Hall did not think there would be problems with drainage.

Commissioner Brammer asked for additional public comment. Hearing none, he asked for additional comments from the commissioners.

Commissioner Day said there needed to be a standard and was concerned about business encroachment. He wondered what precedent would be set with building the wall. He thought it was good to have a buffer with office space, but commercial brought more traffic and stopped people from coming. He wondered if the General Plan needed to be reviewed again and in order to plan for office space along SR-92 or if traffic would be limited because SR-92 remained residential in the future.

Commissioner Campbell liked the idea of a buffer with office space. He thought a lot of discussion needed to happen to make a determination for the wall. He thought the proposed office space was a good answer to an area that could be problematic.

Commissioner Ostler liked the professional office space, but was concern with traffic filtering onto residential streets. He was concerned with access and the precedent it might set. He thought there were other areas that could be developed first before the need to develop this area.

Commissioner Bills thought there was value with looking at the General Plan, but also value to looking at individual circumstances and lots. She thought the area was a prime spot for some kind of office space.

Commissioner Harris mentioned that he lived near the area and understood the concerns with the roads. He wondered if the trend with office space and a wall would continue along the SR-92. He liked the idea of the office space, but agreed with the neighbors not wanting the traffic. He agreed that the office clients would leave by using residential roads and not obey speed limits.

Commissioner Brammer talked about the 3-part criteria for determining whether zoning should change or not. He said there were not a lot of alternatives for a fresh build dental area along an arterial road in Highland. He thought the proposed amendment constituted an overall improvement to the General Plan. He thought it was good city design to put commercial around major arterials, instead of residential houses. He did not think the requested amendment would adversely impact the community as a whole or a portion by altering acceptable land use patterns and requiring more public infrastructure improvements. He said it was rare that residents would accept commercial use with only the request of a wall. Commissioner Brammer thought it was a modest proposal that made sense with a modest modification that also made sense.

Commissioner Ostler disagreed and thought closing a road was a huge modification.

Discussion continued regarding the egress and ingress of SR-92, access for residents, and access for clients of the proposed office space. Some commissioners wondered if the decision of closing the road needed to be made before a decision regarding the proposed amendment.

Mr. Christensen and Ms. Hall clarified saying that they would not be in favor of the proposed development if the road was not closed.

Commissioner Campbell told of his experience with working near a dentist office and said it had very little traffic. Commissioner Ostler pointed out that a new office could be there in the future that might bring more traffic.

Commissioner Brammer asked for a motion.

CP-17-01 Motion: Commissioner Campbell move to recommend approval of a request for amendment of the General Plan from low density residential to commercial. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.

Z-17-01 Motion: Commissioner Campbell moved to recommend approval of a rezone request from Single Family Residential R-1-40 to the Residential Professional RP zone. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.



CITY COUNCIL AGENDA REPORT ITEM #5

DATE: Tuesday, March 21, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: PUBLIC HEARING: Vacate approximately 170 feet of right on 5500 West.

STAFF RECOMMENDATION:

The City Council should hold a public hearing and determine if neither the public interest nor any person will be materially injured by the vacation.

BACKGROUND:

Staff has been approached by residents on 5500 West to vacate approximately 170 feet of right-of-way beginning at the intersection of 5500 West and SR92. According to the submitted petition, the purpose of the abandonment is to provide a clear boundary between existing residents and the proposed office building located at the northeast corner of 5500 West and SR92. There are two property owners adjacent to the proposed vacation: UDOT and Todd Berry. Permission from UDOT will be required to vacate the street.

5500 West is a local road and runs from SR92 on the south to 11200 North. There are 16 existing homes that have direct access to 5500 West. Staff collected traffic data from March 8 to March 15.

Traffic Data:

- Design capacity of a local street: 1,000 trips per day
- Average number of trips per day based on traffic counts: 328
- Average number of trips northbound: 303
- Average number of trips southbound: 354
- Average number of trips per hour northbound: 19 (16 hours divided by number of trips)
- Average number of trips per hour southbound: 22 (16 hours divided by number of trips)

Traffic Data Conclusions:

- 5500 West does not exceed design capacity for a local street

- There are more vehicle trips southbound than northbound. These trips are either turning left or right.

Abandonment Criteria:

State Law establishes the criteria to abandon right-of-way in Section 10-9a-609.5:

- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
- (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.

CITIZEN PARTICIPATION:

Notice of the public hearing was mailed to all property owners within 300 feet of 5500 West. We have received one phone call in opposition of the proposal.

ANALYSIS:

- If 5500 West is closed traffic would be rerouted north via 11200 North. It is estimated that the majority of the southbound trips would use either 5550 West or 5600 West to access SR92. A future signal is planned at 5600 West once the intersection meets warrants.
- There are existing culinary water, sanitary sewer, and pressurized irrigation lines in 5500 West. There could also be gas, power, cable, and telephone lines within the public utility easements. If 5500 West is closed accommodations will be needed to address existing infrastructure.
- An appropriate turnaround will need to be provided to accommodate garbage trucks, snow plows, fire trucks, etc.
- If the Council chooses to vacate the street, staff will prepare the required ordinance and plat.

RECOMMENDATION:

The City Council should hold a public hearing and determine if neither the public interest nor any person will be materially injured by the vacation.

FISCAL IMPACT:

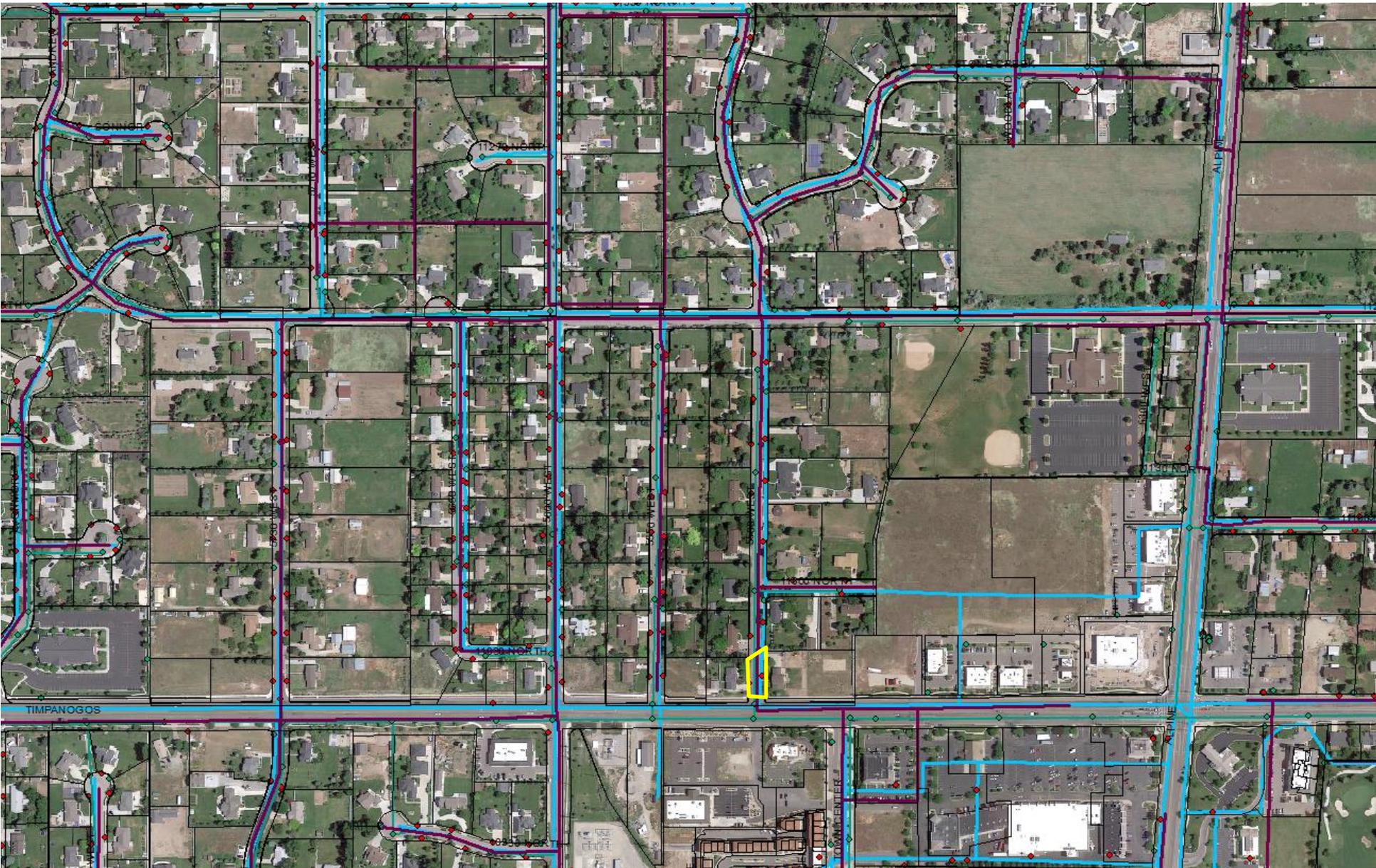
This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Vicinity Map

2. Petition
3. Section 10-9a-609.5 Vacating a street, right-of-way, or easement

VICINITY MAP



To: Highland City, Utah

2/27/2017

Subject: Petition to close 5500 W. at property line separating residents from commercial/professional.

Sirs:

The residents and home owners living on 5500 West between Utah State Highway SR92 and 11200 North petition the City of Highland Utah to provide a clear boundary between our current residents and all future commercial and professional development being erected at the SR92 end of 5500 West. We petition Highland City to block off 5500 W. by extending a 6 foot high concrete wall across the street to connect with the fences that will separate our homes from future commercial/professional business.

Name:	Address	Phone No.
Larry Christensen	11041 N. 5500 W.	801-560-5743
Laura Reese	11065 N. 5500 W.	801-756-7448
John A. Reese	11065 N. 5500 W.	801-756-7448
Tom Mason	5450 W. 11060 N.	501-318-3798
Mari Rasmussen	5456 W 11060 N.	801-756-9151
Romy Jean Ockler	5457 W. 11060 N.	801-756-6917
Mike	11116 N 5500 W	719-205-1431
6 Young	11144 N 5500 W	801 633-6445
George L. Stutz	11184 N. 5500 W	801 376 1402
Ron Stutz	11184 N. 5500 W.	801-201-4815
Andrew Passey	11183 N. 5500 W.	801 836-8131
Jonathan Graff	11183 N. 5500 W	801-756-6927
Gloria Gray	11183 N 5500 W	801 756-6927
Kert Hall	11159 N 5500 W	801-800-0809
Deather Hall	11159 N 5500 W	801-885-6445
Linda Christensen	11401 N 5500 W	801-592-5983
Edgar Jolley	11111 N 5500 W	801-318-1614
Cheryl Jolley	11111 N 5500 W	801-787-8868

Todd Berry	11020 N 5500 W	801-361-8748
Boyd Benek	11042 N 5500 W	435-705-4128
John	11087 N 5500 W	618-407-2340
Sam Strathairn	11135 N. 5500 W	801-492-0454
Mr A @	11019 N. 5500 W.	719-229-5799

10-9a-609.5 Vacating a street, right-of-way, or easement.

- (1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
 - (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street, right-of-way, or easement; or
 - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement;and
 - (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.
- (2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:
 - (a) good cause exists for the vacation; and
 - (b) the public interest or any person will be materially injured by the proposed vacation.
- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- (4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
 - (a) a plat reflecting the vacation; or
 - (b) an ordinance described in Subsection (3).
- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
 - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any lot owner; or
 - (ii) the franchise rights of any public utility.

Amended by Chapter 381, 2010 General Session



CITY COUNCIL AGENDA REPORT ITEM #6

DATE: Tuesday March 21, 2017
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: MOTION: Approval of an amendment to the Interlocal Agreement for Lone Peak Public Safety District relating to the appointment of Board Members.

STAFF RECOMMENDATION:

City Council should **APPROVE** the amendment.

BACKGROUND:

In February, the Lone Peak Public Safety District Board approved an amendment to the bylaws that allows a participating City to change their representative in accordance with the respective cities procedures. The amendment reads as follows:

The term of each Board member shall be the shorter of four years from the date of appointment or when the Board member leaves elected or appointed office held with the represented city unless a change is made by the representative City in accordance with their respective procedures. A Board member may be reappointed to multiple terms as a Board member if otherwise eligible.

Any amendment to the bylaws requires ratification by the City Council of each participating member.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Amendment to the Interlocal Agreement for LPPSD

**AMENDMENT TO INTERLOCAL AGREEMENT FOR
LONE PEAK PUBLIC SERVICE DISTRICT**

This Amendment amends that certain interlocal agreement ("Agreement") first entered into January 1996 and subsequently amended under the authority granted Utah municipalities to join together for their mutual interest by the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Ann., 1953, as amended. The parties to this Agreement are Alpine City, the City of Highland, and the City of Cedar Hills, hereinafter "City" or "Cities," all municipal corporations of the State of Utah.

RECITALS

WHEREAS, the Cities have joined together to provide police, ambulance, fire, and emergency medical services to the populace of their respective jurisdictions; and

WHEREAS, the Cities desire to clarify a provision relating to board member appointments;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Cities agree as follows:

AMENDMENT

1. Amendment to Section 2 "Governing Board." The following paragraph contained in Section 2 of the Agreement shall be amended as follows:

The term of each Board member shall be the shorter of four years from the date of appointment or when the Board member leaves elected or appointed office held with the represented city unless a change is made by the representative City in accordance with their respective procedures. A Board member may be reappointed to multiple terms as a Board member if otherwise eligible.

2. Effective Date. This Amendment is effective immediately upon adoption and approval of the Cities' legislative bodies.

3. Remainder of Agreement. The remainder of the Interlocal Agreement remains in full force and effect.

Signed and dated this ____ day of _____, 2017.

ATTEST:

CITY OF CEDAR HILLS

Colleen Mulvey
CITY RECORDER

Gary Gygi
MAYOR

Approved as to form:

City Attorney

Signed and dated this ____ day of _____, 2017.

ATTEST:

ALPINE CITY

Charmayne Warnock
CITY RECORDER

Sheldon Wimmer
MAYOR

Approved as to form:

City Attorney

Signed and dated this ____ day of _____, 2017

ATTEST:

CITY OF HIGHLAND

Jody Bates
CITY RECORDER

Mark Thompson
MAYOR

Approved as to form:

City Attorney