



Lehi City Council Meeting

Agenda

February 27, 2024

5:30 PM - Lehi City Council Chambers (153 N. 100 E., Lehi, Utah)

Pre-Council, 5:30 p.m.

1. Welcome and Opening Comment
2. Presentations and Reports
 - 2.1. Olympus Insurance Training
 - 2.2. Discussion of the 2100 N / Holy Cross Hospital Station Area Plan
 - 2.3. Discussion of General Plan Pioneer Crossing Village Overlay at 1100 W and Pioneer Crossing
 - 2.4. Presentation of Lehi Departmental Goals
3. Agenda Questions

The Mayor and City Council discuss and ask questions on items on the Regular Session agenda.
4. Administrative Report
5. Mayor and Council Reports

Calendar items and outside Committee reports
6. Consideration of Adjourning into a Closed Session to discuss the character, professional competence, or physical or mental health of an individual and to discuss the purchase, exchange or lease of real property.

Regular Session, 7:00 p.m.

1. Welcome, Roll Call, Pledge of Allegiance
2. Presentations and Reports
 - 2.1. Arbor Day Proclamation

[proclamation 2024.pdf](#)

2.2. Utah Southern Railroad Depot Museum Presentation- Darlene Stice van Workhoven, Don West, and Karl Farnsworth.

3. 20 Minute Citizen Input

(for public comments on items not listed on the agenda. Comments limited to 3 minutes per person with a time limit not to exceed 20 minutes for this item.)

4. Consent Agenda

4.1. Approve Purchase Orders

[PO Index.pdf](#)

[po #7672.pdf](#)

4.2. Approve Minutes from the February 13, 2024 Budget Retreat and City Council Meeting.

Regular Agenda

5. Consideration of Resolution #2024-04 approving an Interlocal Agreement with American Fork City for the provision of court services.

Petitioner: Lehi City

[Res 2024-04.docx](#)

6. Consideration of Resolution #2024-05 approving a water delivery agreement with Texas Instruments Inc.

Petitioner: Lehi City

[Res 2024-05.docx](#)

7. Consideration of Ordinance #09-2024 the Willow Park Church zone change on 10.92-acres located at approximately 1500 North 2600 West, changing the zoning from TH-5 to R-1-22.

Petitioner: Uncommon Architecture

[CC Staff Report Willow Park Church Zone Change 02.27.24.docx](#)

[Willow Park Church Zone Change DRC 01.10.2024.docx](#)

[Ord 09-2024.docx](#)

[Willow Park Church - narrative 01.10.24.pdf](#)

[Willow Park Church - legal description 01.10.24.pdf](#)

[Aerial map.pdf](#)

[General plan.pdf](#)

[Zoning.pdf](#)

8. Consideration of Ordinance #10-2024 a Development Code Amendment to Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees.

Petitioner: Lehi City

[CC Staff Report Ch 35 Community Forestry Development Code Amendment 02.27.24.docx](#)

[Chapter 35 Community Forestry DRC 11.08.23 Responses.docx](#)

[Ordinance -Chapter 35 Community Forestry Development Code Amendment02.27.24.docx](#)

[Summary of Proposed Changes to Chapter 35.pdf](#)

[Chapter 35 Revisions.pdf](#)

9. Adjournment

- Public is invited to attend all City Council Meetings
- In compliance with the Americans with Disabilities Act, persons in need of special accommodations should contact the City Recorder at 385-201-2269
- This agenda has been properly posted and a copy provided to the local news media.

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Olympus Insurance Training

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Discussion of the 2100 N / Holy Cross Hospital Station Area Plan

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Discussion of General Plan Pioneer Crossing Village Overlay at 1100 W and Pioneer Crossing

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Presentation of Lehi Departmental Goals

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Arbor Day Proclamation

Suggested Action:

Attachments:

[proclamation 2024.pdf](#)



OFFICIAL PROCLAMATION

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Mark Johnson, Mayor of the City of Lehi City, do hereby proclaim April 27, 2024 as **ARBOR DAY** In the City of Lehi City, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS _____ day of _____, _____

Mayor _____

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Presentation

Agenda Section: Presentations and Reports

Subject:

Utah Southern Railroad Depot Museum Presentation- Darlene Stice van Workhoven, Don West, and Karl Farnsworth.

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Action Item

Agenda Section: Consent Agenda

Subject:

Approve Purchase Orders

Suggested Action:

Attachments:

[PO Index.pdf](#)

[po #7672.pdf](#)



LEHI CITY
CITY COUNCIL AGENDA
February 27, 2024

Consent Agenda: Approval of Purchase Orders

INFORMATION:

Company	Description	P O Amount	Budget Balance (before PO)
Probst Electric	Lehi Street Lights phase 3 and Thanksgiving Point phase 3	\$170,450.00	\$350,000.00



PURCHASE ORDER
LEHI CITY CORPORATION
153 NORTH 100 EAST
LEHI UT 84043

THIS ORDER
NUMBER
MUST APPEAR
ON YOUR
INVOICE
7672

ISSUED TO: 3468
PROBST ELECTRIC
441 WEST POWER LINE RD

HEBER CITY UT 84032

SHIP TO: LEHI CITY CORPORATION
153 NORTH 100 EAST
LEHI UT 84043

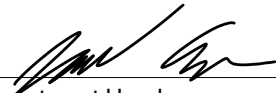
DEPARTMENT:

PURCHASE ORDER DATE: 02/15/2024

<u>REQ #</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>	<u>GL ACCOUNT</u>
0	1.00	LEHI STREET LIGHTS PHASE 3 THANKSGIVING POINT PH3	170,450.00	170,450.00	53-50-55-000

TOTAL 170,450.00

Authorized By:



Department Head

City Council Approval Date *

* City Council approval required if greater than \$125,000

Mayor or City Administrator

Supplier

Name

PROBST ELECTRIC INC.

Vendor #

Street

441 WEST POWER LINE RD

Date _____

2/12/2024

City

HEBER CITY

State

UT

Zip

84032

Phone

435-657-1955

Dean Lundell

POWER

53-50-55

Requesting Department

Dept. Account No.

Department Head Signature

[illegible]

Justification:	Price Determination	
Contract through	Verbal Quote	
Bid process	Informal Bid	
w/ attached	Written Bid	
change orders	State Bid	
	Other	



CHANGE ORDER

CO #1

Contractor: Probst Electric, Inc.

Change Order No.: 1

Project: Lehi Streetlights Phase 3

Date: 1/11/2024

Date of Contract: 9/16/2023

Description of Work:

Lehi Power Bore Shot Executive Pkwy – North Side of Road

Pricing set forth in this change order proposal/quote is limited and applicable only to those services specifically set forth herein, and no related/ancillary services should be assumed to be part of this change order proposal/quote if not explicitly included. Additionally, the pricing set forth herein is conditional on change order work being performed contemporaneously with the original scope of work (as may have been modified by prior change order), and the inability to perform such work contemporaneously shall result in additional mobilization/demobilization costs.

Period of Performance: 12/13/2023

Contract Price Adjustment: Pursuant to this Change Order, the following Contract price adjustment is hereby incorporated:

Base Contract Amount: \$157,450.00

Contract Price through Change Order No. 1: \$166,600.00

Change Order No. 1: \$9,150.00

Total Change per this Order **\$9,150.00**

Revised Contract Price **\$166,600.00**

The above adjustment sets forth the total compensation for performing the work described in this Change Order, and any effect this Change Order has on the performance of any other work under this Contract. Except as provided herein, all other terms of the Contract remain in full force and effect.

Probst Electric, Inc Initials JR

Customer's Name Here KB

PROBST ELECTRIC, INC.

CUSTOMER NAME

By Josh Richins
Digitally signed by Josh Richins
DN: cn=Josh
E=jrichins@probstelectric.com,
o=Probst Electric, cn=Josh
Richins
Date: 2024.01.11
11:14:52-07:00
Authorized Signature

Name Josh Richins

Title Project Manager

Date 1/11/24

By Kenneth Blinghult
Authorized Signature

Name Kenneth Blinghult

Title Power relations manager

Date 2-7-2024

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Probst Electric, Inc Initials _____

Customer's Name Here KB



CHANGE ORDER

CO #2

Contractor: Probst Electric, Inc.

Change Order No.: 2

Project: Lehi Streetlights Phase 3

Date: 1/26/2024

Date of Contract: 9/16/2023

Description of Work:

Vac Truck two locations for two broken conduits, place two new conduits, run an extra run of wire 285'.

Pricing set forth in this change order proposal/quote is limited and applicable only to those services specifically set forth herein, and no related/ancillary services should be assumed to be part of this change order proposal/quote if not explicitly included. Additionally, the pricing set forth herein is conditional on change order work being performed contemporaneously with the original scope of work (as may have been modified by prior change order), and the inability to perform such work contemporaneously shall result in additional mobilization/demobilization costs.

Period of Performance: 12/19/2023 & 1/11/2024

Contract Price Adjustment: Pursuant to this Change Order, the following Contract price adjustment is hereby incorporated:

Base Contract Amount: \$157,450.00

Contract Price through Change Order No. 2: \$170,450.00

Change Order No. 2: \$3,850.00

Total Change per this Order **\$3,850.00**

Revised Contract Price **\$170,450.00**

The above adjustment sets forth the total compensation for performing the work described in this Change Order, and any effect this Change Order has on the performance of any other work under this Contract. Except as provided herein, all other terms of the Contract remain in full force and effect.

Probst Electric, Inc Initials JR

Customer's Name Here KB

PROBST ELECTRIC, INC.

CUSTOMER NAME

By Josh Richins
Digital signed by Josh Richins
on: 2024
jrichins@probestelectric.com
Original Name: Josh Richins
Date: 2024.01.26 11:23:52-0700
Authorized Signature

Name Josh Richins

Title Project Manager

Date 1/26/24

By *Kenneth Brinkhoff*
Authorized Signature

Name Kenneth Brinkhoff

Title Power operations manager

Date 2-7-2024

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Probst Electric, Inc Initials JR _____

Customer's Name Here KB

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Action Item

Agenda Section: Consent Agenda

Subject:

Approve Minutes from the February 13, 2024 Budget Retreat and City Council Meeting.

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Resolution

Agenda Section: Regular Agenda

Subject:

Consideration of Resolution #2024-04 approving an Interlocal Agreement with American Fork City for the provision of court services.

Suggested Action:

Attachments:

[Res 2024-04.docx](#)



RESOLUTION NO. 2024-04

A RESOLUTION OF THE LEHI CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH AMERICAN FORK CITY FOR THE PROVISION OF COURT SERVICES

WHEREAS American Fork City (“American Fork”) currently prosecutes misdemeanor and infraction level offenses in the Fourth District Judicial Court, American Fork Department;

WHEREAS American Fork has been notified of the state’s intent to dissolve the District Court;

WHEREAS Lehi is willing to expand the territorial jurisdiction of its justice court to include the municipal boundaries of American Fork and provide court services to American Fork;

WHEREAS, on February 13, 2024, the Lehi City Council held a duly-noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and,

WHEREAS, after considering the facts and comments presented to the City Council, the Council finds: (i) that it should approve an Interlocal Agreement with American Fork; and (ii) such action furthers the health, safety and welfare of the citizens of Lehi.

NOW, THEREFORE, be it resolved by the City Council of Lehi City, Utah, as follows:

1. The Interlocal Agreement between Lehi City and American Fork attached hereto as Exhibit “A” is hereby approved and the Mayor is authorized to execute the Agreement and take all other such action as is necessary to make it effective.
2. This resolution shall take effect immediately.

Approved and Adopted by the City Council of Lehi City, Utah this 13th day of February, 2024.

LEHI CITY

ATTEST

EXHIBIT “A”

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Resolution

Agenda Section: Regular Agenda

Subject:

Consideration of Resolution #2024-05 approving a water delivery agreement with Texas Instruments Inc.

Suggested Action:

Attachments:

[Res 2024-05.docx](#)



RESOLUTION NO. 2024-05

A RESOLUTION OF THE LEHI CITY COUNCIL APPROVING A
WATER DELIVERY AGREEMENT WITH TEXAS INSTRUMENTS INC.

WHEREAS, Lehi City owns the Sand Pit Well and Micron contributed to the development of the Sandpit Well and associated infrastructure for use at its facility; and

WHEREAS, in 2021 Texas Instruments ("TI") acquired from Micron all right, title and interest in water rights associated with the facility; and

WHEREAS, TI owns water rights currently approved for diversion and use from underground wells, including the Sandpit Well; and

WHEREAS, the City has drilled, constructed, completed development of, and equipped the Sandpit Well; and

WHEREAS, the City and TI now desire to enter into a Water Delivery Agreement to finalize and document the rights concerning the Sandpit Well and the delivery of culinary water from the City's municipal system for use at the facility;

WHEREAS, on February 13, 2024, the Lehi City Council held a duly-noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and,

WHEREAS, after considering the facts and comments presented to the City Council, the Council finds: (i) that it should approve an Agreement with TI; and (ii) such action furthers the health, safety and welfare of the citizens of Lehi.

NOW, THEREFORE, be it resolved by the City Council of Lehi City, Utah, as follows:

1. The Agreement between Lehi City and TI attached hereto as Exhibit "A" is hereby approved and the Mayor is authorized to execute the Agreement and take all other such action as is necessary to make it effective.
2. This resolution shall take effect immediately.

Approved and Adopted by the City Council of Lehi City, Utah this 13th day of February, 2024.

LEHI CITY

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

EXHIBIT “A”

City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Katie Bussell

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #09-2024 the Willow Park Church zone change on 10.92-acres located at approximately 1500 North 2600 West, changing the zoning from TH-5 to R-1-22.

Suggested Action:

Attachments:

[CC Staff Report Willow Park Church Zone Change 02.27.24.docx](#)

[Willow Park Church Zone Change DRC 01.10.2024.docx](#)

[Ord 09-2024.docx](#)

[Willow Park Church - narrative 01.10.24.pdf](#)

[Willow Park Church - legal description 01.10.24.pdf](#)

[Aerial map.pdf](#)

[General plan.pdf](#)

[Zoning.pdf](#)

WILLOW PARK CHURCH ZONE CHANGE CITY COUNCIL REPORT

Applicant	Uncommon Architects		
Meeting Date	February 27, 2024		
Requested Action/Purpose	Approval of a proposed zone change		
Location	Approximately 1500 North 2600 West		
Project Area	10.92 acres		
Existing Zoning	TH-5		
Proposed Zoning	R-1-22		
Existing General Plan Land Use Designation	R-1-22		
Adjacent Zoning and Land Use	<i>North</i>	R-1-12	Single-family residential
	<i>South</i>	R-1-22	Single-family residential
	<i>East</i>	R-1-22	Single-family residential
	<i>West</i>	TH-5	Agricultural
Date of DRC Review	January 10, 2024		
Date of Planning Commission Review	January 25, 2024		
Assigned Planner	Katie Bussell		
REQUIRED ACTION			
Planning Commission	Review and recommendation		
City Council	Final approval		

APPLICABLE GENERAL PLAN GOALS AND POLICIES

VERY LOW DENSITY RESIDENTIAL AGRICULTURAL (VLDRA)

The purpose of the Very Low Density Residential/Agricultural (VLDRA) classification is to provide for single-family residential areas within a rural setting, with an overall neighborhood density not to exceed 1.75 units per acre. Much of the area designated as VLDRA is located where small-scale farming, hobby farming, or other agricultural uses are present. Where new development is allowed adjacent to existing agricultural areas, the new development must be sensitive to the existing uses. Larger lot sizes and lower density zones that allow for animal rights will be encouraged where adjacent to such agricultural areas. In particular, provision should be made for hobby farms, ranchettes, or equestrian-related developments where the development is to be located adjacent to similar existing uses.

The VLDRA designation is also intended to encourage creativity and flexibility of planning and design through the use of Planned Residential Design projects and Planned Unit Developments, where clustering and open space, with a variety of lot sizes and a range of housing choices can be accomplished while still maintaining a base density of 1.75 units per acre. Although new development in VLDRA areas is allowed, the existing agricultural uses will be encouraged to remain. Growth should be directed in an orderly manner, growing outward from existing developed areas where public facilities are available.

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060 Criteria for Approval, of the Lehi City Development Code, the Planning Commission should consider the following factors, among others, when reviewing a zone amendment:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan;
3. Consistency and compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties;
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety, and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

PROPERTY HISTORY

February 21, 2018

Property transferred to the LDS Church.

REPORT ANALYSIS

The applicant is seeking review and recommendation of a proposed zone change from TH-5 to R-1-22 on 10.92 acres of property located at approximately 1500 North 2600 West. The General Plan designation of VLDRA is consistent with the zone change request.

This zone change application is to facilitate the construction of an LDS Stake Center. Churches are a permitted use within the R-1-22 zone, and would therefore match the proposed zoning.

The DRC reviewed the proposed Zone Change and had one redline comment pertaining to water dedication:

1. Water dedication will be required as a condition of recording the zone change ordinance. The rate would be 0.79 acre/feet per acre of culinary water and 2.9 acre/feet per acre of irrigation water.

Please consider the DRC comment in the motion.

POSSIBLE MOTIONS AND FINDINGS

The City Council may move to approve or deny the proposed zone change. Any motion should include findings. Possible findings include:

1. The proposed zone change is/is not consistent with the goals and policies of the General Plan.
2. The proposed change is/is not consistent and compatible with the General Plan land uses of nearby and adjoining properties.
3. The proposed change will/will not unduly affect the uses, or proposed uses for nearby and adjoining properties.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed zone change on January 25, 2024. The minutes and motion from this meeting are as follows:

3.1) Public hearing and recommendation of Uncommon Architecture's request for review of the Willow Park Church zone change, 10.92-acres located at approximately 1500 North 2600 West, changing the zoning from TH-5 to R-1-22

Chairman Jackson- opened the public hearing.

Lonnie Bates-Mr. Bates raised concerns about the proposed development plan, including the construction of two churches and the placement of garbage facilities. He sought clarification on whether his comments had been considered by the Commission and requested updates on the status of the development plans. Mr. Bates emphasized the unique impact on his neighborhood and expressed willingness to engage in the process to address his concerns.

Chairman Jackson- closed the public hearing.

Darren Mono, representing Uncommon Architects for the LDS Church, addressed the commissioners. He clarified that only the first building is currently planned, with the second being conceptual. They're not seeking site plan approval for the second building yet. There's flexibility regarding the placement of trash facilities, pending coordination with the project manager. Darren welcomed questions from the commission.

Motion: Commissioner Bunker moved to send a positive recommendation for Uncommon Architecture's request for review of the Willow Park Church zone change, 10.92-acres located at approximately 1500 North 2600 West, changing the zoning from TH-5 (transitional holding) to R-1-22 (residential); including the DRC comments; with the findings as listed in the staff report. The motion was seconded by Commissioner Eyre.

Vote: Commissioner Jackson, yes; Commissioner Kunze, yes; Commissioner Everett, yes; Commissioner Lockhart, yes; Commissioner Eyre, yes. The motion passed unanimously.

**Willow Park Church Residential Zone Change
DRC Redline Comments**

Uncommon Architects- requests review of the Willow Park Church zone change, 10.92-acres located at approximately 2600 West 1500 North changing the zoning from TH-5 to R-1-22. Need envelopes

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Brad Kenison, James Farnsworth

Assigned Planner: Katie

Representatives of the Applicant Present: Darin Mano, Jae Hyun

Date of Plans Reviewed: 01/02/2024

Time Start: 3:46 PM

Time End:

DRC REDLINE COMMENTS:

Glade – Power: No comments.

Garion – Fire: No comments.

Ryan – Water/Sewer: No comments.

James – Parks: No comments.

Gary – Building/Inspections: No comments.

Shelby– Public Works: No comments.

Brad – Engineering: No comments.

Kim – Planning:

1. Water dedication will be required as a condition of recording the zone change ordinance. The rate would be 0.79 acre/feet per acre of culinary water and 2.9 acre/feet per acre of irrigation water.

Consistency with the elements of the Lehi City General Plan.

This area has a proposed VLDR designation on the General Plan that has been filed concurrently.

Effect of the proposed amendment on the existing goals, objectives, and policies of the Lehi City General Plan.

From the Lehi City General Plan Land Use Element the following goals and policies related to development should be considered:

1. Maximize opportunities to create an overall pattern of planned and orderly development with a system of land uses, adequately and efficiently served by a balanced and energy-efficient system of transportation, and community services that are sensitive to the natural physical qualities of the area.
2. Provide diverse economic and employment opportunities and encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
3. Promote variety in commercial spaces, densities, and locations.

THIS ITEM BE SCHEUDLED FOR PLANNING COMMISSION ON JANUARY 25TH.

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 09-2024

**AN ORDINANCE APPROVING A ZONE DISTRICT DESIGNATION
AMENDMENT AND ZONING DISTRICT MAP AMENDMENT
LOCATED AT APPROXIMATELY 1500 NORTH 2600 WEST**

WHEREAS, Uncommon Architects, applicant for properties located at approximately 1500 North 2600 West and further described by the legal description attached as Exhibit “A”, has applied for an amendment to the Zone District and Zoning District Map; and

WHEREAS, the applicant seeks to have said parcel designated as R-1-22; and

WHEREAS, following a public hearing on January 25, 2024, the Lehi City Planning Commission reviewed the proposed Zoning District Designation and Zoning District Map amendment and forwarded it to the City Council to decide on the proposed amendment; and

WHEREAS, on February 27, 2024, City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of January 25, 2024; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) the request for a Zone District Designation amendment and Zoning District amendment is consistent with the Lehi City General Plan Land Use Map adopted by the Lehi City Council on January 25, 2022 (and as subsequently amended); and (ii) such action furthers the health, safety and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah as follows:

PART I:

The Zone District Designation and the Zoning District Map of the properties described on Exhibit “A” are hereby amended to R-1-22.

PART II:

A. If a provision of this Ordinance 09-2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the

provision in this Ordinance shall prevail.

B. This ordinance and its various section, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 27th day of February 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

EXHIBIT "A"

WILLOW PARK CHURCH ZONE CHANGE

Parcel 58:026:0090

Taxing Description: COM N 48.87 FT & W 820.67 FT FR NE COR. SEC. 12, T5S, R1W, SLB&M.; N 0 DEG 7' 35" E 18.46 FT; N 89 DEG 52' 25" W 492.21 FT; S 0 DEG 7' 35" W 18.46 FT; N 89 DEG 52' 25" W 348.29 FT; S 0 DEG 12' 38" E 339.3 FT; S 89 DEG 2' 7" E 124 FT; N 3 DEG 15' 32" E 4.83 FT; S 89 DEG 45' 52" E 135.35 FT; S 314.82 FT; S 89 DEG 10' 53" E 382.45 FT; S 89 DEG 16' 45" E 194.55 FT; N 0 DEG 14' 36" E 658 FT TO BEG. AREA 10.917 AC.



LEHI WILLOW PARK HER 23-2 CONCEPT REVIEW NARRATIVE

DEVELOPMENT OVERVIEW

The proposed development sits on a 10.92 acre site within the TH-5 (Transitional Holding) zone. This project proposes a 2-phase site development. The first phase is a Stake Center that hosts religious worship, recreation, and administrative functions for The Church of Jesus Christ of Latter-Day Saints. The second phase of the project will be the construction of an additional Meeting house on an adjacent lot. Phase 1 of the proposed development is being submitted for review. Phase 2 is preliminary and subject to change. Though we are happy to receive early feedback on the Phase 2, we are currently only applying for review and approval of Phase 1.

PROPOSED BUILDING

The proposed building is roughly 24,000 SF and adheres to the typical vernacular of an LDS church meeting house. The exterior is composed primarily of brick and features a variety of coursings. Additionally, the exterior features minimal accents of EIFS. Capping the building is a roof that is to receive asphalt shingles and a steeple that reaches roughly 70' in height.

PROPOSED CC&R'S

The site currently causes two streets - 1400 North and 2550 West - to dead end at the bounds of the site. The proposed development aims to connect those roads so that they meet and provide connection back to 1500 North. The addition of these street extensions would improve the connectivity and growth opportunity of the neighborhood. The landowner would like to discuss the construction and ownership of the new roadway. Please provide feedback on the preferred scenario for Lehi City (public right of way, private road, etc.)

In the merging of 1400 North and 2550 West, the east side of the site becomes segmented and creates areas of land that would be most suitable for residential development. The development proposes subdividing that land into 6 plots that would be sold for future homes to be built. These proposed residential plots would connect to the residential development directly east of the site and provide an appropriate transition to the church.

SITE AMENITIES

Phase 1 of the proposed development features 360 parking spaces with 8 of those being ADA parking. There is a sidewalk proposed along 1500 North that connects to the site walkways and building entries. Large landscape buffers outline the site and building as well as break up the parking lot. The site also features a pavilion on the west side of the site for added outdoor amenity. Lastly, there is a small utility shed and trash enclosure proposed on the south side of the phase 1 development.

The intent is to connect phase 1 and phase 2 so that they are consistent with one another. In addition to similar landscaping and utility features, phase 2 is to be provided with the necessary driving aisles and street connections as needed. Review of the proposed connection and street access to phase 2 are desired.

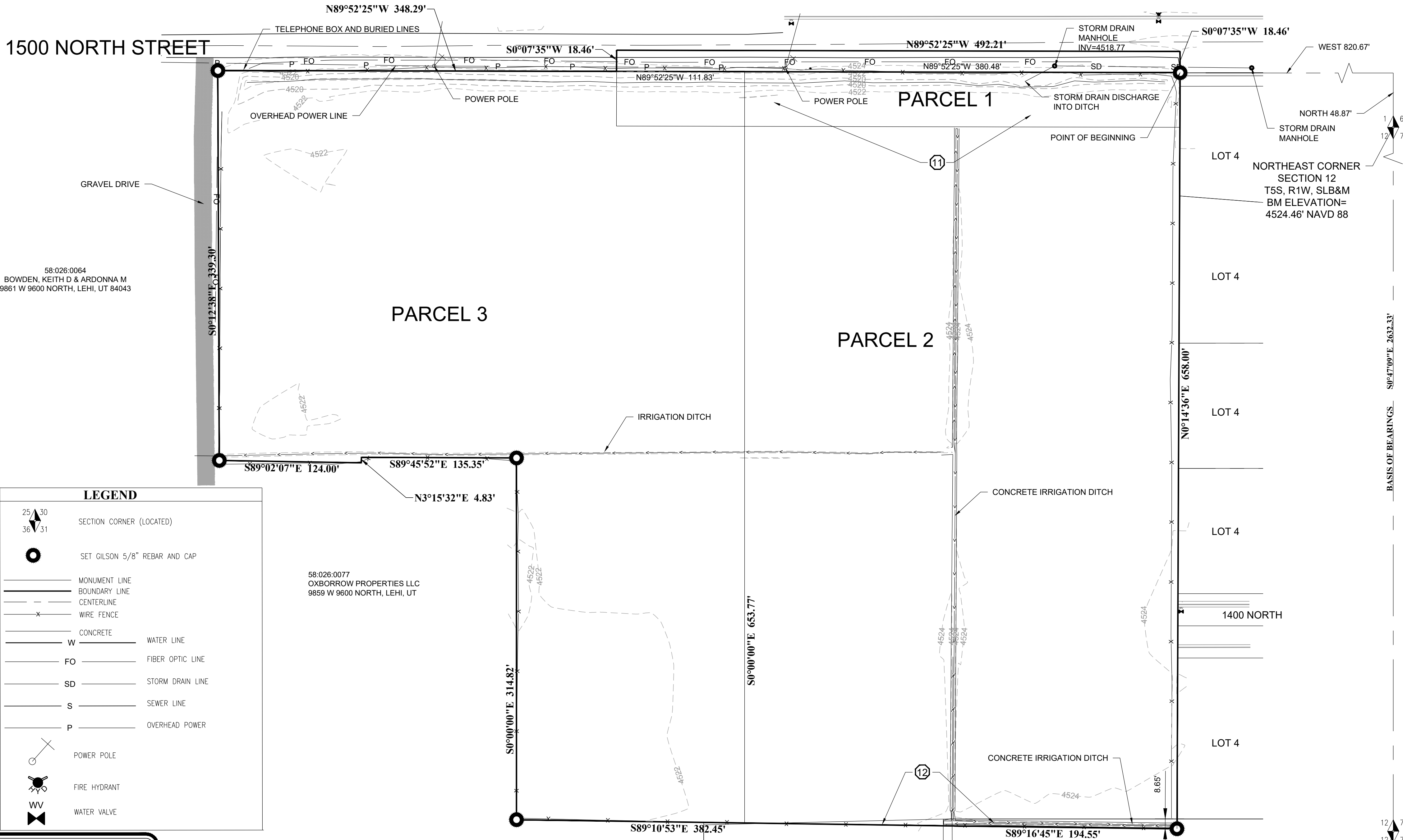
CORPORATION FOR THE PRESIDING BISHOP

ALTA/NSPS LAND TITLE SURVEY

1500 NORTH 2500 WEST LEHI, UTAH

LOCATED IN THE NORTHEAST 1/4 SECTION 12, AND THE SOUTHEAST
QUARTER OF SECTION 1 TOWNSHIP 5 SOUTH,
RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

Legal Description: COM S 89 DEG 54' 6" E 317.77 FT & N 45.33 FT FR N 1/4 COR.
SEC. 12, T5S, R1W, SLB&M.; N 89 DEG 48' 53" E 3.11 FT; N 0 DEG 10' 59" W .76
FT; N 89 DEG 48' 53" E 637.09 FT; S 0 DEG 11' 0" E 340.1 FT; N 88 DEG 42' 0" W
615.84 FT; S 0 DEG 15' 45" W .59 FT; N 88 DEG 48' 12" W 11.31 FT; N 0 DEG 2'
31" E .62 FT; N 88 DEG 42' 0" W 9.4 FT; N 0 DEG 52' 4" W 323 FT TO BEG. AREA
4.862 AC. ALSO COM S 292.48 FT & E 958.28 FT FR N 1/4 COR. SEC. 12, T5S,
R1W, SLB&M.; N 0 DEG 11' 0" W 340.1 FT; N 89 DEG 48' 53" E 41 FT; S 0 DEG 12'
38" E 341.17 FT; N 88 DEG 42' 0" W 41.18 FT TO BEG. AREA 0.321 AC. TOTAL
AREA 5.183 AC.



SURVEYOR'S CERTIFICATE:

TO:
CORPORATION OF THE PRESIDING BISHOP OF
THE CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS, A UTAH CORPORATION SOLE.
BARTLETT TITLE INSURANCE AGENCY, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED
WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS
FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND
NSPS, AND INCLUDES ITEMS 1-5, 7A, B1, C, and 8-11 OF TABLE A THEREOF. THE FIELD WORK
WAS COMPLETED IN SEPTEMBER 2017.

11-2-17

JOSH F. MADSEN
LICENSE NO. 5152657

NARRATIVE

THIS SURVEY WAS REQUESTED AND PERFORMED IN OCTOBER 2017 FOR THE PURPOSE OF
PREPARING AN ALTA NSPS SURVEY OF SUBJECT PARCELS. THE RECORD DESCRIPTIONS
FOR THIS SURVEY ARE FROM THE COMMITMENT FOR TITLE INSURANCE # BT-15750

EFFECTIVE DATE 10-2-17

THE BASIS OF BEARINGS USED ON THIS SURVEY IS NORTH 0°47'09" WEST BETWEEN THE
EAST QUARTER CORNER SECTION 12 AND THE NORTHEAST CORNER OF SECTION 12. UTAH
COUNTY SURVEYORS MONUMENT REFERENCE SHEETS AND PRIVATE RECORD OF
SURVEYS, ALONG WITH THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE
WERE USED IN THE PREPARATION OF THIS SURVEY.

BOUNDARY DESCRIPTION (RECORD)

PARCEL 1

COMMENCING 827.79 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 5
SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE WEST 492.21 FEET;
THENCE NORTH 1 CHAIN; THENCE EAST 492.21 FEET; THENCE SOUTH 1 CHAIN TO THE
POINT OF BEGINNING.

PARCEL 2

COMMENCING NORTH 49.43 FEET AND WEST 820.76 FEET FROM THE NORTHEAST CORNER
OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 WEST SALT LAKE BASE AND
MERIDIAN; THENCE SOUTH 0°14'36" WEST 658.56 FEET; THENCE
NORTH 89°16'45" WEST 194.55 FEET; THENCE NORTH 89°10'53" WEST 183.17 FEET; THENCE
NORTH 653.77 FEET; THENCE SOUTH 89°52'25" EAST 380.47 FEET TO THE POINT OF
BEGINNING.

PARCEL 3

COMMENCING NORTH 51.29 FEET AND WEST 1661.34 FEET FROM THE NORTHEAST CORNER
OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND
MERIDIAN; THENCE SOUTH 89°52'25" EAST 460.12 FEET; THENCE
SOUTH 653.77 FEET; THENCE NORTH 89°10'53" WEST 199.28 FEET; THENCE
NORTH 314.82 FEET; THENCE NORTH 89°45'52" WEST 135.35 FEET; THENCE
SOUTH 3°15'32" WEST 4.83 FEET; THENCE NORTH 89°02'07" WEST 124.00 FEET; THENCE
NORTH 0°12'38" WEST 339.30 FEET TO THE POINT OF BEGINNING.

BOUNDARY DESCRIPTION (AS SURVEYED)

BEGINNING AT A POINT LOCATED NORTH 48.87 FEET, AND WEST 820.67 FEET FROM THE
NORTHEAST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 WEST SALT LAKE
BASE AND MERIDIAN; AND RUNNING THENCE NORTH 0°07'35" EAST 18.46 FEET; THENCE
NORTH 89°52'25" WEST 492.21 FEET; THENCE
SOUTH 0°07'35" WEST 18.46 FEET; NORTH 89°52'25" WEST 348.29 FEET TO A BOUNDARY LINE
AGREEMENT ENTRY # 73772004; THENCE SOUTH 0°12'38" EAST ALONG SAID
LINE 339.30 FEET; THENCE SOUTH 89°02'07" EAST 124.00 FEET; THENCE
NORTH 3°15'32" EAST 4.83 FEET; SOUTH 89°45'52" EAST 135.35 FEET; THENCE
SOUTH 314.82 FEET; THENCE
SOUTH 89°10'53" EAST 382.45 FEET; SOUTH 89°16'45" EAST 194.55 FEET TO THE WEST LINE
OF SPRING RANCH PLAT A SUBDIVISION; THENCE ALONG SAID LINE
NORTH 0°14'36" EAST 658.00 FEET.

CONTAINS APPROX 10.92 ACRES

NOTES

PROPERTY IS LOCATED IN FLOOD ZONE X PER FEMA MAP PANEL 49551701058 REVISED
JULY 17TH 2002
NO BUILDINGS OR STRUCTURES WERE LOCATED ON THE SUBJECT PROPERTY.

SCHEDULE B SECTION II EXCEPTIONS

*EXCEPTIONS 1-10, AND 13 ARE NOT ADDRESSED ON THIS MAP.

11 ATTENTION IS DIRECTED TO THE FACT THAT PARCEL 1 DESCRIBED HEREIN DOES
OVERLAP INTO PARCEL #2 HEREIN DESCRIBED.

12 THE CONFLICTING INTEREST OF ALONA O. BENNETT AND PHYLLIS CROOKSTON OVER
AND ACROSS A PORTION OF THE SOUTH LINE OF PARCELS 2 AND 3.

LEHI WILLOW PARK HER 23-2,
PROPERTY #501-2085
1500 NORTH 2700 WEST LEHI, UTAH
SURVEY

JOB NUMBER: 501-2085
OWNER: Owner
DATE: Issue Date

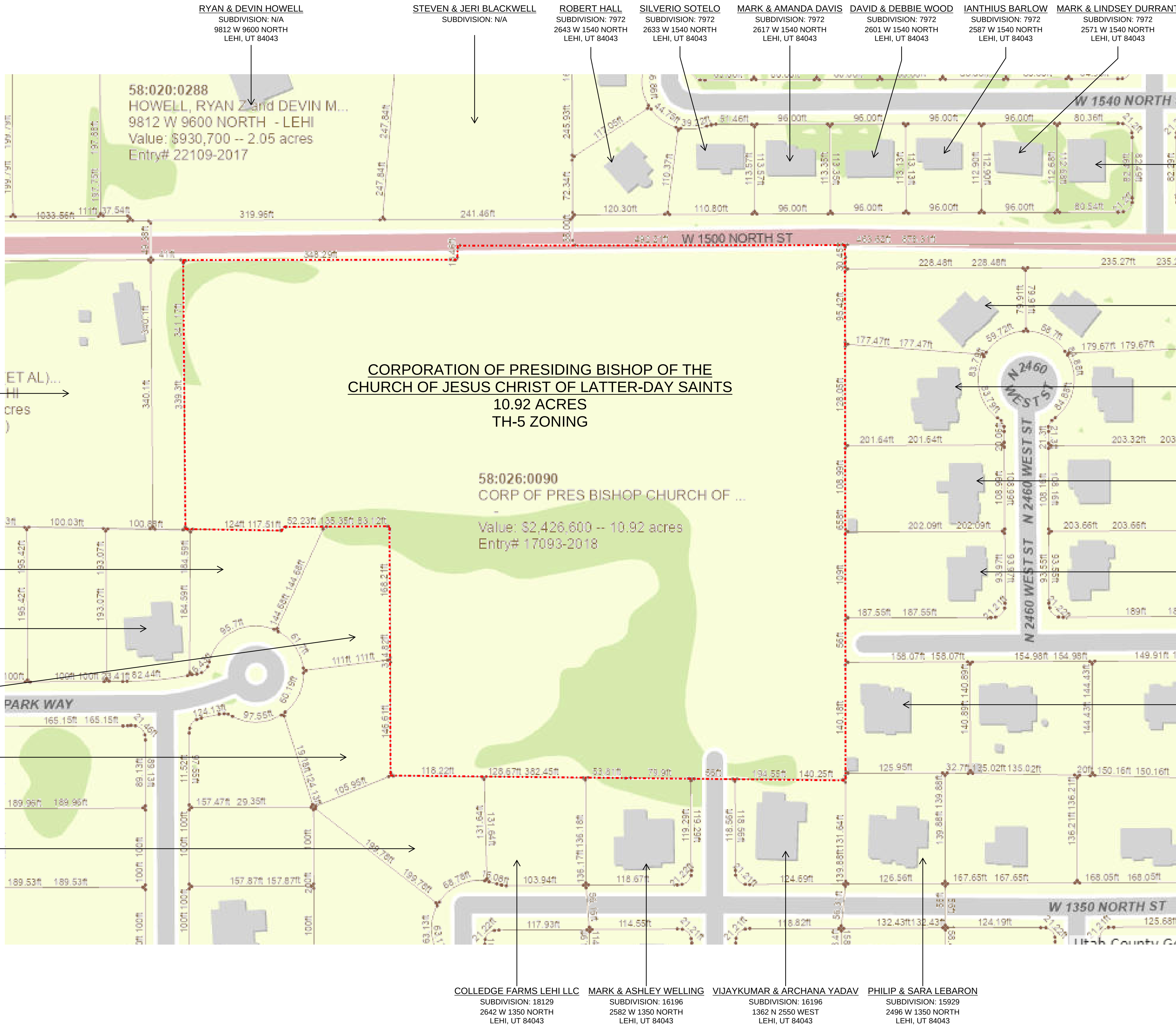
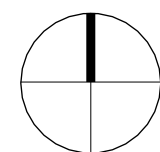
REV DATE DESCRIPTION

ALTA/NSPS
SURVEY

AS001

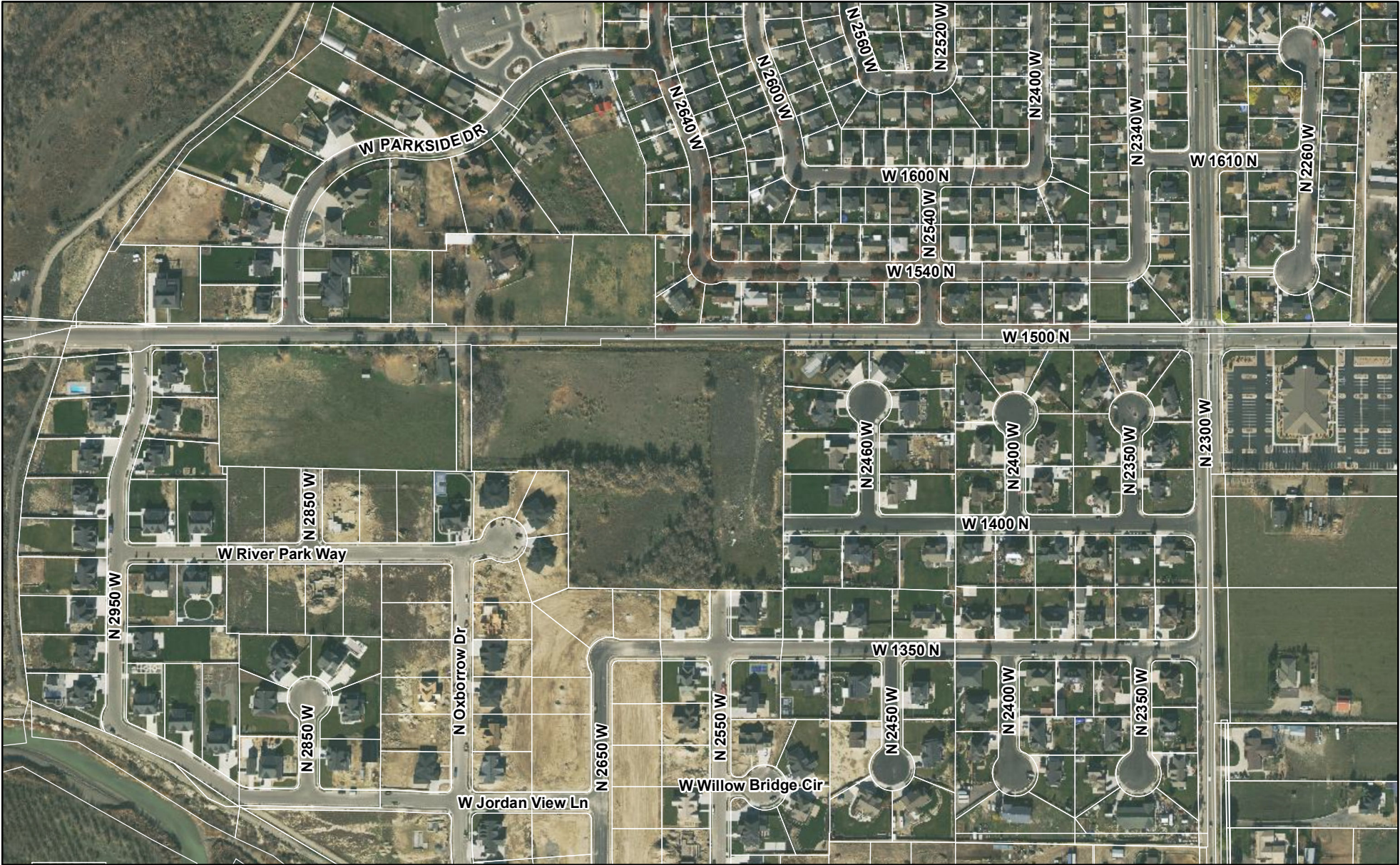
10/30/2023 1:20:39 PM

A1 SITE PLAN - OVERALL



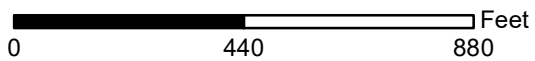
Willow Park Church

Aerial Map

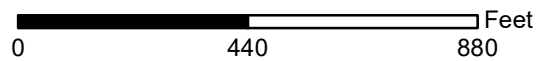
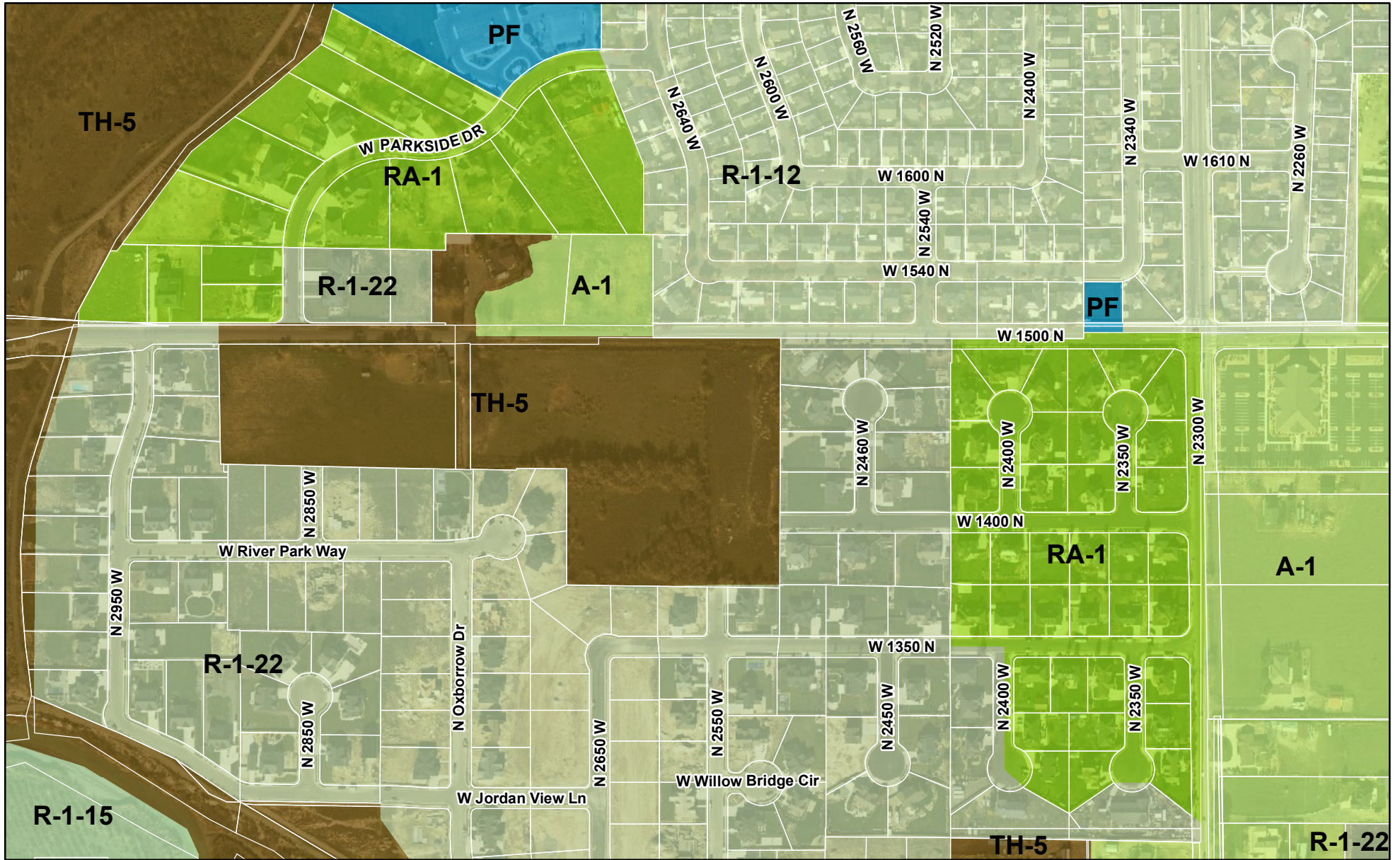


0 440 880 Feet

General Plan



Zoning Map



City Council Agenda Item Report

Meeting Date: February 27, 2024

Submitted By: Jacob Curtis

Submitting Department: Planning Division

Item Type: Ordinance

Agenda Section: Regular Agenda

Subject:

Consideration of Ordinance #10-2024 a Development Code Amendment to Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees.

Suggested Action:

Attachments:

[CC Staff Report Ch 35 Community Forestry Development Code Amendment 02.27.24.docx](#)

[Chapter 35 Community Forestry DRC 11.08.23 Responses.docx](#)

[Ordinance -Chapter 35 Community Forestry Development Code Amendment02.27.24.docx](#)

[Summary of Proposed Changes to Chapter 35.pdf](#)

[Chapter 35 Revisions.pdf](#)

CHAPTER 35 COMMUNITY FORESTRY DEVELOPMENT CODE AMENDMENT CITY COUNCIL REPORT

Applicant	Lehi City
Meeting Date	February 27, 2024
Requested Action/Purpose	Approval of a proposed amendment to the Lehi City Development Code
Date of DRC Review	November 8, 2023
Date of Planning Commission Review	January 11, 2024
REQUIRED ACTION	
Planning Commission	Review and recommendation
City Council	Final approval

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 04.060. Criteria for Approval.

No amendment to this Code, or the Zoning District Map(s), may be recommended for approval by the Commission nor approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Code amendment, or Zoning District Map(s) amendment, the applicant shall identify, and the City Staff, DRC, Commission, and the City Council may consider the following factors, among others:

1. The effect of the proposed amendment on the character of the surrounding area;
2. Consistency with the goals and policies of the General Plan.
3. Consistency and Compatibility of the proposed zone with the General Plan land uses of nearby and adjoining properties.
4. The suitability of the properties for the uses requested and their suitability for the existing uses identified by the General Plan;
5. Whether a change in the uses allowed for the affected properties will unduly affect the uses, or proposed uses for nearby and adjoining properties;
6. The gain to the public health, safety and welfare from the existing classification to the proposed amendment; and
7. The overall community benefit of the proposed amendment.

REPORT ANALYSIS

The City Forester, Jessica Smith, requests approval of proposed amendments to Chapter 35 of the Development Code on Community Forestry. Park Staff along with DRC reviewed Chapter 35 of the Development Code and made some minor changes to increase readability, clarify between public and private regulations, and eliminate unnecessary information. The main reasons for changes are for greater consistency and understanding throughout the chapter when it comes to public trees. Reducing the wording in the chapter along with adjusting sections for better clarity and organization to the appropriate sections is also part of the reason for the proposed changes.

The DRC reviewed the proposed changes and had some minor text revisions they suggested. See their comments and Jessica's response to them in the DRC Comments document included with the packet information for this item.

Please include all DRC comments in your motion.

POSSIBLE MOTIONS AND FINDINGS

The City Council may approve or deny the proposed development code amendment. Any motion should include findings. Possible findings include:

1. The proposed Development Code amendment is/is not in conformance with the purposes, intent, and provisions of the General Plan and its various elements.
2. Additional findings based upon information presented during the public hearing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed amendment on January 11, 2024. The minutes and motion from this meeting are as follows:

2.5) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees. Brittney Harris presented information on the item.

Jessica Smith, Lehi City Forester, was present to answer and clarify the request.

Commission Chair Jackson opened and closed the public hearing.

Motion: Commissioner Kunze moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees;** including all DRC comments and findings stated in the report. Commissioner Eyre seconded.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Lockhart, yes; Commissioner Kunze, yes. The motion passed unanimously.

Chapter 35, Community Forestry Development Code Amendment DRC Redline Comments

Lehi City- requests review of amendments to the Lehi City Development Code Chapter 35, Community Forestry, clarifying the City's regulations for both private and public trees.

DRC Members Present: Glade Kirkham, Garion Rowett, Ryan Allred, Shelby Brewer, Kim Struthers, Gary Smith, Ross Dinsdale, James Farnsworth, Luke Seegmiller

Assigned Planner:

Representatives of the Applicant Present: James

Date of Plans Reviewed: 10/16/23

Time Start: 1:15

Time End: 1:35

DRC REDLINE COMMENTS:

Glade – Power:

1. Reference NESC paragraph. 8' is clear space, not centerline.

Add “follow NESC Encroachment Standards and” after shall in the sentence.

Garion – Fire: No comments

Ryan – Water/Sewer:

2. Change paragraph J to read, "Water or Pressurized Irrigation meter"

Will change this to read Water or Pressurized Irrigation Meter

3. An exception for tree replacement due to conflict with any public utility must be provided in section 35.170.

The exception is noted within the last sentence with approval by the Urban Forester or the Parks Department.

4. conflict with utilities

The current Lehi City Development Code would address the replacement tree and the restrictions. If the tree cannot be replaced within the right of way the tree would be placed within the landscape elsewhere following the Design standards where the Parks Department or Urban Forester has it replaced within the landscape.

James – Parks: No comments

Gary – Building/Inspections: No comments

Shelby – Public Works: No comments

Ross – Engineering: (See Bluebeam Session for the following comments)

5. Change text to "may be"

Will change to may be

6. and section 2 of the Lehi City Design Standards and Public Improvement Specifications

? Not sure what section. I don't have Bluebeam to see the location of the comments.

7. Update Item I to strike the reference to fire hydrant and add “power cabinet or power equipment”. We should allow trees within 10' of driveway, this doesn't seem to be a conflict.

Fire hydrants and transformers have been in the ordinances with the 10' clearance of a tree and with some shrubs get very large at maturity so that is why they are being added. With the Hydrant in emergencies clearance can be crucial to time saved and a 15' height above the hydrant is needed and larger tree branches. The transformer a 10' clearance of trees and shrubs are noted on the transformer and is the National Standard. The 10' from the Driveway I did not catch. It is supposed to be 5' from a driveway. This planting restriction is in the permit and is meant to protect the drive approach and the curb where they meet from the tree's root flare. I will add another line separate for the Driveway restriction of 5'.

8. Update Item J to say “water or pressurized irrigation meter, fire hydrant or blowoff”.

Will change this to read Water or Pressurized Irrigation Meter

9. Change to A.A.S.H.T.O

Will Change the spelling to the correct abbreviation.

10. and section 2 of the Lehi City Design Standards and Public Improvement Specifications

? Not sure what section. I don't have Bluebeam to see the location of the comments.

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.

11. On the restriction of planting trees in park strips less than 7', recommend adding some flexibility on a case-by-case basis as approved by the Forester. Maybe restrict all trees in park strips less than 4', and then allow the flexibility between 4' and 7' and refer to the Public Tree Selection Guide for guidance.

The last sentence does give the ability to the parks department the exceptions to change the location/species in the park strip. Trees are not rarely denied and are added back to the park strips even as wide of 3'.

Luke- Traffic: No comments

Kim – Planning:

12. Question on 35.030A - do we have a permit system in place for public tree planting? This will require a lot of management to keep track of.

The permit system has been in place since June 2020. The permit is used as education to help the homeowner choose a better tree and placement for the park strip along with notifying them of certain restrictions for planting, the unacceptable tree list, and that they are planting on city property. It's a simple form filled out online and submitted to the Urban Forester. It takes very little time to approve and send back the permit that notes those restrictions again, how they can reach the forester with questions or concerns and attached are proper planting and basic care for establishment of the tree. The permit is added to the tree inventory system and attached to that address.

THIS ITEM WILL BE SCHEDULED FOR PLANNING COMMISSION ON DECEMBER 14, 2023

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.



ORDINANCE NO: 2024 -

**AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE
CHAPTER 35**

WHEREAS, it has become necessary to amend Chapter 35 of the Lehi City Development Code; and

WHEREAS, this amendment seeks to bring clarity and consistency to the sections on public trees; and

WHEREAS, following a public hearing on January 11, 2023, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on February 27, 2024, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of January 11, 2024, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Chapter 35 of the Lehi City Development Code should be amended; and such action furthers the health, safety, and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah as follows:

PART I:

Chapter 35 of the Lehi City Development Code is hereby amended.

PART II:

A. If a provision of this Ordinance -2024 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 27th day of February 2024.

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

Proposed Changes to Chapter 35 – Community Forestry

The reasons for changes are for greater consistency and understanding throughout the chapter when it comes to public trees. Reducing the wording in the chapter along with adjusting sections for better clarity and organization to the appropriate section are the main reasons for these proposed changes.

Some of the more noted changes are. (Note- There was something up with the formatting)

- Change street trees to all being referred to public trees throughout the entire chapter.
- 35.020 Adding A.A.S.H.T.O. was added.
- 35.080F- Changing the spacing of tree to just referring to the design standards instead of having the spacing for size listed.
- 35.080 – Changing the title to Public and Private Guidelines from Street tree Guidelines
- 35.080.D- Changed the spacing of the public trees to the current design standards guidelines instead of noting the spacing and size of trees to be consistent to the spacing now being the same.
- 35.080.F- Added placement of private trees and placement of properties that abut a public sidewalk or trail.
- 35.080.G- Added Private trees and placement on properties that abut a Power station.
- 35.080.H- Changed the height of vegetation to 24” within the clear view triangle to be consistent with traffic laws and the Flip a Strip Program.
- 35.080.J- added vegetation planted within 5’ of a water meter.
- 35.089 changed to 35.090.
- 35.100 – Changed from Street Trees to Private Property Owners Responsibilities
- 35.100 Entire section was adjusted for improved clarity and responsibility when it pertains to public trees .
- 35.110 – Entire section was adjusted for improved clarity and responsibilities of vegetation and public right of ways.
- 35.150- Adding that all contractors shall be certified to work on trees around power lines.
- 35.190 Hazardous tree and a timeline and consequences of not mitigating the hazards after notifying the party.
- 35.220 – Removed the appeal

CHAPTER 35**COMMUNITY FORESTRY***(Revised 07/14/20)*

Section 35.010.	Purpose
Section 35.020.	Definitions
Section 35.030.	Applicability
Section 35.040.	Coordination between Departments
Section 35.050.	Trees Advisory Board
Section 35.060.	Annual Plan of Work
Section 35.070.	Public Tree Care Specifications and Standards
Section 35.080.	Street Tree Guidelines
Section 35.090.	Street Tree and Public Tree Care
Section 35.100.	Street Trees – Private Owner Responsibility
Section 35.110.	Street, Sidewalk and Corner Clearance
Section 35.120.	Tree Preservation
Section 35.130.	Injuring Trees
Section 35.140.	Appraisal of Trees
Section 35.150.	Power Line Clearance Standards
Section 35.160.	Resolution of Conflicts Between Trees and Structures
Section 35.170.	Replacement of Street Trees
Section 35.180.	Dangerous or Hazardous Conditions Which are Declared a Public Nuisance
Section 35.190.	Abatement or Removal of Dangerous or Hazardous Trees on Private Property
Section 35.200.	Interference with Maintenance and Removal Unlawful
Section 35.210.	Penalty for Violation
Section 35.220.	Appeals

Section 35.010 Purpose.

The City of Lehi recognizes that trees are a valuable community resource that need to be protected and enhanced through proper management, education, and stewardship. Healthy trees reduce air and noise pollution, provide energy-saving shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride, and quality of life. This chapter is not intended to resolve or regulate any disputes over trees or any vegetation on private property that do not affect public safety. The provisions of this chapter are enacted to:

- A. establish, preserve and maintain the maximum amount of quality tree cover on public and private lands within the boundaries of Lehi City to enhance the City's environmental, economic and social character with mature trees;
- B. encourage site and utility planning, building and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City and its area of impact;
- C. protect public safety, health and welfare by maintaining public trees in a healthy and non-hazardous condition through appropriate arboricultural practices;
- D. provide for the planting, maintenance, and removal of dead, dying or hazardous trees on City lands, and on private lands as needed;
- E. inform and educate property owners and City staff of new and existing guidelines for dealing with public trees adjacent to their property, and hazardous trees on private properties;
- F. establish and maintain appropriate diversity of tree species and age classes to provide a stable and sustainable community forest;

- G. provide for the preservation, marking and maintaining of historic or notable trees through an initial inventory of trees within the City;
- H. develop and maintain a tree selection guide;_
- I. develop and maintain an Annual Urban Forestry Plan of Work;
- I.J. protect the City's electric power system and promote public health and safety, and protect, as much as possible, the health and vigor of the trees adjacent to or under power lines within the City while preventing tree-related electric power outages; and
- J.K. implement the goals and objectives of the general plan.

Section 35.020 Definitions.

For the purpose of as used in this Chapter:

- A. "Arboricultural Standards and Specifications" shall refer to the standards and specifications in this chapter.
- B. "Adjacent Property Owner" means any person owning property adjacent to a public right-of-way.
- C. "American National Standards Institute" or "A.N.S.I." refers to a current set of nationally established standards for tree care operations and maintenance adopted by the City of Lehi in this chapter.
- D. "A.P.P.A." shall refer to the American Public Power Association.
- ~~D.E.~~ "A.A.S.H.T.O" shall refer to The American Association of State Highway and Transportation Officials.
- ~~E.F.~~ "Best Management Practices" or "BMP" shall refer to the ISA series developed for the purposes of interpreting tree care standards and providing guidelines to those working with trees, as adopted by Lehi City.
- G. "Community Forest Program" shall mean the program and staff of all departments in Lehi City charged with the care and management of public trees.
- H. "Hazardous Tree(s)" shall mean public or private dead or dying trees, dead parts of a live tree, or unstable live trees, either due to structural defects or other factors, that are within striking distance of either people or public property and that have the potential to cause damage, personal injury, or a fatality in the event of a failure.
- ~~F.I.~~ "Heritage Trees" refers to any tree or group of trees so designated by the Utah Division of Forestry, Fire and State Lands in accordance with the criteria given in Utah Code Ann. 65A-8-302.- A Heritage Trees Advisory Committee composed of five persons appointed by the division.
- ~~G.J.~~ "International Society of Arboriculture" or "I.S.A." shall refer to the internationally recognized organization for arboriculture whose mission is to foster a greater appreciation for trees and to promote the research, technology, and practice of professional arboriculture.
- ~~H.~~ "Invasive Species" shall mean a species of tree, vegetation, or pest that is likely to cause economic or environmental harm to either the environment or human health.
- ~~I.~~ "Hazardous Trees" shall mean dead or dying trees, dead parts of a live tree, or unstable live trees, either due to structural defects or other factors, that are within striking distance of either people or property and that have the potential to cause damage, personal injury, or fatality in the event of a failure.
- ~~J.K.~~ "Heritage Trees" refers to any tree or group of trees so designated by the Utah Division of Forestry, Fire and State Lands in accordance with the criteria given in Utah Code Ann. 65A-8-302.- A Heritage Trees Advisory Committee composed of five persons appointed by the division.
- ~~K.~~ "Non-Public Trees" shall mean trees on private property.
- ~~L.~~ "Planter Strip" or "Park Strip" shall mean the area between the curb and the sidewalk, ~~or publicly owned land adjacent to a publicly owned street or sidewalk.~~
- ~~L.M.~~ "Private tree"- shall refer to trees growing on private property.
- ~~M.N.~~ "Public Right-of-Way" refers to improved or unimproved public property owned by, dedicated to, or deeded to the public or for public use for the purpose of providing vehicular, pedestrian, or other public use. Such public property provides circulation and travel to abutting properties and includes, but is not

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limited to streets, sidewalks, bike lanes, landscaping, provisions for ~~public~~^{public} utilities, cut and fill slopes, and open public space.

~~N.O.~~ ^{N.O.} "Public Tree" ~~or "Street Tree"~~ shall mean a tree in any public place ~~or~~, located on Lehi City property, ~~in-cluding~~^{including} but not limited to planter strips, ~~and thea Ppublic Rright-of-Wway.~~

~~O.P.~~ ^{O.P.} "Public Utility" refers to any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, telephone, ~~internet~~, transportation, and water or sewer service.

~~P.Q.~~ ^{P.Q.} "Tree Advisory Board" refers to a board consisting of the Urban Forester and other City departments that serves and collaborates about citywide matters pertaining to the planting, health, and care of the community urban forest. ~~The primary functions of the Board are to make an Arbor Day Proclamation.~~

- ~~Q.R.~~ "Top" or "Topping" shall mean the severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree or severely alter the species' genetic structural characteristics.
- ~~R.S.~~ "Tree Litter" refers to any plant material or debris such as leaves, bark, needles, twigs, cones/seeds or fruit that has fallen to the ground
- ~~S.T.~~ "Tree City USA" shall mean a designation by the National Arbor Day Foundation recognizing cities that effectively manage their tree resources based on four main standards which include: a tree committee, a community tree ordinance, a community forestry program with an annual budget of at least \$2 per capita, and an annual Arbor Day observance and proclamation.
- ~~T.U.~~ "Tree Permit" shall refer to a permit obtained from the City to install a new tree within any ~~Public City Right-of-Way~~.
- ~~U.V.~~ "Urban Forester" shall mean the City arborist responsible for the care and management of the urban canopy.
- ~~V.W.~~ "Vegetation" shall include trees, bushes, shrubs, hedges and any other vegetation coming under the provisions of this chapter.

Section 35.030 Applicability.

This chapter applies to all trees, ~~shrubs and other vegetation~~ in Lehi City located ~~on public property or in the Public Rights-of-Ways~~, along with ~~public and private trees or vegetation~~ that are a public nuisance or hazard. In the case of any discrepancy ~~between this chapter and~~, the ~~current~~ Lehi City ~~Municipal~~ Code ~~and~~, Design Standards and Public Improvement Specifications, ~~this chapter~~ shall take precedence.

Section 35.040 Coordination between Departments.

There shall be close coordination between the Parks ~~Department and~~ ~~Department and~~ ~~other~~ all city departments when ~~necessary corrective action is needed on public trees. public trees are affected to take the necessary corrective action.~~ Sight distance concerns for stop signs, traffic signals and ~~other regulatory signs or and~~ clear view areas at street intersections ~~intersections or heaving sidewalks shall be referred to the Streets Engineer or Street Department Supervisor, who shall coordinate with the Urban Forester to take the necessary corrective action.~~ Plans for all lighting, power transmission and distribution shall be referred to Lehi City Power Department, ~~sewer~~ Sewer, irrigation, water, street and other public works projects shall be referred to the Public Works Department. ~~considered with reference to their effect upon trees on public property prior to the beginning of work on such projects.~~ ~~C. The various city department heads shall coordinate all projects and programs with the Parks Department and follow ISA and BMP to minimize damage to trees on all projects, and follow all ISA and BMP protocols.~~

Section 35.050 Trees Advisory Board.

The Trees Advisory Board shall serve as an advisory body to the Parks Department and other ~~c~~City ~~d~~Departments in making decisions pertaining to this Chapter. The Tree Advisory Board shall:

- A. assist the Parks Department in the development and administration of a community tree management program;
- B. review development applications that includes ~~e~~lements pertaining to community forestry, and provides recommendations to the Parks Department, Planning Commission and City Council regarding the applications;
- C. assist the Parks Department in establishing educational and information programs;
- D. in cooperation with the Lehi City Historic Preservation Commission, assist the Urban Forester in marking notable or historic trees for preservation; and
- E. assist the Urban Forester in scheduling and planning an annual Arbor Day observance.

Section 35.060 Annual Plan of Work.

- A. An annual plan of work shall be prepared by the Urban Forester with communication and guidance from each department involved with the care, planting, maintenance, or removal of trees. The plan shall be updated every year and prepared in such a way that it meets the criteria for Tree City USA designation. The plan may address items such as species diversity, planting needs, ~~H~~azardous ~~T~~rees, insect and disease problems, and a pattern of regular care such as pruning and watering.
- B. An updated inventory of ~~P~~ublic ~~T~~rees, work performed, maintenance and future plans shall be kept by the Urban Forester and Parks Department and may be modified by the Urban Forester at any time.
- C. The Lehi City Tree Selection Guide, the Unacceptable ~~Public~~Street Tree List, and the Landscape Specifications and Standards shall be reviewed each year and may be modified by the ~~Urban Forester, Parks Department~~ Urban Forester.

Section 35.070 Public Tree Care Specifications and Standards.

- A. ~~A permit shall not be required for work performed by the city during their duties. The Urban Forester Parks Department shall direct all work being performed on any Ppublic Ttree. An ISA certified arborist must be on site when any pruning work is performed of any Ppublic Ttree unless otherwise approved by the Urban Forester. Inadequate or improperly trained personnel shall not be utilized for any work on trees beyond their capacity or ability.~~ The Urban Forester shall direct all work being performed on any ~~P~~ublic ~~T~~ree. An ISA certified arborist must be on site when any pruning work is performed of any ~~P~~ublic ~~T~~ree unless otherwise approved by the Urban Forester. Inadequate or improperly trained personnel shall not be utilized for any work on trees beyond their capacity or ability.
- 1. Warning devices on streets and sidewalks shall be used as required by ~~the State and City~~ laws while work on ~~P~~ublic ~~T~~rees or shrubs is being performed.
- 2. All work on ~~Public T~~rees shall be performed according to the latest revision of the following national standards and BMP's:
 - ~~(a) A.N.S.I. A300 Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance – Standards and Practices;~~
 - ~~(a) ANSI Z133 Safety Standards – Arboricultural Operations – Safety Requirements;~~
 - (b) Tree Care Operations Standard A.N.S.I. Z-133.1, Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety Requirements;
 - (c) I.S.A. Tree Pruning Guidelines;
 - (d) A.P.P.A. Safety Manual as adopted by the Lehi City Power Department; and
 - (e) Lehi City Arboricultural Standards and Specifications.
- B. It is unlawful for any person to allow, permit or cause an entire ~~Public or Private~~ tree to be cut down or felled upon, over or across any public street, thoroughfare, sidewalk or alley without first obtaining ~~written~~ permission from Public Works. The Public Works Director may require a bond prior to commencement of work.
- C. All stumps of ~~street and P~~ublic ~~T~~rees shall be removed no less than six inches below the surface of the ground. Any holes remaining in the ground shall be backfilled to the surrounding grade.
- D. All debris generated from any tree maintenance operation shall be removed promptly. The work area shall be kept safe until all cleanup is completed. It shall be the obligation of the homeowner or contractor to clean up any debris including any branches, trunks, chips, tree litter, soil, and gravel, etc. from the work area and to dispose of such debris in such manner that it will not remain on city streets, sidewalks, gutters and storm drains; so that it will not flow into city sewers; or that it will not have to be hauled off by the City.

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Section 35.080 Street Public and Private Tree Guidelines.

~~All street tree plantings shall be in conformance with the provisions of this Chapter and as follows:~~

~~C.A. Public Tree Planting~~ Permit Required. No person shall plant a ~~street tree, Ppublic T~~ree or other vegetation, or water wise landscape within ~~the Public Right-of-Waya City right a way or City owned property~~ without first obtaining a permit from the Parks Department.

1. Permits shall be free of charge.
 2. Any ~~Public Tree~~ or vegetation planted contrary to the provisions of this ~~chapter~~ ~~chapter or in violation of a permit; or any permit issued hereunder~~ maybe removed by the City.
 3. A permit shall not be required for work performed by the City ~~or its agents~~ during their duties.
- ~~D.~~ The Parks Department shall have the authority and it shall be its duty to inspect and approve all pro-posed ~~Publicstreet Tree~~ plantings for residential ~~and~~ commercial subdivisions and developments within the City.
- ~~E.~~ ~~Street tree planter strips shall conform to the current Lehi City Design Standards, Development Codes, and Public Improvement Specifications.~~
- ~~B.~~
- ~~F.~~ ~~Street trees shall have a minimum caliper size of two inches.~~
- ~~G.C.~~ The Parks Department shall develop and maintain a Tree Selection Guide that includes a list of allowed trees for planting along streets in three size classes based on mature height: small; under 25 feet; ~~or medium between 25 and 40 feet; and large; over 40 feet.~~ Tree species shall be selected from the Tree Selection Guide and shall be appropriate to their location. Drought tolerant and pest resistant species are encouraged whenever possible and appropriate.
- ~~H.D.~~ The spacing of ~~Publicstreet Trees~~ shall ~~conform to Chapter 12 of the Lehi City Development Code, be in accordance with the tree species size classes listed in the Tree Selection Guide, and shall be spaced at the equivalent of at least one(1) tree per 30 feet of street frontage and may be clustered or spaced linearly by approval by the Lehi Parks Department according to the following: small trees, 20 feet; medium trees, 30 feet; large trees, 40 feet, except that trees may be spaced closer together in special plantings designed or approved by a landscape architect when required.~~ The Parks Department shall ~~give special considerations and~~ may change the spacing ~~and species~~ requirements to accommodate any utility ~~ies~~ obstructions or signage.
- ~~E.~~ In order to minimize damage to public improvements, ~~the distance that trees may be planted from curbs and sidewalks will be in accordance with Tree Selection Guide. Private trees shall not be planted within 4 feet of sidewalk or curb. All~~ ~~all~~ trees shall be centered in the park strip.
- ~~F.~~ ~~Private Trees located on private property that abut any public sidewalk shall not be planted within 4' of a public sidewalk, or public trail.~~
- ~~I.G.~~ ~~Private Trees located on private property shall not be planted within 8' of a pPower sSubstation wall.~~
- ~~J.H.~~ ~~No street trees or any, shrub or vegetation that matures over 24" shall be planted within the clear view area at street intersections, nor shall a tree canopy extend within the clear view area as defined in Chapter 12.070 D. The clear view area is a triangular area formed by the streets at the property lines and a line connecting them at points 35 feet from the intersection of the street right-of-way lines. The clear view measurement area may increase or be adjusted by the Traffic Engineer to meet the A.A.S.H.O.T.A. specifications.~~
- ~~I.~~ No ~~Public street Tree~~ or shrub shall be planted within ~~ten-10'~~ feet of any fire hydrant, power transformer or driveway.
- ~~K.J.~~ No ~~Public Tree~~ or shrub shall be planted within 5' of a water meter.
- ~~L.K.~~ No ~~Public street Tree~~ shall be planted within 35' ~~feet~~ of a street warning sign.
- ~~M.L.~~ No ~~Public street Tree~~ shall be planted in park strips less than ~~seven-seven~~ feet wide. ~~The Parks Department may give special considerations and approve Public Trees in planter strips less than seven feet wide-7'.~~

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~~N.M.~~ It shall be unlawful to plant ~~within any public right-of-way~~ any Public Tree on the current Unacceptable Public Street Tree List, ~~that is provided with a tree permit application obtained by Lehi City and found also on Lehi City's website.~~ ~~Every~~ Any person who ~~shall~~ plants ~~any such prohibited~~ prohibited tree shall be required to remove it and plant an approved species at their own expense.

Section 35.09089 ~~Street Tree and~~ Public Tree Care.

- A. The City shall have the right to plant, prune, spray, maintain, and remove trees ~~and vegetation plants and shrubs~~ within the Public Street Right-of-Way ~~and other public grounds~~, as may be necessary to ensure public safety or to pre-serve or enhance the symmetry and beauty of such public areas.
- ~~A.~~ Following consultation and recommendation by the Urban Forester, City employees may be authorized to maintain, remove, or cause to be removed any Public Tree, vegetation, or part thereof, including roots, which is in an unsafe condition or which by reason of its nature is, or may become injurious to public utilities, sewers,

~~B. storm drains, electric power lines, gas lines, water lines, or other public improvements, is an invasive species or~~ ~~f~~ is infected with any injurious fungus, insect, or ~~another~~ pest. The City shall also have the authority to remove any ~~Public Tree or other vegetation~~ that has been planted in violation of this Code or any other ordinance of the City. The removal or cutting down of any ~~Public Tree on public property~~ shall not be allowed without a ~~city employee~~ first ~~ob-tainin~~~~g~~obtaining written permission from the ~~Urban Forester or designee~~~~Parks Department~~. ~~Verbal or written~~Written notice shall also be given to the affected adjacent property owner prior to commencement of work.

Section 35.100 ~~Street Trees~~—Private Property Owner Responsibility.

Any ~~property owner, owner, citizen, occupant, and their agents~~ of private property abutting a City planter strip ~~in upon~~ which ~~Publicstreet Trees or other vegetation~~ are located shall ~~have the following responsibilities for the protection and maintenance of the park strip, Public Trees, other landscaping, and sidewalks unless except in those areas that are maintained by Lehi City:-~~

- A. ~~Obtain a permit and follow current planting restrictions a planting permit~~ before ~~planting installing~~ any new ~~Public Tree~~, waterwise landscape, or a re-landscape of any ~~exist-ing~~ park strip:-
- B. ~~WP~~~~provide periodic watering, fertilization, and minor pruning of Publicstreet Trees~~ when necessary to maintain ~~clearance of limbs, good structure, healthhealth,~~ and vigor ~~in accordance with Lehi Development Code Sections- 35.070 and 35.110:-~~
- C. ~~P~~protect ~~Publicstreet Trees~~ against damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment or attachment of any item such as signs, nails, wires, ropes, ~~and chains etc. in accordance with 35.130~~by maintaining a ring around the tree free from grass, weeds, or other vegetation:- ~~and;~~
- D. ~~M~~maintain the ~~P~~ublic ~~R~~ights-of-~~W~~ays and ~~park strips:-~~ in a neat, clean, orderly, and ~~healthyhful~~ condition:- ~~This is meant to include weeding, removal of tree litter, mowing of lawns, replacement of dead trees and plants and the regular watering of all plantings:-~~
- E. ~~Maintain all vegetation either horizontal or vertical from obstructing pedestrian traffic onf a public sidewalk, alleyway, or trailway:-~~
- F. ~~Cleanup and remove fallen leaves or other debris so that these do not to impede storm drain systems.~~
- C. ~~Trees and other vegetation located on private property are the responsibility of the respective private property owner.~~

Section 35.110 Street, Sidewalk, and Corner Clearance.

~~The City shall have the right to require Tthe property owner abutting the Public Right-of-Way a city planter strip, public sidewalk, street, or intersection is required to prune or remove any tree or shrub when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device, traffic sign or the clear view area at intersections in accordance with A.A.S.H.T.O. and the following provisions:-~~

- A. ~~Any tree or shrub planted within a clear view triangle shall follow and be planted and maintained in accordance with the Lehi Development codes in Chapter 37 and 35.080-code.~~
- B. ~~EveryEvery~~ adjacent property owner of any tree overhanging any ~~Public Right-of-Waystreet or right-of-way~~ within the ~~c~~City shall prune the branches so that such branches do not obstruct the light from any streetlamp, the view of any street intersection, or the ability of pedestrians to use the sidewalk.
- C. ~~There shall be no tree planted within 35' of an oncoming traffic regulatory or warning sign. V-All-~~ ~~vegetation such as weeds, trees, shrubbery, and other materials such as maintenance, utility materials and equipment shall not obscure the face of the sign or object marker.~~
- D. ~~There A shall be a clear space free of any vegetation or obstructions shall be maintained-space of 14 feet feet;~~ above the street surface and ~~8~~ eight-feet above the sidewalk surface.-
- E. ~~Property owners abutting a Public Right-of-Wayeity plater strip or city street shall Rremove any Private Trees or tree limbs that have fallen upon a Public Right-of-Wayeity street or sidewalk.~~

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- F. ~~Such~~Property owners abutting a ~~Public Right-of-Way~~city planter strip or city street owners shall remove all dead, ~~dangerous~~ trees, broken or ~~de-cayed~~decayed limbs that constitute a ~~danger~~menace to the safety of the public within five days of notification of the obstruction. ~~The City shall have the right to require the property owner to prune any tree or shrub on private property when it interferes with the pedestrian use of a sidewalk, visibility of any traffic control device or sign or clear view area at intersections. The property owner may be charged with the cost of removal or pruning.~~
- A. ~~Failure of a property owner abutting a Public Right-of-Way~~city planter strip or city street to remedy any of the requirements found in this section may be ~~The property owner may be assessed~~charged with the cost of ~~removal or pruning~~remedying the issue.
- G. ~~Violation of this Section may be prosecuted as a Class C Misdemeanor.~~
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Section 35.120 Tree Preservation.

- A. Protection near Construction Activities. Any ~~Public Tree tree on City property~~ in the immediate vicinity of any ~~ex-cavation, fill, soil compaction, demolition, renovation or~~ construction activity site ~~of any building, structure, or street work,~~ which in the Urban Forester's opinion has any potential for injury or damage, shall be protected according to Arboricultural Standards and Specifications. ~~Public T~~Protected trees shall be guarded with a substantial fence, frame, or box. Such protective structure shall be not less than four feet high and eight feet square, or at a distance in feet from the tree equal to two times the diameter of the tree trunk in inches measured 4½ feet above ground, whichever is the greater distance from the tree. All building materials, vehicles, extra dirt, or other debris shall be kept outside the barrier. Tree protection shall be co-ordinated with the Parks Department both pre-and post-construction to mitigate damage to the tree and danger to the public. It shall be unlawful to engage in any construction work without first taking the steps to protect the tree(s) and any injury or death ~~to the tree~~ may result in reimbursement to the City. The value of the tree shall be pre-determined by the Urban Forester and made known to the contractor before construction begins ~~in accordance with~~ Chapter 35.140.
- B. State of Utah Heritage Trees. Heritage trees are governed by the State of Utah and designated by the Utah Division of Forestry, Fire and State Lands and the Utah Community Forest Council. Lehi City encourages the protection of accepted and recognized ~~Heritage Trees~~ according to Utah Code 65A-8-301 et seq.

Section 35.130 Injuring Public Trees.

- A. ~~Abuse of~~ Mutilation of Trees. It shall be unlawful for any person to:
1. ~~cut, carve, break, transplant, remove, mutilate, or otherwise damage~~ or kill any Public Tree ~~on city property~~ unless authorized by the City as part of an approved tree care or tree maintenance project;
 2. attach any rope, hammock, straps, wire, nails, advertising poster, or other contrivance to any Public Tree;
 3. allow or to place in or upon any Public Right-of-Way ~~parking strip, parking area, or public plat~~ any gaseous, liquid, or solid substance which is harmful and ~~damaging~~ deleterious to the soil or vegetation ~~and that may come in contact with any tree, shrub or turf on city property~~ Public Tree or vegetation.
 4. ~~negligently, intentionally or, maliciously or through negligence to~~ injure or destroy any vegetation in any Public Right-of-Way ~~City Park, street median, median, planter strip, or other landscaped portions of a public right-of-way under the City's jurisdiction~~, except as authorized by the Parks Department.
- B. City Property – Placing Materials Thereon. No person shall deposit, place, store, or maintain upon any Public Right-of-Way ~~public property~~ any ~~stone, brick, sand, concrete, or other~~ material which may prevent the passage of wa-ter, air, or nutrients to the roots of any Public Tree growing therein, other than decorative rock gardens or other planned and approved landscaping materials. No unsightly materials shall be placed, stored, or kept on the ~~planter strip within the~~ Public Right-of-Way.
- C. Tree Topping. Topping of any Public Tree ~~street Tree, park tree or any tree on public property~~ shall be prohibited. ~~Public unless specifically coordinated with the Parks Department. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are im-practical may be exempted from this section of the Chapter through a determination of the Urban Forester.~~
- D. Replacement – Compensation. In the event any person removes, destroys, or damages any Public Tree except as otherwise required by Lehi Development Code Sections 35.089, 35.100 or 35.110 ~~law~~, that person shall be required to replace such tree with a tree of equivalent dollar value ~~on public property~~, unless otherwise determined by the Urban Forester. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City equal to the difference in value between the tree removed and any replacement tree.
- E. Devaluation. Any Public Tree that is determined by the Urban Forester to be damaged, but not sufficient-ly ~~damaged~~ to justify removal, shall be considered to be devalued. The amount of devaluation as determined by the Urban Forester in accordance with Lehi Development Code Section 35.140 ~~and~~ shall be paid to the City by the person causing the damage.

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Section 35.140 Appraisal of Trees.

Anyone who causes damage or destruction to a Public Tree ~~without proper in violation of this Chapter~~ written permission, shall compensate the City for such damages. The damages shall be determined by the City using the methodology of the I.S.A. and Council of Landscape Appraisers at full appraised value. The ~~City Attorney, or designee~~, may take whatever action is neces-sary in a court of competent jurisdiction to collect such damages ~~that are~~ not voluntarily paid ~~after assessment~~. Any funds collected for tree damage shall be earmarked for use for tree replacements or enhancements. The val-ue of the tree(s) shall be determined by the Urban Forster by using the methods of the most recent edition of the Guide for Plant Appraisals, published by ISA.

Section 35.150 Power Line Clearance Standards.

Rules in this subsection relating to the health and care of the trees and other vegetation within the A.P.P.A. Safety Manual as adopted by the Lehi City Power Department ~~All work on trees~~ shall be performed in conformance

| with the BMP standards listed in this Section.

- A. As it relates to power line clearance work, a notice shall be provided to the property owner before any pruning or removal of private trees or other vegetation located on private property is performed. In cases of an emergency when time is not available to provide prior notice, effort to make written or oral notification of work performed will be done as soon as practical, after the fact.
- B. The power line clearance tree trimming crews shall have the right to enter private property in order to conduct work as described in the provisions stated in this chapter. Apart from pruning and removal efforts, all private property will be left in the condition it was found.
- C. When the property owner refuses trimming or removal of a tree that is necessary to ensure proper line or facilities clearance, any damage that is caused by the conflicting tree or vegetation to the Lehi City Power Department power system shall be the responsibility of the property owner. Any damage to public or private property and any bodily injury or death due to the property owner refusing trimming or removal of a tree shall also be the responsibility of the property owner. The property owner shall be required to pay all monetary and legal damages and the repair costs incurred.
- D. Public Utility Companies. All public utility companies shall notify the Urban Forester or designee Parks Department prior to pruning any Public Tree located on City-owned property for the purpose of maintaining safe line clearance and shall have a current ISA Utility Specialist Certification, carry out such work in accordance with ANSI A-300, ANSI - Z133 and BMP Utility Pruning, and BMP arboricultural standards.

Section 35.160 Resolution of Conflicts Between Trees and Structures.

Where sidewalk or curb damage due to Public Tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The Urban Forester or designee Parks Department shall be responsible for developing or coordinating corrective measures in consultation with the Public Works Director, City Engineer, and Streets Superintendent. The Urban Forester shall have the authority and jurisdiction of regulating the removal of trees and vegetation that cannot be corrected without removal.

Section 35.170 Replacement of Public Street Trees.

Whenever Public Street Trees are removed from any Public Right-of-Way street, avenue or planter strip, an adequate replacement shall be made by the person to whom permission for such removal was given installed replaced within 1 year if it conforms to. The new trees shall conform to the Street Tree Selection Guide, Lehi Development Codes, and the Lehi Landscape Standards and Specifications. The replacement trees shall be planted within one year of the former trees' removal. If a Public Street Tree cannot be replaced due to current Lehi City Development Codes or the Lehi Landscape Standards and Specifications conflict with utilities, street signs or line of sight issues, a suitable tree may be planted within the Public Right-of-Way within the property with the approval recommendation of from the Urban Forester or designee.

Section 35.180 Dangerous or Hazardous Trees Conditions Which are Declared a Public Nuisance.

~~B. It shall be prohibited to knowingly keep or maintain a public tree, or private tree, shrub, or other vegetation that is a danger or a hazard to other trees, other vegetation, structures, or plants or to humans the general public, because the tree is host to a communicable or destructive disease or because of the size, location, or other characteristics of the tree.~~

A. The following are hereby ~~defined and~~ declared to be a public nuisance:

~~C.1. Hazardous Trees;~~

~~1.2. any vegetation on public or private property that is dead, partially uprooted or blown over so as to be in danger of falling, or which serves as a host to a communicable or destructive disease or other pestilence and constitutes a potential threat to other trees;~~

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2.3. the roots of any tree which cause the surface of a public street, curb, or sidewalk to be upheaved or otherwise disturbed or which cause damage to sewers, storm drains, electric power lines, gas lines, water lines, or other public utility lines; and

3. ~~any public or private~~ ~~non-public~~ tree or portion thereof which by reason of location or condition, interferes with any power transmission line, public street, sidewalk, or signage, or constitutes an imminent ~~dan-ger~~ danger or hazard to the health, safety or well-being of the public.

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4. ~~keep or maintaining a tree, shrub, or other vegetation that is a danger or a hazard to other trees, other vegetation, structures, or the general public.~~

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Section 35.190 Abatement or Removal of ~~Dangerous or~~ Hazardous Trees on Private Property.

Where a ~~dangerous or~~ Hazardous Tree is located on private property, the following provisions shall apply:

A. Upon the determination by the Urban Forester or designee ~~Parks Department~~ or Risk Management that a ~~dangerous or H~~azardous Tree exists ~~and that such a tree constitutes a public hazard~~, the Urban Forester or designee shall give written notice to the owner of the property upon which the Hazardous Tree exists to trim, remove, or otherwise control such tree in such a manner as will abate the hazard.

B. ~~Property owners are responsible for t~~Trimming within 14 days of delivery of notice and shall bear the cost of trimming ~~or removal shall be done by the property owners at their expense within 30 days after the date of service of notice. Failure to comply with such written notice within 30 days thereafter is a violation of this section. Once in violation, the City shall have the right to cause the trimming or removal of any trees deemed to be a public hazard on private property or procure abatement thereof and may charge the cost of removal or corrective action to the owners of record on the property tax notice.~~

C. ~~Property owners are responsible for removal~~Removal of a Hazardous Tree ~~shall be done by the property owner at their expense within 14 days after the delivery of notice and shall bear the cost of removal date of service of notice.~~

~~B.D. Failure to comply with such written notice iss are a violation of this section. Once in violation, the City shall~~ ~~have the right to cause the trimming or removal of any Hazardous Trees deemed to be a public hazard on private property or procure abatement thereof and may charge the cost of removal or corrective action to the owners of record on the property tax notice.~~

~~C.E.~~Notwithstanding subsections 35.190-~~(A-D and BB, and C)~~, if the tree is deemed to be an immediate hazard or an ~~immi- nent~~ imminent danger to life or property, the City may take immediate action to trim or remove the Hazardous Tree and charge the cost of ~~re-moval~~ removal or trimming to the owners of record ~~on the property tax notice on the property tax notice.~~

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Section 35.200 Interference with Maintenance and Removal Unlawful.

No person, firm, or corporation shall interfere with the City or persons acting under the applicable department head's authority while engaged in planting, mulching, pruning, or removing any tree, shrub or plant along any Public Right-of-Way ~~street, right-of-way or public place in the City.~~

Section 35.210 Penalty for Violation.

A. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a Class C M ~~is~~ misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are main-tained shall constitute a separate offense.

~~B.~~In addition to any criminal penalties that may be imposed, Lehi City may pursue civil penalties and res-

titution for actual damages.

~~Section 35.220 Public Appeals.~~

~~B. Any decision of the City regarding this Chapter may be appealed to and heard by the City Council, following review and recommendation regarding the appeal by the Urban Forester and Tree Commission. To be effective, a written appeal must be filed with the City Recorder within 30 days after the decision of the City. The appeal shall clearly specify the reasons for which a hearing is requested. After the City Council has received a recommendation from the Urban Forester and Tree Commission, the City Council shall have the matter placed on its agenda for hearing and shall thereafter render its decision in writing. The decision of the City Council shall be final.~~

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